

**A STUDY ABOUT MINORITY AND RIGHTS OF WOMEN IN THE WRITINGS OF DR. AMBEDKAR**

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**ABSTRACT**

Dr. B.R. Ambedkar propagated equality for women in both family and society. He was against the idea of treating women as mere objects of sexual gratification. It is the time for the people of India to fight for the finer values of democracy enshrined in the constitution which gives much importance to the feelings of the minority communities including the weaker sections in this nation. There should be adequate voice of the minorities, but it should not lead to the supremacy of the minorities over the majority. There should not be the denial of justice by the majority or among the minorities to the minority among the minorities. There are such instances. All should feel that we are Indians first and Indians last. It is the duty of the majorities to create that feeling among the minorities. As Mandela rightly quoted from the Manifesto of Umkhonto we shall not submit and we have no choice but to hit back by all means in our power in defence of our people, our future, and our freedom. Let the light be there forever.

**Key Words:** Dr. B.R. Ambedkar, social, global phenomenon, political, economical fields.

**INTRODUCTION**

Dr. B.R. Ambedkar had been the emancipator of the millions including Indian women. It is a matter of fact that the Indian custom had for the past centuries, denied the women rights equal to men in social, proprietary, political or economical fields. It was partly a global phenomenon prevailing at that time. Many Indian laws, be it the religious personal laws enforced customarily or laws enacted by the colonial legislature, women were considered without independence, under the guardianship of father before marriage, under husband after marriage and under son in her old age. This was clearly mentioned in Manusmriti. For Ambedkar whose mission for his whole

life had been to bring equality in the society and to end all discrimination based on grounds of caste, race, religion or sex. He could not remain silent on the issue of equal status for women. He had very progressive thoughts for bringing equality among all humans including women. During his tenure as the Member of the Executive Council of the Governor General, he raised the issue of equal pay for equal work and for bringing necessary changes in the labour laws. These ideas were considered to be too radical at that time and hence these were not accepted. During the visit of the Southborough Committee on franchise, he raised the issue of equal franchise for men and women.

Ambedkar believed that the question of women couldn't be isolated from the question of caste. Caste played an important role in denying justice to women. The upper caste men had the privilege to approach and enjoy the women belonging to all lower castes. In that situation the life of the women in the lowest strata of community was very pathetic. She was subjected to the cruelties of men belonging to all communities in that society. A woman suffers in two ways. First of all, she suffers as a member of a particular community. She is subjected to all the evils that the community suffers. Then she is tortured as a woman. Dr. Ambedkar stood against such a system of cruelties. He had a clear vision about the system of graded molestation existed at that time.

## **STATUS OF WOMEN**

Ambedkar gave much importance to the dignity of women as a mother and wife. He demanded equality of women in family and society. He stood for the dignity of women. He was against the idea of considering women as mere objects of sexual pleasure. He supported the idea of providing wide opportunities for women. Ambedkar exhorted the women to come forward for their own liberation and upliftment. He believed that the real deliverance from the yoke of the age old customs and religious systems would be possible only when women come to their own rescue and development. Ambedkar ensured the participation of women in his public programmes. Women took part in his processions. Dalit women like Shantabai Dani Gita Bai Gayakwad and Meena Bai Shivraj participated in the processions led by Ambedkar to Chowdar Tank of Mahad and the Kalaram temple of Nasik. When he became the Law Minister of India and the member of the Constituent Drafting Committee, he tried his best to give equal rights to women in society. <sup>4</sup>

Women under Buddhist faith enjoyed better privileges than the women in other societies in ancient India. They could acquire property, education and even come to the status of a King. They could become nuns in Buddhist religion. Manu highly opposed Buddhism as it might influence the Hindu women because of the freedom that it gave to women.

Ambedkar considered the question of the freedom and dignity of women as a religious issue related to caste system. He was not ready to accept it as a separate issue. He considered it a part of the organized exploitation existed in the Hindu society. So he challenged the Shastras. He started reforming the Hindu family and the Hindu society. He believed that issues like child marriage; sati and widow remarriage can be solved only by reforming Hindu family. But issues like caste system can be solved only through the reformation of the society. Women were denied dignity and right to property and they were considered as objects for the pleasure of men.

As a member of the Bombay Legislative Council and other positions in the Constituent Assembly and the Indian Parliament, Ambedkar fought for the rights and development of women. He supported the Maternity Bill in the Bombay Legislative Council. His argument was: “it is in the interest of the nation that the mother ought to get certain amount of rest during the prenatal period and also subsequently, and the principle of the Bill is based entirely on that principle...That being so Sir, I am bound to admit that the burden of this ought to be largely borne by the Government, I am prepared to admit this fact because the conservation of the people’s welfare is the primary concern of the Government. And in every country, therefore, where maternity benefit has been introduced, you will find that the Government has been subjected to a certain amount of change with regard to maternity benefit.”<sup>5</sup>

Ambedkar opposed the destruction of the female foetus and he supported the move to prevent female infanticide. This was a custom existed in India for a long time to destroy the female child even when it was in the womb or in the early stage of the girl child. This exists in some parts of the nation even today. Ambedkar totally opposed this inhuman and unjust treatment towards the women. The woman had no power to make decisions. She had to obey the words or decisions of her husband or his family in matters related to the destruction or retention of the foetus or the child. Ambedkar openly criticized this unequal treatment:

“Will the proletariat of India combine to bring about this revolution? What will move men to such an action? It seems to me that the other things being equal the only thing that will move one

man to take such an action is the feeling that the other men with whom he is acting are actuated by feeling of equality and fraternity and above all justice. Men will not join in revolution achieved, they will be treated equally and that there will be no discrimination of caste and creed. This assurance of a socialist leading revolution that he does not believe in caste, I am sure, will not suffice. The assurance must be assurance preceding from much deeper foundation, namely, the mental attitude of the compatriots towards one another in their spirit of personal equality and fraternity.

According to Dr. Ambedkar, the emancipation of women should be in the same manner as that of the untouchables and the downtrodden because the problems of both are the same. Both are educationally, socially and economically backward and they have to depend on others for their existence. They don't have freedom or power. So the agitation of the downtrodden should be similar to that of the women. Dr. Ambedkar described it: "Political democracy cannot last unless there lies at the base of it social democracy. (Which) means a way of life which recognizes liberty, equality and fraternity as principles of life? (These principles) form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy... We must begin by acknowledging the fact that there is complete absence of two things in Indian society. One of these is equality. On the social plane, we have in India, a society based on the principle of graded inequality, which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26<sup>th</sup> of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality... how long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy, which this Assembly has so laboriously built up.

Ambedkar supported the organizations for the emancipation of women, especially the women organizations. He spoke at the All India Depressed Classes Women's Conference held at Nagapur: "I am a great believer in women's organizations. I know what they can do to improve the condition of the society if they are convinced. In the eradication of social evils they have rendered great services,

Dr. Ambedkar opposed the Devadasi System. He had a passion to save the fallen women. He can be described as the savior of Indian women at that time. He supported legislations like the Mines Maternity Benefit Act. He stood for equal pay for equal work. He stood for the rights of the pregnant women and feeding mothers.

As the Chairman of the Drafting Committee of the Constitution of India, he made enough strong provisions in the Constitution for the equality and the protection of women. Articles 14, 15, 16, 39, 41, 42 and 44 are supportive of the rights of women.

Article 14 says that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. It is about the prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 15 is about prohibition of discrimination on grounds of religion, race, caste, sex or place of birth. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subjected to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and palaces of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. But nothing in this article shall prevent the State from making any special provision for women and children

Article 16 ensures of equality of opportunity in matters of public employment. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment. Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

Article 39 says that there shall be equal pay for equal work for both men and women. Article 42 of the Indian Constitution says that the State shall make provision for securing just and humane conditions of work and for maternity relief.

## **MINORITY RIGHTS**

Professor Christophe Jaffrelot (King's India Institute, London) and Prof. Narender Kumar (JNU, New Delhi) brought out a new volume on Dr Ambedkar and Democracy: An Anthology. The book underlines the limitations of communal majoritarian democracy vis-a-vis minority rights and social justice. While reflecting on 'minority questions' Ambedkar had argued that if the communal majority rather than secular majority captures the 'state power' then it is imperative for the democratic state to develop a certain institutional mechanism to safeguard the rights of religious and social minorities. The very aim of democratic politics, as Ambedkar believes, is to overcome the gap between the majority and minority communities.

Minorities are groups held together by ties of common descent, language, or religious faith or feelings. On the consciousness of difference the minorities base certain political claims, either equality with majority, or for special treatment based upon the recognition of these differences, or for autonomy. Dr. Ambedkar was very particular on the issue of the rights of minorities. He felt minorities needed special provisions for their protection, representation, growth, education & development.

He felt that the minorities should have reservations in public employment as well as in the legislature in proportion to their population. In his documents submitted to the Constituent Assembly he had raised issue of setting up a Commission for Minorities. The Commission shall be submitting annual report to the Parliament regarding the development status of the minorities, the levels of economic development, plan special schemes for their welfare etc and the status of the Commissioner shall be similar to the Attorney General. Though these suggestions were not considered when the Constitution was finally adopted but the Union Government had created the National Commission for Minorities in the year 1993 vide The National Commission for Minorities Act, 1992.<sup>1</sup>

In India both minorities and the majorities have followed a wrong path. Both have to accept the existence of the other. The majorities and the minorities should merge someday into one. We should realize that minorities are an explosive force which can blow up the whole fabric of the

state. We should learn from the lessons of Europe in this regard. Majorities should not discriminate against minorities. Both should be considered together in planning and implementation of the future programmes and policies of the nation. Neglecting one will affect the future of the nation itself.

“The Draft Constitution is also criticized because of the safeguards it provides for minorities. In this, the Drafting Committee has no responsibility. It follows the decisions of the Constituent Assembly. Speaking for myself, I have no doubt that the Constituent Assembly has done wisely in providing such safeguards for minorities as it has done, in this country both the minorities and the majorities have followed a wrong path. It is wrong for the majority to deny the existence of minorities. It is equally wrong for the minorities to perpetuate themselves. A solution must be found which will serve a double purpose. It must recognize the existence of the minorities to start with. It must also be such that it will enable majorities and minorities to merge someday into one. The solution proposed by the Constituent Assembly is to be welcomed because it is a solution which serves this two-fold purpose. To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the State. The history of Europe bears ample and appalling testimony to this fact. The other is that the minorities in India have agreed to place their existence in the hands of the majority. In the history of negotiations for preventing the partition of Ireland, Redmond said to Carson “ask for any safeguard you like for the Protestant minority but let us have a United Ireland.” Carson’s reply was “Damn your safeguards, we don’t want to be ruled by you.” No minority in India has taken this stand. They have loyally accepted the rule of the majority which is basically a communal majority and not a political majority. It is for the majority to realize its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish.”<sup>2</sup>

For Ambedkar, justice precedes everything else including Democracy. The land and rule of injustice is not acceptable to him. So the prime duty of the government is to provide justice to all. In providing justice to all, we have to consider the feelings of majority and the minority. Ambedkar was the sensitive to the problems of minorities like domination, oppression and injustice and he studied it with much clarity of thought. He is the champion of these subjects in

the history of modern India. According to Ambedkar democracy should not exclude any individual or a group from participating in the political process and sharing the social benefits. It leads to the idea of protecting the rights of all

According to I. M. Young, "a democratic decision is normatively legitimate only if all those affected by it are included in the process of discussion and decision making."<sup>3</sup>

Ambedkar strongly believed that a proper handling of minorities and their rights is the true test of democratic state and society. Democracy is, of course, the rule of the majority. But the rights of all should be protected in such a system. Social equality and justice should be protected in a real democratic rule. Without social democracy, the political democracy would be a curse to the minority. India became a political democracy after independence. But when the political democracy doesn't lead to social and economic democracy where the social and economic status of each and every citizen is protected with utmost justice, the political democracy stands without any use. It will remain as a transfer of power from the British rulers to the Indian rulers. So Ambedkar stood for the democracy in its fullest sense. He believed in social, economic and political democracy where each and every one should be able to have his holistic development.

There may be structural and cultural differences between different communities. It leads to different identities. One may consider the other lower than their own identity. But that will not nourish a real democratic process. In a real democratic process each one must accept what he can accept in the other and respect what he can't accept in the other. Then only it will lead to harmonious existence and total development.

### **ABSOLUTE RIGHTS**

Ambedkar considers minority rights as absolute rights. No one has the right to curtail these rights of the minorities. The majority rule shall never be a hindrance in the proper development of the minorities. There shall not be any discrimination on the basis of religion, community or language. Democracy ends when the discrimination starts on the basis of any of the factors like religion, caste, colour or language.

"The only reason in support of this proposal - one can sense - is that the rights of minorities should be relative, that is to say, we must wait and see what rights the minorities are given by the Pakistan Assembly before we determine the rights we want to give to the minorities in the Hindustan area. Now, Sir, with all deference, I must deprecate any such idea. Rights of



minorities should be absolute rights. They should not be subject to any consideration as to what another party may like to do to minorities within its jurisdiction. If we find that certain minorities in which we are interested and which are within the jurisdiction of another State have not got the same rights which we have given to minorities in our territory, it would be open for the State to take up the matter in a diplomatic manner and see that the wrongs are rectified. But no matter what others do, I think we ought to do what is right in our own judgment and personally I think that the rights which are indicated in clause 18 are rights which every minority, irrespective of any other consideration is entitled to claim. The first right that we have given is the right to use their language, their script and their culture. We have stated that “there shall be no discrimination on the ground of religion, language, etc.” in the matter of admission into State educational institutions. We have said that “no minority shall be precluded from establishing any educational institution which such minority may wish to establish”. It is also stated there that whenever a State decides to provide aid to schools or other educational institutions maintained by the minority, they shall not discriminate in the matter of giving grant on the basis of religion, community or language.”<sup>4</sup>

He admits conversion to the majority or minority according to one’s free will. He had a clear stand about the matter of conversion. He himself converted to Buddhism. There was an amendment by Mr. K. M. Munshi to clause 17 which says that conversion from one religion to another brought about by coercion or undue influence shall not be recognised by law. Munshi suggested that any conversion from one religion to another of any person brought about by fraud, coercion or undue influence or of a minor under the age of 18 shall not be recognised by law. Here in this context Ambedkar clearly explains the situation of a child who stays with the parents and the issues that may happen when the child is separated from the parents on the basis of their conversion.

“With regard to children, there are three possible cases which can be visualized. First of all, there is the case of children with parents and guardians. There is the case of children who are orphans, who have no parents and no guardians in the legal sense of the word. Supposing you have this clause prohibiting the conversion of children below 18, what is going to be the position of children who are orphans? Are they not going to have any kind of religion? Are they not to have any religious instruction given to them by someone who happens to take a kindly interest in them? It seems to me that, if the clause as worded by Mr. Munshi was adopted, *viz.*, that no child

below the age of 18 shall be converted it would follow that children who are orphans, who have no legal guardians, cannot have any kind of religious instruction. I am sure that this is not the result which this House would be happy to contemplate. Therefore, such a class of subjects shall have to be excepted from the operation of the amendment proposed by Mr. Munshi.

Then, I come to the other class, *viz.*, and children with parents and guardians. They may fall into two categories. For the sake of clarity it might be desirable to consider their cases separately; the first is this: where children are converted with the knowledge and consent of their guardians and parents. The second case is that of children of parents who have become converts.

It does seem to me that there ought to be a prohibition upon the conversion of minor children with legal guardians, where the conversion takes place without the consent and knowledge of the legal guardians. That, I think, is a very legitimate proposition. No missionary who wants to convert a child which is under the lawful guardianship of some person, who according to the law of guardianship is entitled to regulate and control the religious faith of that particular child, ought to deprive that person or guardian of the right of having notice and having knowledge that the child is being converted to another faith. That, I think, is a simple proposition to which there can be no objection.

But when we come to the other case, *viz.*, where parents are converted and we have to consider the case of their children, then I think we come across what I might say a very hard rock. If you are going to say that, although parents may be converted because they are majors and above the age of 18, minors below the age of 18, although they are their children, are not to be converted with the parent, the question that we have to consider is, what arrangement are we going to make with regard to the children? Suppose, a parent is converted to Christianity. Suppose a child of such a parent dies. The parent, having been brought up in the Christian faith, gives the Christian burial to the dead child. Is that act on the part of the parent in giving a Christian burial to the child, to be regarded as an offence in law? Take another case. Suppose a parent who has become converted has a daughter. He marries that daughter according to Christian rites. What is to be the consequence of that marriage? What is to be the effect of that marriage? Is that marriage legal or not legal? If you do not want that the children should be converted, you have to make some other kind of law with regard to guardianship in order to prevent the parents from exercising their rights to influence and shape the religious life of their children. Sir, I would like to ask whether it would be possible for this House to accept that a child of five, for instance, ought to be separated

from his parents merely because the parents have adopted Christianity, or some religion which was not originally theirs. I refer to these difficulties in order to show that it is those difficulties which faced the Fundamental Rights Committee, the Minorities Committee and the Advisory Committee and which led them to reject this proposition. It was, because we realised, that the acceptance of the proposition, namely, that a person shall not be converted below the age of 18, would lead to many disruptions, to so many evil consequences, that we thought it would be better to drop the whole thing altogether (*Hear, hear*). The mere fact that we have made no such reference in clause 17 of the Fundamental Rights does not in my judgment prevent the legislature when it becomes operative from making any law in order to regulate this matter. My submission, therefore, is that the reference back of this clause to a committee for further consideration is not going to produce any better result. I have no objection to the matter being further examined by persons who feel differently about it, but I do like to say that all the three Committees have given their best attention to the subject. I have therefore, come to the conclusion that having regard to all the circumstances of the case, the best way would be to drop the clause altogether. I have no objection to a provision being made those children who have legal and lawful guardians should not be converted without the knowledge and notice of the parents. That, I think, ought to suffice in the case.”<sup>5</sup> Minorities should have an equal or substantive say in democracy. Democracy is the rule of all. It is not the rule of the majority only. The majority forms the government, but they rule as the representatives of all. So they must consider all including the minorities. Their voice should be taken care of by those in power. The rights of minorities should be given the highest protection in a democracy.

## CONCLUSION

Minority rights shall be a protective mechanism in democracy to ensure the rights and privileges of all in a society. It is for majority community to realise its duty not to discriminate against minorities. The nation is in a crisis. The polarization between different groups is dividing the nation. India is facing a direct confrontation between hardliners and liberals, between political ideologies, and between the majority and minority communities among its people. All this was avoidable and can still be repaired. But that will take a herculean effort from those occupying high legislative, executive and judicial offices. These people will have to rise above political and short-sighted considerations. A large section of the society, especially those belonging to the

minority community are feeling marginalised. They are justified. Unfortunately, we have not heeded the warnings given by some of the greatest leaders on the eve of Independence and before we became a republic. B R Ambedkar warned us on November 4, 1948, with the prophetic but disturbing words: “To diehards who have developed a kind of fanaticism against minority protection I would like to say two things. One is that minorities are an explosive force which, if it erupts, can blow up the whole fabric of the State. The history of Europe bears ample and appalling testimony to this fact. The other is that the minorities in India have agreed to place their existence in the hands of the majority... They have loyally accepted the rule of the majority, which is basically a communal majority and not a political majority. It is for the majority to realise its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority. The moment the majority loses the habit of discriminating against the minority, the minorities can have no ground to exist. They will vanish.”

In his statement in court at the Rivonia trial in April 1964, Dr. Nelson Mandela justified the creation of the movement of Umkhonto. He said: “I, and the others who started the organisation, did so for two reasons. Firstly, we believed that as a result of Government policy, violence by the African people had become inevitable, and that unless responsible leadership was given to canalize and control the feelings of our people, there would be outbreaks of terrorism which would produce an intensity of bitterness and hostility between the various races of this country which is not produced even by war. Secondly, we felt that without violence there would be no way open to the African people to succeed in their struggle against the principle of white supremacy. All lawful modes of expressing opposition to this principle had been closed by legislation, and we were placed in a position in which we had either to accept a permanent state of inferiority, or to defy the government. We chose to defy the law. We first broke the law in a way which avoided any recourse to violence; when this form was legislated against, and then the government resorted to a show of force to crush opposition to its policies, only then did we decide to answer violence with violence. But the violence which we chose to adopt was not terrorism.”

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