

DR. B.R. AMBEDKAR'S VIEW ON RIGHTS AND JUSTICE TO WOMEN WITH REFERENCE TO INDIAN CONSTITUTION

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Abstract

Constitution and Law would help the Indian Citizen to live as Human Being including men and women. Dr. Ambedkar had an intense dislike for injustice done to women. Dr. Ambedkar emphasized that law must be social and human i.e. universal in its effect. The Constitution help the women improve their status and compete with the men in all aspects. Even after completion of 70 years of Independence our State could not provide education for all. Despite all these efforts (Articles, Acts) nothing could be done to the status of women and her education, still they are lagging behind in education, Rights and women empowerment.

Objectives:

1. To recognize the rights of women as human being.
2. To uplift the status of women.
3. To provide constitutional provisions for women.
4. To safeguard the Constitutional Rights of women.

Rights and Justice to Women–The constitutional provisions:

Dr. Ambedkar has given equal status to women on par with men by providing many provisions in the Constitution. He never treated or recognized women as secondary citizens and separate in the family, society and Nature. In his view a woman is a part and parcel of Human family or Institution. His fight for human rights not only confined to men but also women's liberty, equality and fraternity. By virtue of vast knowledge and as a mastery over the subject Law, Dr. B.R. Ambedkar came to conclusion that the verbal fighting was not enough to eradicate the social, economic, civic and spiritual evils, which had been prevailing in Hindu Society. He believed only Constitution and Law would help the Indian Citizen to live as Human Being including men and women. As a chairman of the Drafting Committee of the Constitution he utilized his total power and opportunities by providing fundamental rights, directive principles of state policies and Articles, which are basic needs of every Indian citizen without discrimination of sex, colour, creed, caste and religion.

Dr. Ambedkar had an intense dislike for injustice done to women. He observed Raja Ram Mohan Roy concentrated on sati and Jyotiba Phule started a school for the women. But Ambedkar tried to uplift the status of women through legal measures and Constitutional provisions. The Constitutional provisions and guarantees are not temporary and confined to any single social evil. These rights are permanent as long as our people have accepted the Indian Constitution. The fundamental rights are nothing but Human Rights. These rights will safeguard the women rights in terms of social, economic, political and spiritual liberty, equality and Justice. The constitution quickened by social conscience has added invincible legal missiles for women's liberation. Our Constitution forbids sexual discrimination and guarantees social, economic justice to women. The Constitution in its preamble guarantees.

- Social, economic and political justice.
- Freedom of thought, expression, belief, faith and worship.
- Equality of status and opportunity.
- Fraternity assuring the dignity of the individual and National unity to all the citizens of India without any discrimination of caste, creed and sex.

Dr. Ambedkar emphasized that law must be social and human i.e. universal in its effect. He attached more importance to the eternal struggle of man and woman for freedom. To him the true freedom of man and women was not merely political. It was also social, economic, intellectual and spiritual. In this direction as chairman of the Drafting committee of the constitution he provided rights for woman's emancipation through various articles.

Constitutional Rights:

The following Articles in the Constitution help the women improve their status and compete with the men in all aspects.

Articles 14, the state guarantees equality before law or equal protection of law to all its citizens (men and women) within Indian territory. Articles 15 says, the state shall not discriminate any citizen on the grounds of religion, race, caste, sex, place of birth or any of them. Articles 16 says. There shall be equality of opportunity for all citizens in matter relating to employment without discrimination based on religion, race, caste, sex and place of birth.

Article 24 prohibits the employment of children (Boys & Girls) the age of 14 years in factories and mines or in any other employment. Articles 39, The state grants to all citizens both men and women equal rights to have an adequate means of livelihood. Articles 39(a) states that there is equal pay for equal work for both men and women. Articles 41 says the state shall guarantee within its economic limits to all the citizens, the right to work, right to education and public assistance. Article 42, the state makes provisions for just and human conditions of work and maternity relief. Articles 44 says, the state provides a uniform civil code to all the citizens. Throughout the territory of India. Article 45 stated, universalization of free and compulsory education for all the children up to 14 years of age including Boys and Girls. Articles-47 provides to raising the nutritional levels, health and living standards of all without sex discrimination.

Apart from these Articles, a few acts also help protect the rights of girls and women. Children Act 1938 gives protection to children below 14 years of age and they cannot be employed including girls. Child Marriage Act, 1976 raised the minimum age of marriage for girls to 18 years, boys to 21 years. Sarada Act 1929, Widow's Re-marriage Act 1956, and Hindu Bigamous Marriage Act 1946 help women's Social Uplift.

In continuation of Ambedkar's efforts towards women's empowerment the Government of India constituted a number of committees and commission to improve the girls' and women's status. For example Smt. Durgabai Deshmukh, National Committee on Women's Education 1959, Smt. Hansa Mehata Committee 1962, for differentiation of curriculum between boys and girls; Dr. Bhaktavatsalam Commission to look into the education of girls; Education Commission 1964-66; National Policy on Education, 1986 to bring education for women and equality; the Year of Girl Child-1990 to reduce the gender disparity, gender inequality and gender injustice; Programme of Action (POA) 1992 for securing equity and social justice in India; Delhi Declaration 1993, all these committees emphasized education and empowerment of girls and women.

These Articles, Acts, Committees and Legislative measures have attempted to remove social evils and discrimination against women. With these efforts we have seen some sort of change and development in women's life but not in all. This meager change and growth do not give overwhelming results to sustain our Nation besides the international community.

Even after completion of 70 years of Independence our State could not provide hundred percent education for all. In this regard articles 45 is totally failed. Nothing could be done or had happened in terms of equality of education for all, especially for girls and women. The individual development as well as the social progress always depends on education. Without education social change and progress will remain a reverie of people and society.

Despite all these efforts (Articles, Acts) nothing could be done to the status of women and her education, still we are lagging behind in the women's education and women empowerment, when compared with the international scenario. We are unable to achieve the desired goals, which were envisaged in the constitutional commitment. Crores of rupees have been spent on girls' and women's education, but the results are non-satisfactory. As far as social aspect is concerned millions of Hindu women are in the darkness many of them are not aware of their liberty, equality, justice and fraternity, provided by the Constitution because of lack of education and social resistance.

In this regard Dr. Ambedkar stated that, without "Social conscience", democracy loses its soul and there cannot be any social conscience, unless there is social democracy. Where there is no social democracy even the "Fundamental Rights" become mere trappings of democracy. What Ambedkar says in this connection has contemporary relevance. "The prevalent view is", he said, "That once rights are enacted in a law then they are safeguarded. This is an unwarranted assumption. As experience proves, rights are protected not by Law, but by the social and moral conscience of society. If the fundamental rights are opposed by the community, no law, no parliament and no judiciary can guarantee to protect the rights.

Dr. Ambedkar's statement or idea is absolutely right and it is applicable to the Hindu Society. As he already stated the Hindu men and Hindu society must change their mindset.

Unless these changes take place in Hindu society our constitution could not help the Indian women acquire desirable status and education.

Conclusion:

1. Indian women have been living in gloomy conditions.
2. Indian women did not have Natural freedom but she has pseudo freedom and rights.
3. Hindu society is following exclusive policy still instead of inclusive policy.

Suggestions:

1. Indian women should Imbibe the social philosophy of Dr. B. R. Ambedkar.
2. Girls and women must acquire the knowledge and principles of Indian Constitution through learning process.
3. Indian community must change their perception.

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