

## WOMEN EMPOWERMENT AND CONSTITUTIONAL

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### Introduction :

It is evident from the past literature that historically, law has played an important role in defining the relations between men and women, in setting boundaries as to what women can and cannot do and to upholding the social roles and norms for men and women to live in a society. The burden of such roles on the basis of anatomical and physiological differences between men and women is done by society and legal institutions have been used to support the ordering of society a gender role basis. Hence, law thus, is one of the numbers of important factors in trying to understand the ways in Which women are subordinated in the society. Often, women's Movement Viewed laws as potential source of equal rights and emancipation for women, having power and legitimacy to bring about egalitarian social transformation, Law, therefore, has remained an important site of feminist enquiry and action, Feminist legal thought and practice has moved beyond demanding parity in rights to understanding/addressing fundamental concepts values and assumptions that are embedded in legal thought.

In view of the above, it is imperative that the work of Dr. B. R. Ambedkar should be studied in detail so as to ensure the sustainable development of the society, wherein all individuals (men and women) can live happily. Dr. B. R. Ambedkar was not only the father of Indian Constitution: he was a great freedom fighter, political leader, philosopher, thinker, writer, economist, editor, and a revivalist for Buddhism in India. The first Prime Minister, Jawaharlal Nehru said; "Dr. Baba Saheb Ambedkar was a symbol of revolt against all oppressive features of the Hindu society". Dr. Ambedkar argued for extensive economic and social rights for women. He stated that women should be given all round development importantly social education, their wellbeing and socio-cultural right. He stressed that each and every section of Indian women be given their due share and it is must to maintain and protect dignity and modesty of women.

His views were very relevant as during that time there was an argument that all knowledge is andro-centric and excludes Women's lived experiences. Thus a neutral standard in law was invariably the male norm: it was only classified as a neutral norm with the result that men can conform to this norm without much difficulty while women are left struggling (Naffine, 1999), The central issue then is about the definition of equality: whether Hequality meant same treatment and formal equality or could it accommodate differences and ensure

substantive equality, In fact those arguing for substantive equality have taken it further by arguing that a substantive model of equality is concerned not with sameness or difference but rather with disadvantage-that is whether a particular law contributes to the continued subordination of a disadvantaged group (Kapur-1993).

Dr. B.R. Ambedkar viewed law as a promising strategy for social change. Many times the legal systems have been found to have features which are actively discriminatory to women denying those equal rights within the institutions of India has made promising changes for the social upliftment as well as empowerment of the Women of India. As reported by Gunjal (2012) Dr. Babasaheb Ambedkar always believed in the movements led by women and often stated that if the women from all walks of life are taken into confidence, they may play a significant role in the social reforms.

## Methodology

In this study published literature was reviewed using the standard principle of deductive reasoning. All the literature reviewed in this study was selected from standard and reputed journals as well as books. Besides, deductive reasoning, the general method of content analysis has been adopted to review the published literature. Based on the review, the discussion is presented hereunder.

## Legal Rights of Indian Women

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to Women, but also empowers the State to adopt measures of positive discrimination in favour of women.

Dr. Ambedkar also raised the Women's issue as Member of Legislative Council during his debate in Bombay Legislative Assembly on 10th November 1938: he strongly supported family planning and said that besides many other problems giving birth to too many children negatively affects mother's health. Later in the year 1942 Dr. Ambedkar also introduced Maternity Benefit Bill during his tenure as Labour Minister in Governor General's Executive Council while drafting the constitution of India. Dr. Ambedkar was the prime mover of the provisions related to the welfare of women. On the question of civil rights Dr. Ambedkar made provisions in article 14-16 in the Indian Constitution which provide equal status to Women and also banned the sale and purchase of women prevailing in Hindu India. Further to ensure women's status Dr. Ambedkar also introduced an emancipator bill (The Hindu Code Bill) in Parliament which intended mainly 1) to abolish different marriage systems prevalent among Hindus and to establish monogamy as the only legal system; 2) Conferment of right to property and adoption on women; 3) restitution of conjugal rights and judicial separation; attempts to unify the Hindu Code in tune with progressive and modern thought. Dr. Ambedkar had completed the books entitled The Riddles of Hinduism, The

Buddha and Karl Marx and Revolution and Counter Revolution. All carry chapters on women entitled Elevation of Women and Degradation of Women which expose how Chaturvarna pronounced "birth" instead of "worth" degraded women and is unable to explain the status and position of women, and endogamy.

He also suggests strategies for emancipation from oppression. He found their emancipation in Buddhist values, which promotes equality. Self-respect and education Ambedkar believes that Buddha treated women with respect and love, and never tried to degrade them like Manusmriti did. He taught women Buddha Dharma and religious philosophy. Ambedkar given examples of women like Vishakha, Amrapali of Vaishali, Gautam, Rani Mallika, queen of Prasenagith who approached Buddha, as evidences of Buddha's treatment of Women its equals (Paul, 1993 383-84), As the Chairman of the Drafting Committee, he tried an adequate inclusion of women's rights in the political vocabulary and constitution of India He incorporated the values of liberty, equality and fraternity in the Indian Constitution.

### **Constitutional Provisions**

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them in view of this, it is evident that the empowerment of the Indian women was given at most importance, highlighting the belief of Dr. B. R. Ambedkar in the concept of equality.

### **Constitutional Privileges**

- Equality before law for women
- No discrimination on the basis of sex
- Special provision by State in favour of women
- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State
- Right to adequate means of livelihood and equal pay for equal work for both men and women
- Maternity relief
- To renounce practices derogatory to the dignity of women
- Adequate representation of women in political system

### **Conclusion**

An analysis of history of legal reform in India on issues pertaining to the rights of women reveals that the reform process was all the time enmeshed with intense concerns for the preservation of the social institutions such as marriage, family, community and religion and

women as markers of tradition and community. The role of Dr. B.R. Ambedkar in women's empowerment is evident by the constitutional provisions, made by his team of experts. Dr. Ambedkar rightly believed that women can play very massive and active role to eradicate the social abuses. Hence, it may be concluded that his beliefs in the concept of equality non discrimination, equal Opportunity communal harmony, leadership in women are the real aspects that have ensured the empowerment of the Indian women.

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