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## **Constitutionalism and women empowerment: Dr. B.R Ambedkar's philosophical perspective**

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### **Abstract**

The aim of this article is to study Social Philosophy, with special reference to the contribution of Dr. B.R. Ambedkar's social philosophy. Social philosophy is the philosophical study of the social world. Social philosophy examines questions about the foundations of social institutions, social behavior, and interpretations of society in terms of ethical values rather than empirical relations. Social justice denotes the equal treatment of all citizens without any social distinction based on caste, religion, sex, place of birth etc. Dr. B. R Ambedkar was a liberator of untouchables and other deprived section of the society from social injustice and constitution maker of independent India. Social justice has a special significance in the context of Indian society, it has 5 principles viz. Access, Equity, Diversity, Participation and Human rights. During medieval time social status of a woman, both in Hindu and Muslim communities was very low. She was regarded as the property of men. Females belonging to the nobility observed purdah and were rarely allowed to go outside the house. She was prohibited from even visiting holy shrines. It was believed that if women went out, they might get involve in immoral activities. Women had no freedom and were suppressed. Peasant women had to work at home as well as in the fields. Their life was very hard and without love and respect. Among the Hindus, the custom of 'sati' was common in which a widowed woman had to immolate herself on her husband's funeral pyre. However, women belonging to the nobility had some privileges; they could get education at home and enjoyed some freedom. But at the same time there was constant fight against system of society was going on and after that few social evils like abolition of Sati took place, but her condition was degrading day by day, many social revolutionaries came and tried to uplift her status socially, economically, politically but no one succeeded to emancipate her completely. But it was Dr. B.R Ambedkar who provided every right to her in form of precious Constitution and guaranteed her rights in every aspect. The article discusses the argument for Gender equality in Constituent assembly, Ambedkar on against Hindu Customary law and his resolution on contradiction between Constitutional law and customary law.

**Keywords:** Social philosophy, ethics, social justice, Hindu customary law, gender equality

### **Introduction**

#### **Social philosophy and social justice**

Social Philosophy is the philosophical study of the social world. Social philosophy examines questions about the foundations of social institutions, social behavior, and interpretations of society in terms of ethical values rather than empirical relations. In recent times Social Philosophy has been recognized as a distinct subject of study, it has already acquired a pretty definite meaning, the term Social Philosophy should be distinguished from the term Sociology, but Social Philosophy is to taken as definite part of it. Sociology, besides being open to some linguistic objection it is somewhat vague term and may be regarded as covering a very comprehensive field. Sociology includes an inquiry into the origins of Human communities, the study of their various forms, laws, customs, institutions, languages, beliefs, ways of thinking, feeling and actions. In short, it may be said to take all knowledge about human life, it deals with many sub diverse problems as those of Economics, Politics, Religion, Eugenics, Education, Morality etc. Social Philosophy in particular concentrates its attention to the social unity of mankind and seeks to interpret the significance of the special aspects of Human life with reference to that unity, it makes effort to study values, ends and ideals. Social Justice denotes the equal treatment of all citizens without any social distinction based on caste, religion, sex, place of birth etc. It has a special significance in the context of Indian society, it has 5 principles viz. Access, Equity, Diversity, Participation and Human rights. It gave significance to the democratic way of life. The question of Social Justice is one of the most fundamental of those with which Social Philosophy has to deal and it is closely connected with Law.

All these aspects of Social life change and develop from age to age and have their characteristics determined and modified by many circumstances of time and place. Those beliefs, ideals and aspirations that are described as religious have so large place in Human history and embody so much of what is most characteristic of Humanity, this interpretation is called for in Social Philosophy, though some of their aspects belong rather to Ethics and Metaphysics. This subject is not developed in recent times, its beginnings are to be found in the work of early Greek thinkers. Greek thinkers were pretty close to the Modern concept of evolution and applicable to Human Life. The first great treatise of Social Philosophy was written in Plato's Republic, he discusses the question whether Human law can properly be regarded as having any real foundation in the nature of things. According to Mackenzie, Social Philosophy seeks to explain the nature of Society in the light of the principle of Social solidarity. It aims at interpretation of society with reference to the norm of 'Social Unity'. During medieval time social status of a woman, both in Hindu and Muslim communities was very low. She was regarded as the property of men. Females belonging to the nobility observed purdah and were rarely allowed to go outside the house. She was prohibited from even visiting holy shrines. It was believed that if women went out, they might get involved in immoral activities. Women had no freedom and were suppressed. Peasant women had to work at home as well as in the fields. Their life was very hard and without love and respect. Among the Hindus, the custom of 'sati' was common in which a widowed woman had to immolate herself on her husband's funeral pyre. However, women belonging to the nobility had some privileges; they could get education at home and enjoyed some freedom. But at the same time there was constant fight against system of society and after that few social evils like abolition of Sati took place, but her condition was degrading day by day, many social revolutionaries came and tried to uplift her status socially, economically, politically but no one succeeded to emancipate her completely. Constitutionalism, doctrine that a government's authority is determined by a body of laws or constitution. It was Dr. B.R Ambedkar who provided every right to her in form of precious Constitution and guaranteed her rights in every aspect. This article discusses the argument for Gender equality in Constituent assembly, Ambedkar on against Hindu Customary law and his resolution on contradiction between Constitutional law and customary law.

### **Dr. B.R Ambedkar as a social philosopher and Emancipator**

Dr. B.R Ambedkar was a supreme social architect who looked upon Law as the instrument of creating a sane social order in which the development of Individual would be in harmony with the growth of society. The period from Phule to Ambedkar can be described as the dawn of Social Revolution in the history, he was not only a crusader against the caste system, a valiant fighter for the cause of the downtrodden in India, but also an elder statesman and National leader whose contribution in the form of the constitution of Indian will be cherished forever. In fact his fight for Human rights and an emancipator of all those enslaved in the World gave him International recognition as a Liberator of Humanity from Injustice. Dr. B.R Ambedkar's struggle as Social Philosopher didn't not happen in blink of an eye, he narrators his life experience

and hardship as a person belonging to lower caste in his autobiography called 'Waiting for a visa', he explains 6 different discrimination against him, right from his childhood, the first one is why he was not provided water to drink while travelling in Upper caste person's bullock cart when going to meet his father, second is when he was thrown out of Lodging which was belonging to Parsi people. Third incident he explains that how his lower community car driver was beaten up while attending a gathering. Next incident was when he stopped entering into Historical place at Aurangabad. The fifth incident when a lower community woman was not treated by a Doctor in Hospital and last one he explains about pathetic condition of a man scavenger. All these incidents and situations of his life triggered him to give Social Justice to the people in form of constitution and a Social Philosopher. And the statement he made in front of his Mother, during his childhood after seeing a widow's head been shaved, and not permitting girls to go to school, is that one day he shall write a book called Constitution and I shall emancipate her.

### **Objectives of the study**

- a) To analyze women equality through Indian Constitution
- b) Dr. B.R Ambedkar's contribution for Women Empowerment and as a Great Women Emancipator.

### **Research methodology**

The author have used primary and secondary resources and have used analytical method for the research.

### **Dr. B.R Ambedkar and women empowerment**

The subject of Women Empowerment has becoming a burning issue all over the World including India since many decades. Inequalities between Men and Women and discrimination against Women have also been age- old issues all over the World. Ambedkar criticized the traditional and conservative values. He strongly criticized the degradation of women in Indian society. He believed that women should be entitled to equal status with men and they must have right to education. He lamented that the Hindu religion had deprived women of the right to property. "We shall see better days soon and our progress will be greatly accelerated if male education is persuaded side by side with female education." – Dr. B.R Ambedkar. Empowerment refers to increasing the spiritual, political, social or economic strength of individuals and communities. The role played by Dr. Ambedkar, as chairperson of the Drafting Committee of the Constitution, has left imprint on the social tapestry of the country after independence, and shaped the socio-political fabric of the India today. He attempted to forge India's moral and social foundations a new and tried hard for a political order of the constitutional democracy that is sensitive to disadvantaged, inherited from the past or engendered by prevailing social relations. Dr. Ambedkar had the highest academic credential for an Indian of his time, and his erudition and scholarship have been widely acknowledged. It is known to all Dr. B.R. Ambedkar is the father of the Indian Constitution. He was an authoritative constitutionalist, an able administrator, liberal emancipator, master statesman, daring liberator of the downtrodden masses and a fearless fighter for human rights.

### **Ambedkar and Hindu code bill**

The Indian parliament has passed the following acts for reform of Hindu marriage, family, and status of women in

Hindu society. Hindu Marriage right to separate residence and maintenance act and Hindu minority and guardianship acts are collectively known as Hindu code, after four years of Ambedkar resignation, some section of the Hindu code bill were divided into parts and given the shape of many laws. These laws are as follows: Laws related to Dowry, Marriage and divorce, Laws related to right to property Act, Laws Related to protection of rights of working women.

### Analyses and Discussions

His approach to women's right is totally different from other social reformers like Jyotiba Phule, Raja Ram Mohan Roy, Basaveshwara, Buddha and Mahatma Gandhi who tried to reform the Hindu society of certain outdated customs and practices, But Ambedkar made his own view for the women rights and that has been reflected in Indian constitution. His goal was to make a society based on social justice. Dr. B.R. Ambedkar was of the opinion that it glorified the caste system and propagated discrimination. Hence, he burned down the book Manusmriti. To secure this goal, Ambedkar has given equal status to women on par with men by providing many provisions in the Indian constitution. To him, sexual discrimination should be root out from the society and everybody should get equal opportunity in the society. The Preamble of Indian constitution guarantees social and economic justice to women and that is because of Ambedkar contribution. In the preamble it is mentioned: (i) social, economic and political justice, (ii) freedom of thought, expression, belief, faith and worship, (iii) equality of status and opportunity and (iv) fraternity assuring dignity of the individual and national unity to all the citizens of India without any discrimination of caste, creed or sex.

### Findings

Ambedkar's own understanding of the Indian social order, whether Hindu or Muslim was one of a system where women were denied in various ways. He was totally in search of a solution to their evil systems and society based on equality, justice and fraternity. Though the goal of women empowerment is yet to be achieved, Dr. Ambedkar's idea about the rights and development of women are still valid in the present scenario not only in India, but in global context too. Dr. Ambedkar's three word formula – 'educate, agitate and organize' is a powerful tool of social change even today. Ambedkar made the oppressed lot of the depressed classes conscious of their rights, which was denied to them for centuries. Educating the downtrodden people, he thought, is a sure way to sense of consciousness, self-respect and dignity. He wanted the people to cultivate the values of freedom and equality among themselves; it was possible only through education. Dr. Ambedkar was a symbol of knowledge and character. He regarded education as a means to reach the doors of light and perception to remove the regions of darkness and ignorance. He used his philosophy of education to make aware of the condition of social degeneration in Hindu society among the lower strata of society and change the social order for the benefit of entire humanity. Through his educational institutes, he strives for educational development of all. He was an 'organic intellectual' in real sense. Dr. Ambedkar's contribution towards education and his independent thinking made him an independent intellectual of the world. He propounded his own philosophy of education and had largely influenced the outlook of downtrodden. In order to honour his brilliant

academic career his statue is placed at the entrance London School of Economics and below that "Symbol of Knowledge" is written. It shows that how he was acclaimed as great student and educationist of far excellence.

### Conclusion

The concept of constitutionalism is a mechanism that provides legitimacy to a democratic government. In India, constitutionalism is considered to be a natural corollary to the fundamental governance of the country. The status of women in India has been subject to many great changes over the past few millennia. With a decline in their status from the ancient to medieval times, to the promotion of equal rights by many reformers. However, women in India continue to face numerous problems like Acid throwing Thomas Reuters Foundation survey says that India is the fourth most dangerous place in the world for women to live in India. Child marriage has been traditionally prevalent in India and continues to this day. According to UNICEF's report, also showed that 40% of the world's child marriages occur in India. Widow remarriage restriction, In the past, child widows were condemned to a life of great agony, shaved heads, living in isolation, and being shunned by society, Honor killings etc, yet it requires decades together for complete empowerment to achieve, as Ambedkar says education is the strongest tool for women empowerment. Getting education is the best weapon against every social evil in the society.

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