

Ambedkar and Women's Emancipation: A Study on Hindu Code Bill

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BY

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DECLARATION

I, **VIJAYA KOTA**, hereby declare that this thesis entitled '**Ambedkar and Women's Emancipation: A Study on Hindu Code Bill**' submitted by me, under the supervision of **Dr. K.Y. Ratnam, Department of Political Science**, is a bonafide research work and is free from plagiarism. I also declare that it has not been submitted previously in part or in full to this University or any other University or Institution for the award of any degree or diploma. I hereby agree that my thesis can be deposited in Shodhganga/INFLIBNET.

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CERTIFICATE

This is to certify that the thesis entitled '**Ambedkar and Women's Emancipation: A Study on Hindu Code Bill**' submitted by **VIJAYA KOTA** bearing Regd. No. **10SPPH01** in partial fulfillment of the requirements for the award of **Doctor of Philosophy** in the **Department of Political Science** is a bonafide work carried out by her under my supervision and guidance.

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1. 'Role of Dalit Women in Telangana Armed Struggle (1946-1951)', *Printing Area Peer Reviewed International Refereed Research Journal*, Volume-01, Issue-63, March-2020, pp.68-71. ISSN NO: 2394-5303.
2. 'Dalit Women and Human Rights Violation: Role of Caste, Class and Gender', *Vidyawarta Peer Reviewed International Refereed Research Journal*, Volume-03, Issue-34, April-2020, pp.28-32. ISSN NO: 2319-9318.

She has made presentations at the following Conferences:

1. Presented a paper entitled “ Women Empowerment Through Rural Development Programmes: A Case Study of MGNREGS”, in the International Conference on Women Empowerment organised by International Multidisciplinary Research Foundation, Ratna Prasad Multidisciplinary Research and Educational Society, Vijayawada, Andhra Pradesh, India held on 07 to 08 of March, 2014. (International Conference).
2. Presented a paper entitled “ Non-Farm Sector in India: Issues and Challenges”, in the National Conference on The Growth of Non-Farm sector in India: Opportunities and Challenges organized by Department Of Economics, Government Degree College, Khairatabad, Hyderabad, Andhra Pradesh, India held on 10th January, 2014.(National Conference)
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4. Presented a paper entitled “ Human Rights Violation of Dalit Women: Class, Caste and Gender”, in the National Conference on Human Rights in India: Dalits, Tribals and Minorities organized by Centre for Gandhian Thought and Peace Studies, School of Social Sciences, Central University of Gujarat, India held on 21 to 22 November, 2013. (National Conference)
5. Presented a paper entitled “Empowerment of Women Through MGNREGS: Issues and Challenges”, in the National Conference on The Role of MGNREGS in Poverty Reduction organized by the Department of Business Management, Osmania University, Hyderabad held on 30 to 31st December-2013.

Further, the student has passed the following courses towards fulfillment of course work requirement for Ph.D / was exempted from doing coursework (recommended by Doctoral Committee) on the basis of the following courses passed during M. Phil Program and the M. Phil degree was awarded.

SI. No	Course Code	Name of the Course	Credits	Pass/ Fail
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(VIJAYA KOTA)

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DEDICATED TO

Mahatma Jyotirao Phule

Savitribai Phule

Dr. Babasaheb Ambedkar

&

Ramabai Ambedkar

who sacrificed their life for the upliftment of downtrodden
and women in India

INTRODUCTION

Babasaheb B. R. Ambedkar, at the time of constitution-making, stated in the Constituent Assembly that India practically has a uniform code that is consistent in its whole and capable of being applied all over the nation. However, Ambedkar was sure that a uniform code was not attainable in the case of marriage and succession. According to him, despite having a uniform criminal code, the transfer of property, and the Negotiable Instruments Act, however, the legal system of India as a whole is not uniform. For all Hindus, the law of getting married was not the same. Ambedkar firmly held the view that there cannot be traditional inequalities co-existing with modern constitutional equalities. Hence, he was honestly engrossed in enacting legislative measures to improve Hindu women's rights for equality and to terminate the caste mechanism of endogamy. Enhancing women's status and emancipation is part of Ambedkar's social and political philosophy.

Women contribute as much as men to society, and their role in the course of a nation's development is equally imperative. However, women in India grieved in different ways. Victims of mistreatment, exploited, punished, denied, sexually abused, discrimination, and marginalized, continue to face physical violence. Historically, mistreatment of women could be traced in ancient India from sacred texts like *Manu Dharmashastra*. It says women were born with anger, meanness, treachery, and immoral behavior. They were said to have the habit of lying, sitting around aimlessly, and said to have an indiscriminate love for ornaments (Moon Vasant, 1987: 429). It asserts that women came into existence at the beginning of creation as evil beings that combined elements such as fire, snakes, and poison into a single entity. The *Manu Dharma shastra* states that every

male should make the utmost effort to defend women's dispositions, including their reproductive capacity. The creator bestowed these dispositions upon women at the creation time (Moon Vasant, 1987: 429). The *Shastra* categorized women's bodies as inherently inferior, sinful, and fit to be controlled by men. Men have been given the power to define, interpret, judge, and represent on their terms. The same defining power has been denied to women (Chakravathy Uma, 1993: 3).

The problem that the present study looks into is Ambedkar's revised Hindu Code Bill could be located in two forms of hierarchical systems responsible for the subordination of women in general and specifically the upper caste women: the caste as a hierarchical system. Secondly, the status of gender in that hierarchical status. Thus these two significant factors are "sexual control over women and to maintain patriarchal succession, and the second one is that caste purity." (Rao Anupama, 2003: 231). Thus, "the major lacuna in our understanding of the social process which shaped men, women and social institutions in early India in the framework of gender relations, i.e., the nature and basis of the subordination of women and its specific form in Indian society" (Chakravathy Uma, 2006: 138). The present study aims to analyze the position of women in the context of caste, gender, and patriarchy in the Indian context.

In Indian society, "its legal sanction an extreme expression of social stratification in which women and lower castes have been subjugated humiliating conditions of existence" (Chakravathy Uma, 2006: 139). Further, social organization is based on a closed structure that preserves the ritual quality and considers women the gateway to the caste system. Caste, class, and gender constitute the Brahmanical patriarchy and social stratification (Chakravathy Uma, 2006: 139). It is argued that women, as conscious

actors within social connections and processes, are necessary for the reproduction and evolution of India's traditionally patriarchal social order, which the institution of caste defines. More importantly, occupational continuity, food, rituals, marriage, and sexuality are the center of the continuation of the caste system (Rao Anupama, 2003: 224).

The birth status of the group is the first of the three key aspects of the caste system. These include laws relating to exclusion or separation, sustaining marriage, and interactions based on caste disparities. Second, the principle of ordering and ranking things in accordance with one's standing and interdependence is known as a hierarchy (the division of labour is closely tied to hierarchy and separation). Lastly, most of a woman's life was spent within the context of her family, defined by these three fundamental qualities (Rao Anupama, 2003: 224). The most important way the caste system creates inequality is through its material basis and exploitative relations of production. There is a clear distinction between males and females regarding rights and entitlements (Rao Anupama, 2003: 224). In the caste-ridden society, unequal resource distribution, the right to property, the right to services, and entitlements are regulated through the rule of kinship. Endogamy is the possibility of elevating one's family position that involves a tight squeeze by restricting material resources (Chakravarthy Uma, 2006: 143).

Significant continuities in the caste occupation are: Brahmin primarily performs the function of *purohit* (priesthood), and artisan castes survive on the necessary skill or craft to make a life. Women's contribution of labour to the occupational continuation of a caste group is important. Certain filthy castes are associated with tasks considered dirtiest in terms of rituals. These jobs include cleaning and tanning hides, removing dead animals, scavenging and laboring barbers, washermen, and midwives (Rao Anupama, 2003:

225). Compared to the lower castes, the concept of purity and impurity is more steady among the upper castes men and women. Due to menstruation and delivery, women in upper castes are considered to have a naturally lower level of cleanliness than men (Rao Anupama, 2003: 231). Women from lower castes not only contribute to their pollution but also deal with the pollution caused by others in a range of jobs, such as maternity care, the management of waste, and washing unclean clothing. This is in addition to the pollution that they cause.

According to this logic, "the higher the caste, the more the gender divide," whereas, in the lower castes, there is less of a distinction between the sexes. These castes, which include both men and women, eke out a living by engaging in activities that are considered dirty (Rao Anupama, 2003: 231). Widowhood is another source of impurity for women, "the widows are not supposed to perform puja of family deities" (Rao Anupama, 2003: 232). It is commonly known that women from twice-born castes have also been compared to *Shudras*, who were not allowed to receive Vedic education. J. S. Mill extensively examined the subjugation of women and says that "the legal subordination of one sex to the other is wrong in itself and one of the chief hindrances for proper development of human being, and ought to be replaced by a principle of perfect equality, admitting no privilege or power on the one side, nor disability on the other" (Rao Anupama, 2003: 235).

According to B. R. Ambedkar, women are oppressed by the society based on caste and inflexible hierarchies. He stated that "the socio-cultural forces have artificially constructed gender relations based on inequality, especially by the *Manusmriti* and the Hindu religion" (Ahir. D. C, 1990: 325). Ambedkar argued that "the gender relations and

differences are constructed by Hindu Brahmanical order which conditioned the women to conform a stereotype feminine behavior, requiring them to be passive and submissive, suited only to a life of domestic and family responsibility”(Ahir. D. C, 1990: 325).Ambedkar points out that, “in *Manusmriti* killing of women is a minor offense, it was equated with the killing of *Shudra*. Though patriarchy is pervasive in India, it varies in degree depending on the religion, caste, community and social group”(Ahir. D. C, 1990: 325).

Ambedkar explained that the caste system made the Hindu women destined to be superstitious till death and employed as a machine for reproduction under the authority of the purification ritual is known as *samskara* (Ahir. D. C, 1990: 326). According to the Hindu Shastras, a woman is a bond slave to her father while she is a kid, her husband when she is a young adult, and her son when she is an elderly lady. All of these proverbs, aphorisms, proverbial sayings, clichés, and truisms about the status of women are true (Moon Vasant, 1987: 430).Ambedkar analyzed in his famous treatise, *Caste in India: Their Mechanism, Genesis and Development*, that the “superimposition of endogamy on exogamy means the creation of caste”(Moon Vasant, 1989: 9). Further, he said, "there is no divine or natural cause of the origin of caste”(Moon Vasant, 1989: 9).Ambedkar made an effort to remove obstacles standing in the way of women's emancipation in Indian society.

Ambedkar brought up the matter of women's rights in the Bombay Legislative Assembly when he was a member of the Legislative Council, and he fervently supported family planning strategies for women's health. Later, in 1942, Ambedkar introduced the Maternity Benefit Bill while serving as the Governor General's Executive Council's

Minister of Labor (Rao Anupama, 2003: 212). However, Justice B. N. Rau's Committee was asked to examine the Hindu Women's Rights to Property Act, 1937, and to suggest necessary amendments to the Act. The Committee drafted two Bills, the first dealing with the law of Succession and the second with the marriage law. (Rao Anupama, 2003: 212). After that, in 1943, the Hindu Succession Bill was presented to the Constituent Assembly. However, inadequacies in these early codifications made Ambedkar for revising them in concrete terms and make sincere efforts to codify the standard civil code for the Indian society called the "Hindu Code Bill," which was introduced in parliament on 11th April 1947, to unify the Hindu Code in tune with progressive and modern thought. He said the Bill was "to amend and codify certain branches of Hindu law" (Moon Vasant, 1995: 5). Additionally, to make monogamy the only accepted form of marriage and abolish the other Hindu marriage systems currently in use. Second, granting women the right to own property and adopt children, restoring marriage privileges and legal separation (Moon Vasant, 1995: 5).

In this context, while revising the Hindu Code, Ambedkar initiated a protracted debate over the uniform codification of Hindu law and the making of the Indian constitution. The primary objective of the debate aimed to address the inequalities between men and women based on caste customs and remove them through the mechanism of modern legislation and bring the intended justice to Hindu women. Why uniform Hindu Code? What are the parts that he revised? Why have caste, gender, and patriarchal issues become central to this debate? What was the nature and character of the critical discourse in the Legislature? This study has attempted to grasp the critical importance of the debate that Ambedkar initiated on the revised draft of the uniform Hindu Code. Further, in this study,

an attempt has been made to address these questions in the context of Ambedkar's role in empowering women in India.

Review of Literature:

An immense rich literature has been produced on women's problems in India. However, the present study, without going into that vast literature, would like to confine itself within the scope of the study to review works related to women in Indian society, mainly consisting of caste hierarchy, gender, and patriarchy in Indian society. Further, works by Ambedkar and the works on Ambedkar's view on the problem of women are critically reviewed and presented objectively.

Babasaheb Ambedkar (1989), *Castes in India: Their Mechanism, Genesis and Development* is an anthropological explanation of the mechanism, genesis, and development of the caste in India. He examined the caste and its mechanisms, saying that "as long as caste in India does exist, Hindus will hardly intermarry or have any social intercourse with outsiders, and if Hindus migrate to another region on earth, Indian caste will become a world problem"(Moon Vasant, 1989: 9).Ambedkar emphasized that as caste is a closed system, it restricts sexual intercourse within the group, doesn't sanction any mixing, to those who do not belong to it and this prohibitory ultimatum acquired religious injunction. Thus the prohibition of intermarriage is called 'Endogamy.' Endogamy which is based on the religious rule, is referred to as the essence of caste.

Ambedkar defines the caste in India. It is "the artificial chopping off of the population into fixed and definite units, each one prevented from fusing into another through the custom of endogamy"(Moon Vasant, 1989: 9).Superimposition of endogamy on exogamy is the creation of castes. Endogamy is the strict established rule in marriage. Burning the

widow with her dead husband and child marriage practices mainly protect the caste system and endogamy. Ambedkar emphasized that the woman was the victim of religious, patriarchal, social, and economic relations that prevailed in Indian society.

Babasaheb Ambedkar (1989) dealt with women's historically degraded position in Hindu society in his *Philosophy of Hinduism*. The chapter on “the Women and the Counter-Revolution,” attempts to explain the position of women in the pre-Manu period and Manu period. According to him, the position of women was degraded, rights were denied, and low position was accorded to women during the Manu period. Manu, according to Ambedkar, ascribed to women that they are the love of their bed, ornaments, impure desires, wrath, dishonesty, malice, and wrong conduct.

In Manu’s opinion, according to Ambedkar, women, especially the upper caste women, must not be accessible under any circumstances and kept dependent. Manu affirmed that women have no right to divorce because marriage is considered a sacrament. Manu accorded women a low position to women and forbade the right of women to study Vedas, the sacred texts. Ambedkar concluded that in the position of women in the pre-Manu period, women were free to learn Vedas and entitled to *upanayana*, and reached the highest pinnacle of learning and education while engaging in dialogue with men on the matters of philosophy, religion, and metaphysics. Ambedkar says that Manu preferred many marriages to men. In contrast, Kautilya preferred monogamy and granted divorce right to women. Kautilya, contrary to Manu, promotes economic independence and allows the wife to file a lawsuit against her husband for abuse and defamation in a court of law.

Ray Renuka (1952), in the article “The Background of the Hindu Code Bill,” Renuka Ray traced the historical oppression of women in India. According to Renuka, the prevailed rules and social customs were unfair and obstructed women's advancement. In her opinion, the proposed revised Hindu Code Bill would create conditions to equalize men and women in marriage and property ownership. However, Renuka evades Ambedkar's efforts in redrafting the Hindu Code while giving credit to Indian National Congress.

Ahir, D.C (1990), *The Legacy of Dr. Ambedkar (Bharat Ratna)* explains Ambedkar's views on women. According to Ahir, Ambedkar recognized that the *Manusmriti* had produced a caste with a rigid hierarchy and discrimination built on the socio-religious base. Ahir explained Ambedkar's ideas concerning women and gender relations, as well as his recommendations for how to free women from the constraints placed upon them.

Chakravarthi, Uma's (1993) work on “Conceptualizing Brahmanical patriarchy in early India: Gender, Caste, Class, and State” explains the nature and basis of subordination of women's position in the structural framework. Uma asserts that religious traditions, which had a significant influence on social behaviour served as controlling implements for the subjection of women in India. According to her, varna and gendered hierarchies serve as the organizing elements of the Hindu society social system, effectively controlling women to preserve caste purity and patriarchal succession in Hindu culture.

Chakravarti, Uma (2006), in another pioneering work, *Everyday lives, everyday Histories: Beyond the kings and Brahmins of Ancient India*, examined the political, economic, social, and religious milieu in which Buddhism emerged as an enduring social philosophy for humankind, in India. She argues that Buddhism is a unity of thought in economy, society, and polity. According to her, Buddhism was regarded as a social

philosophy that is more humane and sympathetic to oppressed groups, in contrast to Hinduism.

Eleanor Zelloit (2003) explains the Ambedkar movement for women's emancipation, which inspired dalit women to pursue education, form organizations, participate in politics, and significantly develop the vital trait of self-respect. According to Zelloit, Ambedkarite women's activity for self-respect and education continued even after his death. He was involved in the creative spirit of producing poetry, fiction, and autobiography with extraordinary quality and quantity. In addition to this subject, Zelloit discussed Ambedkar's part in the creation of the Hindu Code Bill, in which he fought for women's equal rights in the areas of "marriage, divorce, adoption, inheritance, and property ownership."

Geetha.V (2002) *Gender: Theorizing Feminism* critically examines the concepts of masculinity and femininity and argues that the male and female sexes have specific and distinctive attributes allocated. Geeta says that the genital and physical differences between men and women imply that they possess different qualities and argues that nature, society, norms, and expectations played an important role in gender allocation. She compares gender discrimination with caste discrimination. In the Indian context, according to her, a woman is a good wife and mother. In contrast, Geeta says that dalit women cannot be good wives or mothers because they have to go outside the house to secure food with their men. Geeta says that the masculinity and feminine ideas are discriminatory against certain kinds of men as they respect women.

Guru Gopal's (1995) "Dalit Women Talk differently" is a thought-provoking commentary on the dalit feminist perspective. Guru argues that the organization of

politics around the difference has been a significant feature of mainstream feminist politics. He says that the caste factor does not get adequate recognition in the scrutiny of non-dalit, middle class, and urban women activists regarding the violence against the dalit women. Thus the representation of dalit women's issues by the non-dalit women is less authentic and less valid because of the social location that determines the reality. He argues that the sexual violence committed by men against the dalit and tribal women is much more severe in terms of intensity and magnitude than in terms of class, criminality, or psychological illustration. Guru says that dalit women speak differently from the external circumstances- the non-dalit forces homogenizing the issue of Dalit women and the internal patriarchal domination of dalit men.

Mohanty Manoranjan's (2004) *Class, Caste, Gender* edited volume focuses on the fundamental theoretical social categories of class, caste, and gender interconnection of the social dimensions of power. This volume consists of highly exploratory studies. This volume emphasizes that the class structure in the society explains the trends in the political economy policy initiatives of the government in the context of liberalization both in urban and rural India and also, while the caste discourse covers issues ranging from the historical roots of the caste order, anti-caste movements, electoral politics, and the reservation debate. Most of the essays in the volume suggest that the unique features of class, caste, and gender and their connection would provide a better intellectual understanding of the more extensive processes such as globalization, nationalism, and culture.

Omvedt Gail's (2011) *Understanding Caste from Buddha to Ambedkar and Beyond* explains the Hindu social structure maintained through unjustifiable social inequalities.

Brahmanism and Hinduism are identified with the orthodoxy accepting the authority of the Vedas and the Brahmanas, which upholds the idea of *varnashrama dharma*, the four-fold system of castes as the ideal social structure. Gail argues that the “Advaita,” the identification of ‘self’ or ‘atman’ within each individual with the universal ‘Brahman’ is the favored philosophy.

Rao Anupama's (2005) “Sexuality and the Family Form” focuses on the experiments with democratizing and modernizing social interactions that fundamentally impact the caste-related relationships that determine daily life. According to Rao, caste constitutes the form of identification through which gender and sexuality are re-imagined rather than eliminated in searching for new personhood. According to her, the family is a broad and complicated concept or ideal type that controls intimacy, emotion, and material results. She asserts that the family is crucial in determining rights as a legislating or governing organization. The family is a way to control sexuality, set up kinship relations, and represent desire. Anupama Rao drawing ideas from Mahatma Phule, E. V. Ramasamy Naicker, and B. R. Ambedkar, the Dalit-Bahujan feminists, critiqued the mainstream feminist movements for their distinct sorts of exclusion’.

Sanjay Paswan and Parmanshi Jaideva (2002) *Encyclopedia of Dalits in India – Women*, Volume-9, a comprehensive volume on dalit women's history and status in Indian society. It explains various dimensions of dalit women's problems of miseries, suffering, degradation, and dehumanized way of life. The central concern of this volume is about dalit women's socio-economic and cultural conditions all over the country. It examines that being a dalit woman means a life of exploitation, a weak variety of human subordination to man, and an undesired burden from birth.

According to the authors, dalit women are the most oppressed in society. She is a social and economically backward victim of caste, class, and gender. The patriarchal system and caste play a significant role as added problems. The authors say that the Hindu religion based on the caste system justifies the *Karma* theory that again assigns the slave status to dalit women. The Hindu traditions and customs aggravate women's degraded conditions by reinforcing, rationalizing, and legitimizing the dominant values, attitudes, ideology, and practices that make the dalit women feel that they are inferior creatures and sinners. This unique volume also speaks about the position of dalit women and says that the economic position of dalit women is poor, and they live below the poverty line and have to go out and work; Due to their lack of education, dalit women are unable to escape their marginalization and poverty.

Syamala, Gogu (2003), *Nalla Poddu: An Anthology of Dalit women from 1921-2002* (Telugu) brings out the historical role of Dalit women from Adi- Andhra movement to present self-respect movement in Telugu states. Syamala selected nearly 57 Dalit women and narrated their life histories and participation in various socio-political and cultural movements, including freedom movement, Telangana people's struggle, other movements like student movements, Dalit movements like Karamchedu, Thimmasamudram and Nirkonda.

Shyamala pointed out that, despite Dalit women's enthusiastic participation in the anti-colonial struggle against the British empire, mainstream historiography undermined the Dalit women's participation. Syamala argues that the Dalit women actively participated in Brahma Samaj and Arya Samaj social organizations, which worked for the social reform movements. Still, the mainstream historiography discounted and suppressed the role of

Dalit women in the socio-political movements. Syamala, in her anthology, highlights the role of Dalit women and projects them as the leaders of the women's movement on par with dominant caste and class women.

Sinha Chitra's (2007) “Images of Motherhood: The Hindu Code Bill Discourse” examines motherhood and how the debate over the contentious Hindu Code Bill during the years 1941–1956 revolved around the various identities of motherhood. A societal consensus on family rules for the Hindu population, which makes up the majority of modern India, was sought through the Hindu Code Bill. The broken social morality surrounding motherhood in Indian society was brought to light by this Hindu Code Bill in both the public and legislative realms. Chitra examines how traditions and practices that identified motherhood as a sacred space—a critical component of the ultimate identity of the Indian woman—influenced Indian women. According to her, motherhood played a crucial role in the structural makeup of the family and was marked by an apparent dichotomy connected to patriarchal dominance and glorification without empowerment. Therefore, her low standing in the social system coexisted with the glorification of motherhood.

Chitra details how Indian history denied women access to necessities such as food, reproductive healthcare, property rights, independent income, the ability to participate in family and child-related decisions, and her rights as a widow. She also claims that Indian religious customs failed to guarantee equal rights for women. The author contends that the Hindu Code Bill was intended to strike the most challenging balance between the aspirations of modernity and the fundamental principles of Hindu society. Hindu law was

codified in a way that covered every aspect of Hindu family law imaginable, focusing on women's roles as spouses and mothers within the Hindu family unit.

Sinha Chitra (2012) *Debating Patriarchy: The Hindu Code Bill Controversy in India (1941-1956)* is a historical account of the Hindu Code Bill and the critical debate it sparked. It looks back at the Hindu Code Bill discussion as a means of communication and highlights its impact on contemporary India's social fabric. Chitra observed that different voices from different sections participated in this historic debate. Social and religious groups, political leaders from different parties, elected legislatures, and prominent individuals from the public and private spheres voiced significantly on women's issues and her constructive role in family and society. A fresh perspective has been developed on the state of affairs facing Indian women in the independent state. Chitra explained that the relationship between legal reform and social change, "the Hindu Code Bill, which laid the groundwork for creating a standard for the modern constitution of the family and the feminine in Indian society, was also a social debate focused on ideas of tradition and modernity." During the Hindu Code Bill debate, the author noted that much attention was paid to the power dynamics inside Hindu families and how society constructs gender roles.

Rege Sharmila (2013), *Against the Madness of Manu: B. R. Ambedkar's writings on Brahmanical Patriarchy* developed the feminist discourse of B. R. Ambedkar through his writings and said that most educational institutions are undermining the contributions of B. R. Ambedkar towards women enlightenment. Rege, taking from Ambedkar's writings, theoretically advances Ambedkar's thinking on the crevices of the caste and feminist discourse from Ambedkar's point of view.

Sharmila argues that Ambedkar has created a modern nation that blended Western ideologies with emancipatory practices of Buddhism from Indian history. This blended notion of modernity rejects caste system exploitation, rejects the varna order, and stimulates caste annihilation paving the way for establishing egalitarian order. Rege explains the importance of Ambedkar's views on Devadasi practice. Tradition is enforced to humiliate women, leading to different rules of caste order and sexual violence against the lower caste women. Rege, while discussing the Hindu Code Bill, she says that the Bill was Ambedkar's protest against Manu's code. According to her, Ambedkar's Hindu Code Bill could be viewed as an endeavour to recognize women's political equality, not just as the carrier of the "honour" of the family, clan, and society but also as a citizen and as a person with constitutional rights.

In its content and analysis, the above literature richly contributed to the problem of women and interpreted women's problems from various ideological and theoretical points of view. The above-reviewed literature on the subject thus dealt with various dimensions like empowerment, rights, family, and violence against women. However, the present study mainly confines the critical evaluation of the Hindu Code Bill in the context of caste, gender, and patriarchy. Further, the present study would like to evaluate the Hindu Code Bill from Ambedkar's feminist point of view

Research Question

The main research question posed in the present study is: what is the historical importance of the Hindu Code Bill drafted by Babasaheb Ambedkar? Based on this central question, other secondary questions were posed while critically understanding the Hindu Code Bill. Why is this Bill an essential instrument for women's empowerment in

India? How the caste, gender, and patriarchy addressed? How women's rights are articulated and discussed in the Legislation making? Does the codification of the Hindu Code Bill ensure the rights of women?

Objectives:

The primary objective of the present study is to critically understand the historical importance of the Hindu Code Bill, redrafted by Babasaheb Ambedkar. The condition of women in the Hindu social structure is very oppressive in terms of caste, gender, and patriarchy is an essential element that needs critical understanding for the future progress and empowerment of women in India.

In this context, the secondary objectives of the study are to:

- To understand the historical socio-cultural, economic and political position of women in Indian society and examine the mainstream understanding of the relationship between caste, gender, and patriarchy.
- To trace the historical emergence of an alternative perspective below on the relationship between caste, gender, and patriarchy.
- To explain the Hindu Code Bill and historical antecedents regarding the various bills and acts passed before the introduction of the Hindu Code Bill.
- To examine the main provisions of the Hindu Code Bill and its contents. Various provisions, sections, and subsections were added and deleted in the Bill. Also, to examine the claims and counterclaims in the Bill.

- To critically evaluate the Hindu Code Bill, why it has become controversial, and its implications for women's empowerment.

Methodology:

The present study critically analyzes the Hindu Code Bill that was drafted and moved by Babasaheb Ambedkar. The method used in this study is qualitative and conceptual. Qualitative content analysis has been used to understand the qualitative inference of the meaning and relationship of different concepts explained in the Bill. The concepts like caste, gender, and patriarchy have been contextualized within the socio-cultural and political context of Indian society.

The relevant material was collected from authentic documents. The primary source for study is the Constituent Assembly Debates published by the Lok Sabha Secretariat, Government of India. Ambedkar's views and conceptual analysis have been collected from Babasaheb Ambedkar Writings and Speeches published by the Government of Maharashtra.

Apart from the archival sources, the researcher also collected relevant information from secondary sources like books and research articles focusing on the interpretation and understanding of the concepts like caste, gender, and patriarchy by various scholars from the mainstream as well as subalterns.

Chapterization:

In the present study, titled Ambedkar and Women's Emancipation: A Study on the Hindu Code Bill, the material is divided into five main Chapters, keeping Introduction and Conclusion independent. An *introduction* explains the study's problem, literature review, objectives, and methodology used in the study.

Chapter-I focused on the historical status of women, the role of Caste, Gender, and Patriarchy from the mainstream perspective. It also briefly discussed the social evils under which women suffered historically and the role of social reform movements that worked for the emancipation of women.

Chapter II dealt with alternative perspectives from below on the question of caste, gender, and patriarchy. Tracing alternative ideas from Buddha, Mahatma Phule, Periyar, and other subaltern thinkers, this chapter presents an alternative perspective from Ambedkar's point of view on the women's problem in Indian society.

Chapter III aims to understand the historical antecedents of the Hindu Code Bill. The evolutionary character of the Hindu Law, from its static nature to the codification of the Hindu code in the contemporary social and political context.

Chapter IV presents in detail the contents of the Hindu Code Bill. Various parts, sections, subsections, clauses and sub-clause, terms, concepts, and legal terms used in the Bill are analyzed. This chapter aims to present the role of Ambedkar in drafting the Hindu Code Bill. Secondly, the critical debate that Ambedkar initiated on the draft of the Hindu Code Bill, wherein various members of the Constituent Assembly (Legislative Debates) participated and expressed their views on the proposed draft Bill of B.R. Ambedkar.

Lastly, **Chapter V** focuses mainly on Babasaheb B. R. Ambedkar's ideas on caste and gender. The historical role of caste in the suppression of women through the hierarchies of caste and patriarchy. Ambedkar's analysis of the caste system, its systematic exclusion of women in Indian society, and the rights of women proposed by Ambedkar are broadly

discussed. Ambedkar's project of women's emancipation of women in Hindu society is presented.

In *Conclusion*, the main findings of the study are presented. The relevance of the Bill in the context of women's emancipation is presented.

CHAPTER-I

HINDU SOCIAL ORDER AND WOMEN: MAINSTREAM PERSPECTIVES

Historically, women have always been looked down as subordination to men. There are several examples of how major faiths, worldviews, and societies have denigrated or oppressed women at some point. They have often done so to justify or support their actions. How depressing to be a woman, said Confucius' (551-479 B. C.) student of Fu Xuan (217-278 A. D.), a writer and poet. Men praise God in Jewish prayers for not creating them as women (Christine Schirrmacher and Thomas Schirrmacher, 2020: 12).

St. Thomas Aquinas (1225-1275) said that "The woman behaves to the man as imperfect and deficient (*imperfectum*, *deficient*) to perfect (*perfectum*) and the main value of women lies in their ability to give birth and their benefit in home"(Christine Schirrmacher and Thomas Schirrmacher, 2020: 12). He continued saying, "The woman is a blunder of nature...with her moisture surplus and insufficient bodily temperature and intellectually inferior- a type of mangled, misguided, failed man... the complete realization of the human form is only the man"(Christine Schirrmacher and Thomas Schirrmacher, 2020: 12). One of the most prominent Islamic theologians, Ar-Razi, declares that "Man is superior than a Woman." (Christine Schirrmacher and Thomas Schirrmacher, 2020: 12).

The subservience of women has a long history. Aristotle developed the supposedly scientific defense of women's inferiority and tried to justify the subordinate position of women by providing two arguments. Firstly, from a biological and secondly, from an ethical point of view. Based on these two arguments, Aristotle denies women equality

with men in public and private (Shadia B. Drury, 1987: 51-56). The most severe formulations against women have come from Arthur Schopenhauer (1788-1860). He said, "Women are destined neither for great mental nor physical works. She bears the guilt of a life not by acting but by suffering, through the pangs of childbirth, caring for the child, and subservience to her husband, for whom she is supposed to be a patient and cheering companion"(Schopenhauer, Arthur, 2021: 34). While referring to the *Laws of Manu*, Schopenhauer, "in Hindustan no woman is ever independent but always stands under the supervision of her father, or her husband or brother or son"(Christine Schirrmacher and Thomas Schirrmacher, 2020: 12).

Friedrich Nietzsche (1844–1900) coined some of the most sexist aphorisms about women and some timeless quotes regarding the oppression and maltreatment of women. Nietzsche articulates his beliefs that women are the weaker sex with the propensity for a supporting role. He thought that mothers who work outside the home are somehow less than. According to him, "the happiness of man is, 'I will.' The happiness of a woman is 'He will.' He called a woman a 'slave' and a 'tyrant'"(Christine Schirrmacher and Thomas Schirrmacher, 2020: 12-13).

Hindu Social order and Women: An Overview

Women's inferior and discriminatory status in Hindu society is well known and widely documented. The indigenous, dark-skinned people that lived there were defeated in the Rig Vedic era's conflict between Aryans and them. The Aryans, conquering the indigenous people, imposed racial inferiority and enslaved the subjugated people and women. Thus the enslavement of indigenous women is a significant element in the primitive accumulation of wealth (Chakravarti Uma, 2006: 143). Manu, the Hindu

lawgiver, stated that a woman is not entitled to individuality and that she takes protection in her childhood under her father, youth under husband, and old age under her son. Baudhayana sutra laid down the general doctrine relating to women's incapacity to inherit as they lacked prowess or strength.

The historical setting shows that the mother who gave life seemed to control both life and death. This inexplicable female power became the mother-goddess's adoration (Chakravarti Uma, 1993: 579). Female reproductive power was valued, and very survival was dependent upon it. The cave paintings in Central India depicted no rigid sexual division of labour in the hunting-gathering stage. However, the Indian social order is stratified by caste, class, and gender stratification, shaping the different patriarchy modes (Chakravarti Uma, 1993: 579). During the 18th Century, under the Peshwa's rule, the social, economic, and political power concentrated under the Brahmins, which resulted in patriarchy and traditional caste hierarchy (Rao Anupama, 2003: 165).

Peshwas enforced rigorous gender and caste rules through the Brahmanical texts. The sexuality of women, especially Brahman women, was monitored by applying different norms based on the caste with the most stringent codes. With the patriarchy based on class and caste, the social order became unchallenged dominant ideology intermeshed through power (Rao Anupama, 2003: 166). Thus, the historical account of women in India suggests that caste and gender systematically suppress women's roles and experiences.

Modernity's growth, meanwhile, opened the door for fresh perspectives. It was developed to reject the feminine identity as inherent and fundamental (Forbes Geraldine, 1998: 1). The societal ills like sati, widowhood, and child marriage for which women are abused

must therefore be taken into account in any historical understanding of the issue of women in India. In this context, the present chapter explains the mainstream understanding of women in the caste-ridden society. However, before understanding the mainstream view of caste and women in India, it is crucial to know the social evils in which women in India were targeted in the name of established customs, norms, and belief systems prescribed purity and pollution principles of the caste system.

Sati, Widowhood and Child Marriages

The most heinous custom that women in India experienced was the practice of *sati* or widow burning. The word *sati* was derived from Sanskrit 'sat' means truth, and *sati* was a woman known for her virtuous and piousness, 'true to her ideals' (Narsimhan Sakuntala, 1990: 10). According to Hindu mythology, the Lord Shiva's wife Sati, the daughter of Daksha, immolated herself in a yogic fire due to intolerable humiliation faced by her husband. This mythical fiery immolation was constructed as the 'divine example of wifely devotion' (Narsimhan Sakuntala, 1990: 11). In Indian tradition, the highest ideals of women were considered innocence, purity, and loyalty- *prativrata* to her husband. It is based on the rationale that sacrificing one's own life upon the passing of a husband is evidence of virginity and the height of a wife's "fidelity" (Narsimhan Sakuntala, 1990: 11). In the Western image of India, the idea of *sati* constitutes the Hindu wife following her husband's death by ascending his pyre (Stratton Hawley John, 1994: 3). The *Mahabharata*, dated from 900 B.C, holds that Madri, wife of Pandu, immolates on the death of her husband, and there is a reference to *sati* in the *Ramayana*. Vedic texts also talk about widow immolation. In Rig-Veda, a verse quoted that the widows were required to ascend the pyre at the husband's funeral. The *Atharva-Veda* mentions the widow's remarriage.

The *BoudhayanaGrihyasutra* listed rules on widow's conduct. *Apastamba*, dated between 800 and 400 B.C, prohibits sonless widows from succeeding as heirs to the property, whereas the Gautama Dharma Sutras allowed the widow to inherit her husband's property(NarsimhanSakuntala, 1990: 15).

The evidence shows that until 500 B.C, there was no custom of sati prevalent among Kshatriyas (NarsimhanSakuntala, 1990: 15). Jataka tales recognized the arrival of invaders and the consequence of unrest added to the demoralizing influence of women. In *YagnavalkyaSmriti*, there is widow immolation. *Vishnusmriti* mentions that *sati* is not a religious duty. It opened two courses for widows celibacy and another is immolation(NarsimhanSakuntala, 1990: 15). Manu, the lawgiver of the Hindu tradition, did not talk on *sati*, suggesting that the widow emancipated her body by subsisting on flowers, roots, and fruits(NarsimhanSakuntala, 1990: 15).Kautilya's*Arthashastra* recognized that both Niyoga and widow remarriage forbade any suicide and suggested stringent punishment for those who attempted. There is no evidence of widow burning even in Brahman literature up to 700 A. D(NarsimhanSakuntala, 1990: 15).

The *sati* is a patriarchal ideology, a religious symbolism against the women practiced by the twice-born dominant caste Hindus saying that immolating herself with her deceased husband is a wife's duty and a virtue. The Hindu women belong to twice-born castes: Kshatriyas, Vaishya, and even Shudras were allowed to burn themselves following their husbands' deaths (Mani Lata, 1998: 1). The Brahman women were forbidden, saying that brahmins were the ones who interpreted the sacred texts.

Sati immolation started among the aristocratic and warrior classes as a political tactic to protect their ladies from having their "purity" violated by the advancing troops, rather

than as a religious ritual for salvation (NarsimhanSakuntala, 1990: 20). *Sati* was a mental picture of a Hindu wife, meeting her violent death with her deceased husband flames of the funeral pyre, which has been projected as the duty of women. It is a death with love and self-sacrifice which would bring great reward to future incarnations. A woman who is morally superior and who is ontologically bound to her husband is known as a *sati* (NarsimhanSakuntala, 1990: 27).

The ideal women in orthodox Hindu tradition are *prativrata*, which means to vow to her husband. Patrilineal marriage, where both husband and wife reside in the husband's home after marriage, this patrilineal institution upholds the patriarchal social order. The widow or 'vidhva' is the one whose husband is gone (Chen Martha Alter, 2000: 30). Hindu widows are good ascetics who remain dedicated to their deceased husbands and practice celibacy. A woman's social standing is diminished when she becomes a widow, and it is considered unlucky if she is too young or loses her husband soon after marriage (Mahindra, 2012: 12). Accordingly, the ideal of womanhood would be regained through her death if she accumulated enough spiritual goodness. Thus, the widow must remain good by exercising self-control, observing an ascetic lifestyle, remaining devoted to her dead husband, and ultimately reuniting with her husband.

Social rules have been formulated to regulate the sexuality of women during the ritual mourning period, which the widows have to observe and avoid. Apart from proposing dress codes, various taboos were imposed, such as physical contact, a particular food, attending auspicious occasions, and remarrying (Chen Martha Alter, 2000: 31). The husband's demise is approved as the cultural identity of the widow. For all practical purposes, it is the end of her social identity. One of the critical issues for widows is social

isolation. Others include limited job options, difficulty proving their claim to their husband's property in court, and insufficient and limited financial support in the apparent lack of an adult son (Mahindra, 2012: 12).

Hindu *Dharmashastras* of 500-200 B.C coded the rules for widows(Chakravarthi Uma and Preeti Grill, 2001: 34).Kautilya's*Arthsastra* allows the widow remarriage. Manusmriti, however, set forth several guidelines for widows to adhere to, including the need to remain self-controlled, chaste, and patient until death (Chakravarthi Uma and Preeti Grill, 2001: 34). Therefore, even if a good widow has no sons, she still maintains her virginity and enters heaven. However, a woman will face condemnation on earth if she breaks her promise to her deceased husband out of a desire for offspring. According to the Vriddhaharita Sutras, the widow should stop eating two meals a day, taking food from bronze vessels, and wearing perfumes, flowers, jewelry, and coloured clothing. She should only wear white, restrain her emotions, and sleep on the ground (Chakravarthi Uma and Preeti Grill, 2001: 38).

As a result, widows in India had a dismal position and were forbidden from participating in religious or social activities. Many widows chose sati because they believed that living was worse than dying (Chakravarthi Uma and Preeti Grill, 2001: 38). The rule against widow remarriage was closely maintained among upper-caste Hindus, who were the widows most affected by it. The devout Hindus fiercely opposed British attempts to pass legislation facilitating the remarriage of widows, believing that doing so "included shame and dishonour on earth and exclusion from heaven" (Chakravarthi Uma and Preeti Grill, 2001: 38).

Child marriage was another significant issue that women had to face. According to legend, very young children and, in certain instances, even infants in cradles were married off. Child weddings, or unions of females under 18, are common customary customs that date back thousands of years (Chakravarthi Uma and Preeti Grill, 2001: 38). Child marriages were forced marriages. Girls are not mature enough to choose their life partner or understand marriage's meaning and responsibilities. The adolescent girls were not even physically mature enough to face the consequences of sexual relations. It affects the young girl's reproductive health and the children's growth and development (Sagade Jaya, 2005: 1).

According to the Vedic literature, such as the Rig-Veda, a young woman is not allowed to move out of her father's home or get married until she has reached her full potential physically and mentally. It is suggested that men marry girls who have a completely developed body. According to one of the Rig Veda, a girl should only be married when she is not a child, according to one of the hymns. The age at which girls might marry was lowered after the sixth century. Girls' marriage rates decreased as a result of their involvement in Vedic education, upanayana ceremonies, and the emphasis placed on cleanliness during yajna (sacrificial) rituals (Kakka, A. K, 2009: 13). The Dharmasutras state that women must wait three years after reaching womanhood before choosing a partner. According to the Baudhayana and Vashista Dharmasutras, a parent who permitted his daughter to wait to get married until after her first period was judged to have sinned abortion once a month (Kakka, A. K, 2009: 13). Manusmriti emphasizes the groom's eligibility and makes it clear that marrying a girl before her first period was

acceptable. The importance of post-puberty marriage, according to Yajnavalkasmriti, led to a reduction in the legal age of marriage.

According to the Hindu religion, parents cannot keep a daughter unmarried until she is eight. Indian ladies typically reach puberty at eleven, and marriage is considered sinful. Manusmriti, the Mahabharata, and the Vishnu Purana ruled that a male should be at least three times older than a girl. So a man marrying a ten-year-old girl should be thirty years old, and a girl is marrying a twenty-four-year-old boy. The Hindus, Mohammedans, and Parsees all engaged in the custom of marriage between the ages of two and eight (Kakka, A. K, 2009: 16).

Caste and Patriarchy:

Patriarchy “refers to an organization, institution or society in which power, social control, material wealth and high social status accrue predominantly to males rather than females”(Brien o’ Jodi, 2009: 628). One societal structure that has endured the longest and is still widely practiced today is patriarchy. Patriarchal relations are confined to the institutions of class, caste, and race and appear in all aspects of human life. In earlier times, it manifested itself in familial and kinship relationships; however, in modern times, it has made its way into major social institutions, such as language, the family, the economy, the political system, religion, the legal system, education, science, and medicine (Brien o’ Jodi, 2009: 630). Empirically, patriarchy has typical hierarchical domination carried through the head of the family, the male who takes power and controls the individuals in society. The patriarchy explains the control of men/males over females’ families and society over their production and reproductive activities (Brien o’ Jodi, 2009: 631). Patriarchy is established as an ideology, naturalized, and closely interlinked with

family and kingship. The hereditary patriarchal transforms the power of hierarchy to the male heir (Brien o' Jodi, 2009: 632).

The concept of patriarchy assumes that women should always be subordinate to men. It conceals the particularities of various social formations and creates women's bodies following gender norms (Brien o' Jodi, 2009: 632). According to Brien o' Jodi (2009: 632), the social philosophy of bodies takes into account issues of gender and power. Many people's gender identity comes easily to them. Still, the reality is that from birth onward, every person is socialized to fit into certain specific roles, either male or female categories, adopting the qualities of masculine or feminine roles. Occurs regardless of whether or not the individual is aware of this process (Rege Sharmila, 2003: 92). Identities and self-definitions are created through the process of human bodies being formed and controlled by the rules and expectations of the gendered social order (Meena Gopal and Sabala, 2010: 50). Patriarchal values are regulated by expressing specific cultural metaphors regarding sexuality, reproduction, and the social production of certain 'rules prohibiting women from specific activities and denying certain rights.

The patriarchal expression through the cultural norms coded in *Dharmashastras* claimed that women are image as faithful wives and devout mothers through ritual practices day by day (Mohanthy Manoranjan, 2004: 54). Women's bodies are social constructs of feminine experiences of the inter-personal relationship of women belonging to other groups such as caste, class, and regional dimensions. The women's bodies are invisible in the role of production. The relevance of women's working bodies has never been recognized. Women's work is consistently undervalued, whether it is performed within or outside the home, as sexual or domestic labour, as productive work, and whether it is

performed in the home, in agriculture, or any other type of formal or informal work (MohanthyManoranjan, 2004: 56).

In India, caste plays an essential role in determining one's occupational status. According to caste hierarchy, women who belong to the low caste do not have any assets apart from their bodies despite their back-breaking and blood and sweat-dripping labor having no value. Their bodies perform the most required social tasks, such as scavenging, cleaning, sweeping, sowing, transplanting, reaping, and other soil and land-related activities. Accordingly, the women's bodies are constructed physically and mentally for procreation as a reproduction for male pleasure(MohanthyManoranjan, 2004: 60).

Women's sexuality was controlled and manipulated through the family, community, and state for reproduction. Women's bodies have been brainwashed by glorifying motherhood and the importance of having a biological child. Women are under unrelenting pressure to behave to satisfy the expectations of their families, communities, and societies. In India, women's bodies are shaped by their roles in the family as wives, mothers, daughters, and other roles. The family is the setting for the material body to be disciplined and socialized (Meena Gopal and Sabala, 2010: 45). The social control of women's bodies is significantly influenced by various cultural beliefs. Traditional culture relies heavily on women as its primary carriers; as a result, this culture is often compared to Bharat Mata, the Hindu term for the nation as well as the term for mother women, and it must be protected at all costs (Meena Gopal and Sabala, 2010: 45).

Marriage and having children began to be seen as crucial roles for women and as part of their natural development course. The ability of women to reproduce is an important factor in the success of families in upholding caste traditions and protecting family

names, communal reputations, and property. If the woman fails to bear a son, she becomes a source of shame, leading to loss of face, family dishonor, and mental agony (Sen Indrani, 2001: 2-24). The embodiment of reproductive and sexual labor is belittled by portraying women as childbearing machines and mindless bimbos. Patriarchy and socio-economic institutions heavily influence the understanding of female sexuality (Sen Indrani, 2001: 18).

The religious explanations of masculinity and femininity are historical and claim to be transcended and universal. All religions concluded that women's bodies are inferior because they are unclean through menstruating and giving birth to a child related to blood and flesh (Sen Indrani, 2001: 15). In Hindu religious scriptural texts, women emerged as sinful creatures at the creation. The *Manusmriti* claim that the women allotted terrible conduct at the moment of creation ultimately explains that men strenuously guard women (Geetha.V, 2002: 12). Modern history demonstrates that the world was seen not merely as God's creation but one in which men could make and unmake laws and values. Through the French Revolution of 1789, all revolutionaries declare that humans are equal and free. Fraternal bonds are linked to all human beings. Many women were motivated to fight for their rights and independence by the principles of liberty, equality, and fraternity (Geetha.V, 2002: 12). According to Mary Wollstonecraft, the reason women give the impression of being ignorant and submissive is not because of any inherent lack of intelligence in women, but instead because women have not been instructed to develop their minds (Geetha.V, 2002: 40).

The female body is a primary target in all acts of violence committed against women, involving mutilation, rape, or sexual assault, and violent acts against women's bodies to

protect the community's reputation. Women are forced into constant fear and humiliation by being forced to parade around naked in public (Rao Anupama, 2003: 144). Acid has been used as a weapon of violence to disfigure her body. Those who dared to refuse unreasonable requests were the targets of these attacks. Assertions and legitimate claims of rights on the part of women invite severe punishment, which is more evident in the case of Dalit women. Dalit massacre in Kairlanji of Maharashtra state in which the Dalit women claimed the right to land led to the brutal assault. Their bodies were heinously mutilated and killed by the villagers belonging to the dominant caste (Rao Anupama, 2003: 160). Violence against women is not only limited to the physical use of force. It also operates on material and normative levels to maintain caste and gender hierarchy. Masculinity is tied to men's control over women's sexuality (Ponacha Veena, 2003: 5047-5049).

Caste and Gender Hierarchy

The caste hierarchy is an essential factor in maintaining the caste's dignity. And gender roles are determined by the caste practices to subjugate women. The manhood of lower caste men can be degraded by exercising control over the lower caste women or degrading the dignity of lower caste women. Caste and social status are essential in determining how women of varying castes and classes experience gender roles (Ponacha Veena, 2003: 5047). Men from higher castes are the ones who are responsible for maintaining order among the lower caste ladies. The ultimate kind of humiliation for women is raping. Still, in the case of women from lower castes, this is not only a form of humiliation for the woman herself but, perhaps more crucially, a symbol of the degradation of the males from those castes. Women are seen as bearers of tradition and

protectors of the honor of the caste. Castes are disciplined not only via the use of force or violence against the women of that caste but also by the use of violence towards children of that caste. In addition to being patriarchal, violence is also gendered. Patriarchal and caste systems are founded on power dynamics and hierarchical relationships (PonachaVeena, 2003: 5048).

The relationship that exists between gender and caste in India is more complex. The method and the procedure through which women took on broad and internalized rules of behaviour can be comprehended. It has a significant role in the production of the structure of inequality, which links gender and caste (Chakravarti Uma, 2003: 144). The actual practice of caste and caste inequality, including untouchability, may be found across public settings in contemporary India. Caste is a social construct that cannot easily be eradicated from the public discourse and never has been. To provide an accurate assessment of women in India, one must have an understanding of the caste structure.

Caste is hereditary through endogamy and is traditionally associated with occupation and hierarchical status. The relations between castes are observed through concepts of purity and pollution. Lindt Benjamin states caste is hereditary, endogamous, and typically localized. This group has a traditional link with an occupation and a certain rank within the caste hierarchy. Pollution and purity are two ideas that have a role in determining how members of different castes interact with one another (Lindt Benjamin, 2013: 88). Further, “the caste system divides the whole society into a large number of hereditary groups, distinguished from one another and connected by three characteristics: separation in matters of marriage and contact, whether direct or indirect (food); division of labor, each group having, in theory, or by tradition, a profession from which their member can depart

only within certain limits; and finally hierarchy, which ranks the groups as relatively superior or inferior to one another”(Lindt Benjamin, 2013: 88).

Therefore, the affiliations with a specific caste and gender are the determining factors of a person's social and human position, as well as their identity and the material reality of life in an Indian hamlet. The forced ritual of letting the ladies of lower caste mourn over the body of a deceased man from a higher caste is an example of the extreme sexism and depravity found in caste systems. It is possible to interpret and comprehend the historical fetishist, genocidal, and warped core of Brahmanic patriarchy through this degrading and symbolically mutilating attack over the material and emotional spheres of the gendered subaltern (Lindt Benjamin, 2013: 90). The specific rituals and practices for women reinforce her as a devout wife and doting mother. The female sexuality is constructed as a closed structure to maintain caste purity(Chakravarti Uma, 2003: 66).

According to the Dharmashastras, the tasks associated with performing rituals differed for each varna because the hierarchy and women's position placed a premium on maintaining a high level of ritual purity. Laws of the Manu necessitated that wives always honor their husbands in the same manner as though they were gods, even if their husbands are morally bankrupt or sexual predators (MohanthyManoranjan, 2004: 54). Manu's perspective on women was reflected when he said that females should always be subservient to men since, by their very nature, women are passionate and disloyal. The connotation here is that man is the lord, master, owner, or maker of whatever is being depicted. Additionally, caste standards place restrictions on the physical movement of women. The fact that more men of higher castes can date women from lower castes is a vital representation of the poor status of women in India. Men from lower castes who dare

to contact ladies from higher castes face harsh repercussions for their actions (Anandhi, 2005: 1518-1522). One such illustration of women's lowly position in a society based on caste is the comparison of women to Shudras. Some examples illustrate that the loss of religious privileges, the restriction of thread ceremony for shudras and women, and similar punishments for killing shudras or women all explain how caste and gender are established. Other examples include the prohibition of thread ceremonies for shudras and women. The caste system's ideological underpinnings supplied the ideological foundation for the subjection of women (Anandhi, 2005: 1520).

Manu's code has laid the foundation of hierarchical caste and patriarchal family structures. The patriarchal joint family with the oldest male as the supreme head of the patrilineal kin group and the subordinate status for the Shudras and women. The *Bhagavadgita*, one of the most sacred books of the Hindus, places women, vaishyas, and Shudras in the same category and describes them all as being of sinful birth (MohanthyManoranjan, 2004: 56). Vedic period, education for women was an accepted norm. Gargi, Maitreyi, and Atreyi were three exceptional women scholars who lived during this period and offered a different way for women to live their lives. The upanayana ceremony, essential for initiating students into the Vedic tradition, was forbidden for women and Shudras by Manu (MohanthyManoranjan, 2004: 56).

The life of an upper caste lady in Indian society was traditionally limited to the home and focused on taking care of immediate family members (Mohanthy Manoranjan, 2004: 56). According to Manu, females should never be allowed to become autonomous. As a daughter, she is subject to the watch of her mother, as a daughter-in-law to her daughter-in-law, and as a widow to her son. Women play an essential part in maintaining the ritual

purity of the group in patrilineal societies, which places a significant emphasis on the importance of this value. Women are seen as the social gatekeepers in the caste system that exists in India.

Maintaining the integrity of the caste system, which requires strict control of female sexuality, was one of the primary drivers behind the practice of marrying girls before they reached puberty. The men of lower status were not supposed to be granted access to women of higher status; not only the individual status but also the group status was going to be defiled because it was tied to the purity of women (MohanthyManoranjana, 2004: 56). Women are considered the pivot of the entire structure to maintain caste purity. The *Dharmashastras*, including *Manusmriti*, talk about the fear of *varnasamkara* and explain that the person's blood and ritual quality of both parents must be of the same caste.

Manusmriti ban on *pratiloma* a marriage means mixing castes (Chakravarthi Uma, 2006: 120). The marriage of the lower caste men with higher caste women and lower caste women with higher caste men will produce children of *varnasamkara*, which results in the defile of women. Thus the mixing of castes is strictly controlled through female sexuality. The controlling of female sexuality has been the effective surveillance system and seclusion of the lower caste men whose sexuality threatens upper-caste purity. Thus it is prevented through the institution of the caste system.

During the time frame of 800 B.C. to 500 B.C., there was a clear distinction of social classes in ancient India, and the Brahmins asserted their authority over the religious and ideological practices of the society. There was already a system of patrilineal succession and the rise of personal sovereignty over property and women. The Buddhist teachings explain that the family, a primary type of occupational and social division, has always

existed in society. They also state that the origin of private property may be found in these texts. The sexual behaviour of some types of women had to be controlled and carefully guarded thanks to the patrilineal succession. It was necessary because of the patriarchal system (Chakravarthy Uma, 2006: 74).

According to *ApastambaDharmashastra*, the women category, particularly the wives, were under male control. The development of patrilineal inheritance and the institution of private property created a divide between motherhood and the sexuality of women. The continuity of the patrilineal lineage was assured through male sexuality and funneled into legitimate motherhood within a reproduction structure that was rigorously controlled (Chakravarthy Uma, 2006: 74). To maintain the integrity of the caste system, mating was limited to just those individuals who had been predetermined. Beginning with the marriage ceremony and continuing through the rites performed after the birth of a son, women's motherhood was exalted and enacted in a series of ceremonies. Female sexuality was able to accomplish the aims of social reproduction by utilizing the justification provided by motherhood (Chakravarthy Uma, 2006: 76).

The ladies were portrayed as having a naturally evil disposition due to their gender. According to Manu, even before the world was created, women had already formed the bad habits of lying, squandering time, having an irrational love of adornment, being angry, being harsh and treacherous, and engaging in immoral behaviour. Manu, the lawgiver of the Hindu social system, explained the reasons for guarding women by men. Man controls his wife's sexuality. It is essential to preserve his family, lineage, and purity of his offspring by defending female sexuality. Manu asserts further that the caste should be protected, meaning that marriages from the same caste must perform to attain the

purity of offspring. Manu asserted many stereotypes about women controlling their sexuality to protect caste and offspring. Manu further taught that every man should try to protect women because of their unique characteristics, which the Lord of Creatures had bestowed upon them at the time of their creation (namely, their capacity for procreation) (Chakravathy Uma, 2006: 143). According to *Satapathabrahmana*, woman, shudra, and crow embody untruth, sin, and darkness (Moon Vasant, 1987: 429).

In days gone by, society did not frown upon the sexuality of women or their ability to bear children. However, the systems that govern women's sexuality become operational after the subservience of women is fully realized and implemented. Women have no autonomy in economic terms, law, property, and performance of significant domestic rituals and their reproductive and productive labor (Gupta Kamala, 2003: 25). The leading cause of the subordination of women is the patriarchal structure with specific controls placed on them. One of the significant aspects of controlling women's sexuality is Hindu ideology (Gupta Kamala, 2003: 26). Women have ordained *prativrata* dharma, and the wifely codes were internalized through the doctrine of *prativrata* dharma. Hindu women were controlled by their sexuality; hence *prativrata* was the ideological "pardah" of Hindu women. As represented by wifely constancy, Purity came to be regarded as how one could attain salvation (Gupta Kamala, 2003: 26).

The structure of social interactions established the dominant, monopolistic model of gender and caste, and it was solidified and reproduced through conformity with women's sexuality. The subjection of women took on a particularly extreme form due to the potent influence that religious traditions had on the social practices that people engaged in (Chakravathy Uma, 2006: 138). The legal sanction of a severe expression of social

stratification, in which women and members of lower castes are forced to conditions of living that are humiliating, is a defining characteristic of Hindu society. This harmful quality makes Hindu society notable. Therefore, the brahmanical social order is organized according to the caste hierarchy as well as the gender hierarchy. As a result of the fact that caste purity is dependent on it, the purity of women is considered to be of the utmost importance in brahmanical patriarchy. The construction of a closed structure to preserve land, women, and ceremonial quality is the primary idea underpinning the Hindu social order. Caste purity was preserved, encouraging the children to marry before they reached adolescence, particularly brahman children (Chakravathy Uma, 2006: 138). Another essential character to preserve the caste system is to limit women's mobility and even do so through their sexuality (Chakravathy Uma, 2006: 139). The sexual subordination of women was codified into the brahmanical legal systems, and the state's power was used to impose this subjection.

In a caste-ridden society, how women express their agency is shaped by ideological and material systems. If we look at women in today's Indian society, we see that their lives are at the junction of different classes, castes, and patriarchies. Women are considered upholders of the traditions because they conform to them. On the other hand, men are seen to be upholders of the traditions since they impose them not upon themselves but rather on women. The most significant impact that keeping and putting into practice a code of traditions has is the effect it has on the practices of marriage and reproduction that are maintained and implemented. Caste plays a significant role in many aspects of people's lives, including marriage. Because of this, caste plays a significant role in the organization of production, property, and labour, particularly in rural areas of India. All of

these things contribute to the perpetuation of the inequity that is intrinsic to the caste system. Women were expected to adhere to specific standards of conduct, maintain the traditions of their families, and especially uphold the purity duties. Furthermore, the caste system drove women to marry within the caste, leading to the caste system's continuation (Chakravarthy Uma, 2006: 147).

Hindu Social Order: Mainstream Perspectives

The literature on many elements of women in the Indian subcontinent observed differing viewpoints on the status of women based on the location of her cultural milieu, the structure of her family, her social class, her caste, and the rights she had to her property, and her morals. The ever-growing body of published work unquestionably offers insightful theoretical and philosophical articulation, raising pertinent concerns about women's social structure and situation. The subordination of women resulted from the various social, economic, and cultural constraints on them. Further, the source of women's backwardness and oppression derived from traditional attitudes of caste and patriarchy. The relationship between women and caste problems has been studied differently from mainstream perspectives.

During the period that India opposed colonial control, the "women question" was a prominent subject that was brought up in debates regarding reform in the country. Influential British intellectuals such as James Mill, obsessed with the concept of the "civilizing mission," criticized Indian faiths, cultures, and societies for their norms and practices towards women. Colonial ideology made great use of the issue of the status of women as a method to 'prove' the moral inferiority of the population it governed by employing the question as a powerful instrument. This was recorded by the colonial

authority, which maintained that the Indians' cruel treatment of women indicated their moral inferiority and believed that Indians viewed women as inferior to themselves. The ideology of colonialism made effective use of this helpful tool. As a result, one of the justifications that Indian women needed the protection and engagement of the colonial state to justify British rule in India was the idea that Indian women needed it and one of the primary reasons that the British were able to maintain their supremacy in India.

In India, there was no continuous drive to change gender practices; instead, multiple projects concentrating on various concerns were taken up. These initiatives were taken up because India is home to practices of widow-burning (also known as sati), female infanticide, child marriage, purdah (also known as female seclusion), and educational constraints for women were among the most prominent issues. Indigenous reform groups have existed in every region of India, starting about the middle of the nineteenth century and continuing onward. These organizations, such as the BrahmoSamaj, the Arya Samaj, and the National Social Conference, have all worked toward modernizinggender relations in Indian society. According to Nivedita Menon, "in general, these movements and the resistance to such transformation were significantly molded by the contact with colonial power." (Menon, Nivedita, 1994: 4). The more prominent elements of the bourgeoisie had the goal of modernizing those components of Hindu society that the colonial discourse portrayed as being backward and savage (Menon, Nivedita, 1994: 4). Contrary, resistance arose in the shape of revivalist nationalists who resisted the colonial invasions into the so-called 'Indian tradition.' During this period, the Indian subcontinent was undergoing significant cultural upheaval, and there was a division among nationalists- those who wanted to reform India's gender philosophy along Western lines and those who wanted to

revive traditional culture, viewing women as symbols of indigenous religion and family values (Menon, Nivedita, 1994: 4).

The reformers of the 19th century either defended or illustrated the ambivalence between patriarchy and matriarchy inherent to the Hindu moral system. The worship of female goddesses with well-developed literature on mother goddess cults and rites coexisted openly anti-women practices, including "child marriage, female infanticide, polygamy, various forms of widow tyranny, etc." Both textual and popular versions of these rituals were used simultaneously as widespread worship of female deities.

A question that was posed before the Committee on Status of Women in India (CSWI, 1974) what were the historical and ideological dimensions of women's role and status in India and why had the debates on the women's questions initiated during the freedom struggle faded out of the public arena? (Mazumdar Vina, 2001: 387). In response, the scholars have articulated various debates on the position of women in India, drawing attention to the various perspectives on the position of women in Indian society. The nationalist or traditionalist perspective, the other is the liberal universal discourse, which informs, overlooking the differences of caste, class, and gender.

Nationalist Perspective:

During the nineteenth century, the nationalists developed the concept of womanhood that shaped the entire political program during the anti-colonial struggle. It was the period in which the consciousness of national identity was developed. The nation's identity and culture were developed based on the womanhood image. The British civilizing mission was often portrayed in colonial histories as an effort to save Indian women from the constraints of their society and culture. Western historians omitted Indian women's lives

from their books, and the native Indian historians started documenting narration of women's contributions to the national identity.

Concern for the status of women in India began to emerge as a political issue in the nineteenth century when the country was still under the control of colonial powers and was experiencing a wave of social transformation brought on by the Enlightenment. During the colonial period, the Hindu women's question revolved around the spread of education, widow remarriage, abolition of the *sati* system, and prohibition of child marriages. Thus, during this period, 'Indian culture' was essentialized and constructed an image of recasting Indian womanhood as an epitome of that culture.

In this environment, to make a counterattack on western feminism, the nationalist school turned to "Hindu imagery and Sanskrit idioms symbolizing women's power," thereby unintentionally cementing the communal concept that Indian, Hindu, and Sanskrit are synonymous with one another (Agnes Flavia 1994:19). The nationalists took a stand against the western conception of feminism, arguing that it separates women from their traditions, religions, and the obligations of their families. The recasting of women in colonial India has been investigated through the use of an imaginative nation that conflates itself with an idealized representation of Hindu women (Sangari and Vaid, 1989; Chaudhury, 1993). They contend that the dynamics of male dominance in Indian society are fundamentally distinct from those in Western societies. As a result, the demands that women are equal to men and the resistance women put up against men are different. According to them, "ideologically, cultural imperialism has introduced the notion of female inferiority which had no part in Indian culture, where female power and its containment were stressed" (Liddle Joanna and Joshi, Rama, 1986: 240).

According to Liddle and Joshi, “females were segregated in the upper castes into the domestic sphere. This separation did not imply an inferior evaluation of the domestic since that arena was crucial to maintaining caste purity. The inferiority notion adds a derogatory component to the gender ideology, worsening women’s position. It also makes for a degraded position for women abroad when added to the imperialist ideology of Western racial superiority; for, the context of imperialism creates a notion of women’s inferiority to men and Indian women’s inferiority to Western women”(Liddle Joanna and Joshi, Rama, 1986: 240).

According to Madhu Kishwar, it is essential to investigate our customs and make an effort to "separate the destructive parts from the points of strength within the cultural traditions, and start leveraging the strengths to transform the customs." (MadhuKishwar and Ruth, Vanita, 1984: 29) If we can recognize our cultural traditions' points of strength and apply them in new ways, they have enormous potential to oppose beliefs that are reactionary and anti-women (MadhuKishwar and Ruth, Vanita, 1984: 29). Therefore, the supporters of the status quo make deft use of the traditions and symbols to enlist the participation of women in the public arena. In the understanding of nationalists, culture and customs are envisioned to serve the purpose of reiterating the notion that women should be obedient to men. The rights of the community, founded on established religious norms, are given more weight than the rights of individual citizens. With the assistance of women who have been encouraged, traditional institutions characterized by patriarchal and autocratic institutions and shared beliefs are being guarded and kept alive.

The Rani Sati Sarva Sangha was created to lobby for and mobilize women in support of the celebration of *sati* from a nationalist point of view, which supported and protected the

sati system. The proponents of this view maintain that Brahminical scriptures, rather than custom and usage, are the primary source of tradition and ideals in Brahmin society. Amrita Basu observes that upholders of this perspective say that “women can assume activist roles without violating the norms of Hindu womanhood or ceasing to be dutiful wives and mothers. The support of prominent men in religious and political life legitimates their roles and bridges the chasm between good citizens and devoted wives and mothers”(Amrita Basu, 1999: 87).

While commenting on the women’s participation based on tradition, Gail Omvedt observed that some nationalist organizations conveniently used and organized the women based on the traditional symbols and idioms that re-inforced the patriarchal values. As a result, establishing a specific kind of history served as the basis for developing a specific sort of womanhood. The past was reimagined as a compulsion of the present, and these compulsions were chosen to emphasize particular aspects. The model of Maitreyi-Sita-Savitri and Laxmibhai eventually became the primary focus of discussion around womanhood. These feminine paradigms, notably prevalent among the developing dominant farmer castes, were bolstered by Hinduized forms of veiling and outward modesty of women (Sarbani Guha Ghosal, 2005: 793-812). Thus these newly hegemonic upper castes and middle caste peasant groups generated nationalist cultures for the woman. The growth of militant Hindu womanhood originates from this period (Sarbani Guha Ghosal, 2005: 793-812).

The nationalist project attempts to project women as a homogeneous community developed a notion that their interests are well protected in the hands of ‘nationalists’ alone. These organizations employ conventional metaphors and expressions to reinforce

patriarchal beliefs and successfully mobilized many women from one community in opposition to members of another (Omvedt 1993; Agnes 1994; Sarkar 1991). Agnes says that “the riots dealt a severe blow to the premise that women have a separate existence from their communal identity. We can discuss rape, divorce, and maintenance problems on a common platform. The same issues affect different women in different ways at different times... The women’s movement does not stand in isolation and is integral to other social movements”(Agnes. F. 1994: 19).

According to Gabriele Dietrich, who laments that women's movements have dismissed religion as an obscurantist hangover, the use of religion has been ignored by women's movements. She is of the opinion that the women's movement should investigate the cultural question in a more in-depth manner. It is necessary to address the issue of cultural identity and continuity as part of the initiative to provide women with a new sense of identity that extends beyond the confines of family, caste, and religion. It is not difficult to identify those aspects of our cultural traditions that have contributed to the subjugation and degeneration of women at all levels. It is also necessary to provide an answer if one wants to avoid appearing superficial (Gabriele Dietrich, 1986: 25).

Gandhian Approach

M K Gandhi's efforts to include women in political life were an essential intervention during the anti-colonial struggle. Gandhi freed women from subservient roles in the social structure through the innovative use of tradition, including its idioms and symbols. Many scholars like Vina Mazumdar (1976) and Devaki Jain (1986), along with others, deliberated that Gandhi used a revolutionary approach to the collective position of women and projected Gandhi as a great liberator because they believe that he took this

method. Malvika Karlekar thinks that Gandhi built the 'tradition' of a new sort of womanhood during the struggle against colonialism. She says that "the Gandhian women used her traditional qualities to build a new positive image of action, resistance, and change. The Gandhian method of self-questioning and analysis is now being picked up by the women's movement, which denies the universality of incarcerating stereotypes"(Malvika Karlekar, 1991: 46).

Amrit Srinivasan argues that British rule and its methods cannot be said to have reformed Indian society and prepared it for nationhood. Contrary, the Gandhian program, on the other hand, can indeed be said to have attempted just that (Amrit Srinivasan, 1994: 7). According to Srinivasan, "in Gandhian's science of *swaraj*, women appear as a collective representation that is utilized to establish the superiority and protection of individual of indigenous social tradition in comparison to modernity." (Amrit Srinivasan, 1994: 7). Consequently, through a feminization of its methods that it chooses to attack western civilization as 'satanic' and 'godless' in which the search for truth has been forsaken for the pragmatic concern with mastery of reality-political and natural (Amrit Srinivasan, 1994: 7).

She says that the principles of *satyagraha* and *ahimsa*, *swadeshi* and *Sarvodaya* reflect a feminist critique of the influential British State in India as ethically inferior to *swaraj*. For her, "the Gandhian science of *swaraj* was preoccupied with the 'feminine' in a way in which all ethical programs which involve themselves with the world and its transformation are. As a 'civilized' experiments with the truth, they cannot but combine the religion with politics, renunciation with passion, purity with provocation" (Amrit Srinivasan, 1994: 8).

According to Madhu Kishwar, the Gandhian perspective on women and their role in society are not that different from those of the reformers of the 19th century. Kishwar asserts that Gandhi broke with tradition in a significant way. Further, she says that “he has not considered women as objects of reform. Instead, he sees them as active, self-conscious agents of social change. He is primarily concerned with bringing about radical social reconstruction. One of the most lasting contributions of Gandhi to the women’s cause was that he gave it moral legitimacy. He helped create a tradition and socio-political atmosphere in which, even today, hardly anyone will publicly stand up and explicitly oppose women’s fundamental rights or deny them participation in politics. Gandhi’s action in bringing women dignity in social life, breaking down some of the prejudices against their participation in social and political life, in promoting an atmosphere of sympathetic awareness of their issues goes far beyond his views and pronouncements of women’s role and place in society”(Madhu Kishwar, 1985: 1235).

Sujata Patel asserts that Gandhi, on the other hand, employed essentialist justifications to reinforce the status of women in society rather than performing a structural examination of the causes and nature of their exploitation. Gandhi, according to Patel, did not structurally analyze the causes and characteristics of women's exploitation. Critiquing the Gandhian perspective, which characterized women primarily as homemakers, fulfilling the roles of both mother and wife, Sujata Patel says that Gandhi’s model was Sita, Ram’s wife, who was dutiful and long-suffering (Sujata Patel, 1988). In Gandhi’s view, British Raj was under the rule of Ravana, who abducted Sita. According to him, Sita has to be brave and resist the advances of Ravana. Indian women must be brave to fight the British Ravana to re-establish the righteous Indian government. Women who joined the

Gandhian movement wanted to demonstrate their patriotism, not rebel against society (Sujata Patel, 1988).

Liberal Perspective

The earliest manifestations of feminism may be traced back to Europe during the 18th and 19th centuries, centering on the demands for equality, liberty, and universal suffrage, which were very much in line with the concepts underpinning European liberalism. It is reasonable to pinpoint the publication of Mary Wollstonecraft's *The Vindication of the Rights of Women* (1792) as a pivotal moment in the development of the feminist movement worldwide. Further, the heritage of liberal philosophy in the West includes egalitarian principles, such as those espoused by French thinkers and British utilitarians. Liberalism became most apparent in the late colonial period. As a result, the ideas of liberal feminism began to spread throughout India along with the reform movement that took place during the nineteenth century during the colonial era.

Throughout the 19th and 20th centuries, feminist thinkers exerted great effort to denaturalize the social relationships and roles that women and men were traditionally expected to play in society. Activists for abolition, as well as liberal feminists like Harriet Taylor (1851) and JS Mill, sought to establish that women's "nature" was a created object by illuminating the artificiality of women's "nature" and done to prove that women's "nature" was a created object (Mary Hawkesworth, 2012). They emphasized that modern law should not play a negative role in denying women access to possibilities for employment and education, legal standing and constitutional rights, and involvement in politics and other aspects of public life. Liberals wanted to revise the legislation against individuals' sexual and social enslavement (Mary Hawkesworth, 2012).

The substantial fall-out of this development was that women now came directly in touch with Western thought that created their liberal and individualistic sympathies with notions of equality and human rights, personal ambition, and career-oriented education. Western feminist movements, such as the suffragist movement of England, inspired women to form their pressure groups and organizations. The deliberate and concerted efforts were undertaken by British colonial authorities to improve native ways of life by utilizing the material and ideological frameworks of the colonial state in conjunction with those efforts. Liberals encouraged widow remarriage and education. As a result, movements were led to ban dowry, *sati*, female infanticide, child marriage, and matrilineity aimed at civilizing the Indians through their uniform and universal ethical values for women.

Therefore, the liberal schemes of reform that dealt with women's issues were primarily concerned with the processes of cultural homogenization, which were to accompany the attempts at political unification that were being made on a larger scale. The realization that taking a scientific approach to society would provide the answer to social problems ushered in a genuine appreciation of modern, fundamentally bourgeois notions and ideals of liberalism, individualism, equality, moral consciousness, and other concepts along these lines. It wasn't because the British colonials brought these ideas with them that they were regarded as superior; instead, they were regarded as high principles of human existence. The "liberal concepts of the West" inspired a line of thinking that battled for women's equal access to civil and political rights. This line of thinking concerned how to comprehend women's role in society and "elevate" them from a condition of degradation. These ideas formed a significant element of the more prominent progressive ethical

theories of individualism and led to the development of an equitable civil and political society.

During the time leading up to India's independence, debates about feminism centered on critical topics such as the promotion of education, the elimination of child marriage, the abolition of the Sati system, widow remarriage, and other related topics. However, throughout colonial rule in India, the women's question was restricted in scope and strategy because it impacted only upper-caste Hindu women. It included the colonial elite who lived through the modernity that colonial society had to offer. Because of this, during the colonial era in India, social reform organizations worked to modernize gender roles in some topmost families while simultaneously depriving relatively low women of their privileges. Efforts were made to eliminate caste- and community-specific practices and problems by attempting to homogenize women as a group. Bringing women together, thus, was the aim of this endeavor (Mary Hawkesworth, 2012).

As a direct consequence of this, liberal Indian feminists played a significant part in the growth of bourgeois liberal Indian modernity during the anti-colonial struggle. Thus, the mobilization and organization of women resulted from the expansion of Indian nationalism's ideological repertoire through liberal Indian feminism's vocabulary. The gendered logic of cultural nationalism and liberal feminism always coexisted in the early women's movement, giving women subject positions as symbols of an essentialized Indianness. This has been the situation from the start of the women's movement until now (Mrinalini Sinha, 2000: 623-644). Yet "the discourse of liberal Indian feminism, however, fragile and incomplete its realization in late-colonial India, disrupted one set of claims that allied women's actions and loyalties with cultural-nationalist invocations of a

glorious ancient past and projected women as themselves the agents of a new Indian modernity”(Mrinalini Sinha, 2000: 623-644).

Because "the politics of liberal Indian feminism signaled the establishment of new subject positions for modern Indian women" (Mrinalini Sinha, 2000: 623-644). The discursive representation of the contemporary Indian woman, which had previously represented the country's cultural diversity, was now rearticulated in the rhetoric of liberal feminism as the ideal citizen of a brand-new nation-state. Liberal feminism holds that all spheres of life, including the job and the home, should provide women the same rights as men. The modern Indian woman has represented the national cultural division throughout the history of India. As a result, organized women's contribution to Mother India's refashioning went beyond the nationalist construction of the contemporary Indian woman as a symbol of an essentialized Indianness for the assertion of cultural difference from the West. Thus the modern Indian woman represented an essentialized Indianness for the reshaping of Mother India (Mrinalini Sinha, 2000: 623-644).

According to Mrinalini Sinha, “more importantly, organized women’s contribution to the nationalist project lay in making the discourse of liberal feminism available for the re-articulation of the modern Indian woman as the agent of, and model for, an abstract nationalist Indian modernity”(Mrinalini Sinha, 2000: 623-644).As a result, one of the contributions made by organized women's mobilization throughout the anti-colonial period was the "redeployment of the women's question in the ideological conflict between British colonialism and Indian nationalism." This conflict was between British colonialism and Indian nationalism.

Liberal feminism as a political ideology can be defined as “(i) an effort to make women a self-conscious category; (ii) a force to generate a rational, sensible attitude towards women; (iii) an approach to view the women in their positions; (iv) an approach to view the women through their perspectives”(Sarbani Guha Ghosal, 2005: 793-812).The reformers took advantage of the new opportunities presented by the legal system and administration of the colonial government regarding property and education during this time of the colonial government. New demands were being imposed on women. For the sake of projecting an image of a more contemporary and civilized India, it was necessary to modernize and Westernize women through the medium of education appropriately. In colonial culture, women were expected to act as models of morality and suitable partners for the newly emerging English-educated middle-class men who were needed to serve in administrative capacities for the colonial government. As a result, education for women has become a focus for the reformers, albeit in a limited capacity. It was requested that women get the fundamental education and training that would enable them to become better wives and mothers. As a result, "the promotion of women's education was undertaken not to liberate women's minds or out of regard for women's rights" but rather "to increase the welfare of homes and families and to enhance the chances of upwardly mobile males" (Sarbani Guha Ghosal, 2005: 793-812). The significant advancement in women's educational opportunities can be attributed to the influence of reformist and elite families. Women's education was pushed forward, and there was a rise in private schools for young women and girls.

Those who advocated for women's education were required to accommodate the general societal conventions, patterns of conduct, and attitudes. In the long run, having access to

education was emancipatory in and of itself. It contributed to developing consciousness and articulation and significantly impacted women's rights. Women's access to education expanded their intellectual horizons, introduced them to novel concepts and other aspects of modernization, and caused a shift in how they viewed the world and themselves concerning it.

Sumit Sarkar has made the point that the early reformers of the "Renaissance" were not, in any event, staunch advocates of liberal values. Early and middle nineteenth-century reform movements are notable for the predominance of social conservatism's core tenets, including caste distinctions, the patriarchal family, the reverence for antiquity, and a preference for symbolic rather than a substantive change in social customs. These core conservative social tenets contributed to the desire for change in symbolic rather than substantive social practice. The liberal reform project that focused on women's issues primarily contributed to the processes of cultural assimilation.

Concerned that industrialization might widen the gender gap and jeopardize the integrity of the family, the reformers of the 19th century worked to improve women's status through education and restricted property rights. The first writings on women's history in India emerged within the conceptual framework of nationalism, western liberalism, and positivist scientific thinking. Ram Mohan Roy's tract on *sati* in 1818 tried to prove that the burning of widows was not an ancient custom but a later evil that came to be practiced in the region where the widow had the right of inheritance.

During the time leading up to independence, the women's movement initially took the shape of a campaign for social reform. Learning English and having regular contact with people from the West contributed to the educated elite's assimilation of western ideals

such as liberty, equality, and fraternity during this period. The liberal ideals of the West were applied to the issue of women's rights, which resulted in the formation of the reform movement. The reform movements were inconsistent and displayed a great deal of diversity in terms of the concepts and adjustments to be promoted. Despite this, they did have a shared goal for eradicating societal ills, which was partly a reaction to the changes that the colonial rulers had brought about.

The intervention of the colonial state in the 19th century profoundly impacted the social structure of Indian society. Indian intellectual reformers who had access to western concepts and ideals could recognize this potential danger and take appropriate action. The Indian intellectual reformer, conscious of the force of colonial hegemony and reacting to western ideas of rationalism, liberalism, and civilized society at the time, looked for ways to oppose colonial hegemony by taking part in "culture defense," as K. N. Panikkar calls it. In other words, the Indian intellectual reformer sought to oppose liberalism, rationalism, and this cultural resistance that led to a peculiar situation. The reformers were motivated to create a new society that was both cutting edge and firmly entrenched in traditional Indian practices by the modern European concepts of reason and development.

To create a new philosophy free of all overt social aberrations—such as polytheism, polygamy, casteism, sati, child marriage, and illiteracy—which they saw as barriers to the advancement of women, they first investigated Indian society. They also sought to establish an ethos devoid of noticeable social abnormalities. The social reformers all believed that the standard of living during the 19th century was pitifully low in many parts of the world. Because of this, they concentrated on improving the status of women

in society as a whole through the adoption of laws, involvement in politics, and the spread of information (Rekha Pande, 2009: 118).

The prevailing patriarchal structure of society and gender roles were neither directly challenged nor questioned by the social reform movement. Only those problems were chosen for change that the British had identified as indicators of social degeneration in Indian society. Even the groups and institutions for women that arose at this time had no distinct ideology and just echoed what the males were saying. The impression was that these founding organizations were essentially the work of the reformers' wives and sisters. Without hesitation, the women's organizations embraced the reformers' prescribed course and scope of change. Because of this, even when women spoke up for themselves, they were only communicating in terms that were based on masculine parameters.

Men of privilege who had received a Western education saw women as submissive subjects deserving of a more compassionate approach. Therefore, rather than focusing on changing the anti-feminist social institutions, attempts were made to change the women. No efforts were made to alter the man-woman relationship or the existing power structures in society. It was unnatural because the shift in women's status was being sought primarily within the context of attacking patriarchy. To better match the newly emerging society, it was decided to create a new type of Indian woman, authentically Indian. It had the appropriate education and training in the values of the 19th century. As a consequence of this, the purpose of education for girls was not to prepare them for adulthood, independence, and emancipation, nor was it to prepare them for a specific vocation; instead, the goal of education for girls was to prepare them to be good housewives, the mistress of the home, and the health.

There was a need to re-establish and strengthen a cultural identity separate from the British colonizers, as well as a preoccupation with western ideals to imitate, absorb, or reject. This obsession with adopting, rejecting, or imitating western ideas was complemented by a strong desire to assert and reinforce a cultural identity unique from British culture. This paradox remained throughout the whole social reform movement. In addition to pursuing legal reforms as a means of bringing about change, education was seen as a crucial strategy for improving the status of women (Geraldine Forbes, 1981: 49-82). Women's education, which had just begun at this time, was seen as a means of producing suitable husbands for the male members of the newly formed westernized elite (VinaMazumdar, 1972). Women participated in equal measure in the fight against colonialism. Their participation in the battle was simply an extension of women's jobs around the house, despite leaders such as Gandhi actively encouraging them to participate politically. Only a few women were permitted to enter the front lines with the men, and those few who did talk of the feelings of isolation they experienced at times.

In India, women's responsibilities were being consigned to a more traditional way of life as a kind of resistance to the new values that colonization brought to India. The British Raj, in particular, is directly to blame for this. Women have always been seen as a symbol of tradition by which tradition is being reworked through the discussion of women's rights and their place in society (Kumkum Sangari and Vaid Suresh, 1989: 90). Because of this overall perspective of women, one of the first responses that are taken whenever culture is under attack is to demand that women continue to behave in ways that are more traditionally associated with them. Although the Indian Constitution forbade sex-based discrimination, there was little effort to advance the cause of women in the years that

followed India's independence. There was initial optimism that the egalitarianism, democracy, secularism, and socialistic modernization pattern would eliminate all social evils, including caste, religious fundamentalism, and discrimination against women. The liberal perspective focused on gender issues, including women's rights, emphasizing health, morality, nutrition, equality, security, and empowerment.

According to George Glynis, the women's patriarchal experience is not identical. Various categories of women have different constructions of their bodies based on the complex relationships between hierarchy, allegiance, and solidarity, as well as the struggle to define societal issues and articulate individual identities in the context of the dynamics of race, gender, region, class, and caste, as well as globalization (George Glynis, 2002). From childhood, women's bodies experience gender constructions. Girls acquire feminine qualities that complement men's superior masculine traits (Meena Gopal and Sabala, 2010: 43-51).

Women of middle and upper castes have to maintain their bodies as feminine in honor of the nation, family, and community. They should project their bodies are good for society. Otherwise, their bodies are projected as shameful, embarrassing, vexations, fearful and disgusting (Meena Gopal and Sabala, 2010: 44). The bodies of women from lesser castes or classes, in contrast, were shaped by deprivation, starvation, severe workload, and gender discrimination. Additionally, the image of their bodies is one of shame, pollution, filth, and impurity. These constructions of women are cemented by ideologies of motherhood, son preferences, notions of purity, and pollution by keeping them in captivity.

In India, they find that the category of sex before birth has been significant anxiety. If it is female sex, they kill it as unwanted sex. Ideas and actions of the men and women were mutually related, but women's opinions, innately incapable of reason, led to the denial of education. Because of the reason that they were denied education to them, women remained ignorant and devalued by men (Meena Gopal and Sabala, 2010: 45). The differences and inequality between women and men have been justified through biology as an entity (Meena Gopal and Sabala, 2010: 46). The binding effect of the notion of female and male sexes is the categorical differences that divide them into rigid categories. The masculine and feminine categories are taken for granted the different qualities of both males and females (Geetha.V, 2002:13). This contribution of the meaning to categorization leads them to mark and give value to sex (Geetha.V, 2002:16).

Marxist Perspective

Marxist feminists in the thriving socialist movements of the 19th and 20th centuries held wildly divergent opinions about the underlying causes of women's oppression and the strategies used to effect social change. Their way of thinking that contends with "the women question" requires a more comprehensive theoretical framework. Accordingly, their conceptualization of women's question includes labour divisions within capitalist industrial production, unequal physical and social reproduction roles maintained by customs and kinship systems, and modes of circulation, trade, and exchange. Thus the laws of bourgeois and feudal regimes solidified unequal relations, and a more comprehensive theoretical and conceptual framework is needed to understand "the women question fully." The proponents of this position emphasize the need to overthrow capitalism and establish socialism as its alternative as a necessary step toward the

emancipation of women. They say this is necessary to establish more egalitarian gender relations.

Marxist perspective reveals that women's oppression was relegated to a second-order problem that would automatically vanish after the advent of socialism. This assumption emphasizes the relationship between communist organizations and women's struggles. Thus, scholars and activists worldwide have noted how Marxist movements and ideas opened up new spaces for women's political participation, personal emancipation, and social transformation. In India, socialism and communism were from the very beginning intertwined with nationalism and anti-colonialism and committed to India's freedom, a classless society, and gender equality. Marxist women maintain that their struggle is not a feminist movement that directs the fight against men but against the social, economic, and political institutions that exploit men and women. Marxists aim to attain women's fundamental dignity and win their rights as mothers, workers, and citizens, inseparable from the struggle of toiling people for democracy, secularism, socialism, and peace.

Feminism, according to Marxists, is a byproduct of Western capitalism's decay and has nothing to do with the oppressive conditions women face in the third world. This viewpoint contends that it is an ideology exclusively held by the female members of the local bourgeoisie. It distances the women from their obligations to their families, customs, cultures, and religion and from socialist and revolutionary movements for national liberation.

The Communist Party of India's (CPI) women's front, the National Federation of Indian Women (NFIW), worked on gender and women's issues. As a result of the work done by communists, working women were organized, the first women's organizations were

created, including disadvantaged women from both urban and rural areas, and women's rights to own property and get a divorce were promoted. Many independent feminist organizations battled the pervasive sex-based discrimination in the late 1970s and early 1980s in a dispersed way and without the backing of any centralized organization. In a society like India, which is made up of different cultures and social levels and where women are never categorized into one group. Marxism might be said to have served as the movement's overarching political doctrine and language, and a brand new climate of cultural radicalism emerged as a direct result of this. One of the first actions taken as part of this movement was an effort to break the taboo and call attention to the various forms of torture, brutality, and humiliation that women are subjected to daily, as well as individual and group attacks. These movements gradually began protesting against the expanding authority of governmental apparatus and the family, the government, and larger society. In addition, this category includes acts of gender-based violence such as rape, assassination for dowry, and other forms of personal and public violence.

The Communist Party of India (Marxist-Leninist), which started a violent struggle against oppression during the People's War, led to land conflicts in the Telangana region and the eastern part of Andhra Pradesh. Women in these areas were also active participants in these struggles. Women participated actively in the peasant insurrection that occurred in Telangana from 1947 to 1951. Both rural and tribal women joined guerrilla groups and engaged in violent resistance. Poor girls from peasant backgrounds enthusiastically participated in the festivities. It was astounding how much of a role women played in the conflict at Srikakulam.

The Shetkari movement, which Sharad Joshi and the Shetkari Sangathan spearheaded, held the view that violence against women was the most important driving force behind the progression of history. It contributed to a radical viewpoint by connecting it to problems faced by women. It saw the liberation of both women and men as the beginning of the awakening of women's power. In the words of Gail Omvedt, "in orienting women's struggles on the issue of political power and in arguing not merely for participation but even the leadership of women in the general revolutionary movement, Sharad Joshi has more than the radical feminist or traditional Marxist trends-articulated the needs and force of the awakening rural women"(Sarbani Guha Ghosal, 2005: 793-812).

According to leftists, it distracts from the more critical class battle or the fight against Western economic and cultural imperialism. Uma Chakravarti, who worked extensively on women's questions from a Marxian point of view, critically examines women's exploitation in society by raising the questions. How the entire manufacturing process is organized, who controls the vital resource of female sexuality, and what ideologies sanctioned and legitimized such control are among the questions that need to be addressed (Chakravarti Uma, 2003: 25-37). She claims the caste system is used for enlisting and maintaining control over women's sexuality and labour. She also thinks that men were the ones who developed this system. The caste system is also responsible for creating the social hierarchy of labour (Chakravarti Uma, 2003: 25-37). Under the caste system, women are expected to uphold a reputation for chastity. One more fundamental aspect of the caste system is its command and control over the labour performed by women. A daughter or a wife might be considered a commodity or a property (Chakravarti Uma, 2003: 25-37).

Contributing to the publication titled "Marxism, Feminism, and Caste in modern Indian," Nivedita Menon says that "it is impossible to think through Marxism in India without considering caste. This realization is relatively recent for the left and feminism because their politics were in a secular modernist paradigm that rendered caste illegitimate. However, the growing assertiveness of Dalit Bahujan politics over the past three decades has forced a recognition of the caste privilege engrained in what was termed as modern secular politics"(Nivedita Menon, 2019). Menon says that the "operative feature of caste that makes it central to any Marxist theorizing is that like race elsewhere, caste determines labor in India, and the laboring body is marked indelibly not only by gender but by caste"(Nivedita Menon, 2019).

CHAPTER-II

HINDU SOCIAL ORDER AND WOMEN: PERSPECTIVES FROM THE BELOW

The mainstream perspectives are primarily related to elite sections of Indian women. They do not touch upon various aspects and dimensions of the lower castes/classes of women who constitute the majority of women in Indian society. The role of these marginalized lower caste women in the social reform movements and their significant participation in the national struggle has been overlooked. As a result, lower caste women's lives and conditions and how they responded to changing historical events have been continually understudied throughout history. Throughout history, the role of the marginalized has always been pushed to the margins despite their significant play in changing history. The status of women belonging to higher castes or classes was always in the limelight and presented as a more significant problem. In contrast, the status of women from lower castes or classes was dismissed as trivial.

The 19th-century social reform movements concerned a few inherent problems of Hindu women, such as the mistreatment of widows, the practice of purdah, and the expanding gender disparity in education, which had little bearing on the vast majority of lower caste Indian women. These lower caste labouring women actively participated in India's agricultural, industrial, and commercial economies, and the rights and responsibilities of these women were primarily determined by the customs of their communities or locales, unlike the dominant caste women who were subject to certain restrictions based on the caste purity and pollution. As a result, these labouring women enjoy much more freedom than the women belonging to the higher castes and classes, whose lives were determined

to a much greater extent by the Code of Manu (Leela Kasturi and VinaMazumdar, 1994: 205-206).

Although there is an enormous growing body of literature on India's gender question and women's problems among academics from a wide range of fields around the world, the scope, and range of these studies, in particular over the last two decades, have been distinguished by their depth, breadth of coverage, specific thematic topics, and discernibility. Women's agency, studied via the dual dimensions of the issue of consciousness and resistance among Indian women in the colonial period, has been sufficiently emphasized. However, the matter of lower caste/class or dalit women has not adequately captured the interest of scholars working in the field. Even though these academic accounts make substantial contributions to gender studies, the lower castes women's agency has not received enough attention from the same academics, and exceptions are here and there.

Mainstream scholars have looked at the status of women in Indian culture either as a part of more general studies of India's social and cultural history or, more specifically, to follow the changing role of women in colonial India. These works fall within the mainstream's social history or cultural history. Scholars of this caliber have argued, from the dominant point of view, that social reform initiatives developed and implemented by Indian males and the colonial state were responsible for the gains in women's position after the 19th century, rather than intentional efforts on the side of Indian women. According to them, this process started in the 19th century and went well into the 20th. In addition, Indian women were stereotyped as a single, oppressed entity and reduced to the

status of passive beneficiaries of their men's cultural awakening due to exposure to Western ideals.

Contrary to the mainstream perspectives, women's inequality is attributed to cutting across class and caste. The subjection of women, which took the form of limitations on their lives, vocational, marital, and other relationship options, was noted by Jyotiba Phule in the 19th century as an "important instrument" for preserving caste hierarchy and brahminical domination in Hindu culture. Women's lives were restricted, and they were given fewer options for careers, marriages, and other types of relationships due to this subjection. The most glaring illustration of the predominance of elite attitudes is found in historians' attempts to draw a link between women's participation in the conflicts and women's education or the social reform movement. The mainstream historians have ignored the problems of women from the peasant and under classes who actively participated in the various struggles. The most effective way to illustrate how elite perspectives undermined the lower caste problems is to study the lower caste women from a different point of view, the perspective from below. What is the perspective of women from the below? How and who articulated it? What are the changes that brought into their lives? How did society react? In this context, the present chapter would like to discuss the problem of women in Hindu society from an alternative perspective articulated below.

Historical Background:

The formulation of egalitarian Pan-Indian utopia started with a mass following anti-caste intellectuals led by the Gautama Buddha in the sixth century B.C against the Vedic-brahmin tradition of domination and discrimination. The Vedic brahmin religion wanted

to establish a permanent rule keeping the masses in perpetual ignorance and subjugation, using the caste as the main instrument through sacred scriptures and religion to avoid the backlash from caste oppression. The perpetrators of the caste system followed the policy of dividing and ruling in graded inequality with caste hierarchy. With these forms of discrimination, the caste system kept the victims of institutionalized discrimination.

The social structure of Indian society is the structure of the caste system. Caste is nothing but a sub-division of class (Varna), which forbids commonality, intermarriages, and inter-dinning of the people belonging to other castes. It ordains the social exclusion of one on others. Manu, the Hindu lawgiver, identified particular occupations for each caste and categorized them based on their social status. They have to discharge their duties. The brahmins were prioritized in the four-fold varna classification, and the remaining three classes were offered a status below the brahmin and isolated from the shudras. The shudras were more segregated based on occupational status (Ilaiah Kancha, 2000: 160).

The most disadvantaged were shudras, ordained to serve the other three classes in this categorization. According to Manu, sub-castes emerge within the shudras resulting from misbehavior with upper castes and the brahmins. It imposes the rules on the rest of society (Ilaiah Kancha, 2000: 86-87). Against this victimization, social mobility took place in ancient India with heterodoxies of many kinds. Mobility especially started from shramanic leaders who represented an ideology of social inclusion (Mani Braj Ranjan, 2008: 85-86). These socially inclusive ideologies bypassed the Vedic gods and beliefs accorded *Chattaro Vanna Samama Honti*, which means all the four castes are equal, against egalitarian and hierarchical principles.

Sixth century B.C witnessed many challenges in society: Jainism and Buddhism represented the most potent challenge to the Vedic- brahmanism. The brahmins wanted to establish their supremacy. On the other hand, there was the movement against brahmanism with an ideology challenging the infallibility of the Vedas, the existence of brahmins, the claims of the brahmanic priesthood to higher knowledge, and superior status through divine intervention.

VardhamanaMahavira, the celebrated founder of Jainism and contemporary to Buddha, viewed self-mortification and sexual abstinence as the main principles of Jainism. Jainism upheld the idea that the purification of self was achieved through asceticism, non-violence, self-mortification, and celibacy. However, it could not present a viable and coherent socio-religious alternative to Vedic-Brahmanism. However, Jainism's lukewarm criticism against the caste and its philosophy of individual austerities was unsuccessful in enthusing the ordinary person. It could not capture contemporary society's mass imagination (Mani Braj Ranjan, 2008: 88).

Gautama Buddha on the Caste and Women:

Gautama Buddha was the first anti-caste intellectual in India who voiced against the caste system of the Hindu religion and its oppressed methods for the suppression of lower caste people. He gave a clarion call for suffering humanity to cultivate compassion and understanding. His main challenge was the caste and its system of oppression and discrimination and the socio-religious structures supported by the Vedic sacrifice and superstition, discriminatory deities, rituals, and Upanishads. Buddha's constant emphasis on *Prajna* combined with *karuna* and *samata* evolved a new human character and personality in Indian society, based on the principle of *BahujanHitaya and*

BahujanaSukaya(good of the many, happiness of many)”(Varma B. Chandra, 2011:55).His acts of compassion became a rallying point for the oppressed, unprivileged, lower castes, and women. Buddha analyzed that social hierarchies and divisions based on occupation developed at a particular stage in social evolution but were not divinely designed.

Buddha discarded casteism and clannism, which he perceived as divisions that hindered social and spiritual progress (Varma B. Chandra, 2011:83). Buddha was a social revolutionary and crusader against caste, which had no place in his order. He claimed that emergent forces of caste and Brahmanism were dangerous and destructive. Buddha attacked Brahmanical hegemony and changed power equations through ideological rather than military means. He developed an antipathy to brahmins who officiated sacrifices and Kshatriyas ordering them. Buddha rejected animal sacrifices and emphasized animal non-injury, which assumed a new significance in agriculture(IlaiahKancha, 2000: 162). In Buddhism, the gospel of deliverance is not confined to the high-born but the welfare of many people. As a social reformer, Buddha broke the chains of the caste system and won the confidence of the poor(IlaiahKancha, 2000: 168).Buddha said that discrimination in society should be on one's deed but not on one's birth. He believed in the principle that slavery and untouchability to be eradicated. Buddha's creative political ideology can be seen through the anti-caste preaches and these principles into practice in Sangha. Buddha resisted the caste attempts of kshatriyas, who thought to mold Sangha into a kshatriya clique against the brahmins, and admitted all castes into Sangha.

Buddha first recognized women as equal to men in Indian society. He took a corrective and alternative position to orthodox Hinduism to reverse the Hindu dispensation of

women. According to the Hindu religion, women did not provide any scope to renounce household life. The general criticism against Buddha was that he could not immediately consider admitting women into Sangha life due to patriarchal culture. The Buddha's record literature on women brings out that famous dialogue between Buddha and Ananda, a disciple of Buddha, about the admission of women into the Sangha. The discussion reveals that Ananda convinced the Buddha to include women in Sangha's life. However, it has been said that the Buddha explained to Ananda that the Sangha's clean code would have survived for a thousand years if women had not been granted permission to leave their families and enter the homeless state. Still, the system may last only five hundred years because of their admission (IlaiahKancha, 2000: 93). He compares women's admission with the milder disease in a rice field (IlaiahKancha, 2000: 94). When he agreed to admit the women into Sangha, he laid down the eight rules to follow and did not overpass their limits and was the first to identify the women's dignity in common with the men. He took a revolutionary step to admit women into Sangha, where Hinduism completely subordinated the women, but challenged orthodox Hinduism women's admission into Sangha and liberated them from household drudgery (IlaiahKancha, 2000: 94).

Buddha recognized that women possess the constitutional right to become members of the Sangha. He prevailed upon the Sangha to recognize women's rights and hold leadership positions. Buddha taught that women are capable of developing their sense of self and independence even in the absence of support from men. He debunked the widely held belief that one must have a sizable family and male offspring to be saved. He was the first to know the significance of women gaining an education and participating in political life

(Jondhale Surendra and Johannes, 2004:188). Buddha called women with “Arise, Commence a New Life,” women willing to rise in defense of their self-respect(Jondhale Surendra and Johannes, 2004:188). The fact is that women themselves took the initiative to join Sangha. In the sangha assembly, the bhikkhunis were granted the right to move resolutions on women's admission, and the right to lead and initiate upasampada was given to women in Sangha.

The Sangha adopted the democratic system that extended to women, and they had a right to vote like the male Sangha members. Buddha consciously viewed that women should lead a self-confident life. Buddha was interested in developing women as leaders, and he used to send women to initiate upasampada through learned and competent bhikkhunis as a messenger(Jondhale Surendra and Johannes, 2004:189). We are in a position to assert that the establishment of the Sangha and the incorporation of women into the Sangha made it possible for women to take advantage of several possibilities to improve their social standing. Women who were degraded by society and their own families gained respectability through practicing Buddhism (Jondhale Surendra and Johannes, 2004:189). Because membership in the Sangha was open to everyone in society, even the reviled prostitutes, many of them decided to join. A handful of these renowned ladies who enjoyed a high reputation in sangha society are Arthakasi of Kasi, Padvathi from Ujjain, and Ambapali (Amrapali) of Vesali (Jondhale Surendra and Johannes, 2004:190). Buddha believed that women also could attain knowledge. Through this knowledge, they can achieve nirvana for life. He did not prohibit pregnant women from Sangha life. Buddha expressed his views on marriage that it should not be perceived as a man and woman living together to produce offspring. However, the family and marriage should be seen as

spiritual necessities and social obligations(Jondhale Surendra and Johannes, 2004:190). Hindu society made sharp criticism against Buddhism that those women joining Sangha were immoral.

Contrary to Hinduism, Buddhism did not recognize pregnancy and childbirth as immoral acts or obligations(Jondhale Surendra and Johannes, 2004:191). According to Buddhism, prostitution and extra-marital issues were not issues of virtue, which Hinduism considered morality. In fact, for Buddha, family and marriage were hurdles in attaining freedom. According to Buddha, political and spiritual freedom was more important for men and women's obligations(Jondhale Surendra and Johannes, 2004:191).

Bhakti Movement and Women's question:

In India, low caste men and women started the Bhakti or devotional movement to express their anger on social inequalities through religious activities. In this movement, the toiling classes/castes played an important role. Most are drawn from untouchable castes such as leatherworking and polluting jobs. In this, the leading persons were called 'Sant-poets.' They used to compose songs and hymns to express their experience in society. These saints were not recognized by mainstream religion, but the ordinary people welcomed them because these saints were drawn mainly from the lower classes. They attracted many lower-class laborers and many of the masses through their songs(Omvedt Gail, 2003: 186). These individuals of a lower social class or caste voiced their opinion that the religious uprising was a product of profound caste innovation and exploitation.

Buddhism influenced this bhakti movement, and we can say that both movements are called 'protestant movements' against orthodox Brahmanism(Omvedt Gail, 2003: 186). The 20th-century Dalits and non-brahmins intellectuals interpreted the bhakti movement

as the radicalism of the saints against traditional Brahmanism. Within this religious uprising, saints were the representatives of songs and poems that articulated brahmin domination and the conditions under which saints lived (Omvedt Gail, 2003: 187). One of the critical personalities in the Bhakti movement is Nandanar (660-842 CE), whose life was known from *Periyapuranam*, the definitive work of the 12th century. Through this, we can find that he was a humble, law-abiding devotee of Lord Shiva. He performed traditional duties in the temple, not inside but outside the temple. Nandanar belonged to *purattondan*, one of the Dalit caste who served the temple by singing and dancing about the lord Shiva but remained outside the temple (Omvedt Gail, 2003: 190).

Another important saint in the 15th century was Ravidas from north India, who belonged to the chamar or leatherworker caste. His bhajans and songs conveyed a yearning for a society devoid of suffering, governmental control, and private property. He referred to Began Pura, also known as Queen City, as camaraderie with all people (Omvedt Gail, 2008: 104). The Adi-Dharma, a radical anti-Hindu sect founded in Punjab, takes Ravidas as a non-Hindu and anti-caste leader and the founder of the independent religion. He defeated the Brahmins with debates expressing the desire for equality. Kabir (1440-1518 CE) famous north Indian saint, born in a low caste weaver caste in Banaras, raised his voice against caste discrimination and hypocrisies of Brahmins in India. Kabir shows the tradition of solid enmity with Brahmins and reciprocal. He was Nirguna Bhakta who opposed to the sagunabhaktas. Kabir expressed that he is searching for action that will not lead to a rebirth of human beings (Omvedt Gail, 2008: 104).

Mirabai (1498-1546) first women saint in India. Her life and songs critically reflected the patriarchal hold on women's lives in India. She says that women are bound up with a

different household from men. Because of this patriarchal situation, they joined Buddha, who expressed egalitarian society without discrimination. Hence women joined the Sangha. In the past, it was common for women's sants to forsake their families and to practice for them to claim their love for God as an apology or substitute for their love for their husbands (Omvedt Gail, 2003: 198). Mirabai was a princess of the Rajput dynasty who is known for emancipating herself and her spouse from their house and traditional roles within the Rajput culture. Mirabai selected her guru from the lower caste, sant Ravidas. After taking renounce from her home, Mirabai did not seek shelter from wealthy families of Rajputs. Instead, she sought safety among the dalit communities of Rajasthan, primarily comprised of weavers and other low caste populations. She found new life with toiling people by respecting manual labor and revaluing them, whom the Brahmins consider polluting. Mirabai is a rebel and a symbol against the patriarchy and casteism in medieval India (Omvedt Gail, 2003: 200).

The well-known Varkari movement served as the vehicle for the Bhakti movement in Western India, particularly in Maharashtra. This movement was centered on the Vithoba, also known as the "black God of Pandharpur," rather than Shiva or other manifestations of Vishnu (Omvedt Gail, 2003: 200). Similar to the Bhakti movement, the Varkari movement included both men and women from a range of various backgrounds. A reform bhakti movement was launched in the 13th century by Namdev, a tailor, and Dnyanshewari, a brahman. His father had castrated him for forsaking the life of a sanyasi to return to domestic life. Due to their deeds, both of these men were banished from their castes (Omvedt Gail, 2003: 200).

Chokhamela (14th Century) is another critical lower caste saint-poet from Maharashtra. He belongs to Mahar's untouchable caste, who protested against caste discrimination (Omvedt Gail, 2003: 201). Perhaps Chokhamela is one of the earliest marginalized protest voices against caste discrimination. Chokhamela acknowledges Namdev is his guru and his family seems to follow the traditional work of Mahars. Chokha believes, like other Bhakti saints, that social position cannot hinder attaining spiritual freedom. Chokha lived near Pandharpur and wrote his devotional songs, known as *Abhangas* (Zelliot, Eleanor, 2013: 53). Ekanath (1533-1599), a brahman devotee, had a progressive attitude on caste issues and his songs reflected the voice of an untouchable Mahars. Many of his songs are critical of false claims of brahmans and devotees. Eknath's orientation towards untouchables is paternalistic, unlike Kabir, who attacked Brahmanic rituals or the Vedas (Zelliot, Eleanor, 2013: 198).

Tukaram (1608-1649) flourished in the 17th-century bhakti devotional in Maharashtra with an excellent poet. Tukaram, through his *Abhangas*, attacked Brahmanical hypocrisy. His *Abhangas* remarked that it was fortunate that he became a Kunbi since it protected him from dying an arrogant hypocrite. Because he had spent his entire life rebelling against caste discrimination and brahmanic authority, he was passionately opposed to all forms of religious deception, including arithmetic, preachers of Vedanta, members of Shakta, or goddess cults, magicians, and all other forms of hypocrites. Tukaram was a brahminical opponent and a social rebel who fought against brahminical dominance (Omvedt Gail, 2008: 109-133).

Mahatma Jotirao Phule on the Caste and Gender:

Jotirao Phule (1827-1890) was the first person in modern India to launch an anti-caste movement to liberate oppressed men and women. Phule grappled with all crucial societal questions like caste, religion, politics, education, language, literature, history, mythology, gender question, mass poverty, the state of agriculture, and cultivators. Phule struggled for the freedom of long-suppressed humanity as a social revolutionary and presented a social and cultural analysis of fiery critical of domination (O'Hanlon, R, 2002: 28). He pointed out the historical and materialist critique of caste and Brahmanism in India. Phule wanted to rebuild Indian society. For this, he has followed a multi-pronged struggle on the principles of justice, equality and reason. Jyotiba Phule, who came from a very different social background and had a very different perspective than the mainstream social reformers, was one of the first people to push the analysis of the interrelationship between the subordination of women and the maintenance of the caste hierarchy far beyond the mainstream social reforms.

Phule was aware of the fact that the subjection of women played in preserving the existing structures of hierarchical order. Phule and his wife Savitri Bai have worked honestly towards the emancipation of women, and they adopted a far more radical stance. In his opinion, Mahatma Phule believed that Brahmanism is the ideological and institutional framework in India that allows one particular caste to maintain its monopoly on knowledge and power. It excluded, divided, and dominated other groups in society (Omvedt Gail, 2008: 251). Phule called this knowledge *Tritiya Ratna* means 'third eye' to end brahmanic hegemony in society. To defy the high caste backlash, Phule started school for untouchable women in 1848 in Pune (Singh H. M, K.C Koushik, and

S.R Sharma, 2008:57).Phule thought that the essential aspect of the movement was widespread education.Through the knowledge, the forces will generate to sound the death knell of the older and emancipate the subjugated(Singh H. M, K.C Koushik, and S.R Sharma, 2008:82).He established more schools between 1848 and 1852, admitting girls from all castes. In 1852, the education department lauded him for his accomplishments in the field of education; the following year, in 1855, he also established a night school for employed individuals during the day. In 1860, he became involved in a movement advocating for the remarriage of widows, and in 1863, he founded a home for the mothers and children of people who had illegitimate offspring (Singh H. M, K.C Koushik, and S.R Sharma, 2008:205).The 19th-century social reformers tried to build positive public opinion on issues like "*sati*, widow remarriage, child marriage, and women's education." However, their activities were apparently of high caste prejudice, unwillingness to step out from the Vedic-Brahmanism, and their approach was paternalistic, caste-bound, and Brahmanic. As an anti-caste crusader, Phule presented that women are in common with oppressed castes men as Brahmanical victims compared to others(Rao Anupama, 2003: 164). Under Brahmanism, women were treated inferior irrespective of their caste and class.

Mahatma Phule accorded that denying the right to education to women and toiling castes was the main reason for the backwardness of Indian society. He was the forerunner of female education and women's rights and was unique in asserting equality between sexes. According to Phule, the end of the Brahmanical system was to ensure the patriarchy inherent in the caste system, through which subjugation of women took place. Reinterpretation of the past and exploring the caste as a hegemonic cultural system, thus

the Phule emerges as a trenchant critic of Brahmanical patriarchy (Rao Anupama, 2003: 165). Believed in gender equality and equal common human rights for men and women, Phule was the first among the 19th-century social reformers to stand outside Brahmanical patriarchy (Rao Anupama, 2003: 167). The rejection of the caste system and Brahmanic Hinduism enabled him to adopt a more radical approach to gender inequality than his contemporaries. Phule questioned the dominant existing unequal and unjust system, especially the treatment of women in sati and widowhood. Women's sacrifice of their life when their husband dies leads to widowhood for the rest of their lives (Rao Anupama, 2003: 167). However, earlier with the custom of *sati*, the women even burnt themselves on their husbands' funeral pyres. He asked, 'Has anyone ever heard of a man burning himself alive in the event of his wife's death and becoming a male-sati?

Phule expected that the traditional family and marriage must change in the light of reason and gender justice. The new marriage rights are expressed in *Sarvajanik Satya Dharma Pustak* on man and woman equality. He was the first to draw attention, in fact, to the labor of the young bride, who is used as bonded labor by the family in which the girls marry. Jyotiba Phule firmly believes that the main reason for the subordination of women in India is her exclusion in pursuit of knowledge. Phule accorded that education was the primary resource to liberate women from oppression (Rao Anupama, 2003: 276). He and his wife Savithribai established the first school in 1848 for untouchable girls and set up 18 schools between 1848 and 1852. His educational campaign was consternation among the conservative Hindus, which resulted in insults and abuses of Savithribai while teaching in these schools (Rao Anupama, 2003: 276). From the 1860s onward, Phule actively

participated in the cause of widow remarriage, outlawed the practice of child marriage, and, in 1864, organized the remarriage of a brahmin widow (Rao Anupama, 2003: 277).

For the pregnant brahmin widows, the victims of child marriages, Phule started shelter in his compound in Pune, publicly advertised by pasting a poster in the brahmin localities. Phule wanted to save widows and prevent infanticide, suppressed under the upper caste gender codes and enforced widowhood (Rao Anupama, 2003: 277). Phule and Savithribai protected the vulnerable and frightened pregnant women and assured them that their children would be taken care in all fronts. The greatness of Phule's humanism was realized in his anti-caste movement recorded in 1873. A brahmin widow had given birth to a boy called Yeshwant in the orphanage, whom Phule and Savithri adopted as their son (Rao Anupama, 2003: 277).

In his *Shetkaryacha Asud* (the Cultivators Whipcord), Phule expressed dissimilarity between toiling class women and upper-caste women. According to him, the lower caste women work in the home and the fields. In contrast, the brahmin women work only at home and lead a relatively comfortable life compared with inferior women. The only force that has any effect on brahmin women is the power of brahmin men. In contrast, men from upper castes and working families influence women from lower castes. The labouring women experience a double crushing as a result (Rao Anupama, 2003: 175). Like brahman men, the brahman women despise the toiling woman as inferior and address her by various disparaging names.

Phule linked the women's subordination with the structure of caste and patriarchy and said that the caste and gender hierarchies are interdependent. These two categories safeguard the caste system through the highly restricted movement of women or female

seclusion (Rao Anupama, 2003: 175). Phule openly supported the feminist pioneers like Pandita Ramabai and Tarabai Shinde against attacks from the male orthodoxies of the strips (Rao Anupama, 2003: 175). In '*Satsar-the Essence of Truth*', he argued that Ramabai, as a truly educated woman, saw herself as the discriminatory orientation of shastras against lowered caste masses and women and rightly decided to break away from the 'tyrannical religion.' Phule also intervened and presented a stirring defense to Tarabai Shinde, arguing that women of the non-elite caste were far more oppressed than oppressed caste men (Rao Anupama, 2003: 176).

Narayana Guru's views on Caste and Gender:

Anti-Caste intellectual voices from the lower communities demanded equality and justice, not for a few but for all. One such voice came from Kerala known as Ezhavas, who belonged to toddy toppers in Kerala led the movement in the year 1800, claiming equality, and tried to enter into the famous temple 'Vaikom' challenging the 'sacred tradition' of Brahmans (Rao Anupama, 2003: 301). Narayana Guru (1854-1928) is one of the great liberators of the lower caste community in Southern India. Guru, a multi-faceted moral warrior, believed in true spirituality that could flower only with a harmonious and pleasant atmosphere. The conditions that prevailed around the community during his days appalled him. In the mainstream traditional religion, there was widespread misery, ignorance, and negation of fundamental human rights to the vast majority of the people. After seeing this, he wanted to subvert the Brahmanical hierarchy by debrahmanizing temples, ashrams, and academic institutions (Rao Anupama, 2003: 301).

However, this lower caste protest was counterattacked, and even they were brutally killed and buried in the corner of the temple compound (Rao Anupama, 2003: 302). It is said

that this was the first incidence that was recorded in modern India of agitation against civil and religious disabilities (Rao Anupama, 2003: 302). In the first half of the 19th century, there was a running battle between Ezhavas in Kerala and counterparts in Tamil Nadu, with higher castes asserting the right of women to wear blouses known as the breast-cloth controversy (Rao Anupama, 2003: 302). In Kerala, women's partial nakedness is the mark of respect to dominant castes. The lower castes waged a protest struggle against this custom (Mani Braj Ranjan, 2008: 297).

Though present Kerala has become the model of a progressive state with a hundred percent development in literacy, and human development, history reveals that it was a hotbed of appalling backwardness, the practice of untouchability, and unapproachability. The lower caste people were subjected to these conditions' most degrading and dehumanizing practices. The most notorious practice of 'teendal' or 'distant pollution' was the lower caste people's sub-human and reflective status (Mani Braj Ranjan, 2008: 300). The Ezhava community in Kerala is regarded as the other backwardness caste. Historically, they were no better than untouchables and suffered from various social and cultural disabilities. Their living conditions were equal to untouchables, and they were not allowed to use standard water tanks and wells or roads and bridges near upper-caste homes and temples. Women's condition was deplorable in this community that they were not allowed to wear any upper garments to cover their breasts. They were subjected to bonded labor, forced to render free services to higher castes, denied the right to enter public schools, and kept away from administrative services (Mani Braj Ranjan, 2008: 300).

K. Ayyappan (1889-1969), one of Guru's contemporaries, was an agnostic and a thoroughgoing radical. He is credited with changing Guru's slogan of "one caste, one religion, and one god for man" into "no caste, no religion, and no god for mankind."Guru felt there should be a powerful secular body to reach out to the masses, for which he wanted to set up an organization called the 'Sree Narayana Guru Dharma ParpalanaYogam,' popularly known as SNDP, in 1903. The central idea of this society was empowering the backward and oppressed communities. This society was open to everyone without caste distinctions (Mani Braj Ranjan, 2008: 304).

Dr.Palpu (1863-1950) was the first graduate of the Ezhava community. However, he could not get any government job because of his caste. Palpu demanded the removal of social and cultural disabilities against lower orders. He started campaigning for lower castes to enter public schools and employment in civil services. However, his request was turned down, saying that Ezhavas should not aspire for education and government jobs (Mani Braj Ranjan, 2008: 304).Dr. Palpu and KumaranAsan played an essential role in the organization's women's conference. In 1905 the industrial exhibition was conducted for the votary of science and technology (Mani Braj Ranjan, 2008: 305). The activities of SNDP forced the Dewan of Travancore to throw open the school at Haripat to Ezhavas in 1903. However, the Nayar, the dominant caste in Kerala, attacked the Ezhava community and boys who were going to school and robbed the houses of Ezhavas.

The struggle against discrimination through SNDP resulted in the educational right to lower caste people. With the efforts of SNDP, several lower caste organizations were springing up and promoting education to their men and women. The spread of education to depressed classes came through people's efforts. They did not wait for Sarkari's

(Government) action (Mani Braj Ranjan, 2008: 305). The leaders of society consciously concentrated on breaking the barriers among castes. The poem 'Duravastha (the deplorable condition) brings the inhumanity of the caste system and describes the people of Mappilla who converted to Islam to escape the caste atrocities in the higher Hindu religion. He accorded inter-caste marriages between higher and lower caste and suggested a marriage between Nambudri woman and Pulaya man, through which casteless society should be achieved (Mani Braj Ranjan, 2008: 307).

The SNDP recognized that Buddhism is an antithesis to discriminatory Hinduism. However, some of the activists of SNDP took the stand to fight within the Hindu fold. Like Phule, Iyothethass, and Ambedkar, other anti-caste intellectuals firmly believed they would not attain dignity and equality as long as they remained in Hinduism. One of the followers of the Guru is K. Ayyappan, who started a magazine called Yuktivadi (The Rationalist) in 1925 (Mani Braj Ranjan, 2008: 307). Another essential movement began in 1934 with which E. Madhavan was associated. He wrote on 'SwatantraSamudayam,' which stressed the rejection of all religions and the need to restructure society and economy on modern and egalitarian values (Mani Braj Ranjan, 2008: 307).

The SwatantraSamudayam attacked the institutionalized religion and caste-ridden Hinduism. As an alternative movement, it propagated that religion is responsible for changing man's ideas, which gravely harmed man's progress. SwatantraSamudayam movement also fought for the advancement of science, education, freedom of expression, and peaceful co-existence of the people in the society. The SwatantraSamudayam articulated that the institutionalized religions, like Hinduism, promote evils like disenfranchisement of women and the lower castes (Mani Braj Ranjan, 2008: 309).

IyotheeThass on Caste and Gender:

IyotheeThass (1845-1941), the Dalit Siddha physician, challenged the caste and played a leading role in the anti-caste movement in Tamil Nadu. Untouchables in Tamil Nadu were treated like slaves by the brahmans and landlords in the coastal region. The untouchable sub-caste, called vellalas, specialized in ritual specialists and were known for their priestly performances. IyotheeThass coming from this sub-caste of untouchables, emerged as an influential anti-caste thinker and activist and has become the renowned spokesman for the historical vision of Dalit liberation. Before Ambedkar, he revived the ancient religion of Buddhism (Mani Braj Ranjan, 2008: 67). Thus, the Dalit-based movement started to challenge the caste system, and interestingly they have not identified with the ancient Tamils, but they were forerunners of Buddhism(Omvedt Gail, 2008: 186).

The struggle to eliminate caste-based slavery was the movement's most essential component. The early indigenous culture of peace and wealth destroyed by Aryan incursions was portrayed in Thass, who resembled Mahatma Phule of Maharashtra. The Aryan attacks aimed to seize control of the local culture's most prized symbols. These attacks were carried out by infiltrating the native community. According to his theory, the invaders, the Aryans who brought Vedic laws and regulations, came and conquered the land not by using brute force but rather via cunning and stealth. He asserted that the original people who lived in India were followers of Buddhism (Omvedt Gail, 2008: 195). They asserted that they were "Brahman" and that they were the creators of the Vedas, which are considered to be religious literature. Consequently, they quickly spread the notions of birth ascription and caste.

Iyothē Thāss argued that the brahmins accessed through the ideology of caste while appropriating the indigenous people's names and symbols by sowing seeds of discord through fabricated literature. He saw the Dalits as the most remarkable Buddhist resisters of the Aryan infiltration. He never referred to the terms Dalits that 'paraiyars' or modern terms like 'panchama' or any caste terms. Subaltern masses never accepted the caste, but Hindu and Brahmanism used names that indicated the caste. Thass has interpreted Buddhism as an equalitarian and rational religion. He discovered the great men and women of the Buddhist past who became the popular folk gods and goddesses of Tamil Nadu (Omvedt Gail, 2008: 196). Phule's Satyashodak Samaj and Iyothē Thāss's Sakya Buddhists organization both imagined a utopia that can be seen in more concrete and historical terms in the creative acts and propagations of many anti-caste intellectuals.

Periyar E.V Ramasamy on Caste and Women's Question:

E.V. Ramasamy Naicker (1879-1973), popularly called 'Periyar,' launched the 'Suyamariathaiyakkam' known as the Self-Respect movement in 1926 to democratize Tamil society. The political agenda and central theme in the self-respect movement is women's emancipation. Periyar attacked inhuman and unequal institutions like religion, caste hierarchy, and patriarchy. Periyar's self-respect campaign focused on the essential tenets of patriarchy, monogamous families, and chastity ideals imposed on women (Sarkar Sumit and Tanika Sarkar, 2007: 115). Periyar's critique of gender advanced to persuade women to rethink their attitudes toward love, marriage, and motherhood (Geetha. V, 2002:114).

Periyar strongly advocated women's education by directly attacking the patriarchy. According to Periyar, the present education system is meant for preparing homemakers

for husbands. Self-respect education must employ women and make them economically independent. He argued that present marriage and family institutions could sustain the patriarchy in Hindu society. Periyar vehemently opposed and insisted that the institution of marriage be abolished. It is responsible for the women's enslavement and made her the men's property. Periyar addressed, in 1948, at the women's meeting at Victoria Hall in Madras, that under the present marriage system, the relationship between wife and husband is the master-slave relation(Geetha. V, 2002:115).

Periyar affirmed that our country could not attain independence until women were free and liberated from such an institution of marriage dominated by men. He introduced a new kind of marriage free from Hindu- brahminic ritualistic practices and traditional norms. That includes tying tali (a piece of gold that the bridegroom ties around the bride's neck at the time of marriage as a sign of marriage, it is also called mangal sutra or Puste) imposed on women. According to Periyar, marriage is a symbol of the subjugation of women and advocates self-respect marriage. The men and women are free to choose their partners in opposition to arranged marriages. Periyar attacked the notion of women's chastity through which the monogamous family sustained(Geetha. V, 2002:116).

Periyar wrote a pamphlet called "Penn Yean Adi-Maiyanal (Why Did Women become Enslaved) in 1928. This famous essay noted that the imposition of 'Pativrata' qualities on women is the main cause for the destroying independence and free-thinking of women and making them become unquestioning enslaved people in the hands of men(Geetha. V, 2002:116). They are supposed to demonstrate undue faith in the name of chastity. In this context, Periyar vehemently attacked the Tamil classical literary texts 'Silaparikaram' and 'Thirulcaral,' which preaches chastity as a necessary quality for women(Geetha. V,

2002:117). Solutions for women's oppression, Periyar, suggested polyandry and divorce. In a 1935 speech, he explained that divorce is the protective instrument of oppressed women. He demanded the enactment of the Divorce Act and the compulsory registration of all marriages(Geetha. V, 2002: 117). According to Periyar, patriarchy is ubiquitous in language, literature, and gender-based socialization. He exposes that the Tamil language did not have the male counterpart of adulteress and widow. He noted that several words used in Tamil literature are derogatory of women, such as 'Aanmai (Masculinity)'(Geetha. V, 2002: 118).Periyar resonated that the concept of 'Aanmai' must be demolished for the emancipation of women. In his opinion, the Tamil language is 'barbaric' because it has no good words for women(Geetha. V, 2002: 119).

In Tirupattur's speech delivered in 1946, Periyar strongly criticized Tamil literature, which focuses mainly on sensationalizing women's bodily features while completely ignoring the intellectual faculties of women(Geetha. V, 2002: 119).Periyar expressed views on property and women.According to him, with property rights, women are free from oppression. The property was the main reason for the slavish practices on women and marriage contracts. He agreed that private property is the main reason for marriage and imprisoning women to protect family property(Geetha. V, 2002: 119). When women become the guardian of men's property, they automatically become his property to produce heirs to the family. Private property must be abolished to liberate women.

Periyar criticized the Varnashrama Dharma, which treats women as *Dasis*(Prostitutes) of gods, and testes only women's chastity and not men's. He openly condemned the Justice Party's failure to implement the Anti-Child Marriage Act(Natarajan Uttara, 2007:155).Periyar's self-respect movement seriously took up women's questions by

challenging the traditional Hindu hierarchy and the institution of Hindu marriages. The self-respect movement radically altered the institution of marriage by introducing self-respect marriages practice at the ground level. These marriages include inter-caste, widow-remarriages, and marriages of consent. The fundamental objective of self-respect weddings was to clear the Hindu rituals that were prevalent at the time. These rituals emphasized monogamous familial values and female purity, promoting patriarchy. Since 1928, weddings based on self-respect have occurred amongst members of various castes other than the brahmins. Self-respect movement newspaper *KudiArasu* has regularly reported on self-respect marriages (Natarajan Uttara, 2007:155).

The self-respecting marriage content is wholly packed with the rationalist ideals without Brahmin priests and recitation of religious texts. Generally, Hindu marriages were arranged on the auspicious days of the Hindu calendar, whereas self-respect marriages were arranged without a calendar day of auspicious. That was why self-respect marriages were treated as inauspicious by the Hindus. Periyar believes that men and women should have equal rights to marry whoever they choose and that divorce should be legalized even if they have already been through one marriage. He also believes marriages between men and women should be treated equally (Rajadurai S. V and V. Geetha, 1998: 220). At Chengalpu in Madras in 1929, the First Provincial Self-Respect Conference was conducted. This conference was held at Madras. The Conference insisted that men and women be given equal property rights and that "marriage and other rites" be considered. Erode served as the location for the Second Conference, which occurred in 1930. Women were encouraged to participate in autonomous activities, for which separate conferences were held specifically for women. Periyar was adamant in her conviction that the

emancipation of women could be achieved alone by the efforts of women acting of their own volition. He held a negative view of men who supported equal rights for women.

According to him, men's struggle for women's liberation might strengthen women's enslavement and lead to a waning of women's liberation. Women's Self-Respect Conferences demanded issues like compulsory education for girls up to sixteen and effective and immediate implementation of Anti-Child Marriage. The Conference also demanded Divorce Acts and equal property rights for women. In addition, the Devadasi Bill, which would outlaw the practice of grooming young girls for prostitution, was recently passed. The Second Women's Conference took place at Virudhunagar in 1933. The attendees of this conference pushed for the inclusion of women in the police and military (Rao Anupama, 2003: 185).

Perspectives from the Below:

With this historical background, the quest for understanding and the application of discursive perspectives raised many questions on the problem of resistance and autonomy of women. In the latter half of the 20th century and into the new millennium, marginalized groups have questioned the mainstream language of women's studies. In India, post-modernist, post-structural, subaltern, post-colonial, and post-oriental studies often ignored the pre-colonial origins of caste, gender, and class categories to focus on colonial dominance. The terms "post-modernism" and "post-structuralism" were used to describe these schools of thought. These mainstream perspectives on behalf of women fail to understand and somewhat overlook the problem of lower caste women. Thus this invisibility of lower caste women has led to the construction of an alternative perspective from below.

The dalit women's movement has raised questions about why the aspirations of upper-caste women are prioritized and why not dalit women? Why is dalit women's historiography not acknowledged in the language of Indian women's studies? According to the experiment titled "Can the Subaltern Talk?" by the renowned academic Gayatri Spivak, subaltern women cannot speak (Gayatri Chakravorty Spivak:1988). From this point of view, imperialism was an inherently dangerous endeavour that demanded a significant departure from Indian custom. As a result of the Indian woman's inability to answer, she has been treated as a taboo subject throughout history. However, after several years of continued struggle, Dalit women constituted a body called the National Federation of Dalit women (NFDW) in Delhi in 1995 (Ruth Manorama, 2013). This National Federation of Dalit women was an independent and autonomous, secular, democratic organization that exclusively worked for the Dalit women to address specifically their life, work, and struggle.

However, "independent and autonomous assertion of Dalit women should not be viewed by Dalit men as divisive. Instead, it ought to be seen as carrying positive emancipatory potential. It can lead to a meaningful engagement of their creative energies. Secondly, the autonomous mobilization of Dalit women can also be understood from an epistemological standpoint. This perspective maintains that the less powerful members of a society have a more encompassing view of social reality than others because their disadvantaged position grants them a certain epistemic privilege over others" (GuruGopal, 1995). While constructing an alternative perspective from the below, Gopal Guru says that much of the mainstream women/feminism scholarship has undermined or 'uneasy moment of silence' that affected profoundly the issues relating to the lower caste/class women. According to

Guru, "Dalit women are thus marginalized both within the academic discourse and in the domain of politics and participation." (GuruGopal, 2005: 82-96). In his famous essay, 'Dalit Women Talk Differently,' Guru says, " to understand the dalit women's need to talk differently, it is necessary to delineate both the internal and external factors that have a bearing on this phenomenon"(Gopal Guru, 1995). Guru argues that "Dalit women justify the case for talking differently based on external factors (non-Dalit forces homogenizing the issue of Dalit women) and internal factors (the patriarchal domination within the Dalits)"(Rege Sharmila, 1998: 92).

This perspective contends that the struggles faced by dalit women are more accurately and authentically portrayed by dalit women themselves rather than by non-Dalit women. The dalit women lamented that non-Dalit, middle-class, and urbanized women in India's studies rarely acknowledge the significance of caste in any meaningful way. Dalit women did not accept the subordinate position in terms of consciousness compared to the dominant women while simultaneously applauding the radical feminists of the mainstream. When it came to the matter of minimum wage, the women of the dalit caste challenged the authority of the women from the dominant caste and advocated for the rights of dalit women who worked on farms (GuruGopal, 1995). In addition, "Dalit is not susceptible to the eco-feminist argument for the progression of environmental consciousness" (GuruGopal, 1995).

Dalit women have exposed the contradictions of the 'women's solidarity at any level and say that "these contradictions involve subtle forms of caste discrimination as practiced by upper-caste/upper-class women against Dalit women in the urban areas and resorting to the slander of Dalit women in rural areas"(Gopal Guru, 1995). Women from dalits share

the opinion that mainstream feminism developed by women who are not dalit is viewed as inauthentic by dalit women since it does not accurately reflect the actual reality of dalit women's lives. The empowerment of dalit women is essential to the liberation of the dalit people and should be given high priority. In the comprehensive view of dalit society, the role of women encompasses more than only that of an equal spouse to dalit men. The alternative consciousness and the dalit vision are primarily feminist, non-patriarchal, and non-hierarchical in their orientation. Dalit women disagree with the assertions of upper-caste women that they are dalits because they define the term "Dalit" in terms that are exclusively related to caste.

Dalit women uphold the ideological stream of Mahatma Phule, Periyar, and Ambedkar and openly condemn the dalit women's suppression, marginalization, and subordination by the dalit men. Therefore, the assertion that Dalit women speak a different language is predicated on their social place and the authenticity of their representative character (GuruGopal, 1995). This dissent from dalit women highlights three elements that purport to demonstrate that Dalit women have a distinctive linguistic profile. Accordingly, "(1) It is not only caste and class identity but also one's gender positioning that decides the validity of an event (2) Dalit men are reproducing the same mechanisms against their women that their high caste adversaries had used to dominate them (3) the experience of Dalit women shows that local resistance within the Dalits is important" (Rege Sharmila, 1998: 92).

According to Sharmila Rege, the independent assertion of dalit women's voices goes beyond simply being "different," It should be seen as a "Dalit feminist perspective" that centers the discussion on caste and gender. In her piece "The Autonomous Assertion of

Dalit Women's Voices," she claims that this is so because the autonomous assertion of Dalit women's voices goes beyond simply being "different"(Rege Sharmila, 1998: 92).According to Rege Sharmila,during the vocal feminism of the 1970s, the category of "woman" was conceptualized collectively based on the fact that women were oppressed because they were women. And this universalized "woman experience" led to the making of blanket claims such as "all women are niggers," which frequently resulted in the exclusion of caste, race, class, and ethnicity. As a result, to conceptualize women's oppression differently, socialists and radical feminists raised theoretical problems regarding patriarchy, grounding in modes of production, and difficulties with capital versus male authority. According to Rege, the feminist analysis focused more on the "different " ideas in the 1980s. Specifically, this meant emphasizing language and culture more while ignoring the political economy and rejecting universalism in favour of diversity (Rege Sharmila, 1998: 92).

Therefore, dalit women's organizations all over India made an independent claim in the early 1990s by posing several significant theoretical and political issues. In particular, these organizations brought attention to the brahminism of mainstream feminism and the patriarchal behaviours of dalit males. The process of autonomous assertion undertaken by dalit women consequently necessitates the development of the framework presented below in the form of the word "different."In this context, the dalit women's real struggles posed a significant challenge for the established/ mainstream perspectives, locating their "difference" historically within the non-brahminical historiography or anti-caste framework.

According to Gail Omvedt, historically, the most potent non-brahmin movement with pro-women themes and actions have come not from the upper caste social reformers or nationalist upper caste leaders but from the lower caste non-brahmins like Mahatma Jotiba Phule, E V Ramaswami 'Periyar' who linked to the mass movements of various sections of lower caste rural poor women drawing from the indigenous traditions. This alternative women's liberation movement from the below has unique dynamics in India, with real toiling women asserting their rights within the framework of a non-brahmin perspective (Gail Omvedt, 2000: 16). In 1883, "under the influence of the powerful but buried protest writings of Maratha woman named Tarabai Shine, Phule launched a fierce condemnation of male domination in the family that includes both Brahmin and non-brahmin families and focused on the double standards which kept women helpless victims of *pativrata*. At the same time, their husbands could marry or engage in as many sexual relationships as they wished" (Gail Omvedt, 2000: 17). Thus, as an alternative to the deceptions of caste and gender inequalities in society, Mahatma Phule formulated 'equality of every woman and man.'

Sharad Patil, the founder of the Satyashodhak Communist Party based on a theory of Marxism-Phule-Ambedkarism, analyzed the women's oppression within the anti-caste framework. Patil uses the caste category with that of class in analyzing Indian society for formulating a socialist-feminist theory. The critical achievement of Patil's writings is that "they make a discussion of man-woman relations, kinship and family forms, sexual domination, matriarchy, etc. central to an analysis of the history of caste/class exploitation in India in contrast to the mainstream perspectives which do not talk about the caste, gender, and patriarchy (Gail Omvedt, 2000: 18). Interestingly, Patil's analysis of Indian

history is divided into the stages of matriarchal/primitive communism, varna/slave society, jati/feudal society, and the jati-class (caste-class) society introduced during the colonial period (Gail Omvedt, 2000: 18). According to Patil, the 'end of women's slavery is the end of casteism.'

Uma Chakravarti's *Gender Caste* (2018) work on the intersection of caste and gender is based on historical documents, religious writings, and sociological and anthropological literature. She critically examines the ideology and practices of the caste system, which is the most significant factor that bears the lives of all women and all men in India in distinct ways. She also raises significant concern about how the caste system shapes the lives of women of castes, whether "high" or "low," in a society as deeply hierarchical as ours. She contends that the caste system in India is the primary element influencing all women's and men's lives (Uma Chakravarti, 2018: 8). Uma Chakravarti asserts that the dominant intellectuals have overemphasized the caste system's ideology based on its ritualistic component while ignoring the system's material circumstances and power dynamics (Uma Chakravarti, 2018: 8). This intellectual viewpoint avoided dalit writers' perspectives on the caste system, which presented a counterpoint view focusing on the practical aspect of caste-based oppression, as derived from brahminical writings.

Uma Chakravarti argues that, in contrast to the dominant brahminical viewpoint, the unique formulation of the caste system provided by B. R. Ambedkar, who experienced the force of cultural oppression from the bottom, regrettably could not get much circulation. According to Ambedkar, the caste system is characterized by "graded inequality in which castes are placed according to an ascending degree of reverence and a descending scale of scorn" (ChakravartiUma, 2018: 7). Accordingly, "as you go up the

caste system, the power, and status of a caste group increases; as you go down the scale of the degree of contempt for the caste increases as these castes have no power, are of low status, and are regarded as dirty and polluting”(ChakravartiUma, 2018: 7). Uma Chakravarti argues that, “we need to recognize that cultural oppression as it operates in the lives of dalits and women, especially on women of the lower castes, is far more dehumanizing than economic exploitation, which we understand as the dominant feature of the class, by itself. The consequences of caste-based exploitation, where access to material resources are themselves closed to the lower castes, are more pernicious than class-based exploitation and appropriation of surplus-which in any case in India is almost invariably drawn from Dalits”(ChakravartiUma, 2018: 7).

Uma Chakravarti claims that the caste system, which denies the dalits' subjectivity, robs them of their dignity and personality. Those who have dominated the means of production also rule the means of symbolic creation is an additional essential component of the caste system. This provides power with authority to define the standards by which their rule is evaluated, hence removing the capacity of those belonging to lower castes to contribute their opinions to the assessment process (ChakravartiUma, 2018: 7).Inher opinion, the Dalits' bottom-up perspective, which challenges the upper castes' symbolic approach, has not been embraced because the dalits have discovered other ways to understand their own identities. She made this statement because dalits have developed methods to interpret their own identities that differ from those created by the ruling castes. Employing distinctive cultural depictions, oppressed groups have reduced the value of the hegemonic standards set by the dominant group and developed a normative environment where they can gauge their worth and respect (ChakravartiUma, 2018: 7).

According to Uma Chakravarti, the dominant view of the concept of caste derives its essential meaning from the brahminical scriptures, which emphasize ceremonial specialization. According to Uma Chakravarti, Caste is a different type of social stratification from class but is still somewhat connected to it. The caste system comprises several hereditary groupings, known as jatis, which are differentiated from one another by hierarchies or gradations based on ceremonial rank. The application of norms founded on evaluative values and rooted in Hindu religious texts forms the basis of the injustice at the heart of the caste system in India. The caste system resulted in the formation of high and low hierarchies that were opposed to one another in terms of the purity or impureness of one's blood as well as the nature of the required labour (ChakravartiUma, 2018: 10). The concepts of pure high and impure low, ritual language was ideologically articulate and utilized. They were separated into high and low ranks because different kinds of work are classified as either "pure" or "impure." Therefore, in terms of actual lived experience, the caste system has an inherent trait of unequal access to both material resources and authoritative positions (ChakravartiUma, 2018: 10).

Uma Chakravarti says that the brahmanical representations of society's ideological and religious beliefs are coherently related to the caste system's repressive effects. These representations finally codified pre-existing dominance relations on the one hand and alienation or exclusion of people who are subordinate from the means of production on the other. On the one hand, individuals who are inferior to the means of production are alienated or excluded by these images. The hereditary exploitation of the impure lower castes ritualistically and culturally, the caste system's ideology justifies and demonstrates a grasp of the imperative to express the prevailing material links in ceremonial and

prestige terms. The caste system portrays the prevailing material relationships in ceremonial and status terms. According to this understanding, it is necessary to represent the dominant material connections in ceremonial and status terms. Because of the enormous inherent inequalities brought about by the caste system between those who oppress and those who are oppressed, it is hard for both groups to combat the caste system jointly.

She asserts that the ideological foundation of caste is to preserve the purity of the brahmana's body and that the fundamental principle of caste is the demand that working bodies procreate to preserve the purity of the upper castes. Both of these claims are based on the belief that procreation is necessary to maintain the purity of the upper castes (ChakravartiUma, 2018: 14). The caste system conceals the cruelty and exploitative nature of slavery. Members of lesser castes and women are denied access to information due to the caste system. In turn, it grants brahmins a monopoly on the subject.

Uma Chakravarti asserts that under the brahminical patriarchy, the women of the upper caste are viewed as entry points into the caste system. As a result, the caste system and brahminical patriarchy serve the interests of the men of the ruling caste. They are obsessed with managing the sexuality of women to preserve the integrity of the blood supply when it comes to reproduction.(ChakravartiUma, 2018). According to Uma Chakravarti, the bottom-up perspective, which initially stemmed from the Buddhist tradition, brought about the challenge to the caste system and its patriarchal supremacy. Uma Chakravarti asserts that the Buddha established the Sangha, and he did so with a significant amount of misogyny that made it difficult for women to join.

The Buddhist bhikkhunis were placed under the authority of the bhikkhus. Bhikkhunis, on the other hand, fought against gender inequality within the Sangha on a structural level (ChakravartiUma, 2018: 90). Later, Bhakti traditions presented a substantial challenge to the established caste system. According to this tradition, people from all different social strata, known as bhaktas and bhaktin, respectively, had equal access to God. As a consequence of this, the Bhakti movement has been lauded in Indian tradition as a representation of the egalitarian impulses that are prevalent throughout the nation. Chakradhar, Eknath, Namdev, Tukaram, and Chokhamela, all hail from Maharashtra. Basava and Nandanar are in the South. Muktabai, Bahinabai, Soyraibai, Kanhopatra, and Janabai among other female sants. Therefore, the lasting contribution that Bhakti has made has been to provide individuals who value democracy and egalitarianism with the opportunity to interact with a wide variety of cultural expressions (ChakravartiUma, 2018: 93-94). They were susceptible to the sufferings and injustices in Indian society caused by the higher castes' deprivation of the lower castes' cultural and material rights, which led to Mahatma Phule, B. R. Ambedkar, Iyothee Thass, and Periyar to launch attacks on the caste system in the 20th century. They all held the view that the caste system should be abolished.

While reading the testimonies of dalit women, Sharmila Rege observes that "the marginalization of the non-brahminical perspectives and experience in the institutionalized scholarship on caste has blurred our understanding of the relations between structural continuities and recent change in the social institutions of caste" (RegeSharmila, 2006: 14). She asserts that the testimonies of dalit women hold weight in the community since they are the ladies and should be listened to as such. They discussed

gender issues, challenging the singular communitarian viewpoint held by the dalit community (RegeSharmila2006: 14). Gopal Guru makes it clear that the experiences of dalit women can recast what is regarded as abnormal into substances that are subversive. These writings accomplish two goals: first, they make their adversaries feel inferior by resurrecting dalit triumphalism; second, they make upper castes feel guilty by cataloging societal wrongs committed by their ancestors. Both of these outcomes are intended to be the result of reading these works (RegeSharmila, 2006: 15). Her participation in anti-caste organizations and the emergence of theoretical stances held by dalits helped to shed light on Gopal Guru's dichotomy between "theoretical brahmins" and "practical shudras" (RegeSharmila 2006: 14). Activelyengaging with these challenges which produced observations on both a personal and a political level and looking for radical pedagogies that question the established caste-related disciplinary and curricular practices that are currently in place. The statements made by dalit feminists and their criticisms of the women's and dalit movements created a significant obstacle on both the regional and national levels (RegeSharmila, 2006: 14).

Therefore, in the early 1990s, articulations made by dalit feminists challenged the concepts of "genderless caste" and "casteless gender," particularly concerning the problem of quotas inside quotas. These challenges of the 1990s were a significant impediment to the progress of the women's movement and feminist studies in India. With a few noteworthy exceptions, researchers in women's studies only seldom engaged with the rhetoric and activities of dalit feminists. They assumed that dalit women's issues surrounding caste were the only ones that mattered, even thoughall women needed to critically investigate the complex histories of caste and gender oppression. They did this

by ignoring the importance of all women doing so. (RegeSharmila 2006: 14). The central argument of many dalit women's organizations which they announced through publications and in the form of manifestos, emphasized that the feminism of the 1970s was a sort of brahminical feminism, both in theory and in practice. (Rege Sharmila: 2006).

Critiques of feminist canons, educational norms, and linkages to brahminical privilege and power were presented as problematic by dalit feminists writing in the 1990s. The ladies of the dalit community realized that caste is more than just a relic of the past; instead, it is a historically oppressive institution that perpetuates multiple forms of inequity in modern society. They argued that to merge caste, class, and gender problems and acknowledge the discrepancies in power, as well as the links between caste, community, and class is necessary to make changes in subjectivities, politics, and pedagogies (RegeSharmila, 2006: 14). Because of the women's movement and women's studies, our way of thinking has evolved, but this does not mean that all of our former presumptions have been invalidated or even formally acknowledged. The relatively low involvement with caste and gender representations that are not brahminical has been repeated in women's studies, which is part of the mainstream social sciences. (RegeSharmila 2006: 14).

In this priceless and extensive collection on dalit women, S. Anandhi and Karin Kapadia critically discuss the dalit feminist struggle and the place of agony. This collection of essays discusses the critical question of how dalit women challenge caste and its patriarchal domination as part of anti-caste movements (Anandhi and Karin Kapadia, 2017). Further, this anthology presents an innovative and refreshing take on the dalit

feminist interpretation of emancipatory politics. Because of its approach to women's issues, which is both philosophically comprehensive and politically acceptable, it emphasizes the importance of cultivating political consciousness regarding issues that affect dalit women. This collection educates us about the political and intellectual struggles of dalit women from diverse parts of India, as well as their subversive purpose to question the dalit patriarchy, which is located on the periphery of a much more comprehensive social patriarchy that exists in a caste society.

According to Anand Teltumbde (2017), since its inception, the post-colonial state has been ruled by a strong upper-caste/class with a mentality of "brahmanic cunning." He observed that a new class of neo-rich farmers was purposely created out of the Other Backward Classes (OBCs) by the post-colonial state's land reforms to replace the formerly upper-caste landowners and act as allies of the central ruling classes. These neo-rich farmers acted as supporters of the dominant social classes. The emergence of these neo-rich farmers who took up the "baton of brahminism" from the erstwhile landowners led to a new type of atrocity against Dalits. Thus the new class tensions between dalit wage labour and neo-rich landowners, as well as the dalits' increasing assertiveness against the neo-brahman OBCs' and BCs' farmers. According to Teltumbde, these new atrocities have emerged due to both these tensions and these terroristic attacks by members of upper castes are meant to "teach Dalits a lesson." Further, a new form of class differences emerged between dalit wage labour and neoliberal capitalists. Teltumbde contends that the dalit struggle has utterly disregarded dalit women and concludes that radical feminism on the part of dalit women is essential for any change in the mainstream or malestream of dalit politics (Teltumbde Anand, 2017).

According to the study by Manuela Citti, dalit women do not fit the traditional profile of victims; instead, they appear to be non-victims and may be obliged to participate in politics (Anandhi and Karin Kapadia, 2017). Research conducted by S. Anandhi on the subject of collectivism among dalit and Adi-dravidar women who are members of groups whose overt goal is feminism. In the local community of Tamil Nadu, as well as in their own families and within the two local dalit castes, Adi-dravidars and Aundhathiyars, these people battle against patriarchy in all of these settings. Anandhi concludes that the patriarchies within the dalit caste are just as detrimental to the interests of dalit women as the upper caste rule now in place (Anandhi and Karin Kapadia, 2017).

Badri Narayan argues that the so-called lower castes have been robbed of their dignity and self-respect in every aspect of their existence due to the predominately brahminical cultural code (Badri Narayan, 2006). Narayan argues that this has occurred as a direct result of the caste system that has been in place in India for centuries. Dalits, also known as members of lower castes, have been historically neglected by upper castes, who have forced them to stick to lowly employment because they were born into the same group. On the other hand, there has been a discernible rise in the assertion of dalit identity, which is a reaction to the denigration that dalits have been subjected to for millennia. These marginalized groups across the country are experiencing a powerful urge to use the cultural assets at their disposal to contest the cultural hegemony of the higher castes, reclaiming their identity and regaining their sense of self-respect (Badri Narayan, 2006).

Shyamala Gogu's collection of Dalit women's writings and J Subhadra's works on the women's self-respecters have set the path for exciting and empowering anthologies of Dalit and Bahujan women's writings. These writings have retrieved and acknowledged a

presence that has been officially forgotten or distorted for too long. The articulation of women's questions within the self-respect movement and women's history within the self-respect movement gave rise to several debatable questions. The anthology by GoguShayamala was an attempt to bring out hundred years of Dalit writings in Telugu. The selection represents that Telugu Dalit writings are divorced, deeply embedded in modernity, changing culture, and the region's and nation's politics. The anthology represents the contemporary Dalit life experience (Gita Ramaswamy and Gogu Shyamala, 2016).

Challapalli Swaroopa Rani's *Bruised but not Broken* argues that the mainstream feminist movement in India has been about patriarchal oppression, experienced by dominant castes and middle-class, educated urban women, which talks about gender discrimination, unequal man-women relationships, undemocratic family system, the burden of child-rearing and hardship of domestic chores as women duties, commodification of women's body, violence against women, lack property rights are central in their articulations (Challapalli Swaroopa Rani, 2019). Swaroopa Rani argues that the mainstream feminist literature mainly concerned only the middle class and dominant caste women. And these mainstream feminist perspectives failed to address the problems of non-brahmin or other minority women, overlooked the 'other' women, and homogenized the experience of the dominant caste as that of the entire women. According to Swaroopa, the non-brahmin alternative perspectives articulated in the modern times by JyotiroaPhule, Ambedkar, Periyar, Narayana Guru, Ayyankali, IyotheeThassar, Bhaagya Reddy Varma, BoiBheemanna, GurramJoshua, became the foundational context for the Dalit perspectives and consciousness (Challapalli Swaroopa Rani, 2019).

Roja Singh, in her study, featured the stories of Dalit women residing in Tamil Nadu and was published by the Dalit Women's Agency. The *Spotted Goddesses* reveals the subversive strategies employed to change the usual practices of cruel punishments meted out to their bodies for the crime of being untouchables. However, they are socially and spiritually labeled as untouchables (Roja Singh, 2018: 28). The voices of dalit women who tenaciously battle to establish their rights to fundamental human dignity and privileges were recorded in the study. According to Roja Singh, they are protesting the ideological reification of their bodies and brains as worthless, disposable, and prone to the breach of strict cultural norms. She says that Honesta Parachi, a pioneering writer from the pariyar community in Tamil Nadu, and Bama, another pioneering writer chose a positive identity of Dalit (Roja Singh, 2018: 28).

Roja Singh asserts that the 1970s and 1980s were a period of increased prominence for Indian feminism in the public eye, which was essentially cultural and religious solidand confined to the elite women. The roots of elitism in Indian feminism were from pre-independence India and centered around the demand for education and property rights. The dalit women, on the other hand, responded by demanding social change based on the denial of their fundamental human rights and what they are entitled to as citizens. Through this examination of social injustice that intersectionality in India gains kinetic momentum against the country's traditional feminist practices (Roja Singh, 2018: 28).

Ramnarayan Rawat and K Satyanarayana noted that the rise of the dalit intelligentsia had accompanied the increased visibility of dalits in contemporary India and overseas, thereby raising the question regarding the dominance of Indian academics by intellectuals belonging to the dominant castes in the country. The editors of the volume state that the

dominant conceptual framework in Indian academic knowledge production is the dichotomy of colonialism against nationalism and that this dichotomy is constituted by the absence of dalit actors and their goals in academic activity (Ramnarayan Rawat and K Satyanarayana, 2016: 10). The authors argued that “the Indian historiography views colonialism as marking a decisive break in Indian history by constituting a single and unified discourse of power. In the dominant Marxist and nationalist understanding, colonialism was conceptualized as the single most important cause of India’s social and economic backwardness. The colonial state was the instrument of exploitation and subjugation”(Ramnarayan Rawat and K Satyanarayana, 2016: 10).

The authors argued that mainstream researchers have viewed Indian civilization within the framework of caste Hinduism and have primarily used the caste system to highlight the nation's cohesiveness regarding religion, culture, and social institutions. Because of this, the authors believe that the caste system is the best way to illustrate the nation's cohesiveness (Ramnarayan Rawat and K Satyanarayana, 2016: 10). Although dalit consciousness has its entity, which prevented it from being easily incorporated into the nationalist rhetoric, the system was envisioned as a social structure that supported consensus by emphasizing the concept of reciprocity and interdependence among a variety of groups.

Even if caste remains the primary means of hierarchical discrimination, the authors argue that the subaltern studies movement never created a systematic approach to caste inequities. Although caste is the primary way of hierarchical discrimination, Ranjit Guha and Partha Chatterjee, considered to be the intellectual leaders of the subaltern project in India, unable to incorporate Dalit issues into the subaltern subject successfully. As a

direct consequence of this, the several volumes produced for the subaltern project gave the problem of caste or jati very little consideration (Ramnarayan Rawat and K Satyanarayana, 2016: 14). The authors assert that the purpose of this research, which departs from the project on subaltern studies, is to shed light on the difficulties associated with caste discrimination, which is still prevalent in democratic practices and is justified on the grounds of dignity (Ramnarayan Rawat and K Satyanarayana, 2016: 14).

The above review of the perspectives articulated by the Dalit scholars reveals that the rise of an alternative intellectual discourse on caste, class, and gender has interrogated the existing stereotypical assumption. The above writings highlighted struggles related to the dignity of oppressed life experiences and moved beyond the mainstream preoccupation with colonialism and nationalism. This academic intervention investigated the untold narratives of the Dalit life experience and alternative visions.

CHAPTER-III

THE HINDU CODE BILL: HISTORICAL ANTECEDENTS

The background of a particular geo-historical setting, whose social, political, and cultural elements inescapably alter the set of presuppositions from multiple sources, is always the foundation of any investigation, especially one into complicated phenomena like law. As a result, there has been a dispute on how to define law, and its nature is one of the most contentious issues. Theorists have concentrated solely on rules. Others have claimed that what distinguishes law from all other types of rules in society is that legal norms are generally intended to preserve social order, are supported by coercion, and are enforced by some legitimate authority.

Some academics have stressed the institutional nature of law to make the case that the significance of legal principles depends upon their inclusion in a sophisticated organized practice (Mariano Croce, 2012). Yet other scholars emphasized the procedural aspects of the law, which they view as specialized machinery designed to resolve conflicts, channel powers, and accommodate societal transformation. According to Legal thinkers, defining the law is a theoretical complexity. The socio-political changes or the social reality that impact the source of law and its formation is highly valued (Mariano Croce, 2012).

However, the aim is not to go into the theoretical definition of the law, and this chapter aims to understand the historical antecedents of the “Hindu Code Bill.” The evolutionary character of the Hindu Law, from its static nature to the codification of the Hindu code in

the contemporary social and political context. The purpose is to explain the Hindu Code in its historical setting/historical background.

The Hindu Law: Nature and Character

The origins of Hindu scripture can be found in divine revelations, which were later shaped and informed by the Shastras, early commentaries, and the Dharmashastras, written in various locations and at various times throughout the Indian subcontinent and showed significant regional and temporal variation. Hindu personal law was a fundamental part of the cultures that made up India. The village and caste councils applied it locally, following established customs. Over the years, this law has undergone various modifications and adaptations. The personal law applied to Hindus in India was therefore not standardized because it varied based on the community. It has been noted, and correctly so that in earlier times, successive lawgivers and commentators carried out the periodic duty of codifying Hindu law. Through a thorough process of choosing and explaining the ancient writings, they shaped the law to match the needs of the era in which it was written. However, there are no longer any traditional commentators available to provide interpretation. We now have both a legislative branch and a judicial system in response to the constantly changing demands of society.

During the latter half of the 18th century, an effort was made to codify personal law in contemporary India. This effort was directed toward several British provinces, including Bengal, Bombay, Bihar, Orissa, and Madras. The reason was that India's laws must have gained legitimacy from some essential religious sources. However, this exercise took place when India was under the rule of the British colonial government. The local laws were less rigid than the new laws/codes constructed under British sponsorship. Thus,

in contrast to the flexible local laws, the Hindu Codes established by the British were relatively rigid.

For instance, the author of the Mitakshara (Vijnaneswara) begins his discussion on a widow's right to inherit her husband's property. The text of Yajnyavalkya is acknowledged because Mitakshara acknowledges the right's existence. The widow's right to inherit the assets that her sonless husband held is a topic that Mitakshara discusses. On the other hand, he comes across several other writings, such as Manu, that is not in the widows' favour. When it comes to the issue of the right of the daughter's son to inherit from his maternal grandpa, Yajnyavalkya does not mention the daughter's son, whereas Manu argues in favour of the son's claim. It is stated in his well-known codifications of the Laws of Manu that the status of women is inferior to that of men, which is following the Laws of Manu. A closer look at the source indicates that during the pre-Manu era, women had greater freedom to divorce and ownership rights over their property than they did during the Manu era. Following the Manu Law, they were subject to several prohibitions and legal regulations about marriage, divorce, and widowhood.

The legal system in India, known as Hindu law, is distinct from that of Europe. In most cases, the Hindu legal system is predicated on the collaboration of private individuals or the authority of celestial beings. It was not owing to any aspect of coercion by a sovereign political authority but rather the regard with which they were held by people for whom these texts were written. This reverence was the driving force behind the phenomenon. These rule-makers exhibited a remarkable level of common sense in their prescription of regulations, which they claimed to have derived from the divine laws and mandates contained in the Vedas (Gharpure. J. R, 1905: 1).

According to Mayne, Hindu Law is founded on time-honored traditions that predated and were separate from brahmanism. Second, when the Aryans arrived in India, they found that many of India's usages were either the same as or not different from their own. Thirdly, the Aryans accepted these customs regardless of whether or not they were altered in any way. The Aryans did, however, reject certain practices that could not be absorbed, such as polyandry and incestuous marriages. Fourthly, sometimes writers stated the facts they found in the society without attributing any religious significance. Lastly, the religious elements must have seeped into the legal codifications (Gharpure. J. R, 1905: 3). Some of the most distinctive features of Hindu law include the individual family system, the order of succession, and the practice of adopting children (Gharpure. J. R, 1905: 3).

Hindu law refers to different but related institutions and practices customarily determined through the *Dharmasastras*. The “classical Hindu law was a variegated grouping of local legal systems that had different rules and procedures of law but were united by a common jurisprudence or legal theory represented by *Dharmasastra*” (Donald R. Davis, Jr., 2008: 225). Further, “in pre-modern India, the practical legal systems of any two given Hindu communities may have operated quite differently. Still, they were both likely to respect the ‘spirit’ of *Dharmasastra* and incorporate it into their legal rules, processes, and institutions. The degree of correspondence between *Dharmasastra* and applicable law made a system more or less Hindu” (Donald R. Davis, Jr., 2008: 225).

Sources of the Hindu Law:

Hindu law is primarily derived from the existing customary norms, and reformulations of the *Dharmasastras* are considered sacred works written in Sanskrit and other sacred Hindu

works. Other sources include customary laws that have existed for a long time, revised versions of texts from the Dharmasastra and other sacred literature, and rules created by particular authors. Sources of Hindu law can be divided into written and unwritten sources (Gharpure. J. R, 1905: 3).

The Hindu Law: Written Sources:

The written sources include ancient texts like the *Srutis* or heard-revelations, the *Vedas*, and the *Upanishads*. The four *Vedas* are *Rig*, *Yajus*, *Sama*, and *Atharva*, sub-divided into *Samhitas*, *Brahmanas*, *Shakhas*, and *Upashakhas*. Secondly, the *Smritis* or what was remembered are divided broadly into *primary* and *secondary Smritis*. The primary *Smritis* are called *Sutras* – the *Shanta*, *Grihya Sutras*, and *Dharma Sastras* dealing with the Law. The secondary *Smritis* are *Nibandhas* and *Digests*. There are three principal first-class *Smritis*: *Manusmriti*, *Yagnavalkya Smriti*, and *Narada Smriti* (Gharpure. J. R, 1905: 3).

Manu's Manusmriti or Laws of Manu, the most important of *Smriti*, is the *Manusmriti*. The personality of the author is faceless and mystical. It is said to be practically equal to the Vedas and sacred (Gharpure. J. R, 1905: 3). It is believed that the sages reportedly beg Manu to teach them some sacrosanct rulings. In response, Manu describes his birth from Brahman and the anecdote of the world's creation. Manu assigns the sages named Bhrigu to recite the law to the other sages (Gharpure. J. R, 1905: 3). Bhrigu is the one in charge of the work as a result. Numerous comments have been made. One of the first commentaries was written by Medhatithi, who lived in the 9th century and is regarded as the leading of these early writers (Gharpure. J. R, 1905: 3). Bharuchi, who Vijaneshwara names, comes next on the list. The author of Mitakshara, Vijaneshwara, also cited Dharechwara and Shrikara with great learning. At that time,

their opinions were highly regarded (Gharpure. J. R, 1905: 3). Kullukaa Verendra Brahmin, a Bengali Brahmin who lived in the 14th century, is responsible for the commentaries on Manu's work that have built and sustained a strong reputation for a very long time. The reviews of Manu's work by Virendra Brahmin have likewise maintained their appeal for a long time (Gharpure. J. R, 1905: 3).

Yagnavalkya – unlike *Manusmriti* which has no author, Yagnavalkya is the actual author. It is clear from the countless stories that a certain sage named Yagnavalkya was held in the highest regard during the 4th century B.C. (Gharpure. J. R, 1905: 3). Several individuals have examined and commented on the Yagnavalkya. Vishwarupa was the first to criticize Yagnavalkya's work, but sadly, his contributions have been lost. Vijñaneshwara refers to him in the first sentence of his text. He was probably the senior contemporary of Vijñaneshwara at the time, and Jimuta Vahana also mentions his name. Another laudatory work on Yagnavalkya named Apararka was written by Aditya Deva, who gave his name in the commentary. Yagnavalkya was the subject of Apararka. However, the most analytical commentary on Yagnavalkya is generally recognized as the Mitakshara by Vijñaneshwara. Except for Bengal, where it also received a high level of authority, it has the most authority in all the schools and only defers to Dayabhaga when they disagree. Every other school has a similar situation (Gharpure. J. R, 1905: 3). Vijñaneshwara, a resident of Kalyana and the son of Padmanabha Bhatta, became king of Kalyana under the rule of Vikramarka in the second part of the 11th century (Gharpure. J. R, 1905: 3).

NaradaSmriti-The NaradaSmriti is the final text that finishes the complete Metrical Dharma Shastras collection. It has been estimated that the author lived somewhere in the middle of the 5th or 6th century B.C (Gharpure. J. R, 1905: 3).

Dharma Sutras: Another critical written source of the Hindu law is *Dharma Sutras*. The principal *Dharma Sutras* are The *Gautama*, *Bandhayana*, *Apastambha*, *Vasistha*, and *Vishnu*. The word *sutra* indicates short notes or critical words given by the Rishis to their pupils when teaching the *Vedas* to help their memory retain the text and import of the *Vedas* themselves. These sutras were communicated from generation to generation for a very long time before being written down, and even today, they are still being taught orally (Gharpure. J. R, 1905: 3).

Various Schools of Hindu Law:

According to the written sources, various schools of Hindu canonical books make up the Hindu legal system. Of the many, only two schools of Hindu law have been recognized as the primary schools: the Dayabhaga and the Mitakshara. However, many less known but prominent schools sometimes have exceptional value in their local communities and are highly reputed for brilliance. These include the Benares School, the Dravida School, the Mithila School, the Bombay School, the Maharashtra School, the Gujrat School, and the Bengal School (Gharpure. J. R, 1905: 3).

Daya-Bhaga School: the *DayaBhaga* school was developed by JimutaVahana, is proficient in Bengal and is well-known for its originality and creativity. It demonstrates legal expertise. JimutaVahana, a prominent Bengal Pandit who established this school, devised an entirely new path in each of the most significant aspects of the field. His findings are

very different from what his predecessors concluded. Although JimutaVahana disputed the generally accepted theories, its consistency is the most remarkable aspect of this school of thought. Of the several commentaries on the Daya Bhaga, critical commentaries were made by Raghunandana and Sree Krishna Tarkalankara. However, Raghunandana is the most authoritative figure regarding all of these matters, except inheritance (Gharpure. J. R, 1905: 3).

Mitakshara School: of Vijnaneshwara attained a general following except for JimutaVahana of Daya Bhaga. The writings of Vijnaneshwara have been commented on and explained in the work of Balambhatti, a commentary written by a lady named Lakshmidēvi. Her work is essential and accurate in analyzing and comprehending the literal words of the Mitakshara and its overarching meaning. This work is held high estimated in the Bombay Presidency. Another commentary on the Mitakshara is the work of MadanaParijata and Subodhini by Vishweshwarabhatta (Gharpure. J. R, 1905: 3).

The Benares School: The Mitakshara is considered the most authoritative text in this school. 'Subodhini, Veera Mitrodaya, Kalpataru, Nirnaya Sindhu' and Dattakamimamsa are accepted as authorities next in importance (Gharpure. J. R, 1905: 3).

The Dravida School: Mitakshara serves as the foundation for this system. This school is ruled by Parasara Madhavya, Saraswati Vilas, and Dattaka Chandrika (Gharpure. J. R, 1905: 3).

The Mithila School: Mitakshara takes the lead, but the school is guided by Chintamani VivadaRatnakara, DattakaMimamsa, DwaitaNirnaya, Sudhiviveka, and DwaitaParishita are other (Gharpure. J. R, 1905: 3).

The Bombay School or Maharashtra School: This school consists of Mitakshara, VyavaharaMayukha, Nirnaya Sindhu, DattakaMimamsa, and Kaustubha(Gharpure. J. R, 1905: 3).

The Gujarat School: Mitakshara and the VyavaharaMayukha holdimportance (Gharpure. J. R, 1905: 3).

The Bengal School: Foundedby JimutaVahana, the founder of Dayabhaga, Dayakramasangraha, Dattaka Chandrika, and the works of Raghunandana as well as comments on the DayaBhaga are important (Gharpure. J. R, 1905: 3).

Variances between Mitakshara and the DayaBhaga Schools:

Dayabhagaand Mitakshara schools are the two crucial written sources of Hindu law. However, there are differences between these two prominent schools. Firstly, the Daya Bhaga rejects the preference of agnate to cognates. Secondly, the Daya Bhagatreats that the absolute owner of the property is the father. It authorizes him to dispose of the property at his pleasureand denies a son's right to partition the property during the father's life.Contrary, the Mitakshara that supports the joint family says that every male member has the right to family property by birth(Gharpure. J. R, 1905: 3). Thirdly, the DayaBhaga acknowledges the right of the brother or other collateral members of the joint family to dispose of their shares at will while the property is still regarded as undivided because they are believed to possess their parts in quasi-severalty. Lastly, the most important aspect is that the DayaBhaga recognizes a widow's entitlement to inherit her husband's shares and to enforce a partition on her behalf if her spouse dies without issue in an undivided Hindu household (Gharpure. J. R, 1905: 3).

The Hindu Law: Unwritten Sources:

The prominently recognized unwritten source of Hindu Law is *Acharya*, or custom or usage. A custom is an established practice at variance with the general law. It is fully accorded with other systems and given most full effect in law courts and legislation making (Gharpure. J. R, 1905: 3). Custom could be either private or particular, public and general. It must be ancient, continued, unaltered, uninterrupted, uniform and constant, peaceable and acquiesced, reasonable, specific, compulsory, and not immoral. Thus, it is said that “under the Hindu system of law, clear proof of usage will outweigh the written text of the law” (Gharpure. J. R, 1905: 3). A reference to usage or tradition is required in the majority of acts passed by the administration unless doing so would violate principles of justice, equity, or moral conscience.

Some of the records of the local customs were the unwritten sources of Hindu law; *firstly*, in Bombay, certain customs were collected and found in Western India and recorded in Buhler’s Hindu Law (Gharpure. J. R, 1905: 3); *secondly*, the settlement offices, during the colonial rule, have collected the most valuable records of village and tribal norms relating to the succession to and allocation of land in the Punjab and Oudh (Gharpure. J. R, 1905: 3); *thirdly*, the customs of the Tamil inhabitants of Jaffna, Ceylon were another unwritten sources. These most extraordinary descriptions of the customs were collected in 1707 under the Dutch government and promulgated as some authoritative usages; *fourthly*, in Pondicherry, the records with their high integrity, unique knowledge of laws, and usages were published with the help of nine leading natives; *fifthly*, the customs prevailed among the Rajas in the Tributary Mahals of Cuttack, in the form of twenty-five questions and answers were also included in the unwritten sources of the law; *lastly*, some of the

usages/customs recoded by the private persons were also included. The most important are "Mr. Nelson's Madura Manual, Mr. Logan's Malabar Manual, and Messrs. Cox and Sturrock's Manuals of North Arcot and South Canara." (Ariel Glucklich, 1986:1).

Evolving of Hindu Law: The Colonial Legislation

The British rulers in India adopted complex and multiple administrative measures long before the crown extended its sovereignty over the subcontinent. They sponsored educational activities, initiated grand engineering designs, and eventually began to devise a universal codification of the body of laws (Ariel Glucklich, 1986:1). Though British administration in India was founded on the principle of not interfering with the privacy laws of religious communities, there were times when British reason clashed with specific components of Hindu law that they deemed oppressive of women and hence impossible to apply in court. The central concern of social reforms by the legislation during the colonial rule was the adherence to the concept of equity. Equity is understood comprehensively distinct from the narrower British principle of 'justice, equity, and good conscience, which served as the rule of substantive law in India (Ariel Glucklich, 1986:1). Equity was used as a philosophical impetus to legislation based on natural law or other supra-legal principles. Every British administrator since 1726, regardless of his religious or economic orientation, could justify his position regarding specific Hindu laws by reference to equity (Ariel Glucklich, 1986:1). This meant not only merely the legislation of equitable laws or regulations but also laws that protected the right and freedom of individuals to act according to their conscience, as long as their actions did not influence others.

Alternatively, equity implied legislation based on the principle that each community was entitled to follow its laws regarding belief and conscience. Although equity was stated in

these significant terms, its implications were even more comprehensive. The legal protection of the freedom to follow one's conscience, thus understood, implied that the secularization of Indian laws and, indeed, forged significant elements of constitutional thought in modern India (Ariel Glucklich, 1986:1). Further, to cover what they perceived as "gaps" in indigenous law, the colonial administrators modified the existing Indian legal systems by making references to the concepts of "Justice, Equity, and good conscience," which were understood to signify the English law. However, colonial officials' more comprehensive approach to India's legal system led them to see crucial distinctions between the genesis and nature of Hindu and Muslim legal authority (Ariel Glucklich, 1986:1).

Through the "Warren Hastings' Judicial Plan of 1772," ground was prepared to apply the British laws in the territories under the East India Company. According to these laws in the matters of regulation of inheritance, marriage, and caste, the Indians would be governed following the Shastras in the case of Hindus and the laws of the Qur'an in the case of Muslims. Further, this plan has laid the basis for the legal system that has to be administered through a hierarchical court structure. (Eleanor Newbigin, 2013:31). Hastings' legal plan was grounded on the notion that the Hindus would adhere to the codified set of practices. The British viewed the *Smritis* texts as the "foundation of Hindu Law," developed by the various ancient sages. They found that a Hindu legal system was already under operation. Still, there is a necessity to the process of legal interpretation and commentaries and commissioned such glosses and digests while upholding the principles of Hindu law. Therefore, in the early decades of British rule, a series of Hindu legal

digests were produced by the Indian and British authors commissioned by the Company officials (Eleanor Newbigin, 2013:35).

Warren Hastings appointed eleven pandits to compile the texts of Shastras and Sanskrit judgments. These texts were first translated into Persian and then into English by Nathaniel Brassey Halhed. Halhed's compilation called "A Code of Gentoo Laws or Ordinations of the Pandits" was published in 1776, which was the textual basis of Anglo-Hindu law until 1973. However, this was replaced by a more comprehensive "Digest of Hindu Laws" translated by British Sanskrit scholars William Jones and Henry Colebrook (Eleanor Newbigin, 2013:35). Colonial state expanded its facilities for the dissemination of Sanskrit education. It functioned to bring much greater awareness within the colonial administration on the different Sanskrit traditions and texts by the turn of the 19th century (Eleanor Newbigin, 2013:36).

The standardization and structural evolution of Anglo-Hindu law began with the publication of Henry Colebrook's "Two treaties of the Hindu law of Inheritance" in 1810. Colebrook has distinguished between "Bengal" and "Banaras" school of law. These schools constitute the body of Smritis literature along with the Jimuta Vahana's Daya Bhaga of Bengal school and Vijneneshwara's Mitakshara of Banaras school of law. The other four were the Benaras school, the Mithila school- applied to the Bihar region, the Maharashtra school-The western region), and the Dravidian school- in the Southern region. The influential factor that separated the two schools was that the structure that is based on joint or undivided property (Eleanor Newbigin, 2013:36). The law of Daya Bhaga held undisputed control of the father over the possessions of property. Members of the family had access to the family's ancestral property, but they were only given a piece of it

once the patriarch had passed away. The Mitakshara family operated under English common law as a coparcenary, which meant that they held property similarly to an individual's rights to self-acquired property. However, that ancestor's possessions belonged to a coparcenary or family collective (Eleanor Newbigin, 2013:36).

After Colebrook compiled Anglo-Hindu law, many colonial judicial officers published their compilations. Sir Francis Macnaghten's "Considerations on the Hindoo Law" in 1824; Sir Thomas Strange's "Elements of Hindu Law" in 1825; William Hay, the son of Sir Francis Macnaghten, published "Principles of Hindu Law" in two volumes between 1828 and 1829 respectively (Eleanor Newbigin, 2013:36). Sir Henry Sumner Maine published "Ancient Laws" in 1861 which constructed an extraordinary and temporal vision of modernity. Maine portrayed the legal system as the development of society and the transition from a status relationship within groups to one based on contracts and individual property rights. The locally specific norms and practices determine one's status, which rests on the locally specific customary practices. According to him, any progressive society must codify these local customs and develop them into the universally applicable notion of legal subjecthood. (Eleanor Newbigin, 2013:36). Hari Singh Gour's historical work on the Hindu legal system titled "The Hindu Code," published in 1919, opined that the Indian and European societies have evolved from the same Aryan background. However, Gour noted that Indian society lacked dynamism and intellectual capacity (Eleanor Newbigin, 2013:36).

Thus the social reform by legislation comprised a highly explosive element of the British judicial activity. The British initiated comprehensive criminal and civil laws and procedures, significantly contributed to the emergence of the social reform movement in

India during the colonial period. However, the earliest comprehensive judicial reform was undertaken in 1833 by Lord Macaulay, chairman of the first Indian Law Commission. He gathered to resolve the enormous problems caused by India's multiple legal systems and inconsistent local usage (Ariel Glucklich, 1986:1). *Mother India*, written by Katherine Mayo, published in 1927. This "creative event" altered peoples' perceptions of India as a conglomeration of religious communities. This was accomplished by giving rise to a brand-new political category of Indian femininity that was unconstrained by distinctions in caste, class, or religion (Eleanor Newbigin, 2013:36).

Gender and Caste: Colonial Legal Intervention

During the early 19th century, the British started to alter specific Hindu rules in response to criticism from their conscience and the subcontinent's social reformers. Of these, the most significant reforms they were interested in were the practice of widow burning, popularly known as *Sati*, and the prohibition of widow marriage. However, the social reform movements played a crucial role in uncovering the social and cultural barriers which suppressed and oppressed women. Even though *Sati* was made illegal in 1829, the British were cautious in their approach to the gender issue. Hindus and Muslims had personal lives, left to control what would later be known as personal laws. The general rule of non-interference with religious beliefs, which said that such interference should be avoided, was the cause.

On the other hand, the issues surrounding personal law and customary law in connection to British Indians, including what personal law was, how customary law was understood, and to whom it has to apply, remain unsettled. Legislative decisions were regularly made in ways that conflicted with one another. In other words, the British implemented new

rules that remained a point of controversy. Caste and gender norms were primarily renegotiated and initially negotiated through case law and the general legal procedures followed by the courts. The determination of societal norms and practices, including customs, was always influenced by caste.

Besides the system in vogue in the non-regulation Provinces, the diversity of regulations in the three Presidencies added to the dis-uniformity in the judicial set-up. In Bengal, justice was administered following the Bengal Code, which was in operation from 1793 to 1834. In Madras Presidency, the proceedings in law courts were conducted according to Madras Regulations, which remained in force from 1802 to 1834. In the Bombay Presidency, the revised Bombay Code of 1827 guided the operation of law. The result was that there was no uniformity, and justice was administered, to a great extent, differently in the different Provinces.

The Regulation 17 of 1829 or The Bengal Sati Regulation 1829:

The criminal courts were responsible for publishing this regulation, which aimed to make it official that it is unlawful to set widows of Hindus on fire while they are still alive. The preamble to the Regulation set an early precedent by citing two fundamental principles. These were: a) the practice of *Sati* was described as being "revolting to the feelings of human nature and contrary to the paramount dictates of justice and humanity;" and b) *Sati* as a custom occasionally practiced "was nowhere enjoined by the religion of the Hindus as an imperative duty." Consequently, neither Hindu religion nor religious law was violated. The British principles of government remained intact (Ariel Glucklich, 1986:1). Thomas Strange, the first Chief Justice of the erstwhile Madras Presidency, considered the *sati* an evil custom to be abolished and argued that from the absence of an

injunction in the major *Dharmasastras*, the status of *sati* should be regarded more as *malususus* than law (Ariel Glucklich, 1986:1). The Act made it clear that, regardless of the couple's religious practices or regulations, getting married before the age of fourteen for females and eighteen for boys is against the law.

Act 21 of 1850 Caste Removal of Disabilities Act or Freedom of Religion: the most essential, earliest Act for gauging reformers' legislative intentions and methods was Act XXI of 1850, the Caste Removal of Disabilities Act. The Act XXI of 1850 has been the most controversial provision (sections 21 and 22) of the Lex Loci Report and Draft Act under the First Law Commission of 1835, appointed under the Charter Act of 1833, with Lord Macaulay as the Chairman. The Lex Loci Report broadly delineated the substantive law to which persons in the mofussil not subject to Hindu or Muslim civil law should be subject (Ariel Glucklich, 1986:1).

The First Law Commission explicitly intended to relieve a significant and increasing class, the native converts to Christianity and their descendants. They have hitherto been considered almost in the light of aliens and outcasts. These converts were excommunicated by their caste and were disinherited by Hindu property owners according to the laws of the Mitakshara and the DayaBhaga schools. Because of this Act, the social stigma associated with converting to a different faith, which resulted in the disqualification from inheriting property, has been almost eliminated. According to the straightforward interpretation of this Act, the convert is the only one eligible to benefit from it (Ariel Glucklich, 1986:1).

Hindu Widows Remarriage Act XV of 1856: The first legislation to be passed that significantly impacted gender relations was the Widow Remarriage Act of 1856.

(ChakravartiUma, 2018). The legislation's primary purpose was to offer a "relief" to classes that practiced forced widowhood and remarrying widows. This rule was most strictly adhered to by members of the brahmana caste and members of certain other upper castes, such as the rajputs, banias, and kayasthas, who all prohibited their widows from remarrying. This "relief" was also intended to be provided to child widows whose husbands had passed away before they could consummate their marriages. Another objective of the Act was that the penal provision of the law stated that a widow who remarried was no longer entitled to the limited right to her first husband's property that she had up until that moment (ChakravartiUma, 2018).

Given that many castes have historically permitted widows to remarry without renunciation of their rights, it is essential that this new word widened the application of upper caste patriarchal principles in property arrangements. Significant differences were seen in how the various courts interpreted the provisions to understand the customary practices connected to the various castes. As a result, it is challenging to identify a uniform legal system that applies to all castes and regions (Ariel Glucklich, 1986:1).

The first explicit piece of social legislation designed to assuage the moral outrage of the British public and Indian reformers over the plight of young Hindu widows was the Hindu Widow Remarriage Act XV of 1856. India passed this legislation. The common practice of planning weddings between pre-pubescent girls and older men in the nineteenth century meant that many young women were fated to become widows. The Hindus had been primarily adhering to custom or perhaps interpretation of some later Dharma teachings when it came to forbidding the marriages of these widows, who mainly were virgins (Ariel Glucklich, 1986:1).

Hindu widows generally could not join into new marriages. Therefore, the British government formally noted this situation and created an act to do away with all of the restrictions on marriage that existed at the time. It indicated Dharma- or tradition-based Hindu law would no longer be upheld in British courts. The two primary arguments for the new legislation were outlined in the Act's preamble as technical and ideological. Technically speaking, it was asserted that the Hindu widow remarriage ban followed "established custom," even if it did not align with a correct interpretation of the Hindu religion's principles. It is due to the Hindu religion's requirement that widows should not remarry. A judicial system could not be based on Hindu tradition. In light of this, the Act established a general regulation to protect Hindus who wished to practice a specific habit. From an ideological point of view, the preamble promised that removing legal restrictions on widow remarriage would advance morality and the welfare of virgins in society (Ariel Glucklich, 1986:1).

Civil Marriage Act 3 of 1872: This Act's goal was to make it easier for people from other cultures to be married, and it made it possible for anyone, regardless of caste or religion, to get married (Uma Chakravarti, 2018: 121). Perhaps the most critical component of the case is that it was recorded as a legal union between two consenting partners and did not require the consent of either party's family. In addition, it made room for a public debate on the idea of love marriages. It is theoretically possible for any two Indians (of the opposite sex) to legally wed if they do so of their own free will and because they love one another, rather than by following the traditions of their own culture. On the other side, the conservatives who opposed this law faced a fierce backlash. The concept of brahminical purity and hierarchy was utilized in petitions sent to the government in opposition to the

planned Act, and a challenge was made against the authorities. It was considered an act of "hate" to marry someone from a different caste, and it was said that the offspring of such a relationship would be looked down upon as "bastards" (Uma Chakravarti, 2018: 121). The opponent went on to praise castes' rigidity and assert that they are "proud of their unmixed blood" in India as it is right now, which "would rarely be encountered in any other region of the world."

Act 21 of 1890 or Native Converts Marriage Dissolution Act, the conversion of a Hindu wife or husband does not dissolve a previously contracted marriage.

Act 8 of 1890 (Guardians and Wards Act). This Act establishes the age of major as 18 for those individuals the Court of Wards does not manage and 21 for those individuals the Court of Wards manages. In addition, it is essential to take note of Act 10 of 1865, also known as the Indian Succession Act, and Act 21 of 1870, also known as the Hindu Wills Act (Uma Chakravarti, 2018: 121).

Inheritance Removal of Disabilities Act XII of 1928:

Act XII of 1928 was passed to amend Hindu law, which prohibited specific types of heirs from inheriting property. The purpose of passing this bill was to change the law. The Manu Dharmasastra, the source of the prohibition on property inheritance to "Eunuchs and outcastes, those born blind or deaf, the insane, ignorant, and the dumb, as well as those lacking in any organ," claims. Virgins are also excluded from this category (Ariel Glucklich, 1986:1), and the new law was meant to help these prohibited people. The Act was noteworthy because it specified that no person subject to Hindu law, except for someone who is naturally mad or stupid, shall be refused an inheritance or any right or

share in the joint family property simply because they had an illness, physical deformity, or mental disability. No person subject to Hindu law shall be denied an inheritance or any right or share in the joint family property, which made this a significant declaration. This clause was vital since it declared that no person subject to Hindu law could be denied an inheritance or any right or participation in joint family property due to one or more of the following: (Ariel Glucklich, 1986:1).

On the other hand, the former Princely States introduced the family structure legislation with little opposition. The divorce provision was first implemented in the Indian princely state of Baroda. The Legislative Assembly approved the Infant Marriage Prevention Act of 1894 of the Princely State of Mysore 1894. To compete with the other princely states, Malabar, a part of the Madras Presidency, and Travancore underwent reform. However, because they could not do so, the Princely States were powerless to stop violations of these laws within their borders (Sarkar Sumit and Tanika Sarkar, 2007: 46).

Social Reform Movements and Women in India:

As a result of the British colonizers, visible changes were made to the status of women in Indian society. At some point, the East India Company was given the authority to establish laws governing civil and criminal concerns and the most important areas of personal law. The Company spoke with mullahs and commentators in the area, but no women were consulted. The colonial government harshly criticized the local society's socio-cultural situation, notably regarding the undervalued standing of women in the culture. On the other hand, Indian cultural nationalism justified Indian practices. The criticism sparked populist uproar in India, which posed a significant threat to the continuation of British control there. As a result, the Queen's Proclamation of 1859

declared that the government of the British Empire would not meddle in the religious affairs of the populace (Sarkar Sumit and Tanika Sarkar, 2007: 46).

The Hindu parents did not want to waste their cash raising the girl child because the girl child is almost always considered a burden. The hefty dowry and the sizeable wedding expenses placed the parents in a challenging financial position. The parents preferred a boy child, who would bring a sizable dowry with him. These conditions led to newborn girl children being executed shortly after birth (Sarkar Sumit and Tanika Sarkar, 2007: 46). Female infanticide was a common practice among some castes and tribes in India, notably in the northern and northwestern states. In line with this plan, Kathiawar and Kutch took the first actions to stop the slaughter of female infants (Sarkar Sumit and Tanika Sarkar, 2007: 46). The British government's propaganda and forceful methods, the horrifying practice of killing newborn female newborns, was finally abolished. The killing of an infant was categorized as homicide in Bengal Regulation XXI of 1795.

The debate on *sati* in British India started in 1780 and 1833 when Britishers expanded their rule to Bengal as a de facto control over the Indian subcontinent (Mani Lata, 1998: 14). From 1815 to 1828, there were 8,134 cases officially reported in Bengal Presidency, and most of the cases have occurred in Calcutta (Singh Santhosh, 1989: 5). The Britishers, to this effect, brought four circulars against the *sati*. The "Sati Abolition Act" of December 1829 claims that the "practice of suttee or of being or burning alive the widows" was prohibited in February 1789 by regulation XVII. Hindus are forbidden and subject to criminal prosecution (Singh Santhosh, 1989: 22).

The status of women in a society can be used to determine their level of development. Generally, women have a more excellent social status in civilized cultures than in uncivilized ones. Accordingly, the standing of the weaker sex gradually advances in a progressive society until it reaches a point where it can interact with men on an equal basis and replace them as consenting and legitimate coadjutors (Tendon R.K.,1998: 10). Because they disapproved of how women were treated in society, India's colonial rulers typically accorded women in caste-based societies a low social rank. However, with the advent of colonial modernity, India underwent socio-political reform intending to redefine gender relations based on a synthesis of contemporary concepts and conventional Indian beliefs (Tendon R.K.,1998: 10). The Child Marriage Restraint Act was ultimately enacted in 1929 as a result of debates that began as early even as the middle of the nineteenth century about the judiciary system of a minimal level age of sexual consent to marriage for both men and women. These debates centered on establishing a minimum age of 18 for both men and women (Tendon, R.K. 1998: 10).

The reformist ideology of the 19th century held that the idea of a society founded on the education and empowerment of women was the idea of social progress. Western colonial conceptions influenced and inspired this ideology, particularly those addressing women's status (Tendon R.K, 1998: 11). The native reformers were also well aware of their customs of women's exploitation. The most well-known social reformers, such as Raja Ram Mohan Roy, Pandita Vidyasagar, and Swami Dayananda Saraswati, as well as many others who were conversant with Hindu literature, guided India's transition from the dark ages into the modern era (Tendon R.K, 1998: 11). Ishwar Chandra Vidyasagar and Keshab Chandra Sen contended that young marriage was wrong for the physical and

mental wellbeing of women. They all agreed that there had previously been a "golden age" in Indian culture when women were respected and had significant roles in the community.

Women were free to travel, had access to education, married after age, and actively participated in social and political life during this supposedly "golden period." Some reformers expressed their views on invasions and conflicts, claiming that restrictions on women's access to education and mobility resulted from political instability (Tendon R.K, 1998: 11). However, most reformers believed that during Smritis' rule, the status of women declined, even in the period of Mahabharata, the Ramayana, and the Puranas. According to them, this period was responsible for compiling a sizable corpus of laws, particularly Manusmruti. Others blamed the Muslim administration for the invasions abroad (Tendon R.K, 1998: 11).

Some said that Muslim authority was to blame for laws against child marriage, widow marriage bans, seclusion, restrictions on women's education, and women's safety (Tendon R.K, 1998: 11). There is also the fact that emperors like Akbar aspired to elevate women above what Hindu law permitted and abolish the practice of sati. The majority of social reformers believe that their ideology is in line with natural law and the rules of reason and that it constitutes a return to the past (Tendon R.K,1998: 11). Throughout the 19th century, discussions of women's difficulties like sati, child marriage, widowhood, polygamy, and educational restrictions were common (Forbes Geraldine, 1998:10).

Moreover, Europe's 19th Century was a time of social, political, and scientific upheaval. They wanted to provide the best rule in the Indian sub-continent with that impact. Thus, they led the first discussions on ideal relationships between men and women in India to

establish their control. Thus, the 'woman question' loomed large because the Britishers, in their civilizing mission, made the women question the central question to raise the status of women, how can they be modernized, and focused their attention on the special status of women in Indian society(Forbes Geraldine, 1998:10). However, history explains that the Britishers were not foreign invaders with different cultural traditions from conquering India. Before them, various Muslim dynasties entered the sub-continent and brought new religions and ways of organizing power relations in India without interfering with the native social order. But Britishers wanted to gain commercial benefits and introduced new relationships and actions with a view of "clear, precise, instrumentalist, technical, scientific, effective, true and all beneficial to all who came into contact with it"(Forbes Geraldine, 1998:11).

Rev. E. Storrow, a traveler from Britain who came to India in 1848, said that the leading cause of women's degradation and low status in India is disunity among Indians, concluded that domination was natural and inevitable(Forbes Geraldine, 1998:13). Sir Herbert Risley claimed that the Indian intelligentsia was engaged in political and intellectual concepts but was not concerned in changing Indian society under the British rule. Intellectual and moral stagnation made it impossible to foster a nation's high virtues, such as courage, loyalty, and self-sacrifice. Colonial rulers argued that religion was central to Indian life, and *sati* and other customs were religious practices(Forbes Geraldine, 1998:10). Social reform movements played a crucial role in uncovering social and cultural barriers' suppression and oppressive mechanisms.

Raja Ram Mohan Roy (1774-1833) was the father of the Indian renaissance and social reform movement and established new religious order called Brahma Samaj in 1828. Brahma Samaj's teachings include freedom, women's equality, and widow remarriage(Divekar D.V, 1991: 15).The abolition of *sati* was one of the crucial achievements of Ram Mohan Roy, who sent a petition with his associates in support of legislation proposed by William Bentinck for the abolition of sati and stated that sati had no religious sanction was the accretion of the middle ages(Divekar D.V, 1991: 15).*Sati* was first abolished in Calcutta in 1798. Later the Abolition of Sati Act was passed in 1829. After the abolition of *sati*, a new discourse started that widow remarriage is a social problem for Hindus, and it has to be decided by Hindus(Divekar D.V, 1991: 16).

Ishwar Chandra VidyaSagar (1820-1891)encountered a child widow for the first time while visiting a friend's home, and his guru, who had married a young girl, passed away a year later. She has left a widow with nowhere to go and no way to sustain herself. Ishwar Chandra Vidya Sagar made a lifelong commitment to advancing the welfare of Hindu widows and encouraging remarriage (Divekar D.V, 1991: 16). In 1855, he published a tract on widow remarriage in which he pleaded with the British government to enact legislation allowing Hindu widows to remarry. He was a fervent advocate for women's education, opposed polygamy, and thought that modern practices result from the demise of religion (Forbes Geraldine, 1998:22). He obtained 1,000 signatures in favour of the widow's second marriage and delivered them to the Indian Legislative Council. As a result, the Hindu Widow Remarriage Act was adopted on July 25, 1856.Interestingly, only 25 petitions contained 5,000 signatures in support of the Bill, whereas approximately 41 petitions contained 60,000 signatures against it (Forbes Geraldine, 1998:22).

However, the Act's primary flaw was that only Hindus were subject to it. The Act provisions had little support from the public, and they ended up being the exception rather than the rule. The statute remained dormant until some men offered to marry widows who desired to remarry. The High Caste Widows Remarriage Act did not affect their situation. She was forced to give up her jewelry and eat just basic fare. For killing her illegitimate kid, one of the young brahmin widows in Surat court received a five-year term (Forbes Geraldine, 1998:22). In 1871 and 1873, VidyaSagar promoted public education for both boys and girls while advocating for the legal prohibition of polygamy.

J.E.D. Bethune, a member of the Governor-General Council, helped VidyaSagar establish a girl's school in Calcutta in 1849. Vidya Sagar led it through difficult times (Forbes Geraldine, 1998:23). Between 1855 and 1858, he opened 50 ladies' schools in Bengal. Polygamy was not outlawed, education for women was not started, and society never endorsed his efforts. Remarried women from traditional castes were frequently denied their just inheritance and disparaged as beneath them. He promoted social reform and showed an "unwavering commitment to constructive social activity" (Divekar D.V, 1991: 106). Pandit Vishnu Shastri, Sir R. G. Bhandarkar, Agarkar, and D. K. Karve have also contributed significantly to Maharashtra (Divekar D.V, 1991: 106).

Swami Dayananda Saraswati (1824-1883), founder of Arya Samaj, stated that the Samaj's objective was "to give equal opportunities to all persons, men, and women to acquire knowledge and quantify themselves whatever position in life they would like to fill. It admits the rights of every person to choose their environment, find it out, and rise as high in the scale of humanity as they would"(Divekar D.V, 1991: 106).He made it

plain that he would reveal "the fallacies" of the Hindu religion rather than upholding them, as he had done with other religions' mistakes.

Keshav Chandra Sen (1838-1884) popularized Brahma Samaj with women's education. It established a regular school for girls known as a Victorian institution and Bharat Ashram to cultivate better homely life and education. He brought about the Civil Marriage Act III of 1872, covering the abolition of child marriage (minimum age for marriage was 14 years), permission for widow remarriage and inter-caste marriage, and the penalizing of polygamy (Divekar D.V, 1991: 107).

Justice Mahadev Govind Ranade (1842-1901) was known for challenging society's adverse norms and practices when Bombay was a part of the British Empire. In 1869, Ranade became a member of the Widow Marriage Association, and in 1870, he joined Prathana Samaj. He seriously engaged with "intellectual protest against superficial dogmas untenable for a rational mind" (Divekar D.V, 1991: 23). But later, he concentrated his activities on social reform. He started a religious reform movement at Poona, where he belonged to the Prathana Samaj, to mediate between traditional culture and reformist principles. Ranade thought that advocating for social transformation was not just a pastime but a responsibility. He supported women's education, condemned the practice of child marriage, and favoured widows getting remarried. He blamed the Smritis, including epic writings Puranas, for the low status of women.

Ranade founded the National Social Conference in 1887. It became a significant organization in the struggle for social change and reflected his philosophy of such reform (Forbes Geraldine, 1998:24). According to Ranade, evolutionary change is a fundamentally Indian process. External triggers may be used to accelerate this process.

However, the main force for change must come from "the inner resources of the society itself" (Forbes Geraldine, 1998:24). And held out great promise for society's transformation from oppression to liberation, skepticism to religion, chaotic living to organized living, intolerance to tolerance, hopelessness to a sense of humanity's role in the universe (Forbes Geraldine, 1998:24). He believed that the four best means to bring about social change were argumentation, moral argumentation, legislation, and social rebellion. At the 1889 National Social Conference, more than 500 people formally committed to stopping child marriage, the trade in dowries for women, and supporting widow marriage and female education (Forbes Geraldine, 1998:25).

Mahatma Jotirao Phule (1827-1890) was an organic intellectual of the lower caste and a practical social reformer who attacked caste and religion. As a radical thinker and reformer, he argued that the brahminical ideology and social hierarchy oppressed the women and the untouchables. His earliest initiatives included establishing schools for girls and untouchables, promoting education for both boys and girls, and vehemently opposing the orthodox portions. Education, according to Phule, is the key to achieving social mobility and gaining access to powerful positions. Education was viewed as the Third Eye, or Tiritiya Ratna, which allowed individuals who possessed it to perceive things that the ordinary eye could not. According to Phule, "as long as there was inequality in the family, there could be no true equality in the society. In traditional Hindu culture, suppressing women went hand in hand with suppressing low caste and untouchables" (Gail Omvedt, 2004).

Phule attacked the traditional Hindu family system that helplessly bound the women to the home. Phule fought for the formation of a new and equalitarian husband-wife

relationship. His Satya Shodhak Samaj played a pivotal role in reorganizing society based on truth and rationality. His goal was to break down the traditional authoritarian structure within the family. His concern about women was not a paternalistically 'uplift program.' Concerning the issue of women's liberation, Phule is one of the few male social reformers in Indian history who upheld women's respect in totality (Gail Omvedt, 2004).

Kandukuri Viresalingam (1848-1919) was born in Rajahmundry, Telugu-speaking district of erstwhile Madras Presidency. His journal, *Viveka Vardhini*, enlightened the women on various issues and stressed the purification of religion by opposing wrong customs and conduct. Kandukuri believed that 'pure religion, social reform, and vernacular education would be the three pillars of a society cleansed of its bad ways and regenerated' (Sarkar Sumit and Tanika Sarkar, 2007: 22). He promoted two critical concepts for social reform: widow remarriage and female education. He opened the first girl's school in 1874 and 1878 and organized a society for social reform. In 1879 he stated that widow remarriage was a vital issue for social reform. He performed the first widow- remarriage in Rajahmundry in 1881 (Sarkar Sumit and Tanika Sarkar, 2007: 46). He established a widow remarriage group with thirty Brahmin homes in 1891. They all signed a commitment vowing to attend the wedding feast and rituals for widow remarriages wherever there was agreement (Forbes Geraldine, 1998:22). His political effort influenced the ideology of contemporary Telugu writing (Forbes Geraldine, 1998:24).

Women's protests against the patriarchy and their contributions to the political climate in pre-independent India have been purposefully left out of India's recorded history. There is strong evidence to demonstrate that women were excluded from formal education

throughout the history of our country. Due to the general gender bias of those records, it should not be shocking that their voices have not been represented in the written materials that serve as witnesses to our past (BhuthaliaUrvasi and Tanika Sarkar, 1995: 22).

Rassundari Devi, a brilliant and self-taught woman from Bengal, bucked tradition by publishing her autobiography in Bengali under the title "Amar Jibon," which translated as "My Life," in 1876. An eloquent description of the terrible status of women is combined with an eloquent appeal to female readers to leave their positions of subjugation and take a close look at their own lives, as well as the societal conventions and practices that are prevalent in their communities today (Forbes Geraldine, 1998:23). **Swarnakumari Devi**, an activist who is less well-known than her famous brother Rabindranath Tagore, created the Ladies Theosophical Society, a group of women from all religions, in 1882. **Sarala Devi**, Swarnakumari's daughter, was actively involved in a violent brand of nationalism in 1903, and she trained other women how to handle a sword and lathi (Forbes Geraldine, 1998:23).

TarabaiShinde (1850-1910), another critical feminist thinker, wrote *Stri-PurushaTulna*, a tract written in 1882 comparing women and men, the first feminist work in India. She had a *Satya Shodhak* background, shared much of its radicalism against the orthodox religion, and rebelled against women's subordination among the non-Brahmin caste. In *Stri-PurushaTulna* Tarabai laments the lack of equality for women and discusses widows' plight, widow remarriage, and various other problems. According to Tarabai Shinde, generally accepted social reformers had the intention of helping women but did not treat them equally in their efforts (BhuthaliaUrvasi and Tanika Sarkar, 1995: 22).

Pandita Ramabai (1858-1922), the daughter of Anant Shastri Dongre, is different from the elite Brahmins. Ramabai described her father as a highly traditional follower of Hinduism who was very observant of the caste system as well as other religious practices. The only variation from orthodoxy was his interest in women's education (Bhuthalia Urvasi and Tanika Sarkar, 1995: 22). Ramabai's father taught education to his second wife. According to Pandita's work, "The High Caste Hindu Woman." Her father made her study Sanskrit and Dharma shastras, for which the caste Hindus in the area threatened him with ex-communication. As a result, she learned Sanskrit and Dharma shastras (1886). It is an attack against the oppression of women and religion, and colonialism (Ramabai Sarasvati Pandita, 1888: 15).

Pandita Ramabai's father contended their opposition in the scriptures and questioned them by referring to chapters and verses. His wife, in turn, educated their infant daughter Ramabai. Wandering throughout India, Ramabai dedicated herself to reforming the position of women, a reform that took a revolutionary turn (Forbes Geraldine, 1998:22). Ramabai locates the subordination of women in the teachings of the ancient sacred literature. Ramabai's critical conversion with books like Dharmasastra, the religious Epics, and Puranas made her conclude that the orthodox Hindu men agreed that the women of high and low caste as a class were terrible and evil worse than demons, as unholy as an untruth (Forbes Geraldine, 1998:22). She opposed the ill-treatment of women.

Though she refused to discriminate based on caste, her reaction against the caste system was that she did not consider the caste a significant evil (Forbes Geraldine, 1998:22). She took a blind view of the caste of the time that the caste originated in the economic

division of labor(ChakravartiUma, 2018: 204). Following the traditional reformist viewpoint, she also argued that people were classified into one of the four castes based only on their ability and merit, independent of the chance of birth (ChakravartiUma, 2018: 204).She acted as a free autonomous woman of freedom, choosing her religion and organizing her utopian community in the process(ChakravartiUma, 2018: 204), the first Indian woman to declare that ‘the Sanskrit, the core of Hinduism was irrevocably and essentially anti-women(ChakravartiUma, 2018: 204). She was the first ‘autonomous feminist’ of the new era of colonial modernity. She prioritized saving Indian women from exploitation(Sarasvati PanditaRamabai, 1888: 17). Great social reformers from Pune, M.G Ranade, and R.G Bhandarkar, promised their support for Ramabi’s activities. She aimed to set up an institution for Indian widows and formed a general organization called the Arya Mahila Sabha in 1882. Pandita encouraged women to break away from the control that men, who were confined to the four walls of the home, exerted over them.

Pandita Ramabai ultimately decided to become a Christian on September 25, 1883,and started signing her name as Mary-Rama, representing her dual identity and her acceptance of both her old and new selves (Chakravarthi Uma, 1998: 315).In Pune, she was attacked by the conservatives and liberals, but JyotiraoPhule defended her. Phule’s new periodical ‘Satsar’ took up the cause of radical women, defending both Ramabai and TarabaiShinde vigorously(Chakravarthi Uma, 1998: 315). In ‘Satsar-2’, written in October 1885, Phule again praised the Ramabai giving her credit for women's education and hoped that women’s education would further reject brahmanism. Mahatma Phule opined that once privileged caste women became aware of the deception of sacred literature, they would

become like Ramabai and ‘smash all the Puranic in the temples and force them to run away bawling’(Chakravarthi Uma, 1998: 315).

Ramabai’s main goal was to liberate Indian women from the oppressed system of Hinduism. She has participated in nationalist activities, and in 1889 she addressed Congress Session in Pune(Chakravarthi Uma, 1998: 320),challenging the men, in her speech, to include more women in the organization. She attacked the hypocrisy of educated men who could give such great orations without practicing them. She continued her fight for autonomy—an established set of institutions with the main aim of attaining women’s Mukti: TheMuktiSadan, the realization of both ‘salvation and freedom.’ By integrating widows into society, she reconceptualized widowhood and womanhood so that most reformers could never have thought of it. The reformers' ideal solution, according to Ramabai, is remarriage means reintegrating women into the existing patriarchal structures. MuktiSadan ignored caste distinctions and rejected gender discrimination, and tried to train women in all the areas of subsistence and profitable production. Ramabai added gender to this, first to attempt to put the vision into practice.

Women’s Political Participation and Rise of Women’s Organizations:

Middle-class social reform organizations in the 19th century brought women's rights to the fore in modern India. The most contentious and passionate discussions happened on social reform and the subject of women's rights. The majority of these mass movements were motivated by two main issues. The condition of Hindu upper-caste widows and the associated topics of sati and widow remarriage is the subject of the first discussion. The second one concerns educating women and developing a new middle-class culture. New

moral standards, reorganizing the house as an enclosed private space, and codifying customary legal rules are all aspects of this new culture.

Women played a significant part in the Swadeshi movement, the Non-Cooperation movement (1920–22), the Civil Disobedience movement (1930–34), and the Quit India campaign (1942). All of these movements contributed to women's increased awareness of the importance of having women represented in legal systems. The Women's Indian Association founders were Sarojini Naidu, Annie Besant, and Madame Cama (Sharma Radhakrishna, 1981:50). M. K. Gandhi promoted equal participation for women, which encouraged the emergence of a significant number of female independence fighters. He also emphasized the significance of the general populace's active participation in the emancipation effort, particularly among women.

Saraladevi Chaudhurani started the Bharat Stree Mahamandal in 1910. to support women in their pursuit of education. According to the Stree Mahamandal movement's leaders, Purdah is the main barrier preventing widespread acceptance of female education. Women's participation in the national struggle started a new era at the beginning of the 20th century as a direct result of All India Women's Groups' growth. During the first fifty years of the 20th century, the formation of All India women's organizations was an important beginning.

The Women's India Association (WIA) in 1917 was the first attempt to organize women on an all-India basis. The organization's founding members were Annie Besant, Margaret Cousins, Dorothy Jivarajadasa, and Dr. Muthulakshimi Reddi. The aims and objectives of the Association were: to present as the responsible daughters of India; to secure the proper education; abolition of child marriage and other social evils; to secure voting

rights; to secure adequate representation of women etc. committed to Indian nationalism WIA from the beginning was interested in Home rule and women's suffrage. Dr. Muthulakshimi Reddi, the founder of the WIA, the first women member of the Madras Legislative Council, and a social service reformer, had definite ideas about the role of women's organizations.

In 1925, the International Council of Women established a national branch in India, which came to be known as the **National Council of Women in India (NCWI)**. The primary goals of the Council include, but are not limited to, fostering unity among women in India; working toward the elimination of obstacles faced by women; organizing, developing, and coordinating the many Council branches; etc. In addition, it addressed broader concerns about women, such as the Hindu Women's Right to Property Bill, the Bill to legitimize Marriages amongst Different Castes of Hindus, the Bill to alter the Child Marriage Restraint Act, Birth Control, etc., among other things. Poona was where the All India Women's Conference (AIWC) was established in 1927. The Infant Marriage Prevention Act was passed into law by the Government of Baroda in 1901. This Act established that the minimum age for girls to get married is 12, while the minimum age for guys is 16. The Sarda Act was enacted in 1930 to stop the legalization of weddings involving minors (boys under 18 marrying girls under 14). Despite this, the Act continues to exist only on paper, even to this day, due to several issues. During its session in Lucknow in 1932, the All India Women's Conference of 1929 adopted a resolution condemning the practice of purdah and a resolution advocating for girls' education. Resolutions calling for the end of communal electorates for women, the practice of untouchability, and the elimination of the power to divorce a spouse unilaterally were all

successful. Therefore, the period mentioned above was marked by significant developments in the history of women in India (Sarkar Sumit and Tanika Sarkar, 2007: 46).

The Hindu Code Bill: Pre-Independent Period-1940:

The critical arguments over the reform and codification of Hindu personal law, particularly the Hindu code, underwent a significant turning point in the 1940s. The Hindu Code Bill principally lays forth a capable set of guidelines that, by taking into account shifting societal needs, would bring consistency to widely disparate Hindu laws and practices. This arduous task began in the 1940s. Perhaps it was the longest prolonged debated and discussed Legislative Bill in post-independent India. Since it started to codify, it gathered widespread criticism and gained sufficient controversy.

Hindu Law Committee or Rau's Committee

The Hindu Law had been static for centuries and clamored for reform or codification on modern lines. In these circumstances, the codification of the Hindu Code Bill has long historical antecedents of the Hindu Law Hindu Code. Several pieces of colonial legislation, ranging from the Hindu Widow's Re-Marriage Act of 1856 to the Hindu Women's Right to Property Act of 1937, had periodically interfered to bring about desired reforms in Hindu Law. The social reform by the legislation had ideological at two levels. The colonial rulers followed the technical constitutional or legal legislation.

On the other hand, the Hindu reformers challenged the orthodox interpretations of *Dharmasastras*. They attempted to lay the ground for a thorough reform of the Hindu law

as an element of a comprehensive legal system of the modern state. All these changes were made to improve the status of women in India.

The Indian government constituted a committee of Hindu lawyers and jurists on January 25, 1941, to investigate and provide recommendations regarding the status of women's property rights under Hindu law. Justice B. N. Rau, Chairman, Rajratna Vasudeo Vinayak Joshi, Dwaraka Nath Mitter, and J. R. Gharpure. This committee is often called Rau's Committee or the Hindu Law Committee. The committee members highlighted their concern over the 1937 Hindu Women's Right to Property Act as a patchwork reform and their desire to clear up any misunderstandings or legal ambiguity around these changes to Hindu law. The members of the Committee believed that the time had come to develop a code of Hindu law. The Committee members clarified, "We do not advocate tackling every aspect of the law at once. The law of succession, which includes women's rights in this context, may be discussed before moving on to marriage law. The numerous Acts may be combined into a single Code after the law about each part has thus been reduced to statutory form. They advocated a sensible middle ground between comprehensive codification and piecemeal legislation (Eleanor Newbigin, 2013:128).

The terms of the reference of the Committee are:

(a) *"to examine the Hindu Women's Rights to Property Act of 1937, paying special attention to the following:"*(Rajagopal, G. R., 1975: 537-558).

(i) "the Hindu Women's Rights to Property (Amendment) Bill, promoted by

Mr. Akhil Chandra Datta"

(ii) "the Hindu Women's Rights to Property (Amendment) Bill, promoted by

Mr. A. N. Chatopadhyaya and others”

(iii) “the Hindu Women's Rights Property (Amendment) Bill, promoted by

Dr. G.V. Deshmukh and Mr. Kailash Bihari Lal”

(iv) “the Hindu Women's Property Bill, promoted by Mr. N. V. Gadgil.”

(v) “the Hindu Women’s Estate Bill promoted by Dr. G. V. Deshmukh.”

(Rajagopal, G. R., 1975: 537-558).

And to propose any changes to the Act that would:

(1) “resolve the doubts felt as to the construction by the Act upon the

widow”

(2) “clarify the nature of the right conferred by the Act upon the

widow”

(3) “to remove any injustice that the Act may have done to the

daughter”(Rajagopal, G. R., 1975: 537-558).

(b) “to examine and advise on.”

(i) “the Hindu Law of Inheritance (Amendment) Bill, promoted by Mr. K.

Santhanam”

(ii) “the Hindu Married Women's Right to Separate Residence and

Maintenance Bill, promoted by G. V. Deshmukh” (Rajagopal, G. R., 1975:537-558).

The Hindu Law Committee, which had earlier looked at the legal flaws of the 1937 Act, argued in favour of the codification of all facets of Hindu law in its report dated June 8, 1941. The Committee also concluded that writing a thorough Hindu law code was necessary. According to their description, this code "would establish a system that would fulfill the needs of a progressive society while maintaining the distinctive character of the Hindu Law through prudent selection and synthesis of the best features in the Hindu Law" (Rajagopal, G. R., 1975: 537-558). As a result, in 1943, the Rau's Committee's draft of the Hindu Marriage and Intestate Succession Bills was presented to the Central Legislature. The opposition from conservative forces, who continued to support the British Government in power at the time directly, finally allowed them to fail.

The Government of India, which agreed that the Hindu Law needed to be codified, approved the Committee's work. Later, in 1942, the Committee submitted two draft bills to the government, the first of which addressed the law of intestate succession and the second of which addressed marriage law. On May 30, 1942, the Gazette of India published the two draft bills of the Committee. Following that, the Committee ceased to function in any way. The central legislature worked to codify the various facets of Hindu law at this time so that a comprehensive Hindu Code could be put into effect on January 1st, 1946. The Joint Committee advocated reactivating the Hindu Law Committee to draft and adopt the remaining provisions of the anticipated codes to address issues regarding intestate succession (Rajagopal, G. R., 1975: 537-558).

On the other hand, the Hindu Law Committee was revived by the Government of India on January 20, 1944. Its members were Justice B. N. Rau, Dwarka Nath Mitter, J. R. Gharpure, and T. R. Venkatarama Sastri (who was included in the place of Rajratna Vasuseo Vinayak Joshi). The resolution stated that the Hindu Law committee formulated to draft a Hindu Law Code that would be as complete as possible. Accordingly, the Committee prepared a revised draft of the Hindu code published on August 5, 1944. In its explanatory statement, the draft code cautions against the risks associated with establishing laws on this subject piecemeal. As soon as feasible, a comprehensive Hindu Code supported by the majority of Hindus should be implemented. Secondly, the Committee proceeded to create a code that addresses the parts of Hindu law that the Central Government is specifically given exclusive legislative jurisdiction to govern under the current Constitution. Thirdly, the Committee sought to revive the plan in light of the public opinion that its members verbally and in writing elicited.

Fourth, the Committee declared that it was working to create a uniform code of Hindu law that would be binding on all Hindus. The most cutting-edge components of the multiple law schools prevalent in various parts of the nation will be combined to achieve this. Lastly, the Committee is keen that the Code be assessed as a whole rather than dissected into its component pieces and assessed separately. The Intestate and Testamentary Succession, as well as issues that result from those, such as maintenance; Marriage and Divorce; Minority and Guardianship, and Adoption, according to the Committee, are all covered by the proposed Code. (Rajagopal, G. R., 1975: 537-558).

The Hindu Law Committee delivered its report, which included the Hindu Code's final draught, on February 21, 1947, following three years of discussion. Before this,

committee members had traveled around India, taken notes, and been given written memos. The Hindu Code Bill was circulated by executive order following the draft that the Rau Committee had submitted to the Central Legislative Assembly in 1947 to solicit opinion from the general public. The Bill was brought up again in the Legislative Assembly of the Indian Constituent Assembly in 1948, and it was then forwarded to a Select Committee. The Law Department, on the other hand, hasn't given the Code any thought and neither made a final decision on it(Rajagopal, G. R., 1975: 537-558).

After that, B. R. Ambedkar, the country's first law minister, got involved and tried to revise the Hindu Code Bill. The next chapter of this thesis will concentrate on B. R. Ambedkar's role in developing the Hindu Code Bill.

CHAPTER-IV

AMBEDKAR AND HINDU CODE BILL

The process of law formation in particular and socio-legal history, in general, have relied seriously on the interpretation of narratives rather than factual data (Chitra Sinha, 2019). When the law is still being formed, it is deeply ingrained in a culture that permits the ideological transmission of the legal system through a wide range of narratives (Chitra Sinha, 2019). A complex network of narratives, power relations, and societal representation serves as the primary operating principle of the transmission mechanism. These connections between society and the government realm are essential. Law does not develop independently from society; instead, it does so within it. When it comes to documenting legal history, the ability of legal historians to comprehend the social structure and recognize narratives that emerge during the process of legal change in the public and political sphere is critical to their success (Chitra Sinha, 2019).

The structure of the civilization that historians are researching influences the variety of narratives available to them for studying that civilization. One of the challenges they are presented with is the task of assimilating competing narratives within the specific geographical and temporal contexts of those stories. The term "multiperspective" refers to this approach to studying history (Chitra Sinha, 2019). Furthermore, "in this framework, narratives are typically seen to comprise the discourse's substance," and "rhetorical devices are seen as forms through which they are articulated" (Chitra Sinha, 2019). Mixing sources that reflect various points of view on a historical event is called "multiperspectivity" (Chitra Sinha, 2019).

Chitra Sinha's research "focuses on the multiplicity of narratives in a key moment of Indian legal reform, the reform of family laws in the 1940s and 1950s, is concerned with the controversy surrounding the Hindu Code Bill." In terms of India's economy, politics, society, and culture, the 1940s are remembered as one of the most vibrant decades in its history. It was the decade in which India's protracted struggle for independence from colonial tyranny nearly ended and gave rise to the current Republic. India attained its freedom during this decade. "The protracted debate over the Hindu Code Bill with extensive participation across all regions and elements of the Indian society between 1941 and 1956, i.e., the Hindu code Bill debate, was of momentous importance to the overall project of crafting a new, secular India," claims Chitra Sinha (Chitra Sinha, 2019). The family law amendments in the middle of the 1950s marked the debate's pinnacle over the Hindu Code Bill. It made an effort to give Indian women significantly more legal safeguards and impacted how duties were divided and money was allocated within Indian families. The Hindu Code Bill eventually became the single most significant legal undertaking in India's history and a revolutionary piece of legislation for the Hindu population there. As a result of this acknowledgment, the bill was accorded the distinction of being India's most significant legal initiative.

Chitra Sinha investigates four powerful narratives that permeated the debate around the Hindu Code Bill in the 1940s and 1950s. She accomplishes this by using the theoretical technique of critical discourse analysis. The first version was regarded as the "orthodox or religious narrative" since its veracity was derived from the ancient religious customs of Hindu society (Chitra Sinha, 2019). As a result, it is possible to connect the orthodox narrative's beginnings to spiritual leaders and religious or right-wing political

organizations. The “liberal narrative,” which was the second to be presented, was based on the premise that the developing nation of India needed modern laws focused on the future (Chitra Sinha, 2019). Both the leading political party in the country, the Congress, and the liberal elite endorsed this story. The third narrative, the “progressive legal narrative,” is based on the principle of gender equality. The “minority narrative” is what Chitra Sinha refers to as the fourth category (Chitra Sinha, 2019).

Babasaheb B. R. Ambedkar, according to Chitra Sinha, was entirely in charge of creating the minority narrative. According to her, the minority narrative, similar to the gender narrative, highlighted caste imbalances prevalent in ancient Hindu practices and called attention to discrimination within Hindu culture (Chitra Sinha, 2019). She argues that the “double status disadvantage” experienced by women from lower castes is the cause of how closely the gender narrative is tied to the history of the minority. She continued by pointing out that the conventional story had an ideological viewpoint that was opposed to the viewpoints taken by the other three narratives. According to her, the other narrative was primarily progressive and attempted to bring about modernization in Indian society (Chitra Sinha, 2019).

The fourth of Chitra Sinha's four narratives, The Minority Narrative, is the one she credits to Babasaheb B. R. Ambedkar. According to this narrative, it is difficult to understand the discussions on gender issues in nineteenth-century India without considering the caste system's dynamics. Endogamous hereditary groupings known as Varnas are subdivided into jatis, a type of social stratification and hierarchy that is accentuated by the caste system. For Hindu women, the caste system assumes a preeminent role because of its

impact on the traditional traditions in India that are built around family and community (Chitra Sinha, 2019).

The caste system had a tremendous impact on Indian society and culture for more than 2,550 years. The caste system also defended the unequal distribution of wealth and power in society. On the other hand, Babasaheb B. R. Ambedkar played a significant role in exposing the atrocities that the higher castes had committed on, the lower castes during the twentieth century. Babasaheb B. R. Ambedkar strove to abolish caste and establish a caste-free modern democracy in India at the same time Mahatma Gandhi fought to remove the practice of "untouchability." Thus, Ambedkar was essential in bringing the Hindu Code Bill back to life. In the newly formed nation-state of India, his specific anti-caste policies and how he handled the Hindu Code Bill had a considerable impact on the development of Hindu law as well as the concept of citizenship, which protected people from being maltreated because of their caste (Eleanor Newbigin, 2013: 162).

According to Chitra Sinha, Ambedkar acted as a spokesperson for the viewpoint of the minority during the discussion over the Hindu Code Bill. Ambedkar emphasized that it would not be adequate to recognize the right to political and economic equality in a "secular" context established by the constitution so long as caste-based distinctions among people remained entrenched in the Hindu majority's religious life. He added that this would be the case as long as caste-based distinctions among citizens remained deeply ingrained in the Hindu majority's religious life. Ambedkar believed that caste was the primary determinant of a person's place in society and was the fundamental source of the disparities between citizens. He thought the Hindu Code Bill might be the starting point for the reform of Hindu society.

The current chapter is divided into two sections. The first section concerned with the narratives employed in establishing Indian legal reform, including the reform of family laws and the Hindu Code Bill, which was the topic of heated discussion from 1948 to 1951.

Ambedkar's name has been closely linked with the Hindu Code Bill. Ambedkar exerted a tremendous deal of effort to have it passed. Ambedkar has stated that he thought his work on the Hindu Code Bill was equally important to his involvement in drafting the Indian Constitution. Ambedkar articulated the viewpoint of the minority, stating that "to adopt legislation about economic difficulties and leave inequality between class and class, sex and sex which is the soul of Hindu society intact is to make a farce of our constitution and to construct a palace on a dung heap." Ambedkar said it would be like "building a palace on a dung heap," to put it another way. Ambedkar's campaign for the Hindu Code Bill was an internal battle for social justice within the legislature.

The second section of this chapter explores Ambedkar's role in developing the Hindu Code Bill in light of the preceding. Second, Ambedkar started a heated discussion on the draft of the Hindu Code Bill. Numerous members of the Constituent Assembly (Legislative Debates) took part in this discussion and shared their thoughts on the B.R. Ambedkar draught bill.

As was described in the previous chapter, the Report was put together by the Hindu Law Committee, also known as the Sir B. N. Rau Committee, shortly after their journey to independent India. After lengthy discussions over three years, the Hindu Law Committee submitted the final draft with new findings of the Hindu Code on February 21, 1947. The draft of the Rau Committee's Hindu Code Bill was distributed by executive order and

presented to the Central Legislative Assembly in 1947. The Hindu Code Bill sparked widespread hostility from more conservative members of the Constituent Assembly Legislature and among female legislators, as the Hindu Law Committee's experience reveals. Significant differences in viewpoint existed among the group's participants. According to some, there was a strong consensus that the Hindu Code should not have been followed. Therefore, this is not the right time to introduce the Code. On the other side, the majority of the Committee's other members felt that the Hindu Code should be incorporated into the Code as its progressive element to be consistent with India's goals for its future development.

However, the enthusiasm with which the Hindu Code Bill was challenged and the cry of "faith in peril" was echoed inside and outside Parliament since the bill might limit people's freedom of religion. A draft of the Hindu Code that the Law Committee had drafted was presented to the Indian Constituent Assembly (Legislative) in April 1947. After then, a Joint Select Committee received this text for additional review. The Hindu Code was sent to a joint select committee as a result, despite not having undergone any departmental review in the Law Department before adoption.

B. R. Ambedkar, in his capacity as Minister of Law, appointed himself as the chairman of a small committee to investigate the Bill because it was still in the parliamentary process. K. Y. Bhandarkar, G. R. Rajagopal from the Ministry of Law, and S. V. Gupte from the Bombay Bar were the other committee members. The Hindu Code Bill was rewritten, the laws were reorganized, and the subject matter was redistributed in a way that made better sense thanks to the work of this little Committee, whose chairman was B. R. Ambedkar. The updated version of the document was brought to the Select Committee, which

debated both the original and revised versions throughout seven sittings before choosing to accept the improved version with certain modifications (Rajagopa G. R, 1975: 4). The deliberations on the Hindu Code Bill that was sent to Select Committee started on November 17, 1947, and they lasted until April 9, 1948.

B. R Ambedkar's Re-Draft of the Hindu Code Bill

The provisions of the Hindu Code Bill, revised by B. R. Ambedkar, are arranged into nine parts which are further divided into chapters, and chapters are divided into sections which are again divided into sub-sections. Under the sections, there are various clauses, and these clauses are divided further into sub-clauses. There are 139 Sections and 8 Schedules.

Part-I Preliminary has no chapters and has four sections with clauses and sub-clauses dealing with title, definition, application of the Code, and Overriding effect of the Code.

“Part-II Marriage and Annulment of Marriage has the highest number of 5 chapters and 46 sections (5-51sections). It has many clauses and sub-clauses dealing with the highly controversial subject matter of marriage and Annulment of Marriage.”*“Part-III Adoption* contains three chapters with 25 sections (52-76) having many clauses and sub-clauses.”

“Part-IV Minority and Guardianship has no chapters but contain nine sections (77-85) with clauses and sub-clauses on the provisions.”*“Part-V Joint Family Property* has 5 sections (86-90) with clauses and sub-clauses.”*“Part-VI Women's Property* has no chapters. It has three sections (91-93) with many clauses and sub-clauses related to the provisions of the Bill.”*“Part-VII Succession* has three chapters with 31 sections (94-124)

and many clauses and sub-clauses.”“*Part-VIII Maintenance* has no chapters but has 13 sections (125-137) with clauses and sub-clauses.” Lastly, “*Part-IX Miscellaneous* has no chapters and only two sections (138-139) with clauses and sub-clauses.”

B. R. Ambedkar, the Minister of Law, announced that the Bill to modify and codify specific branches of Hindu Law should be submitted to a Select Committee as he was advancing it through the Constituent Assembly of India (Legislative). According to Ambedkar, the initiative aimed to codify the laws of Hinduism, which are currently spread out over an unlimited number of judgments rendered by the High Courts and the Privy Council. For the average person, these judgments are the subject of ongoing litigation. According to him, it is crucial to codify Hindu law. Ambedkar reviewed and redrafted six topics that received new codification of the seven total subjects. First is the practice of inheriting property through survivorship and abolishing birthrights. Giving the daughter one-half of the interest is the second decision that needs to be made.

Thirdly, the property owned by the women was converted from a limited estate to an absolute estate. Fourth, it should be a top goal to do away with caste-based prohibitions on adoption and marriage. The fifth and sixth positions are occupied by the principles of monogamy and divorce, respectively. The prior subject of guardianship and minors did not get any new information. Therefore, the Revised Bill did not codify any of the Bill's provisions (Moon Vasant, 1995: 11).

The themes that B. R. Ambedkar standardized are listed below:

Codification of the Right to property

Ambedkar began codifying the Hindu Code Bill by addressing the question of property rights, also referred to as the subject of succession or inheritance. He stated that both Hindu men and women should note that Hindus are considered to have died intestate when they departed this world without leaving a will. Ambedkar remarked that the Mitakshara and Dayabhag are the two principal legal systems governing Hindus' inheritance practices. The first is referred to as the Mitakshara and the second as Dayabhag. The Dayabhagrule has been added to the amended draught of the Hindu Code Bill in its updated form. Inaccurately, the Mitakshararule claims that a Hindu's property does not belong to them personally.

However, it is now owned by a coparcenary that includes the first owner's father, son, grandson, and great-grandson. The Dayabhagrule holds that the heir owns the property as his personal property and has free discretion over how to dispose of it, whether by gift, bequest, or any other means (Moon Vasant, 1995: 5). The law of inheritance was made universal in the amended wording, which was the most significant change. This was achieved by extending the Dayabhagrule to include the area under Mitakshara. Additionally, the revised draft now considers the Dayabhag rule about succession sequence. The Mitakshararule claims that a deceased person's ancestors are honoured more than their cognates. The Dayabhagrule, on the other hand, holds that heirship is established by one's blood connection to the deceased and not by their cognate or agnatic kinship (Moon Vasant, 1995: 6). In addition, the revised Bill added four new modifications to the order of events.

First, this proposal calls for the Hindu Women's Right to Property Act of 1937 to be amended to include the daughter on the list of female heirs already recognized by the law. The amendment states that the daughter will be entitled to a share of her father's fortune that is equivalent to one-half of what the son will receive from the inheritance (Moon Vasant, 1995: 6). Second, compared to the Mitakshara or the Dayabhag, the modified Bill recognizes a substantially higher number of female heirs. The final modification made by the Bill was to do away with the prejudice that the Mitakshara and the Dayabhag had against female heirs under the old legal system. The updated version of the bill eliminates all sorts of prejudice against female heirs. A woman considered an heir is entitled to inherit regardless of her financial situation, marital status, or whether she has children. Whether she has children or not (Moon Vasant 1995: 6). The Bill about the inheritance rule in the Dayabhag has recently undergone its most recent revisions. The Dayabhag states that in terms of succession, the father is given preference over the mother. The position has changed, which is opposed to the revised bill version. Priority is given to the mother over the father.

The succession of Heirs: Share of Daughter and Son

Additionally, there are two categories of possessions that a female Hindu owns; one is known as "women's property," and the other is known as Stridhan. Both of these categories apply to female intestate succession. The Stridhan is divided into several categories, each with its regulations that are all recognized by Hindu law. In contrast, the new bill creates a uniform norm for the order of succession for all categories of property. It unites the several Stridhan property types into a single type of property. There will only ever be one heir to the Stridhan, and there will only ever be one method for selecting that

heir. By allowing the son to inherit the Stridhan, the new Bill aims to maintain the daughter and son an equal status. This is a component of the campaign to advance gender equality. According to the revised draft of the bill, the daughter has the right to inherit fifty percent of the share in the father's property. Likewise, the son also has the right to inherit fifty percent of the part in the mother's property (Moon Vasant, 1995: 6).

Women's Limited Estate to an Absolute Estate:

According to Hindu law, a woman who inherits property is only entitled to a "life estate." According to this clause, she is allowed to use the property's revenue but is not allowed to deal with the corpus of the property unless she is forced to by law; the property must pass to her husband's reversioners at her death. When Ambedkar rewrote the original text and added it to his book, he made two changes. The restricted estate must first be transformed into an absolute estate, just as a female inheritor receives an absolute estate in a male-owned property. Second, it eliminates the reversioners' ability to assert a claim on the property upon the widow's demise.

Another crucial clause about women's rights to inherit property is that girls who receive large sums of money as dowry, Stridhan, or gifts from their parents will be treated with complete and total scorn, tyranny, and oppression. This clause has an impact on women's inheritance rights. The bill's helpful provision is included in the updated version and ensures that the lady has the legal right to claim that piece of property. It will be considered "trust property" that the piece given to the bride-to-be as part of the dowry on the day of her wedding. As a result, she will never have the opportunity to lose that property and make herself defenseless for the rest of her life, nor will her husband's relatives.

The Law of Maintenance:

Concerning the maintenance clause, the revised Bill specifies that dependents of a person who has passed away shall have the right to request maintenance from those who inherit the deceased person's property following the laws of intestate succession or following the terms of the deceased person's will. This right to request maintenance is stipulated in the updated Bill. This law recognizes eleven distinct categories of dependents, each with a unique set of rights and responsibilities.

The bill's clause that guarantees the right to separate support claims for wives who live apart from their husbands assures that this right is safeguarded. According to a Hindu Law provision, a wife does not have the right to request support from her husband if she does not live with him in the home that they share. A wife, however, has the right to demand separate maintenance from her husband in the following situations: "(1) if her husband has a repulsive disease; (2) if her husband keeps a concubine; (3) if her husband is cruel; (4) if her husband has abandoned her for two years; (5) if her husband has chosen a different religion; and (6) in any other situation that justifies her living apart"(Moon Vasant, 1995: 9).

Abolition of Caste in the Matter of Marriage and Adoption

Ambedkar's most significant contribution to the modernization of Hindu law was the elimination of caste restrictions on marriage. In contrast, the new draft of the Code accepts both "sacramental marriage" and "civil marriage." In contrast, the Hindu Law only acknowledges the "sacramental" type of marriage and does not acknowledge the "civil" version. The prerequisites for a legitimate sacramental and civil marriage are the same for both the Hindu Law and the new draft of the Code. The only difference is that

under the revised Code, the resemblance of sapindaship is not a bar to a registered marriage. The provisions of the Bill must be followed for the registered marriage to be registered.

In contrast, sacramental marriage can be recorded if both parties wish to be registered. Three key variations between Hindu Law and the new Code have been incorporated into the rules. To begin, the updated Code does away with the stipulation that a legitimate sacramental marriage requires the identification of both the bride and groom's caste and subcaste. This requirement is present in the current law. In conclusion, a marriage is considered lawful under the amended Code regardless of the caste or sub-caste of individuals entering the marriage (Moon Vasant, 1995: 9).

The topic of adoption is addressed by Ambedkar's amended Code, which includes two new clauses. For a husband to adopt a child, he must first acquire his wife's approval, or at least one of his wives if he has more than one. Second, for the widow to adopt a child, her former spouse must give her explicit permission to do so in the form of written instructions that preclude the possibility of future legal conflict. In addition, the documentation of such instructions must be provided by either a recorded deed or a provision in the will of the deceased person. There would be no oral evidence that could be considered. The new draft code includes a provision stating that registration may also be used as evidence of adoption. As a result, the amended Code includes a provision that allows for the registration of adoptions carried out by Hindus, which is a positive development (Moon Vasant, 1995: 9).

Principle of Monogamy:

However, the amended draft calls for monogamy to be practiced, in contrast to the permissibility of polygamy in Hindu law. Following Hindu law, a sacramental marriage is considered irrevocable, so divorce is not an option. In the updated version of the bill's draft, there are no new provisions for the dissolution of marriage. It offers three potential solutions to the problem of escaping the marriage contract. In the first step, the marriage is dissolved; in the second step, it is declared invalid; and in the third step, the marriage is proclaimed null and void. According to Hindu Law, two different scenarios might lead to the dissolution of a marriage: the first scenario is that the marriage is declared invalid since one of the parties already had a spouse at the time it was performed. Second, the marriage could be ruled invalid if the parties' connection met the criteria for the banned degree of closeness between them. According to the updated draft of the Code, there are four different situations in which a marriage can be declared invalid. The beginning of impotence. Second, the parties are incompetent; third, they are either stupid or insane; and fourth, the guardian's agreement was obtained through deception or coercion (Moon Vasant, 1995: 6).

Principle of divorce:

Concerning divorce, the revised draft Bill proposes a total of seven alternative grounds for granting a divorce. On the list are the following seven things: abandoning, converting to a different faith, maintaining a concubine or becoming one, having an incurably troubled mind, having a virulent and incurable variant of leprosy, having venereal illnesses, and being violent. Mistreatment of animals is included here as well (Moon Vasant, 1995: 6).

Minority and Guardianship,

The final area that the Bill aims to codify. According to Ambedkar, nothing new was proposed or added to this portion of the Bill (Moon Vasant, 1995: 6).

Select Committee and Hindu Code Bill: Significance

Ambedkar had been working on a new draft of the Hindu Code, which included reference to the Select Committee's suggestions for changes to the redrafted Code. The select committee members thought that the modified draft of the Code should be made available for additional scrutiny. Ambedkar, on the other hand, disagreed with the demand and insisted that "within the framework of the original Bill, it has recast it to be in the form in which Bills are typically presented to the Legislature" the revised draft "does not make any substantial changes to the body of the original Bill" (Eleanor Newbigin, 2013:176). Ambedkar showed his earnest dedication to elevating and improving the position of Hindu women by approving the revised Hindu Code Bill. Mapping out the areas of injustice and justice and passing legislation to remedy these concerns comprised his social and political philosophy; this was a key component of his ideology. The standardization of Hindu personal law regarding marriage, divorce, succession, inheritance, adoption, and women's property, among other issues, is a transparent and required reform of modern society. It was an evident and essential reform to strive to harmonize Hindu law with contemporary society.

A new impetus was building in India's developing social consciousness. This new force shaped the women's movement, strengthening as more urban women received Western educations, entered the workforce, and participated in public life. It was understood that the Hindu woman's limited property rights were an old-fashioned custom that should be

stopped. They were upset that the daughter's brother did not receive an equal share of the property as she did with the son. Further, the sacramental Hindu marriage without hope desperately needed to be revised. It was felt that one area where caste boundaries were eliminated was marriage.

It attempted to create a unified judicial system to provide equitable justice to the Hindu population. It gave women the freedom to work and allowed them to take part in constructing the country. The Hindu Code Bill also tried to reduce religion's influence in public life and end discrimination against women within the Hindu community. According to the author, "the argument and its conclusion had a significant impact on a society that was in change." It was done not merely by enforcing a set of family laws but also by employing communicative practices that could liberate the Indian mind from deeply ingrained patriarchal notions, allowing women to play a more significant part in societal advancement (Chitra Sinha, 2019: 106).

While commenting on the Bill, B. PattabhiSitaramayya said, "This is an exciting piece of legislation which has been presented in the house, a piece of legislation for which the country has been waiting for long"(Moon Vasant, 1995: 11).Speaking in the Constituent Assembly (Legislative), ShrimatiHansa Mehta said, "This Bill to codify the Hindu Law is a revolutionary Bill, and though we are not quite satisfied with it, it will be a great landmark in the social history of the Hindus"(Moon Vasant, 1995: 27). As per Shri H. Siddaveerappa, custom always prevails over law. Therefore, a custom that is recognized by the law should be respected. With these opinions, he believed it was a healthy measure and wanted to support it wholeheartedly(Moon Vasant, 1995: 955).

B. V. Keskar said that “the question of making any radical change in Hindu Law, the necessity for consolidating the Hindu law was very urgent. The present-day Hindu law is a maze; it is a jungle-like *Tara* or *Sunderbans* in which all sorts of practices and traditions come up; in which all that *Puranic* book and prevailing customs in many parts of India, in many regions and provinces, in many castes, sub-castes; sub-sub-castes come into play and which naturally a paradise for lawyers. According to him, this might not have been undesirable to a certain extent. Still, it has grown to such an extent that the time has come when this maze of tradition and counter-tradition should end. We must rationalize and consolidate the law”(Moon Vasant, 1995: 33). He expressed that this Bill would revolutionize the structure of Hindu society. The man is stressed about the difficulty of meeting his own nutritional needs at this time and has insufficient educational resources. He has nevertheless begun to be interested in this law since, in his opinion, it would impact the structure of Hindu society, which is the evolution and outcome of several centuries of history (Moon Vasant, 1995: 497). He argues that the idea of dharma, rather than the teachings of a specific person, is the basis of Hinduism. Our Hindu society is based on the principle of dharma, which is essential to society's survival and development. Dharma is what sustains society and is in charge of ensuring its survival (Moon Vasant, 1995: 498).

Shri K. Santhanam has expressed his unshakable support for the Select Committee's creation of the Hindu Code in its current form. According to his perspective, the social elements of the constitution are continued by Hindu law. The most fundamental objectives of the Indian Constitution are India's formation as a unified political entity and its prioritization of unification and integration. Similar to how the constitution was

effectively implemented, this Bill is based on Hindu community cohesion, integration, and strengthening concepts. His view was that India needed to advance on all fronts. The continuation of change and reform in the social realm is necessary for our advancement in the political and economic spheres (Moon Vasant, 1995: 490).

Further, he stated that this measure is founded on carefully balancing the forces that lead to change and reform with the forces that allow the currently in place to be preserved. It tries to uphold as much of the Hindu law as is practical while still abiding by contemporary standards and ideals. It seeks to implement reforms wherever necessary while avoiding internal commotion or violent upheavals. That is the only way the country as a whole and Hindu society can advance in any meaningful way. This Bill is an admirable attempt to implement social change without resorting to violence. The four objectives of this measure are to codify, unify, rationalize, and reform existing laws. The laws governing adoption, minors, guardianship, and maintenance codify existing Hindu law (Moon Vasant, 1995: 492).

Begum Aizaz Rasul commented that “there is no denying that the provisions of this Bill are highly far-reaching, and the portions proposed involving marriage, divorce, inheritance, and adoption are extremely radical measures. Moreover, there is no disputing that the provisions of this Bill are incredibly far-reaching. She emphasized that the codification of Hindu law concerns such an important issue and continued that there is no doubt that it will go down in history as one of the most significant pieces of legislation ever presented in this house (Moon Vasant, 1995: 497).

Hindu society, according to Ambedkar, has never strayed from the conviction that it is either God or the Smriti's responsibility to make laws and that Hindu society has no

power to change preexisting legal precedent. As a result, Hindu society's legal structure hasn't altered much over the years. Society has never acknowledged its right and obligation to direct its social, economic, and legal affairs. We are making history by being the first to persuade Hindu society to make this crucial decision successfully. He asserted that he has "not the faintest doubt in my mind" that a society that has the fortitude to accept the big step that we are asking it to take as a result of this Bill would not be hesitant to march on the path that still needs to be trodden and reach the objective that she has in mind. I don't think there's even the slightest doubt in my mind that a society with the fortitude to resist the significant change we are asking it to make is capable of doing so, he insisted." Further, "When a society is in a moment of transition, leaving the past and advancing into the future, there will undoubtedly be competing factors: one pulling towards the past and one pulling towards the future, and the test that we may use is none other than the test of one's conscience, when a society is transitioning from one stage to another, from the past to the future. In my opinion, the contents of this Bill are entirely in keeping with the sensibilities of the community at large" (Moon Vasant, 1995: 497).

Shrimati Sucheta Kriplani considered it to be in the best interests of society as a whole to endorse this action. Hindu society as a whole is likely to gain from the success of Hindu women. (Debates in the Constituent Assembly (Legislative) in 1949, 870) She believes that the members of the justice society should support this Bill and consider it a measure of justice that you are providing to the women, not as a measure or one that is acceptable for women. In this context, she mentioned that Hindus are leaving their faith and converting to other faiths like Islam and Christianity, which also support divorce. She suggested that we legalize divorce to reflect the realities of the modern world. She

continued by saying that the greater good of the community is the reason for this action. Hindu society as a whole is likely to gain from the success of Hindu women. (Debates in the Constituent Assembly (Legislative) in 1949, 870).

The history of the Bill, which has been discussed in this legislature since 1943, was explained by Shrimati Renuka Ray. She said that Raja Ram Mohan Roy published a book about "the rights of females to inherit property and their rights of marriage" and "the rights of females to inherit property." Since 1931 and 1932, there has been a continual demand across the nation for the abolition of the legal barriers that women encounter and the creation of a uniform and comprehensive Code of legality that is made evident in this nation. The government established the committee on Hindu law, popularly known as the Rau Committee on Hindu law. The Committee's efforts resulted in the submission of two bills regarding marriage and intestate succession in 1943. (Debates of the Constituent Assembly (Legislative), 1949: 925.) Both bills had an impact on the final result.

She continued by stating that the Hindu law committee had traveled the nation and sought the opinions of thousands of people and organizations before presenting its report in 1946, not long after the interim government had been put in place. According to those opposed to Congress, if the Hindu code law is passed, "you will lose your elections" (Constituent Assembly (Legislative) Debates, 1949: 926). The opposition has turned to use any tools, and it has reemerged and is remarkably similar to how it was in the past. It has used a wide range of strategies to accomplish its objectives. (Debates of the Constituent Assembly (Legislative), 1949: 926). The most prominent supporter of the orthodox opposition can be found among the members of a society that acknowledges the daughter's inheritance rights. Representatives of social welfare organizations and

individuals who work for the welfare of this nation are those who support this Code. She asserted that this nation's need and desire for unity are absolute. It is impossible to stress the importance of having a single, comprehensive legal code.

She questioned family members about monogamy and the ongoing embarrassment it causes to Indian womanhood as they contemplated what would happen to his sister and his daughter as the first wives of a guy who had remarried. The prevalence of polygamy has increased in recent years. The practice of inter-caste marriage, even though it is legal, will only be the first step in the right direction until caste, sex, and other forms of discrimination are made illegal and included in the fundamental rights of the constitution (Constituent Assembly (Legislative) Debates, 1949: 927). Likewise, *sagotra* unions are valid.

Regarding the divorce clause, she argued that the family unit is the center of society and that marriage is primarily a means of protecting children. As a result, it is inappropriate to grant a divorce for thin reasons; nonetheless, doing so in circumstances of actual hardship is acceptable. She added that only the side who was wronged could file for divorce and would receive alimony. Because this alone reveals that it is not so much bigotry as it is blind prejudice, it is logical that this would be the case concerning the daughter's entitlement to inherit. However, accepting the daughter's right to inherit has infuriated those with a vested interest in the matter, which is a logical conclusion. Considering that a woman is a natural heir, her position as a daughter is the only one that can be used to determine her economic standing. She claimed that there aren't many educated women who are in favour of this moderate reform movement or the Hindu code. Referring to the past, She said that, notably, the vast majority of intelligent and progressive males support

women. The fact that their supporters have been enlightened men for decades rather than women alone is to blame for the lack of a suffragette or feminist movement in this country (Constituent Assembly (Legislative) Debates, 1949: 927).

Everyone who wants India to advance is pushing for this reform; educated women in our country are not the only ones making this demand. We cannot advance in our endeavours until women are informed citizens who occupy their proper place in society concerning women's contentment. She said it is appropriate to suppose that a significant portion of women is not yet aware. Since you can't bring them to a conscious state, you won't be able to wake them up. In the collaborative effort we're working on today to establish a new Indian culture that thrives in a libertarian atmosphere, shouldn't they be given the same rights as men? According to her, men and women should share the same economic obligations and rights. She will become entirely dependent on others if it doesn't, and they won't be able to contribute to society. The warning that the Hindu community is in danger has been issued, but it is yet unclear from whom the danger stems. Danger from those who want to restrain it; danger from those who oppose changing outdated customs and allow them to smother our society's energy. If equality is not reflected in social legislation, men and women can't be treated equally in our nation (Constituent Assembly (Legislative) Debates, 1949: 928). She argued that those opposed to this Bill should change their minds and consider supporting it.

Pandit Lakshmi Kanta Maitra claimed that the Hindu code amounted to nothing more than the state interfering with an individual's law, which it had no business and authority to do. The significant amendments that were made to the Hindu Code Bill, he claimed, are not necessary. He argued that this social program had seriously thrown the Hindu

community into turmoil. According to him, just a tiny portion of the population is concerned about this Bill, and those who are being vocal despite lacking widespread support in the nation. In his view, there is no need for codification because it should only be done when the law is either changing or when there is a lot of disagreement about it or when it is vague or uncertain (Constituent Assembly (Legislative) Debates, 1949: 926). He also noted that the codification process itself is problematic. The Bill, which seeks to regulate how Hindus live their lives and behave, is something he wanted to express his objection to (Constituent Assembly (Legislative) Debates, 1949: 926).

The modified Hindu Code has drawn criticism from Pandit Mukut Bihari Lal Bhargava, who claims that it is incredibly divisive and aims to upend the foundation of Hindu civilization. He posed a straightforward question about the necessity and benefit of the Hindu law codification because, in his view, there is no justification for trying to do so. He added that the effort to codify Hindu law had no justification. He argued that anyone who wanted to discuss Hindu law and women in Hindu culture should do it through the prism of our civilization rather than through the lenses of Western civilization. (Debates of the Constituent Assembly (Legislative), 1949: 926) He firmly believed that Hindu law would lose its life, flexibility, and ability to adjust to the circumstances of the time if it were placed in the statute book and would instead be reduced to a rigid, immovable state.

Hindu Code Bill: Critical Discourse:

During the crucial discussion on the Hindu Code Bill, communication was noticeably more intensive, and everyone was allowed to engage in the conversation. Interestingly, the Hindu Code Bill's critical discourse included a sizable discussion of various cultural concepts of tradition and modernity. The Select Committee presented the Hindu law

amendment bill to the legislature for more discussion. As they discussed the Bill, which sought to codify and change specific facets of Hindu law, clause by clause, the House members engaged in a critical, honest, and fair discussion. This section presents the critical debate among the members on the redrafted Bill.

Naziruddin Ahmad, who submitted more than a thousand changes to the Code, stated that Ambedkar moved revisions to the Hindu code offensively to the house. In section 2, in subclause (1) (a), for "Hindu," that is, for "to all persons professing the Hindu religion," substitute "persons who are Hindus," and so forth. This change was written in a formal and authoritarian style. Naziruddin Ahmad argued that the Bill could not be authorized for several reasons and emphasized how the Bill would harm Hindus (Parliamentary Debates, 1951: 2408). Because an unjust law can never become a just one, it shouldn't be applied to everyone. Hinduism must be protected at all costs from anything that could be harmful to it. Although this Bill will modify the Constitution, a court of law cannot use this act to change the Constitution (Parliamentary Debates, 1951: 2408). Naziruddin Ahmad wanted to alter clause 1, which calls for alteration. This law clause applies to "any child legitimate or illegitimate both of whose parents are Hindu written," or to "any child legitimate or illegitimate both of whose parents are Hindu written." He specifies in his amendment that an illegitimate child has a chance to inherit his father's property if he turns 18 without changing to a different religion and if the amendment is approved (Parliamentary Debates, 1951: 2411). Ahmad says that the text of a different amendment is as follows: The parent of the kid who is a Hindu is the reason given in part (c) I of subparagraph (1) of clause 2 for who the parents are, though they may afterward convert to another faith. He raised the question that if the father changes his religion, he is not Hindu

at the right moment when the issue comes in that scenario (Parliamentary Debates, 1951: 2412).

Ahmad also suggested changing clause 2's subclause (1)'s section (d) to read: "to a convert to the Hindu religion, subject to his rights and liabilities before his conversion."

(2) This asks whether a man who is not a Muslim, Christian, Pharisee, or Jew must adhere to this rule at all costs. He claimed that this law must exist since a person may not practice any religion; how, however, can this Code benefit such a person? (Parliamentary Debates, 1951: 2414). He further questions whether a person should be subject to the Code in its totality simply because they do not identify as Muslims, Christians, Jews, or Pharisees and, as a result, do not practice any of these religions. Clause(2) must be removed because it attempts to enact a proposal that should not be approved (Parliamentary Debates, 1951: 2415). Further, the law should be applied gradually. People should be brought into accordance with the law freely rather than by coercion, and the code should only be applied to those who request it (Parliamentary Debates, 1951: 2416).

The third clause should be removed from the subparagraph, another adjustment that Naziruddin Ahmad made. It stipulates that "the term 'Hindu' in any portion of this Code shall be read as including a person who, albeit not a Hindu by religion, is never the regulated by the provisions of this Code." The word "Hindu" in any part of this Code is to be understood to encompass anyone who identifies as a Hindu even if they are not one by birth (Parliamentary Debates, 1951: 2419). Naziruddin Ahmad suggested the substitution "(d) to a convert to the Hindu religion, subject to his rights and responsibilities before his conversion" in place of the portion (d) of subclause (1) of section 2. (a) to everyone who identifies as a Hindu, Buddhist, Jani, or Sikh; (b) to anyone who proposes to someone

who does not identify as a Muslim, Christian, Parsee, or Jew; and (c) to every lady who wed a man who did not identify as a Muslim, Christian, Parsee, or Jew. (d) to any kid, legitimate or illegitimate, whose biological parent was not a member of the Abrahamic religions of Islam, Christianity, Judaism, or the Parsi faith; this clause applies to children of both legitimate and illegitimate parents. (e) to a person who converted to a religion different than their original faith of Islam, Christianity, Parsi, or Judaism (Parliamentary Debates, 1951: 2364). These prospective modifications might be made to the Hindu Code Bill, which is currently being thought.

The Hindu Code's applicability entails a substantive point that deals with the legislation's territorial scope, according to Pandit Takur Das Bhargava. He specifically questioned whether Bill's provisions should be applied uniformly throughout India or whether there should be exceptions for some states or regions concerning specific clauses (Parliamentary Debates, 1951: 2360). This Code "applied to all Hindus," which is to say that it applied to everyone who professed any manifestation or development of the Hindu religion, according to the first clause of the first part of the Code. Clause 2 states that this provision covers any Buddhist, Jain, or Sikh person's affiliation with one of these religions. The majority of the conversation was focused on the word "Hindu."

Clause 2 of the Code's application was amended by Sarwate, who stated that (1) all Hindus are subject to it and (2) unless expressly stated differently, the term "Hindu" in this Code denotes an Indian citizen. The suggested modification was approved. This Code shall apply to Hindus, as defined in the Special Marriage Act of 1872 (III of 1872). Their marriages have not been solemnized following the Act's requirements before the beginning of this Code, despite whatever that may be stated in that Act. Regardless of

other provisions in the Special Marriage Act of 1872, this is the case (III of 1872)(Parliamentary Debates, 1951: 2361).

The statement "this Code applies to all Indians regardless of their religion, caste, or creed," according to IndraVidhyavachaspathi's reading of clause 2, "applies to all Indians regardless of their religion, caste, or creed" (Parliamentary Debates, 1951: 2362).

"Subject to the provisions of Section 1, this Code applies: (a) to all persons who are Hindus, Buddhists, Janis, or Sikhs by religion:" Pandith Thakur Das Baraga reaffirmed.

(c) to every woman who married anyone who was not a Muslim, Christian, Parsee, or Jew by faith; (b) to everyone else who is not a Muslim, Christian, Parsee, or Jew by faith; (c) to everyone else who married someone who was not a Muslim, Christian, Parsee, or Jew by faith; (d) to any child who is legally a minor (Parliamentary Debates, 1951: 2363). Clause 2, which stated that "This Code extends to all citizens of India, i.e., Bharat, regardless of their caste, creed, and membership to or professing any religion," was changed at the request of Shri Junjhunwala (Parliamentary Debates, 1951: 2363).

Ambedkar replied that section (a) of subclause (1) in clause 2 should read "Hindus, that is to say, all persons processing the Hindu by faith," and he further explained that part (d) should read "Hindu, Buddhist, Jaina or Sikh religion," in place of "Hindu religion." The clause incorporated Ambedkar's recommendation (Parliamentary Debates, 1951: 2364).

Continuing the debate, Sardar Hukum Singh asked that the word "or Sikh" be omitted from the text when Shari S. P. Misra wished to add, "to an abandoned kid brought up a member of the community, organization, or family to which such parent belongs." When Sri Sarwate brought up the subject of the definition of the word "Hindu," he said that it has evolved over time and from one place to another. He claimed that at no point did the

proposed Hindu Code's term of "Hindu" place a restriction on Hindu law. This Bill applies to everyone who practices Hinduism, as stated in subclause (a) of the definition, and to anybody who practices Buddhism, Jainism, or the Sikh faith, as stated in subclause (b) of the definition. The provisions of this bill will now cover Sikhs, Buddhists, and Jains. He maintained that Jainism was opposed to and in conflict with Hinduism, which he defined as Santana dharma, another name for the Vedas. Jainism did not rely on the Vedas, proving that it and Hinduism were two completely different religions (Parliamentary Debates, 1951: 2370). Even though Jainism and Buddhism were both rivals of Hinduism, they have many commonalities. He said that if certain religions other than the Hindu religion are allowed to be included in the Bill, other religions should also be included (Parliamentary Debates, 1951: 2370).

He cited Article 25 of the Indian Constitution, which declares that everyone has an equal right to the freedom of conscience and the ability to practice and spread their religious beliefs. He argues that the Hindu Code Bill shouldn't impose a specific type of matrimony if the constitution provides freedom of religion. According to him, Ambedkar aimed to reestablish the Hindu religion's identity and spread Hinduism to all of India's citizens, including those who were Christians, Jews, or followers of other religions (Parliamentary Debates, 1951: 2371). He asserted that marriage must be treated as sacred and screened for it to be considered indissoluble and that the Hindu religion was primarily founded on the caste system. He added that the Vedas served as the foundation for much of Hinduism. Devout Hindu ceremonies and practices cannot include the ingestion of living things, according to Santana Vedic Dharma (Parliamentary Debates, 1951: 2375). He noted that there had been instances where castes have been disregarded, despite claims to

the contrary regarding this Bill. According to Santana Vedic Dharma, this bill destroys the basis of what is referred to as "Hinduism" (Parliamentary Debates, 1951: 2376). He argued that the Hindu Code Bill should apply to all faiths, not only Santana Vedic Dharma. He wants to ensure that everyone living within India's borders is treated with respect and decency (Parliamentary Debates, 1951: 2378). He said a civil code regulates matters like marriage, inheritance, adoption, etc. The jurisdiction of the civil code and the Hindu code, with which it has a terminus, is nearly identical. The measure calls for the universal application of the Hindu code (Parliamentary Debates, 1951: 2380). He said that the Code should be implemented for everyone. Hence the marriage code should take into account all major world religions.

Hindu law should be mandatory for all Indians, according to IndraVidyavachaspati, if the bill to codify it is successful. There shouldn't be any distinctions made based on religion or creed. He believes that the current iteration of this law will fail. Dr. Ambedkar asserted that if this Bill is passed in its existing shape, communalism will unavoidably rise (Parliamentary Debates, 1951: 2383). If this Hindu ethic is not applied to all facets of the community, he continued, communalism would become more pervasive and appealed that oppression affects not only women from Hindu groups but also women from other cultures. He argued that the constitution has equality principles that apply to the whole country and questioned why laws that apply to the entire community could not be created through this Bill. Changes must be made throughout the entire country of India (Parliamentary Debates, 1951: 2387).

He outlined some drawbacks resulting from applying the Hindu Code exclusively to Hindus and expressed doubt about whether this Bill would only apply to Hindu women,

noting the treatment of Muslim women as the reason for his concern (Parliamentary Debates, 1951: 2388). This regulation also contravenes Hindu religious teachings; since breaking religious precepts is an issue that affects everyone, it should be applied equally to Christians, Muslims, Sikhs, and Hindus. There should be no discrimination, so it is essential to eliminate all prejudice to relatively treat women, Muslims, and people of other faiths. He asserted that the relevant Bill needed to be changed and put up for discussion once more. According to him, the legislation would be passed if it was based on the principles of equality and freedom and applied to the entire nation. He added that the legislation ought to be applicable across the board. However, because this Bill is not based on the idea that all women should be treated equally, it will not be passed (Parliamentary Debates, 1951: 2390). He asserted that women of all religions, including those of Islam, Hinduism, and other faiths, should receive equal justice (Parliamentary Debates, 1951: 2391).

J. R. Kapoor stated that "this Code, any part or parts thereof, belongs to the entire citizens that is Bharat" about the application of the Code. We worked very hard to draft a constitution against the backdrop of a secular state, but via this and other measures, we are trying to legislate in a way that reeks of communism. Some sections of the population who practice Hinduism are the target of our legislative efforts, but we pay little attention to those who practice other religions (Parliamentary Debates, 1951: 2392). He also questioned why, if the Hindu Code's provisions were so kind and vital, they couldn't also apply to the other sections of the code. The state is expected to work toward creating a uniform civil code following Article 44. If we want to pass the Hindu Code Bill, which is the first effort at a Civil Code, should we ignore Article 44 of the Constitution?

Congressional Debates, 1951: 2392. Everyone who does not share our faith has concluded that our laws should be uniform following paragraphs 15, 25, and 44. It should be expanded and safer to incorporate those who practice other religions, including Hindus, Muslims, Christians, or Parsees (Parliamentary Debates, 1951: 2395).

Dr. Deshmukh discussed how adopting this code would support our attempts to create a unified civil code. He claimed it is a waste of time, effort, and money into this Code. The sole purpose of this Code is to demonstrate mercy by giving in to the whims and fancies, obstinate prejudice, or inclinations of specific persons. He claimed that if we pass this Code in its current form, there will be prejudice in favour of some persons and against those who are similarly, if not more severely, affected. He asserted this would occur because the Code favours people with more severe disabilities (Parliamentary Debates, 1951: 2404).

Shri Jhunjhunwala stated that before passing any act, law, or legislation, we must behave in a way consistent with the constitution. If this doesn't happen, any law already passed will eventually be deemed ultra-virus. Article 15 of the Constitution guarantees the equality of all people and forbids discrimination based on religion, race, caste, gender, or place of birth. Therefore, all citizens of India, also known as Bharat, are subject to this Code. A fantastic law suitable for all types of individuals is now being passed. Article 25 states that we must not favour one group over another, "subject to public order, morality and health, and to the other criteria of this chapter." Everyone has an equal right to religious freedom, including the ability to practice and spread religion without hindrance openly. "Why is this Code being enacted specifically for the Hindus when the privilege has already been granted under Art. 25?" Why should it apply to individuals professing a

particular religion and not everyone if it is a social measure for the people's good? Why should it be limited to people professing specific beliefs if it measures the people's social and well-being? (Parliamentary Debates, 1951: 2405).

He asks why a particular sort of regulation will only apply to a particular group of people and why it shouldn't be expanded to cover everyone if it is going to be formed for the benefit of the entire population. Why can't Hindus freely practice their faith and conduct themselves as their forefathers' judges prescribed? He believed that the Bill restricted the freedom of Hindus. He wanted to know why Muslims weren't subject to this Code in any way (Parliamentary Debates, 1951: 2406).

Everyone in the country wants a standardized civil code, as stated in the Directive Principles of State Policy, according to Pandit Thakur das Bhargava. According to some of the members of this assembly, the Hindu Code's principles should not just apply to Hindus because these ideas don't just come from Hindu legal heritage. Some of the concepts are universal. They could eventually be used as the basis for a civil code (Parliamentary Debates, 1951: 2424). The Civil Code, which will be suitable for all of the residents of this nation, ought to have addressed the issues surrounding civil marriage. He takes issue with the Hindu code's exclusion of the principles of the Civil Marriage Act, codified in the Act of 1872. (Parliamentary Debates, 1951: 2430).

Sikhs, Jains, and Buddhists are among the religions to which the Code does not apply; despite this, Hindu law is the one that applies to them because it has been in place from the beginning of time, long before the British government was even founded (Parliamentary Debates, 1951: 2431). The original Hindu law was strictly adhered to by custom in many areas of India. In many places, this was true. His justification and

adjustment leave it up to the Punjabis to determine if they want to submit to their culture. It is suggested that Punjab be exempted from this Code's implementation. Punjab has been governed by custom since the beginning of time; its residents are adamant about upholding this custom since it is a synthesis of Hindu law and other civil law ideas (Parliamentary Debates, 1951: 2432).

The text of his amendment would read as follows: "Subject to the provisions of section 1, this Code applies: (a) To all persons who are Hindus, Buddhists, Janis, or Sikhs by religion; (b) To any other person who is not a Muslim, Christian Parsee, or a Jew by religion; (c) To every woman who married any person who was not a Muslim, Christian Parsee; and (d) To any child, legitimate or illegitimate" (Parliamentary Debates, 1951: 2436).

Sadder Hakum Singh asserted in his defense that the Code's application was targeted more at specific communities than a particular region. This Code should not in any manner apply to Sikhs. Sikhs have followed a variety of customs and social conventions for many years. Sikhs shouldn't be obliged to follow this Code for these reasons (Parliamentary Debates, 1951: 2452). The language in this code's clause 2 is as follows: "Any other person who is not a Muslim, Christian, Pharisee, or Jew by faith shall likewise be subject to this Code." Therefore, no practice, ritual, or tradition related to the Sikhs or the Hindus is mentioned in this section. As a result, this code would not maintain the usage or custom. This provision will result in a higher level of unpredictability. Clause 2's subclause (1) must be the glue that unites all individuals in a single nation. He disagreed with the parts of the Code that addressed marriage and the eventual end of it through a divorce. (3) Adoption and (2) inheritance (Parliamentary Debates, 1951: 2453).

According to the Hindu Code Bill, Sikhs must abide by Hindu law. Their customary law governs the Sikh community; if this is the case, where is the Hindu community's customary law. Section 5 of the Punjab Customary Law says that "custom is the first rule of decision in this province in all questions regarding succession, special property of females, be it marriage, divorce, dowry, adoption, guardianship, minors, basted, family relations wills, legacies, partitions, any religion usage or institution, or, alluvial and d Sikhs" believe that marriage should look like a simple, nonreligious partnership. Certain degrees of relationships that are forbidden from being married to each other have particular meanings that the Sikh community would assert, and these are carefully observed in all civilized communities. One of these repercussions is those inevitable repercussions that would assert the Sikh community. There have been countless instances of persons getting married to their mother's or father's daughters, and those unions weren't deemed to be of the prohibited degree (Parliamentary Debates, 1951: 2455).

This Code is not advancement or a move forward; rather, its adoption would be a step backward. It makes sense that the Sikhs are worried about a plot to exterminate their people, culture, and way of life. He gave an illustration to demonstrate the significance of Sikhs to Hinduism. The scheduled castes were told to keep their distance when the president needed to issue a directive regarding them. Thanks to a recent executive order from the president, there are currently 34 castes that have been classified as scheduled castes. The only prerequisite for membership in these castes is that they practice Hinduism.

Ambedkar's response to the modification that Hakum Singh had made was that he had initially proposed the amendment regarding the omission of the phrase "professing,"

which was in sub-clause (1) of c and that there was nothing to be offered regarding these usages, as well as practices and traditions, are going to be eradicated so that they may be eliminated from the purview of this Bill. The word was omitted because certain Hindus in modern Hindu society do not "profess" the Hindu religion. After all, the word "profess" is used in theology. The word was omitted from the phrase for this reason. Most Hindus still hold fast to the notion that an electric approach is the best. They are prepared to renounce the faith that their ancestors followed in favour of incorporating elements of another faith that apply to their current situation. Unless it could be proven that the person in question was a practicing Hindu, anyone may claim that this code does not apply to them. The Code's objective is that it should be applied to every single adherent of the Hindu faith (Parliamentary Debates, 1951: 2462).

Clause (d), which stipulates that this Code is to be applied to a person who has converted to the Hindu religion, is addressed in the second of Ambedkar's modifications. When referring to someone who values morality over dogma as a pillar of their religion, the term "Hindu religion" is being used with a broad meaning. "Conversion" in this context refers to sticking solely to the Hindu religion in the strict sense of the word. He advises switching to the new phraseology "convert to the Hindu religion," which he also suggests using when referring to Buddhists, etc., to get away from that controversy.

Ambedkar's third modification calls for removing the subclause (4). The objective of the Code was to include Hindus of all denominations under the purview of this Code, as is mentioned in this subclause of the Code. Hindus who had already married according to the Special Marriages Act of 1872 would not have benefited from being split apart. This clause was brought up for discussion throughout the Select Committee hearings. Assume

that this clause still exists and applies to those protected by the Special Marriage Act of 1872. They would be governed by the provisions of this particular Code, as they stand, in matters relating to succession and inheritance. The provisions of the succession Act regarding the inheritance of women are significantly more lenient when compared to the provisions of the right that people who have already married under a specific law and have become entitled to its more lenient provisions should be dragged down and brought under the current Code (Parliamentary Debates, 1951: 2463).

Then, Ambedkar addressed the objections that clause (2)'s critics had brought up and explained the three points that the amendment sought to make. The first is that there is absolutely no need for a Hindu code. A universally applicable civil code for Hindus is what is needed. Second, the text of this Code indicates that only Hindu community members are to be covered by its application. It should also apply to non-Hindus, including Muslims, Jews, Christians, and others.

To put it another way, we should consider it a civil code. Our third premise is that the application of the Code should be left up to judgment. Any citizen or other member of the Hindu community should have the option to go before a magistrate and declare their desire to be governed by this specific Code. All members of Hindu society should have the option to respond to this (Parliamentary Debates, 1951: 2463).

Additionally, it has been suggested that the outcome of a referendum that would be held following the elections should determine whether or not this Bill is implemented. Ambedkar was surprised to learn that those who had been the most outspoken critics of this Code and the most renowned upholders of archaic Hindu legal traditions were

suddenly working toward adopting the All-India Hindu Civil Code. Ambedkar has explained the civil code's structure. He described the Indian Succession Act as civil law in his speech. Sadly, those who practice Hinduism are not covered by this. The only civil code that is both universal and civil and that applies to everyone in the Indian Succession Act. It is unlike any other code (Parliamentary Debates, 1951: 2464). It was almost absurd to imply that this Code should be enforced on all citizens since one would not understand the mindset of the numerous communities within this country. Although we argued for the inclusion of the phrase "secular state" in the constitution, this does not imply that we will be able to abolish religion or disregard the religious sentiments of the populace. In a secular society, the legislative process cannot be permitted to conclude to force one religion on the remaining citizens. We aren't here to disparage the public's sentiments (Parliamentary Debates, 1951: 2465).

Whether the Code should be made voluntarily applicable also needs to be addressed. Ambedkar said it would be foolish to suggest that this Parliament is the only institution supporting a specific course of action. Citizens living outside Parliament must accept this principle if that body passes any law. The Parliament will not make any recommendations along these lines, but we will move forward and accept this idea immediately, setting a norm. Because of this, a large amount of the law must be passed by those who aren't getting a refund. The power to pass and repeal laws rests solely with Parliament, the highest authority in the nation. Imagine for a moment that the votes of uninformed persons who reside outside the building and are not familiar with the foundations of legal procedure are the only ones that this Parliament must respond to. The current session of Parliament would therefore need to be suspended. It would be best for everyone if there

were no parliament (Parliamentary Debates, 1951: 2465). According to Ambedkar, there has never been a time in the nation's history when popular opinion has been a factor in the legislative process. In this section, he observed that a simple calculation of the laws passed by the Indian legislature even after the exercise of legislative power had started shows that from the year 1833 to the present, a total of 29 laws have been passed, some of which are very severe, meaning that fundamental changes to those legislations should be left to be approved and sanctioned by popular perception or referendum. He added that a simple calculation of the legislation approved by the Indian assembly even signaled the beginning of the exercise of legislative authority. A simple calculation of the legislation made by the Indian legislature shows that even at this early stage, legislative authority was being used. When legislators held their positions without being directly elected, they used their authority to enact laws and then imposed them on the people. There is a widespread belief that this Parliament cannot enact laws that adequately represent the people, although the legislature is substantially more representative than ever (Parliamentary Debates, 1951: 2462).

Ambedkar proceeded by quoting Naziruddin Ahmed's reply in response to the other comments made on clause 2, and the tone of those comments is instead accusing. Ahmad misled the house members by saying that the Ambedkar amendment's language was necessary to "substitute this." The language used to draft an Act and the language used to draft an amendment seem to differ from one another (Parliamentary Debates, 1951: 2466).

Another argument against the clause was that Ambedkar intended to convert to Hinduism, as mentioned in clause (d). According to Ambedkar, neither clause 2 nor any other part of

this Bill contain any provisions for the convert's right to stay in the family to which he was born. The Disabilities Act of 1850 was passed 1850 to protect the freedom to act in line with one's own free will and conscience. This law was created to eliminate any legal obstacles for a person who wanted to. It was an Act passed as a result of missionaries' protests in this country after they learned that Hindus in this country were unwilling to convert to their religion. A man who abandoned Hinduism was regarded as a patit-a petit under ancient Hindu law, and patit-a petit were not permitted to inherit property. This Act was passed to do away with the requirement of Hindu law (Parliamentary Debates, 1951: 2467).

The person will retain all of his father's family's inheritance rights even if he decides to change his religion. The objection to clause (2) indicates that this code also applies to anyone who is not a Muslim, Christian, or Pharisee. The remains of those not considered Hindus are referred to in this section as a residuary clause. Individuals who are not regarded as Hindus, such as Jews, Christians, Parsis, and Muslims, are expressly mentioned.

Many citizens of the country do not practice any of these recognized religions. The Dravida people, tribal people, woodland tribes, members of the lower classes, animists, and other groups are a few instances of these people. They require an arrangement to be established (Parliamentary Debates, 1951: 2467). This particular subparagraph (2) of this section shall apply to such persons. If it can be shown that Hindu customs and practices are extensively followed in that class, then this Code will only apply to them; otherwise, they are free to participate in any activities they desire (Parliamentary Debates, 1951: 2468). Ambedkar commented in response to another modification that Sardar Hukam

Singh had suggested. He contended that this Code shouldn't apply to Sikhs. From a sociological point of view, it would seem that the numerous religions practiced in India and other regions of the world can be categorized into two main groupings. Since the linked legal systems are fundamental to the respective religious systems, we cannot separate them.

The sole factors determining one's legal standing in secondary faiths are one's creed and personal beliefs. The only religion that can assert to have an integrated legal framework that is intrinsically tied to it is the Hindu faith. Even though the Buddha did not suggest a unique legal system for his followers and instead opted to maintain the current legal system, Ambedkar explained why different religions were included in this Code. The legal system employed might have been immaculate; it might not have flaws or mistakes. Buddha did not focus on changing the current legal framework because of the shift he brought about in particular religious beliefs (Parliamentary Debates, 1951: 2470). Mahavir was the one responsible for founding the Jain religion. He did not create a whole new legal framework for the Jain community.

Not one of the 10 gurus ever wrote a law book specifically for the Sikh religion. The law has never changed, although this nation has had numerous different religious movements. Because of this, Sikhs uphold the law. We cannot change the historical fact that Buddhists, Jains, and Sikhs are subject to Hindu law and the Hindu code. Anyone subscribing to a single legal system cannot now declare that they would abandon this legal system in its entirety. The decisions of the privacy councils on the Sikhs show that this subject was handled far earlier than ever before in 1830, and it was then resolved that the Sikhs were treated as Hindus by the law.

Punjab is governed by Hindu law in terms of its legal structure. He declared that as there is no discernible difference between the two, they would refer to their marriage laws as a marriage made easy and their divorce laws as divorce made easy. He declared that he had never intended to consent to the exclusion of any province from the applicability of this Act. There will be a uniform application of the Hindu Code throughout India. When violating customary law causes problems, the case must be assessed with the utmost sympathy (Parliamentary Debates, 1951: 2472).

According to R. K. Chaudhuri, this Bill stands in the way of attempts to oppress women who lack the knowledge to dress appropriately or apply makeup. He gave examples of both of these problems in Punjab, where the law has historically been codified and implemented, and questioned what would happen to those who would not be affected by the Code. He appealed that if the Hindu code were to be ratified, all Hindus in India would be subject to its restrictions and said that the persecution of the woman was over and over. Because of the tyranny of women in today's culture, men are the ones who suffer the most. There is no mandate to support such broad legislation because of its wide-ranging effects; the people's consent is necessary to adopt this law (Parliamentary Debates, 1951: 2474). The discriminatory nature of this legislation weakened the constitutional foundation.

The term "convert" has no significance in the context of Hinduism concerning the conversion process. There are no conversions to Hinduism because it does not practice proselytizing. Talking about one's potential conversion to Hinduism is useless. Is it true that there is no chance of converting to Hinduism? According to Chaudhuri, Dr. Ambedkar, the architect of this measure and the man who founded our constitution,

should refrain from using empty platitudes. The word "convert" has no significance when referring to a Hindu (Parliamentary Debates, 1951: 2479).

Because the Hindu Code was codified, "any text, rule, or interpretation of Hindu law, as well as any customs or usages, or any other laws that were in force immediately before the beginning of this Code, shall cease to have effect concerning any of the matters that are dealt with in this Code, unless otherwise expressly provided in this Code." Because the Hindu Code was codified, any text, rule, or interpretation of Hindu law, customs, usages, or any other laws Regarding the final clause took very no discussion.

B. R. Ambedkar's Resignation and Division of Hindu Code Bill:

B. R. Ambedkar's revised draft of the Hindu Code Bill received much negative feedback. The Assembly could not move past the point of discussing the fundamental clauses after many months of discussion. Other issues were raised, more points of order were raised in response, and more changes were suggested. Despite Ambedkar's best efforts, there was little progress when considering the Hindu Code Bill (Rajagopal, G. R., 1975: 537-558). Over three days, Clause 2 alone was discussed. Hundreds of amendments were suggested, but regardless of their application, none were considered. Several segments of the community were vehemently expressing their opposition to the Code. As was to be expected, the alarm that religion might be in danger was aroused. Significant opposition was shown to Ambedkar's revised draft of the Hindu Code inside and outside the Legislative Assembly. Even the state's female legislators couldn't support Ambedkar (Eleanor Newbigin, 2013:190).

Jawaharlal Nehru declared that the Legislature would discuss the marriage requirements to speed up the process. The highly contentious matter of succession would be put off later. But the discussion went on at the same glacial pace. Senior members of the Indian National Congress also pressured Jawaharlal Nehru to drop the divisive Hindu Code Bill as India's first general election approached. It happened as Congress was getting ready for the election. President Rajendra Prasad threatened to veto the Code Bill if it were to pass the Legislature. It was announced on September 25, 1951, that the Hindu Code Bill's passage would be delayed until an unspecified time. Ambedkar resigned on September 27, 1951. To defend his choice to resign, Ambedkar made the following statement: "After a life of four years, the Hindu Code Bill was assassinated and died unwept and unsung, after four provisions of it were passed." He criticized Prime Minister Jawaharlal Nehru, contending that despite his sincerity, he lacked the tenacity and commitment required to get the Hindu Code Bill passed by the House of Representatives (Moon Vasant, 1995: 14524).

The Hindu Code Bill was divided into three different bills after Babasaheb Ambedkar decided to resign as a minister. C. C. Biswas, the Minister of Law at the time, proposed the first law, the Hindu Marriage and Divorce Bill of 1952. The Special Marriage Bill of 1954 is the second piece of legislation. Last, Babasaheb Ambedkar did not participate in the 1956 Hindu Minority and Guardianship Bill's passage.

CHAPTER-V

BABASAHEB AMBEDKAR AND WOMEN'S EMANCIPATION

Except for the most disadvantaged populations of those countries, women make up around half of the population worldwide. In nearly every social structure, notably in the cultural, social, political, and economic spheres of existence, they are the subject of numerous disadvantages, discrimination, and exploitation. No special consideration is given to Indian women. In the traditional Indian culture, women were viewed as inherently inferior to men. Nevertheless, the challenges faced by dalit women are not merely attributable to their social standing or lack of education; instead, they are a direct outcome of the harsh exploitation and subjugation practiced by the higher Hindu castes and classes. Dalit women are a separate social group since they are the only ones in Indian culture who must deal with the triple weight of caste, class, and gender. As a result, women in India are referred to as "untouchables" regardless of their financial status.

The emergence of anti-colonial freedom movements for independence and the drafting of these new constitutions during this period reflected a tumultuous political situation. Positive social transformation, especially for women, is anticipated because of provisions in the new constitution drafted by B. R. Ambedkar that guarantee gender equality and access to justice. In recent years, the defense and advancement of women's rights through the employment of constitutional rights has gained favour as a crucial tactic. Education, self-respect, and dignity have all advanced thanks mainly to the Constitution. Equality before the law, a gradual but continuous rebalancing of power structures, and an increased number of women in positions of authority are all values inscribed in the Constitution.

The social and political liberation movement of B. R. Ambedkar profoundly affected Indian society's women, especially the oppressed lower caste women who battled for their rights as citizens in a democracy. These women were greatly inspired by Ambedkar's cause and affected by it. According to the quote, Ambedkar's "thought and deed" considerably enhanced the lives of Indian women in four important ways (Leleanor Zelliot, 2007:317). His first intellectual task was to examine the relationship between caste and patriarchy. Second, many dalit women were motivated by Ambedkar's sociopolitical organizations to pursue higher education, engage in all facets of public life, and raise their level of the important quality known as self-respect. Thirdly, the women's sense of self-worth, education, and engagement led to a creative spirit in their intellectual pursuits, which encouraged them to either start new organizations for dalit women at all levels or join those that already exist. Last but not least, he showed attention to women's rights when drafting the Indian Constitution, particularly when codifying the Hindu code Bill (Leleanor Zelliot, 2007:317-18).

This chapter's objective is to focus primarily on Babasaheb B. R. Ambedkar's ideas on the empowerment of women in general and dalit women in particular within this framework. This section will discuss the historical relationship between caste and gender, the caste system, and its contribution to the historical exploitation of women through caste and patriarchal systems. This page goes in-depth on Ambedkar's analysis of the caste system, which systematically barred women from Indian society, and the rights Ambedkar advocated for women's emancipation.

The Hindu Women: Rise and Fall

Historically, women had independence, autonomy, and privileges in Indian society during the matriarchal era that came before the Vedic era. They were also seen as essential during this time. When the Aryan or Vedic culture started to dominate the globe, a matriarchal civilization gave way to a patriarchal one. Despite this, women still had their autonomy, individual rights, and access to different kinds of education. They played significant roles in the customary ceremonial event and preferred those who would become their life companions. They might gain knowledge from the Vedas and muster the fortitude to dissolve an existing union or remarry (B. R Ambedkar, 1999). Ambedkar thought that women ought to have once been able to obtain Upanayana from the Atharva Veda. Because the Atharva Veda states that a woman is fit for marriage once she has finished her brahmacharya (B. R Ambedkar, 1999). The Shrauta Sutras make it clear that women were taught to read the Vedas and could recite the Vedic mantras. The Vedas were available for study to women as well. Evidence of women attending gurukul colleges, learning the various Shakhas (parts) of the Veda, and finally becoming experts in Mimamsa can be found in Panini's Ashtadhyaa. Panini has given this information. Evidence that women once held teaching positions and passed along the Vedas to female students can be found in Patanjali's MahaBhashya. Women occasionally engage in public discourse with men on the most challenging issues in philosophy, theology, and metaphysics. By any sense of the imagination, these events weren't infrequent. The story of the public argument between Janaka and Sulabha, Yagnavalkya and Gargi, Yagnavalkya and Maitrei, and Sankaracharya and Vidyadhari shows that Pre-Manu

Indian women were capable of attaining the most outstanding levels of knowledge and education.

The Upanishads and the Rig Veda both give examples of revered and respectable females. The concern and regard that society has for women, as well as their notable freedom to engage in a range of activities in social and political life, is also evident. Girls and boys got an equal education during the Vedic era, and women were also permitted to begin studying Vedic texts and make sacrifices to the god of nature. Several women were recognized for contributing to the Vedic hymns, including Lopa Mudra, VishwaVerma, Navari, and Ghosha.

It is also undeniable that women once had a high degree of respect. One of the Ratnis who were so crucial to the ancient Indian king's coronation was the Queen. Similar to what he did for the other Ratnis, the King presented the Queen with a gift (B. R. Ambedkar, 1999: 16). Along with worshipping the Queen, the King also revered his other wives, many of whom belonged to lower classes (B. R Ambedkar, 1999). Following the completion of the coronation ceremony, the King similarly salutes the ladies of the Srenies-guild leaders (B. R Ambedkar, 1999). This was the highest position a woman could have in any nation on Earth. In this excerpt, Ambedkar asks, "Who was responsible for their downfall?" What distinguishes Indian culture from other cultures is the use of the Hindu holy books to justify injustice and prejudice. Not getting around women's position in India had recently taken a significant hit.

The Laws of Manu and the Fall of Hindu Women:

In his day, Ambedkar was a fervent supporter of women's independence. He was scathing in his condemnation of the Varna system, which he claimed was also responsible for the denigration of Hindu women and the subjugation of dalits. Ambedkar makes it abundantly clear in his article titled "The Rise and Fall of Hindu Women" that the main reasons for the predicament that Indian women are in can be found in the so-called sacred scriptures of the Hindu religion, such as Manusmriti. The decline in their standing, which started in the latter stages of the Vedic period and was made worse by the lawgiver's imposition of strict regulations on them, was aggravated by their lack of autonomy and property rights. This decline in their standing started in the late Vedic period and at the end of the Vedic period. (Datta Rani2019: 25). This trend started in the later Vedic period when women's status in society started to deteriorate. The development of the Vedic Aryan language and, more specifically, the sutra period (600–300 B.C.), which denoted a departure from the strict adherence to the early Vedas, are responsible for the growth of patriarchy in India (Kumar Brijesh, 2016: 213). The birth of a daughter sparked disaster during the latter phases of the Vedic era. Throughout the early Vedic period, education for women was regarded as the standard but finally became unavailable.

Ambedkar thought the Manusmriti was responsible for the predicament that Indian women were in at the time. Manu documented the rules and social ethos that led to the swift decline of women's status in Indian society in his work Manusmriti. These laws and ethical principles influenced the patriarchal culture that prevailed in India at the time. Women faced many challenges when trying to acquire land, get an education, and study sacred texts due to the influence of Manusmriti. It spread like wildfire that women should

not be given freedom but instead be forced to bow to male supremacy (B. R Ambedkar, 1999).

Manu, the Hindu people's lawgiver, was ultimately responsible for their demise. Ambedkar refers to a number of the clauses Manu added to the Manusmriti regarding how women should be treated. They are: women's natural tendency in this world is to try to seduce a man into their bed. Because of this, intelligent guys are always on guard when around women (B. R Ambedkar, 1999). Because the senses are strong and can overpower a learned man, one should not sit alone with one mother, sister, or daughter. They were disloyal to their husbands due to their hunger for men, their volatile tempers, and their natural heartlessness; as a result, they should be closely watched in this world. Knowing their nature, which the Lord of Creatures imbued in them at creation, every man should vigorously exercise restraint (B. R Ambedkar, 1999).

Manu claims that women should never be made available and that the males in their homes should always ensure their wives and daughters depend on them. One must maintain control over them if they are linked to sensory pleasures. She looks out for her parents when she's a child, her husband protects her as a teenager, and her sons protect her as an older woman. The lady will never promote her independence. The ultimate obligation in all castes is to safeguard one's wife. Thus even the most incapable men have to do so. A woman cannot legally seek divorce. Manu says that one guy should sell her since a wife cannot be freed from her husband by a sale or repurchase (B. R. Ambedkar 1999). It is implied that once a woman marries, there can never be a separation because the husband is considered one with the wife. In terms of property, Manu downgraded the wife to that of an enslaved person and declared that the son, the wife, and the enslaved person

had no property. The money they make will ultimately go to the person they belong to (B. R Ambedkar, 1999). Manu women are vulnerable to physical abuse, permitting their husbands to beat them. Women were denied the opportunity to learn. Manu forbade her from looking into the Vedic teachings. Sanskaras are necessary for everyone, including women, and should be practiced; however, Vedic mantras should not be recited while performing the sanskaras (B. R Ambedkar, 1999).

According to Manu, women are not permitted to offer sacrifices, and the Vedas specifies that a woman is not permitted to perform the mandatory daily sacrifice. She will spend all of eternity in hell if she follows through. The Manu aimed to curtail women's freedom under the Buddhist system because he didn't care about justice or fairness. One of Manu's objectives was this. Ambedkar asserted that the Brahminical beliefs about women's rights and obligations codified in Manu's laws and that pre-Manu existed only as a matter of social theory contained nothing unique or ground-breaking. Manu turned a social theory into a set of regulations the state would implement. Manu's decision to subject women to these constraints raises several questions. What was her real motivation? This question was put to Manu because he was a fierce opponent of Buddhism.

Caste and Gender: Hierarchy and Patriarchy

Ambedkar thought that the dynamics of gender in Indian society were closely tied to the issue of caste. Throughout his life, his conceptual and philosophical understanding of caste and its causes evolved. Ambedkar believed that women were the caste system's victims and how it functioned. The "double burden" of women, he said, was this. Ambedkar thought the campaign to remove women's subordination and the fight against caste relations were two sides of the same coin (Eleanor Newbigin, 2013:170).

Ambedkar addressed the issue of caste's theoretical and practical effects on people's lives under caste oppression in his renowned anthropological study paper, "Castes in India: Their Mechanism, Genesis, and Development," published in 1916. The topic of the essay was Indian castes. Endogamy is the main factor in maintaining the caste system among India's many social groups, although sociological and anthropological academics neglected this. According to Ambedkar, who quotes Ketkar's views, "as long as caste exists in India, the Hindus hardly intermarry or have any social intercourse with outsiders: if Hindus migrate to other regions on earth, the Indian caste will become a world problem" (Moon Vasant, 1989: 6). The Caste system naturally leads to the absence of mixing with people from other groups, often known as exclusiveness. This prejudice subsequently took on the restrictive characteristics of a religious infusion (Moon Vasant, 1989: 6).

Manu, credited with creating the laws that govern Hindu society, did not create the Caste system, according to Ambedkar, since he could not. Castes existed even before the time of Manu, according to Ambedkar. According to Ambedkar, Manu was a fervent admirer of his ideology and wrote a great deal about it. His labour was completed with the codification of pre-existing caste laws and the propagation of caste dharma (Moon Vasant, 1989: 6). According to theory, the Caste was founded by the Bramins. Orthodox Hindus strongly believe that the caste system in Hindu culture was somehow molded into the shastras' organizational structure. The shastras are a group of texts created with specific goals in mind (Moon Vasant, 1989: 6). Hinduism is a class-based culture, with the brahmins, or priestly class, coming first, followed by the kshatriyas, or military class, the vaishyas, or merchant class, and finally the shudras, or artisan and menial classes.

Individuals who meet the conditions can change their class standing in this system of classes (Moon Vasant, 1989: 6).

The priestly elite employed an exclusive admissions strategy during the growth of Hindu society, which led to the creation of a separate caste for itself aside from the general populace. Differentiation occurred among the various classes subject to the social division of labour concept, with some becoming very vast groups and others becoming tiny ones (Moon Vasant, 1989: 6). A community would naturally be divided in this manner. But what makes these divides exceptional is that they have abandoned the class system's open-door policy and transformed into distinct social groups known as castes. It's an unexpected development (Moon Vasant, 1989: 6). "Artificial slicing off of the population into fixed and defined groups, each one barred from melting into another via the habit of endogamy," is how Dr. B. R. Ambedkar characterized the notion of caste (Moon Vasant, 1989: 9).

He asserts that the only characteristic that is solely related to caste is endogamy (Moon Vasant, 1989: 9). Ambedkar described endogamy as "a clue to the riddle of the caste system" (Moon Vasant, 1989: 9). His view is that the "superposition of endogamy atop exogamy" is all that constitutes the creation of castes (Moon Vasant, 1989: 9). He claimed that for a community seeking to become a caste, maintaining gender equality becomes the ultimate goal because, without it, endogamy is no longer possible (Moon Vasant, 1989: 10). According to Ambedkar, exogamy is the default state of all communities. All groups that are in intimate contact with one another are inclined to integrate and amalgamate, which eventually results in the establishment of a homogenous civilization (Eleanor Newbigin, 2013:171).

The caste system forbade this kind of union, and it was necessary to draw a circle around each group outside of which marriages could not occur (Eleanor Newbigin, 2013:171). New concerns emerged as a result of the regulation of marital practices. The male-to-female ratio was about equal in most towns. However, it was never precisely equal (Eleanor Newbigin, 2013:171). Because it was rare for husbands and wives to die simultaneously, there was always an excess of both men and women in the Community (Eleanor Newbigin, 2013:171). The sexual boundaries of the endogamous community would be at risk if there were excess men in a community and they could not find spouses inside that community (Eleanor Newbigin, 2013:171). Therefore, the Community's achievement and maintenance of a precisely equal male-to-female ratio were necessary to preserve endogamous caste groupings (Eleanor Newbigin, 2013:171).

The usage of caste, a method of production and reproduction that makes the system more suited to the conditions of India, distinguishes the social stratification system in that country. Arranging marriages between caste members, known as endogamy, is a crucial part of the caste system since caste serves as a system of distinct units integrated into a broader production system. Because caste cannot be reproduced until it is practiced, and endogamy is one of these practices, it is thought that endogamy is a method for the expression, maintenance, and replication of caste and gender subordination (ChakravartiUma, 2018: 26). Endogamy permits not only the maintenance of certain production links but also their growth. It enables them to blend in with other pre-caste communities while retaining the distinctive cultural characteristics of each new group integrated into the caste system (ChakravartiUma, 2018: 26).

The patriarchal system protects the land, the women, and the ritualistic aspect of it. Caste and patriarchy were essential elements of India's social system because they preserved the closed structure of land and ritual quality. The upper castes, who controlled women's reproductive ability, were also required to maintain the closed structure. Women from higher castes are therefore viewed as gateways within the context of the Hindu and Brahmanic patriarchy, which means "entry into the caste system." Suppose the sexuality of a guy from a lower caste endangers the genetic purity of women from higher castes. In that case, that man must be institutionally prohibited from having intercourse with those women. Therefore, it is essential to offer such women close protection. Any interaction between individuals from other castes or varnasankars poses a threat to the delicately balanced system of social order (ChakravartiUma, 2018: 34). By making it simpler to create clean offspring, the caste system and patriarchy that are common in Hinduism and Brahmanism both benefit the dominant caste order at the top. Therefore, neither the caste system nor the patriarchy could be abolished due to the brahminical patriarchy's fixation with controlling female sexuality and guaranteeing pure blood reproduction.

According to Ambedkar, surplus men and women threaten the caste if they are not taken care of. If they are unable to find suitable partners (and if they are left to themselves, they are unable to find any because if the matter is not regulated, there can only be just enough pairs to go around), they will likely cross the boundary, marry outside, and bring in offspring that is not native to the caste. If this continues, the caste will be threatened (Moon Vasant, 1989: 10). Ambedkar claimed that eliminating surplus women is intrinsically tied to maintaining endogamy within the caste system. The lady may be

eliminated in two ways: either she is burned alive on her late husband's funeral pyre or similarly disposed of (Moon Vasant, 1989: 11).

Because it would be against the endogamy principle to marry someone outside of the surplus women, Ambedkar argues that the existence of the surplus women is a problem if there is no way to get rid of them. She may become a competition to other women who are considering getting married within the Caste even if she has the goal of marrying inside the Caste (Moon Vasant, 1989: 11). He suggested that making the surplus woman a widow for the rest of her life would be another way to deal with the issue. The caste system recommends stoning widows to death as a better option than the practice of requiring widowhood. Ambedkar asserted that the widowhood system would result in the woman's continued denial of the fundamental and natural right to get married legally in the future. Ambedkar is cited as saying that the surplus man, often known as a widower, is much more significant to the caste group in this particular context than the surplus woman. The caste system supports the idea that men are intrinsically superior to women in terms of ability. "An easy target to all forms of iniquitous infiltration in the caste system, whether it is religious, social, or economic," he claimed of women (Moon Vasant, 1989: 11).

Ambedkar claims that forcing celibacy on the surplus member of the group, whether in theory or practice, has little chance of success. It is in the Caste's best interest to maintain him in his current role as a grihastha (one who raises a family). The guiding ratio must be the man-to-man ratio. However, a surplus man can only be given a wife by selecting a bride from among those who are still too young to get married to be kept within the Caste. It is carried out to keep the surplus man bound to the group. As a result, endogamous

morals are safeguarded and easily maintained, preventing the numerical depletion that would otherwise happen due to the frequent exodus of members. Ambedkar asserts that this is upheld in four ways: first, by burning the widow alongside her deceased husband; second, by legislating widowhood—a softer type of burning; third, by obliging the widower to celibacy; and fourth, by pairing the widower up with a girl who is not yet legally wed (Moon Vasant, 1989: 11).

As Garbriete Dietrich notes in her analysis of Ambedkar's views on the matter, "although he perceives the connection between societal problems like sati, child marriage, a ban on widow remarriage, Caste and untouchability, his obsession is definitely with untouchability and Caste." While acknowledging the link between social ills, including child marriage, widow remarriage restrictions, sati, and caste, Dietrich However, his works offer themselves to draw deeper linkages between caste and patriarchy as well as for critical introspection, both among feminists and Dalits. They are also essential to rethinking considerably racial conceptions of invasion (Eleanor Zelliot, 2007: 317). "The caste system itself was answerable for the enslavement and exploitation of women," Ambedkar vehemently claimed. He believed that endogamy was not only a crucial aspect of the Caste system but also a characteristic that made it distinct from other systems (Jogdanad P.G, 2007: 33).

Ambedkar believed that the increasing divisions within the various groups were the leading cause of the rise of caste. Castes were once distinct social classes that regulated women's sexuality through endogamy (Jogdanad P.G, 2007: 33). Ambedkar was resolute that there needed to be a social democracy that ensured a way of life based on equality, liberty, and fraternity for political democracy to succeed. He acknowledged the urgent

need to uphold women's rights and raise their social and political position to advance toward this goal (Jogdanad P.G, 2007: 26). The status of women steadily deteriorated during the later Vedic period as a result of the disparate treatment of men and women. The social, cultural, and economic life of women were targeted, mistreated, and denied fundamental human rights.

In Ambedkar's opinion, there is no question that Manu is to blame for the decline in women's status and the degradation of their dignity. Ambedkar is adamant that egalitarian values predominated during the Buddhist era and that Buddha's decision to permit women to take parivraja (nunhood) as sangha members was a revolutionary gesture. This opinion is based on Ambedkar being among the first Indians to champion gender equality (Vidyasagar I. S, 2005: 97).

Ambedkar claims that the Brahminicalvarna doctrine prohibited women and shudras from obtaining knowledge. When the Brahmins were in power, this notion was widely held. The Buddha opened the door to freedom and provided women with the chance to achieve dignity regardless of their gender by allowing them the opportunity to become bhikkhunis, often known as nuns. Ambedkar contends that Lord Buddha's writings are what marked the start of the revolution and the liberation of women in India. A woman is the most valuable commodity because she is a necessary utility or because Bodhi sattvas and world rulers are born via her, the Buddha said in response to a question regarding the status of women in modern society. Buddha alluded to the reality that women are responsible for producing future rulers (Vidyasagar I. S, 2005: 97).

To draw attention to the oppressive regulations arranged in Manusmriti to manage the behaviour of Hindu women, Ambedkar pointed out the manipulations of the "Laws of

Manu," which contain an oppressive precept to control Hindu women following the men's command. Following Manusmriti's laws, Hindu women are expected to conform to the patriarchal order. No of where Indian women are positioned within the caste system, Manu's laws are immoral. Even though Indian women's caste status is considered when determining their class position, assessments of this sort have become increasingly regressive (Anupa Rao, 2005).

Ambedkar observed the oppression of dalit women on different levels due to disparities in caste, class, and gender, as well as the consequences restricting social behaviour and patriarchy, had on upper-caste Hindu women. He was vehemently opposed to patriarchy in all of its manifestations, particularly its various manifestations' negative consequences on dalit women (Anupa Rao, 2005). Nobody has ever performed a piece of influential work, as well as Ambedkar's critique of Hindu scriptures about the theorization of upper-caste women and dalit women in the Indian social system. Nothing like has ever been done before. The personal stories of dalit women who remember Ambedkar as an inspiring figure have been collected by Urmila Pawar and Meenakshi Moon in their 2008 book *We Also Made History: Women in the Ambedkarite Movement*(Anupa Rao, 2005).

Ambedkar and Women's Emancipation:

One of the early social reformers who advocated for women's rights was B. R. Ambedkar. In 1927, when he was a nominee for a seat on the Bombay legislative council, he presented reasons in favour of the Maternity Benefit Bill and the Birth Control Bill that were pertinent to the recognition of the dignity of women. The arrival of Ambedkar in the realm of issues about Indian women mainly brought attention to the inheritance rights of Hindu women. It is common knowledge that Ambedkar arrived on the scene in the early

twentieth century, along with the Indian Women Question, as well as a critique of Hindu culture and scriptures, the Indian social system, and the caste hierarchy. *Castes: Their Mechanism, Genesis, and Development* was written by Ambedkar in 1916 and is considered a foundational work on how caste systems function in India. This work was part of Ambedkar's initial attempt to comprehend the Indian social order. There has been no lag in the realization that the practice of endogamy within India's many social groupings is the fundamental factor contributing to the preservation of the caste system. Nobody has theorized as persuasively as Ambedkar did in his article "Caste in India," which was his first attempt at understanding the Indian hierarchical social system. He was the first person to do so. As Ambedkar predicted, the intertwining system of caste and endogamy has led to the destructive and terrible social ill practices of sati practice and forced widowhood in Indian society. Even though these behaviours were outlawed in the early nineteenth century, many academics have not delved into the reasons to uncover the origins of India's harmful social practices. However, these behaviours had been outlawed in the past.

According to the psychological interpretation of the caste system, "the practice of endogamy or the closed-door system originated from the Brahmin Caste and was wholeheartedly imitated by all non-brahmin sub-divisions or classes, who, in their turn, became endogamous castes." It is stated in the psychological interpretation of the caste system. [Caste] refers to a social structure in which members of the same caste marry members of the same caste. The assumption that members of the Brahmin Caste were among the first to engage in either of these practices provides the foundation for this view. The phrase "the infection of imitation" aptly describes the process that has resulted

in all of these sub-divisions becoming castes. It captured all of these sub-divisions as they were moving forward on their path toward differentiation. Our convictions serve as the primary repository for the imitative facet of our nature. Ambedkar tackled the caste issue head-on in his now-famous anthropological study paper. In it, he discussed the issue of the theoretical and practical effects of caste discrimination on people's lives.

Ambedkar believed that so long as Caste is practiced in India, Hindus will be unlikely to intermarry or engage in any form of social interaction with people from other cultures. He believes that if Hindus move to other parts of the world, the issue of caste in India will become a problem on a global scale (Anupa Rao, 2005). According to him, the origin of caste may be traced back to the act of subdividing a single cohesive group. Because it is a self-contained unit, it restricts social interaction with other people, including things like messes and similar activities (Anupa Rao, 2005). The absence of intermarrying with members of other castes, also known as exclusivity, is the logical consequence of the Caste system. This absence eventually took on the prohibitive quality of a religious edict (Anupa Rao, 2005). Therefore, marrying within one's caste, known as endogamy, is essential to the concept of caste. According to Ambedkar, the term "caste" refers to the "artificial slicing off of the population into fixed and distinct groups" (Anupa Rao, 2005), with each group being prohibited from merging into another by the practice of endogamy. The endogamy that is practiced within the Caste is what gives it its distinctive quality. Endogamy is the missing piece in the puzzle that is the caste system. In earlier times, the practice of exogamy ensured India's continued existence. However, as history progressed, exogamy gradually lost its utility. The origin of castes in India can be traced back to nothing more than the superimposition of endogamy on exogamy (Anupa Rao, 2005).

Ambedkar further on the practice of endogamy by describing how, to preserve its status as an endogamous unit, a community would take measures to prevent its members from marrying beyond their group to guarantee gender parity (Anupa Rao, 2005). If an endogamous community cannot maintain its conjugal rights, then endogamy will cease to exist as a social system. To form a caste, the group must ensure that there is no inequality between the marriageable units of the male and female sexes (Anupa Rao, 2005). According to the endogamy principle, equality should be preserved between marriageable units. However, it is difficult to happen in a group when a husband dies before his wife or when the situation is reversed. As a result, the endogamy principle may be broken by extra males and females (Anupa Rao, 2005). The surplus of both men and women ultimately threatens the caste structure. If care is not given to these individuals, they will not be able to find a mate within that circle, and as a result, they will cross the boundary, marry outside of the circle, and bring offspring into the circles that are not native to the Caste (Anupa Rao, 2005).

The practice of endogamy, which is closely tied to the elimination of surplus females within the caste system, can be carried out in one of two ways: the first method, which is known as "Sati," involves the woman being sacrificed by being set ablaze on the funeral pyre of her late husband (widow burning). In addition, the existence of surplus women poses a problem in and of itself if they are not eliminated. The fact that if they were to marry outside of their Caste, this would be a violation of the endogamy principle. Even if she intends to marry within the Caste, she may threaten the other women running for the bride. A different solution to the problem of the surplus woman is to make her a widow for the remainder of her life. Within the caste system, it is believed that putting a widow

to death by fire is preferable to forcing her to live as a widow. As long as this widowhood system is in place, the woman will continue to be denied the natural right to have a lawful husband.

The castesystem recognizes the superiority of men over women. Accordingly, the surplus man, also known as a widower, is far more critical to the caste group than the excess woman is. Within the framework of the caste system, a woman is an accessible target for various unjust injunctions, whether religious, social, or economic. The same treatment to a surplus man over a surplus woman is prohibited. In contrast, a man's status as a creator of injunctions places him above them most of the time. On the other hand, the idea of a burning man with his departed wife is dangerous merely because the guy is a male. Second, if it is done, the Caste will lose the sturdy soul, who is an asset to the group and hence will be taken away from them (Anupa Rao, 2005).

According to Ambedkar, enforcing celibacy on the group's surplus man is sure to fail in theory and practice. Keeping him in his current position as a grihastha is in the Caste's best interest (one who raises a family). The number of men to women who rule within a caste must always be equal. However, the only way to provide a surplus man with a wife is to take a bride from among the ranks of those who are not yet marriageable to maintain the Caste and ensure the surplus man remains loyal to the group. Therefore, the risk of numerical depletion brought on by ongoing outflow is mitigated, and endogamous morals are protected while also being readily maintained. It is maintained through the following four practices: first, the burning of the widow along with her deceased husband; second, the practice of compulsory widowhood, which is a gentler form of the practice of burning;

third, the practice of imposing celibacy on the widower; and fourth, the practice of marrying the widower off to a girl who is not yet marriageable.

All these caste functions not only as means but also as forms. Endogamy is created by and maintained by them. Endogamy and caste are synonymous terms; nonetheless, the existence of these means is equivalent to that of caste and caste, which involves these ways as the general mechanism of caste in a system of castes. Even in the present day, there is no scientific explanation that can be provided for the genesis of these traditions. Sati has been given due respect. After all, because it exemplified the ideal of womanhood, it is evidence of the complete oneness of body and soul between a husband and wife and of affection that endures beyond the grave. Ambedkar believed that these customs were respected since they were carried out.

The foundation of caste cannot be constructed without any of these practices, and the philosophies that were formed in their honour to bring attention to those customs were developed for that purpose. They are portrayed as models of excellence. Practices such as sati, enforced widowhood, and girl marriage are examples of customs mainly formed to handle the issue of surplus man and surplus woman within a caste to ensure endogamy. Other examples of such practices include child marriage and polygamy. If there is no endogamy involved, caste is nothing but a charade. His definition of a caste is that of a restricted social class. In all their strictness, these customs are only practiced by one caste, the brahmins, who are at the pinnacle of the social order in Hindu society. This Caste is the only one that follows these traditions. Additionally, Brahmins are at the pinnacle of the caste system and hold the highest position. " The strict observance of these customs and the social superiority arrogated by the priestly class in ancient civilizations is

sufficient proof that they were the originators of this unnatural institution," which was founded and maintained through these unnatural means. In other words, this "unnatural institution" was created and maintained by these unnatural means. In addition, this so-called "unnatural institution" (Anupa Rao, 2005)

Ambedkar undertook a determined scholarly effort to investigate the reification of the caste system, which was supported by the subjugation of Indian women due to the imposition of stringent endogamous statutes sanctioned by upper-caste rules in Indian society. In this endeavour, he investigated the reification of the caste system. Ambedkar proposed a feasible and rational intervention and connected sati, enforced widowhood, girl-child marriage, and endogamy as the offshoots of keeping closed caste groupings as a way to connect these practices.

Therefore, according to Ambedkar's theory, the key to the successful operation of the caste system lies within the women of the respective caste. Because of this, it is indispensable to devise legal codifications supported by religious practices to have a plan in place if an unanticipated event causes a woman to become a widow. As a result, he brought attention to the difference between a "surplus male" and a "surplus woman." He was right to claim that the rituals of Sati enforced widowhood and girl marriage are essentially designed to address the issue of the surplus male and surplus woman in a caste and to sustain its endogamy, regardless of whether they are viewed as ends or as methods. He was wrong, nevertheless, when he said that the primary goal of these traditions is to address the issue of surplus males and surplus females in a caste. Without these traditions, it would be impossible to maintain strict endogamy because caste cannot exist in the absence of endogamy.

The term "origin of Caste," as Ambedkar, refers to the beginning of the system of endogamy. Ambedkar also discovered the confluence between gender and Caste and developed a theory about how these two factors influence one another to perpetuate the status quo. In India, the concept of Brahminical patriarchy is often held to be the predominant conception of gender studies. Ambedkar unambiguously stated that the graded caste structure within the hierarchical Hindu fold is the root cause of gender discrimination. He explained the vertical caste hierarchy and how patriarchy's influence grows more pervasive on Hindu women beginning at the bottom of the caste ladder. He was undoubtedly one of the first Indian academics and social reformers to theorize how multiple layers of patriarchy affected Dalit women, though it's conceivable he was the first. According to his theory, the vertically ranked caste system, which feeds on superimposing obsessive endogamy on top of exogamy, is at its weakest point regarding Dalit women. His theory was based on this. In other words, he believed Dalit women had the highest likelihood of marrying within their caste.

Ambedkar was aware of the significance of women's participation in political discourse to elevate their position of subordination. Without their input, the movement to abolish gender inequity and realize the potential of women's liberation as a concept would remain an unfinished undertaking (Anupa Rao, 2005). Ambedkar participated in all of his events, played an active role in organizing the women, and advocated for gender equality. He wanted Dalit women to have the same opportunities for self-sufficiency as their upper-caste counterparts. As a result, the Ambedkarite teachings presented at the Dalit Mahila Parishads (conference of Dalit women) applied to all women across the board. Ambedkar asserted that the inclusion of women in his work was his priority (Anupa Rao,

2005). Ambedkar determined the level of development of a community based on the amount of progress made by its women.

Ambedkar gave the dalit women some sound advice: to not rush into marriage and to recognize that marriage is a responsibility. Your children shouldn't have to shoulder the burden of it unless they have the financial resources to cover the responsibilities that come with your marriage. Those who get married should remember that it's illegal to have an excessive number of children. According to Ambedkar, a parent's responsibility is to provide each child with a more promising beginning in life than their parents did. Above all else, each girl who gets married should have the courage to confront her future husband, insist that she is her husband's friend and equal, and defy his demands that she serve as his slave. He told the dalit women that they would bring respect and glory to the women's Community if they followed his advice and did what he said they should do. Within the context of this passage, Ambedkar envisioned a gynocentric society in which patriarchal traditions were challenged (Anupa Rao, 2005). The educational goals of Indian women's children should be raised to be more attractive, and Indian women should operate as equal partners. Ambedkar was the first of his contemporaries to recognize the importance of women in society. Most of his contemporaries were active in nationalist or local political causes. Ambedkar gave speeches at conferences for women, showcasing his resolve and dedication to a pro-rights approach and saying that true freedom for an individual is found in equal opportunity for everyone.

In addition to the several political and social initiatives that Ambedkar started to ensure everyone lives in an egalitarian society, he did a lot of extensive thinking about women's roles in the Indian social system. His thorough articles on the advancement of women in

India include "The Women and the Counter-Revolution, The Hindu Code Bill, Castes in India, Manu's Madness or the Brahminic Explanation of the Origin of Castes in India."The advancement of women is a good indicator of overall community advancement (Anupa Rao, 2005).

The publishing of these articles solidifies Ambedkar's status as one of the most significant intellectuals who identified with the subordinate suffering of Hindu women within the context of the hierarchical Hindu religion. Undoubtedly, Ambedkar effectively started the discussion on gender issues while beginning his intellectual rhapsody exploring caste and connecting it to women's status in the Hindu religious system. This discussion highlighted the exclusivity of castes and the Manusmirti as the driving forces behind Indian women's marginalization. It was carried out as Ambedkar launched his intellectual rhapsody into caste and its connection to women's position. (Anupa Rao, 2005).

Ambedkar was a scholar of the highest caliber. His conclusion, based on his research of ancient Hindu scriptures, was that at one point, a woman had the right to Upanayana, which translates to "seeking enlightenment or wisdom." The Atharva Veda supports this conclusion. Based on the Srauta Sutras, which are auxiliary texts of Samaveda, it is evident that women were trained to read Vedas and that they were able to recite the mantras included in the Vedas. There is evidence of women attending Gurukul in Panini Ashtadhaya, which supports this theory (college). However, the number of women who fit this description was extremely few. As he had mentioned earlier (Anupa Rao, 2005), those who were permitted to participate in religious rites were members of higher social castes or classes.

Ambedkar pointed out the manipulations of 'Laws of Manu,' which contain an oppressive precept to control Hindu women following the men's command, to bring attention to the oppressive laws that are arrayed in Manusmriti to regulate the behaviour of Hindu women. Hindu women are required to submit to the paternal order following the statutes that can be found in Manusmriti. Manu established caste system makes Indian women morally repugnant. While the caste standing of Indian women is included when calculating their class position, judgments of this nature become increasingly regressive (Anupa Rao, 2005).

Ambedkar saw how patriarchy and other societal oppression affected upper-caste Hindu women. He also saw the various forms of oppression Dalit women experienced due to caste, social class, and gender distinctions. He took a position that was categorically opposed to patriarchy in all its forms and the detrimental effects it had on dalit women. No one has ever performed like Ambedkar in the critique of Hindu scriptures about the theorization of upper-caste women and dalit women in the Indian social order. Ambedkar was the first to draw attention to this issue. The personal memories of Dalit women who recall Ambedkar as a significant role have been collected by the book's writers, Urmila Pawar and Meenakshi Moon, in "We Also Made History: Women in the Ambedkarite Movement." We Also Made History: Women in the Ambedkarite Movement is the name of the 2008 publication (Anupa Rao, 2005).

These Dalit scholars undertook a significant amount of preliminary research and traveled around India to unearth the narratives of Dalit women who discussed how Ambedkar motivated them. "Ambedkar endeavored to bring Dalit women into public life in a new position, as speakers and chairpersons in public gatherings, as movers and seconders of

resolutions, and its teachers," said several Dalit women, is acknowledged. A Dalit Mahila Parishad (women's conference) was required to follow every gathering for the development of Dalits. Ambedkar gave extensive presentations at these conferences on the treatment of Dalit women and how caste dynamics sanctified this treatment (Anupa Rao, 2005). According to Ambedkar, the sociological position of Dalit women in society has been supported by research in the field of epistemology. The ideology of the former major upper-caste Indian feminist groups has consistently disregarded Ambedkar and his principles, and these movements have rarely complied with the demands of Dalit women. The work of Sharmila Rege, Uma Chakravarti, and Anupama Rao, among other outstanding upper-caste women scholars, brought the caste viewpoint to the discussion to counter the oppressive patriarchal influences. Sharmila Rege, for instance, is well renowned for her work in this field. Scholars in this field that are well-known include Uma Chakravarti and Anupama Rao.

Dalit intellectuals influenced by Ambedkar, such as Gopal Guru (1995), developed theories about the status of Dalit women in society. These intellectuals drew much of their inspiration from Ambedkar. They sought the fundamental variations that would clarify why "Dalit women talk differently." Questions like "and what are the challenges that need to be kept in mind while representing Dalit women, both at the level of theory and practice?" have frequently come up for discussion during the conversation on Dalit women. These issues must be considered when depicting Dalit women, which is crucial in theory and practice. When asked why they talk differently from other women of their caste, Dalit women typically cite the standardizing influence of non-Dalit forces as the reason. As a result, both external forces (the patriarchal rule within the Dalits) and

Ambedkar's involvement in the subject of women's issues, particularly for Dalit women, led to a change in the situation. Dalit women, in particular, had the most trouble. As a result, Dalit women in India have opposed upper-caste feminism in its mainstream. These women claim that Dalit women are marginalized differently than women from upper castes because they are paid less for fieldwork, labour in unsanitary conditions, and face sexual abuse, which is a natural consequence of caste cruelty rather than sexual barbarism. Additionally, Dalit women have asserted that because they belong to a lower social caste than upper-caste women, their marginalization differs from that of upper-caste women.

The suffering of Dalit women is made all the more painful as more and more assumptions are made about them based on their Caste. The Dalit movement brings greater attention to the caste members' gender roles than their caste identities. As a result, Dalit women place a higher value on their identities as members of the Dalit community than they do on their identities as women. The issue of harmful gender relations within the communities of Dalits is placed as a second priority for them because they believe it is more vital to free themselves from being regarded as being socially and culturally inferior by the higher castes.

Therefore, caste-based sexual assault against Dalit women is both a sort of crime that is gendered and one that is caste-oriented. Dalit women currently find themselves in a precarious position due to the liminality of their social status. Except for Ambedkar, no other Dalit thinkers have done considerable work for their rights or postulated the conditions and sufferings. Dalit women experience due to graded patriarchy. On the other hand, it is frequently asserted that the movements against caste discrimination led by the

majority of Dalit men have not been as loud about the rights of Dalit women as they should have been. The rules are still created in a way that is precisely following the whims of upper caste patriarchy, even though the Dalit movements have adopted several upper caste normative principles to free Dalit women from exploitation and ensure their protection from upper-caste men. It is so because the foundation of upper caste patriarchy is the notion that women should submit to men.

An effort is being made to domesticate dalit women, who are also becoming more and more commodities, by copying upper-caste societies' normative regulations and directives. Despite the increasing commodification of dalit women, this endeavour is still being made (Anupa Rao, 2005). In order to protect the reputation of the dalit community, it is also advised that dalit women uphold strict standards and abstain from employment in public places. While working to liberate Dalit women from the chains of caste patriarchy, caste position, and internal Dalit patriarchy, Ambedkar was conscious of these factors' impact on Dalit women. He strove to liberate Dalit women from the constraints of internal Dalit patriarchy, caste position, and caste hierarchy. Another theory is that Ambedkar was also aware of the romanticization of Dalit women's bodies. As a result, he categorically dismissed the notion that Dalit women should participate in stage productions to raise funds for Dalit empowerment initiatives. "Traditionally, tamasha was/is a despised and menial occupation, and women have to work continually to create revenue for their family and keep their honour inside themselves" (Anupa Rao, 2005).

As a result of Ambedkar's objection to the commercialization of Dalit women's bodies, these women were not allowed to participate in any public performances; instead, men were cast in their roles. It was reported that he had remarked something to the effect of "I

don't want the money collected by forcing Pawalabai to dance." Ambedkar gave the Mahad Speech in 1927, in which he encouraged Dalit women to maintain a nice and clean appearance and advised them to give up the caste identity marks they wore. To distinguish dalit women as untouchable and separate them from upper-caste Brahmin women, he encouraged dalit women to stop dressing in the traditional manner of lower castes, which involved donning a sari and a lot of heavy jewelry. These are only some of the many suggestions Ambedkar made to Dalit women (Anupa Rao, 2005).

An epistemic paradigm shift occurred with Ambedkar's call for Indian women to become aware of the degrading treatment they received. Because he was an intellectual with a vision, he knew that such inspiration might fail if there wasn't a constitutional system to secure their upliftment. Consequently, he advocated for the creation of such a mechanism. Therefore, he worked tirelessly to draft a standard civil code through the Hindu Code Bill, ensuring that Indian women would be recognized as equal individuals on a political level, in social settings, and under the constitution.

Ambedkar advocated a comprehensive reorganization of the Hindu social order to draft the Hindu Code Bill. The bill's purpose was to formalize the legal system for addressing the many laws that impact men and women. It attempted to alter the succession order and enacted new laws on upkeep, marriage, inter-caste unions, divorce, adoption, minors, and guardianship. He emphasized the position of women and the need to ensure that they are granted freedom, equality, and dignity as he established "the rules for the elimination of the birthright to property, a half share for daughters, the conversion of women's limited estate to absolute estate, the abolition of Caste in marriage matters and adoption, as well

as the principle of monogamy and divorce." He did this by emphasizing the status of women and the importance of granting them freedom, equality, and dignity.

Ambedkar had such a solid connection to the plight of Indian women that he resigned from Nehru's cabinet after more traditional members of the government shot the bill down. 'The bill was first presented to the Constituent Assembly on April 11, 1947, and the Select Committee moved it on April 9, 1948, followed by debate, which resulted in no clear resolution. According to him, Bill was "killed and died unused and unsung" during his life. Ambedkar, widely recognised as the "Father of the Indian Constitution," was a multi-faceted personality. He was a political leader with an iron will, a freedom warrior par excellence, a radical thinker, a philosopher, a social reformer, an excellent editor, and many others.

Ambedkar fought tooth and nail for women's liberation in the economic sphere and the protection of women's rights in social settings. He emphasized the importance of preserving the dignity of the women folk and showing respect for their modesty. His primary objective was to advance the status of women in society as a whole, and he spared no effort in working toward this objective (Azad Mohammed.S., 2013: 117). Regardless of their age and standing in society, women in our country have historically not received the respect they deserve. Her status in society was never on an equal footing with that of males. Even the most basic legal protections were denied to her. They were so despised that they were compared to animals and placed on the bottom rung of society.

On July 20, 1942, the All India Dalit Mahila Conference was held, and about 25,000 women participated. The conference focused on "Equality Based Reconstruction of the Hindu Society" (Azad Mohammed.S., 2013: 117). Ambedkar expressed a great deal of

satisfaction over the awakening and efforts of women. On August 13 of the same year, he communicated with one of his close pals, Meshram, over this topic (Azad Mohammed.S., 2013: 117). In addition, the All India Untouchable Women's Conference was convened in Mumbai on January 6, 1945. (Azad Mohammed.S., 2013: 117). In the movement, Ambedkar used a strategy analogous to that of Gandhians, even though he and Gandhi disagreed on many issues. Instead of focusing on the social reforms that the Brahma Samaj or the Arya Samaj started, he believed that the focus should be on rebuilding Hindu society based on equality. This is because the Brahma Samaj and the Arya Samaj primarily attempted to reform the higher classes of society.

Ambedkar's findings on Hindu philosophy and society were consolidated as a result of his in-depth study of Smritis and Shastras, as well as his experience of the response of upper castes during his struggle to gain entrance to temples (Azad Mohammed.S., 2013: 117). The fight against inequitable social practices, the publication of newspapers, the establishment of women's hostels and boarding schools, and participation in Sathyagrahas were some of the activities that women engaged in to acquire the personality development necessary to secure the same level of adequate administrative and leadership capacity as men. After receiving motivation and support from Ambedkar, many women began writing on various subjects, including planning and Buddhist philosophy. Women also participated in Satyagrahas, created plays and autobiographies, and wrote about their own lives. Chokhamela was the name of the newspaper that Tulsabai Bansode first published. It demonstrated how Ambedkar educated women who did not have access to education and inspired them to fight against unfair societal practices such as child marriages and the devadasi system (Azad Mohammed.S., 2013: 118).

Ambedkar was one of the very few Indians who worked toward the goal of remaking Indian society according to the most democratic and compassionate ideals. He was an advocate for the idea that India could not achieve peace, happiness, or wealth without first achieving social and economic democracy. He was a staunch advocate for the deeply held principles of liberty, equality, and fraternity in society. Ambedkar's contribution to the general improvement and advancement of women is unparalleled. Ambedkar strongly disparaged the old and conservative beliefs that Manu, the person considered to be the bearer of Hindu law, conveyed. Ambedkar's goal was to promote social equality, equal position, and dignity between men and women. According to Ambedkar, there is little doubt that Manu was to blame for the deterioration in the status of women and the degradation of their dignity. Ambedkar has a firm belief that egalitarian principles prevailed during the Buddhist period and that it was a revolutionary act on the part of Buddha to have allowed women to take parivrajā (nunhood) as a member of the sangha. This belief stems from the fact that Ambedkar was one of the first people in India to advocate for gender equality (Vidyasagar I. S, 2005: 97).

Ambedkar asserts that according to the brahminicalvarna philosophy, women and shudras were not eligible to acquire knowledge. This idea was prevalent during the time of the Brahmins. By granting women the ability to become bhikkhunis, often known as nuns, the Buddha opened the door to freedom and allowed them to attain dignity regardless of gender. Therefore, according to Ambedkar, the beginning of the revolution and the freedom of women in India can be traced back to the works of Lord Buddha. When Buddha was asked about the importance of women in today's society, he responded by saying that a "woman is the commodity supreme because she is an indispensable utility or

because through her Bodhi sattvas and world rulers take birth." Buddha was referring to the fact that women are responsible for giving birth to future leaders (Vidyasagar I. S, 2005: 97).

Ambedkar encouraged women to fight against caste prejudices and reaffirmed that the caste system could be abolished and underprivileged classes could be elevated in Indian society through women's liberation. He also stated that this is the only way to abolish the caste system. During the conflict was known as the Mahad, both men and women took to the streets to demonstrate their support. Ambedkar supported the idea of women forming their organizations. At the Women's Conference in Nagpur on July 20, 1942, he was impressed by the enormous gathering of women there (Dhanvijay Vaishali, 2012: 112). Ambedkar emphasized the need for education as the sole instrument for the empowerment of the individual. Throughout its history, the Indian society has denied women and members of historically oppressed groups. The only way for civilizations to progress from oppression to democratic participation and involvement is through the medium of education. Ambedkar focused all his energy on ensuring that every person in India would have equal access to educational opportunities free of bias and prejudice (Dhanvijay Vaishali, 2012: 112).

Ambedkar was a tenacious advocate for the dignity of oppressed people and women, and he is often regarded as the founder of the modern human rights movement. He was a trailblazer in the field of social justice, and one of his primary goals was to advance the status of women. He believed that people of all castes, creeds, genders, and religions should be treated equally, and he was the one who began the movement to liberate women and protect their rights. He wanted to construct a society based on social justice,

fight against gender disparity in Indian society, and raise his voice to include them in modern society. His goal was to establish a society that was founded on social justice. Ambedkar included several measures in the Indian constitution to enhance and elevate women's status. As a result, women, and men now have the same legal standing (Dhanvijay Vaishali, 2012: 113). According to Ambedkar, the purpose of primary education is to ensure that every child who enters the doors of a primary school leaves it only at a stage when he has become literate and will continue to be literate for the rest of his life. Primary education is also intended to ensure that every child continues to be literate for the rest of their life (YeasminMinara, 2018: 1).

Ambedkar strongly emphasized secular education to achieve social freedom. The sole objective of education is to enlighten underprivileged groups so they can more effectively advance their movement toward social, economic, and political advancement. Ambedkar identified two goals of education: the first was to acquire knowledge for the benefit of others, and the second was to use that knowledge for one's benefit. Ambedkar's goal was to make people who were depressed aware of the need to change their thoughts and old patterns of behaviour to move forward in the direction of unity and freedom through education. Teaching young people of various religions, geographical areas, social classes, and castes the importance of liberty, equality, fraternity, and justice, as well as instilling in them a sense of moral character, was the central tenet of his educational philosophy. According to Ambedkar, women's education is critical to achieving substantive equality.

While expressing his support for the Maternity Benefit Bill, he stated that it is in the best interest of the country for the mother to have the opportunity to get adequate rest during the pre-natural time. As a direct result, the entire Bill is founded on that idea. According

to him, the employer should not be exempt from the liability, and it is reasonable that, to some extent, the employer will be liable for the kind of benefit when he gets a particular benefit by employing women rather than men. In other words, the employer should not be free from liability.

Ambedkar was highly concerned about the rapid increase in the number of people living in India, and he advocated for establishing particular policies and procedures designed to limit births. According to him, timely marriage is unattainable for many people in India, particularly for women, and as a result, this leaves them vulnerable to a variety of diseases and addictions. Many women become permanently disabled, and some even pass away due to giving birth to children while suffering from their ailment or having children in too quick of succession. Birth control is the one sovereign-specific treatment that can eliminate all of these catastrophes. In situations where women are prevented from having children for any reason, for whatever cause, they must be able to bring forth offspring, which should be entirely contingent on the choice of the women. The addition of unwelcome offspring would not result in any way that would be beneficial to society. Ambedkar introduced the non-official resolution for birth control measures in the Bombay Legislative Assembly in 1938.

In 1936, while speaking at a gathering in the Damodar Thackeray auditorium in Bombay, Ambedkar fervently pleaded with specific segments of the oppressed classes to renounce harmful rituals and customs. The conference was convened to promote the mass conversion move that was begun at Yeola. It was predominantly attended by men and women who belonged to the devadasi, patraje, bhute, aradhi, and jagiti communities. Ambedkar appealed mainly to the ladies who attended the assembly. Ambedkar shared

his thoughts on the subject of women from lower castes by saying, "whether you change your religion along with us or not, it does not matter much to me." If you genuinely want to be among the rest of us, however, I demand that you turn your back on your shameful lifestyle. Because women of other classes do not continue to live in situations that would inevitably drive them into prostitution, you are required to get married and establish a regular domestic life for yourself. Ambedkar stressed the importance of women's advancement during the All India Depressed Class Women's Conference in Nagpur on July 20, 1942. He says, "there could not be the progress of a nation without the progress of women."

He emphasized that women should learn to maintain themselves clean and avoid any vices they might be tempted to engage in. They must provide their children with an education and develop a sense of great aspiration. The concept that youngsters are destined for greatness ought to be instilled in their brains as they are educated, and they must eliminate their inferiority complex from their hearts and minds. Ambedkar recommended that individuals delay getting married until they were in a position to support a family financially. Ambedkar disagreed with the notion that there should be a master-slave relationship between the husband and the wife. He advised that there should not be too many children and that the parents should be responsible for giving each child a better start than they had. He also suggested that women should have amicable relationships with their husbands. Ambedkar addressed the population issue by stating that there should not be too many children.

The idea of empowerment refers to cultivating and expanding the capabilities of individuals and groups to integrate them into conventional social structures. His speeches

made the fact that Ambedkar cared about women's liberation abundantly clear. Ambedkar emphasized the importance of education for women's advancement and the necessity of fostering the intellect and the attitude of self-help among men and women. He wants parents to understand that they have a significant obligation to teach their children appropriately, and he wants them to comprehend this. On the other hand, he suggested that they enroll their children in school simultaneously. According to him, education is the single most crucial component in shaping the lives of people of all ages, including men, women, and children. Ambedkar observed that education is equally essential for both boys and females. Things would move along much more quickly if the ladies could read and write. Consequently, she will instill in her children the values that will guide them throughout their lives (YeasminMinara, 2018: 1).

In addition, he desired to abolish women's suffering and independence from men in the economic sphere by bestowing their economic rights and independence. In addition to equality and the freedom to own property for women, Ambedkar advocated for educational rights for women and suggested that men and women should attend school together. He believed that education would foster independent thought in women, contributing to their brain and mental capacity growth. Ambedkar is widely regarded as a leader in the fight for social justice, during which he advocated for its incorporation as a fundamental component of India's constitutional democratic framework.

He thinks that women should be granted socio-cultural rights in addition to general advancement, social education, and well-being (YeasminMinara, 2018: 2). He underlined that every segment of Indian women receives the part that is rightfully theirs and that it is imperative to preserve and protect the modesty and dignity of Indian women at all times.

Ambedkar supported women's rights movements from the beginning of his career. He said that if women from various areas of life were allowed to participate in the changes, they might be able to make a substantial contribution (YeasminMinara, 2018: 2).

He maintained that every married woman must engage in her husband's activities as a friend, have the bravery to reject the lives of enslaved people, and insist on the principle of equality. He also insisted that every married woman must refuse the lives of enslaved people (YeasminMinara, 2018: 2). If every woman does what she says, then they will have complete respect and a distinct identity (YeasminMinara, 2018: 3). In this regard, Ambedkar has played an important role as the chairperson of the Drafting Committee of the Constitution. His contributions have been considerable. After the country gained its independence, he left his mark on the nation's social fabric. He helped to mould the socio-political structure of Indian society as it exists now (YeasminMinara, 2018: 3). He made an effort to offer India's moral and social foundations a fresh start by working toward a constitutional democracy's political system that is considerate of the underprivileged, inherited from the past, or created by preexisting social ties. He did this by striving to establish India as a new country on substantial moral and social grounds (Dhanvijay Vaishali, 2012: 111).

Ambedkar encouraged women to get involved in the fight against caste prejudices by reiterating his belief that the only way the caste system and the upliftment of underprivileged classes could be achieved in Indian society was through women's liberation. He also stated that this was the only way the caste system could be eliminated. During the movement known as the Mahad, the women marched in possession of the men, and Ambedkar pushed the women to organize themselves. At the Women's

Conference in Nagpur on July 20, 1942, he was impressed by the enormous gathering of women there (Dhanvijay Vaishali, 2012: 112). Throughout history, education has been the only vehicle for individual empowerment; Indian culture has denied it to women and members of oppressed groups. Only through increased democratic participation and involvement can oppressed societies break free of their cycles of the generational cycle. This is the fundamental reason that Ambedkar focused all of his efforts on ensuring that all citizens of India have equal access to educational opportunities without any discrimination (Dhanvijay Vaishali, 2012: 112).

Ambedkar was a tenacious advocate for the dignity of oppressed people and women, and he is often regarded as the founder of the modern human rights movement. As a leader in the fight for social justice, he consistently advocated for the advancement of women's rights. He believed that people of all castes, creeds, genders, and religions should be treated equally, and he was the one who began the movement to liberate women and protect their rights. He wanted to fight against gender inequity in Indian society, raise his voice to include them in modern society, and construct a society founded on social justice. He also wanted to incorporate them into contemporary society. Ambedkar included several measures in the Indian constitution that were intended to bolster and improve the status of women. As a result, women and men now have the same legal standing (YeasminMinara, 2018: 1). Education for Female Students According to Ambedkar, the purpose of primary education is to ensure that every child who enters the doors of a primary school leaves it only at a stage when she has become literate and will continue to be literate for the rest of his life and said this is the only way to ensure that primary education is successful (YeasminMinara, 2018: 1).

Ambedkar strongly emphasized receiving a secular education to achieve social freedom. The sole objective of education is to enlighten underprivileged groups so they can more effectively advance their movement toward social, economic, and political advancement. Ambedkar identified the purposes of knowledge, the first of which was to obtain it for the betterment of others and the second of which was to use it for one's betterment. He did this intending to make people who were depressed aware of the need to change their thoughts and old patterns of behaviour and to move forward in the direction of unity and freedom through education. Teaching children of all religions, regions, classes, and Castes the importance of liberty, equality, brotherhood, justice, and moral character was the central tenet of his educational philosophy. He believed that these ideals should be instilled in young people. Ambedkar says women's education is critical in achieving substantive equality (YeasminMinara, 2018: 2).

Ambedkar emphasized the importance of education for women's advancement and the necessity of fostering the intellect and the attitude of self-help among men and women. He wants parents to understand that they have a significant obligation to teach their children appropriately, and he wants them to comprehend this. On the other hand, he suggested that they enroll their children in school simultaneously. According to him, education is one of the essential factors in shaping the lives of people of all ages, including children (YeasminMinara, 2018: 2). Ambedkar observed that education is just as important for girls and women as it is for boys and men. If women could read and write, there would be significant advancement. As a consequence of this, the trajectory of her offspring's lives will be one of virtue.

In addition, he desired to free women from the anguish and enslavement that resulted from their economic dependence and grant them economic rights and independence. In addition to equality and the freedom to own property for women, Ambedkar advocated for educational rights for women and suggested that men and women should attend school together. He believed that education would foster independent thought in women, contributing to their intelligence and mind growth (YeasminMinara, 2018: 2).

Ambedkar is widely regarded as a leader in the social justice movement, during which he advocated for the inclusion of social justice as a fundamental component of India's constitutional democratic framework. In its pursuit of a democratic and uniform social order devoid of a caste system, the Indian Constitution not only succeeds in reorganizing the previously prevalent caste-ridden stratified social order but also grants those who have been harmed by the caste system the right to equality and self-esteem. This is an important step toward the Constitution's ultimate goal of abolishing the caste system (YeasminMinara, 2018: 2). By compiling a single Civil Code for Hindus and other members of the Indian social order, he established "the bedrock of tangible and genuine efforts." He suggested that women should be given opportunities for general growth, particularly in social education, socioeconomic status, and sociocultural rights. He emphasized that Indian women of every part of society should be given their fair share, and it is a duty to preserve and defend the self-respect and reticence of women. He also said that "Indian women should be given their due share in the government" (YeasminMinara, 2018: 3).

In its pursuit of a democratic and uniform social order devoid of a caste system, the Indian Constitution not only succeeds in reconstructing the previously prevalent caste-

ridden stratified social order and guaranteeing the right to equality and self-esteem for those who the caste system has harmed, but it also eliminates the caste system (YeasminMinara, 2018: 1). Ambedkar compiled a single Civil Code for Hindus as well as other groups of the Indian social order, which is credited with his laying "the groundwork of tangible and sincere efforts." He suggested that women should be given opportunities for overall growth, notably in social education, well-being, and socio-cultural rights. He emphasized that Indian women from all segments of society should be given their fair part and that it is a responsibility to preserve and safeguard the self-respect and reticence of women (YeasminMinara, 2018: 2).

The chaotic state of the political landscape was reflected in the wave of independence movements and the formation of a new constitution. Provisions in the new constitution guaranteeing gender equality and access to justice instilled a sense of optimism over the possibilities for change, particularly for women. A growing number of people believe that constitutional rights are important for preserving and advancing women's rights, which include education, self-respect, and dignity. These are all potential sources of empowerment for women. When the strict standards of the past are in opposition to the current value systems, there is no reasonable or justifiable reason to uphold those standards. The constitutional principles of equality show this before the law and the leveling out of power structures as more and more women take on household leadership roles and participate equally with men in both the public and, increasingly, the private spheres. There is no justification or rationale for following the strict rules.

An essential step forward in the direction of social transformation was the adoption of the Indian constitution, which was founded on liberal ideas. Ambedkar is also interested in

giving a liberal orientation to the formation of the judicial system. Ambedkar was critical of the Hindu marriage system and emphasized that ceremonial marriage did not satisfy the principles of liberty and equality. (YeasminMinara, 2018: 1). Ambedkar's goal was to establish reasonable actions that were in harmony with society's goals and norms. Ambedkar believed that this society would not progress toward reform until it was moved forward by the law. "Societal morals must back the legislation," he was quoted as saying by her. In that case, it would not be adequate for society. He thought that rights are safeguarded not by the legislation but by the social and moral consciousness of society (YeasminMinara, 2018: 1). If the Community is opposed to fundamental rights, no legislation, no parliament, and no judge will be able to safeguard those rights in the real world (YeasminMinara, 2018: 1).

Ambedkar's goal was to increase people's social consciousness, which he believed was the key to transforming the fundamental aspects of society that perpetuated inequality (YeasminMinara, 2018: 1). According to Ambedkar, the women's question in the Hindu social order is a system of systematic exploitation that establishes the dominance of Brahmanism through the complicated mechanism of Caste. This view is shared by many other scholars who have examined this issue. Through this system, women and shudras were relegated to a status below that of humans.

Ambedkar, who served as the chairman of the committee that drafted the constitution, endeavored to include women and members of oppressed classes in the document's provisions for permanent constitutional protections. There are basic fundamental rights outlined in the Indian Constitution. These rights aim to primarily bring about the equal relations that were supposed to exist in Indian society and enhance women's status and the

depressed classes. Article 14 of the constitution states that everyone is treated equally before the law and receives the same level of protection. It means having the same rights and opportunities in all realms of life, including political, economic, and social life. It is against the law to discriminate based on sex, as stated in Article 15. Article 15, paragraph 3 makes it possible for women to receive preferential treatment (YeasminMinara, 2018: 1). In Ambedkar's vision of a fair society, "putting men and women on equal footing" is the first step toward achieving this goal. Ambedkar was responsible for including Articles 14, 15, and 16 of the Constitution, all of which deal with the right to equality (Jogdanad P.G, 2007: 334). To be a fraternity member means having mutual regard for one another, love for one another, and oneness, along with equal sharing based on equal standing.

Additionally, Article 16 states that there shall be no discrimination based on religion, caste, creed, or sex in any of these sectors and that all people shall have equal opportunity in employment or appointment to any office. Discrimination is prohibited in these fields as a result of this Article. According to the guidelines of Article 24, it is illegal for employers to hire minors under the age of 14 for hazardous work in factories, mines, or any other type of employment. Following Articles 39 and 39(d), everyone must have access to equal means of subsistence and equal pay for equivalent work (YeasminMinara, 2018: 2). All of these definite articles are concerned with improving the social, economic, and educational conditions of the lower-income members of society. In addition, it shields individuals against social injustice, discrimination, and mistreatment.

Additionally, according to the Directive Principles of State Policy, the state should prioritize ensuring that both men and women have equal access to the most basic means of subsistence. One of the most fundamental of all human rights is often viewed as being

the ability to keep one's dignity (YeasminMinara, 2018: 3). Article 41 of the Indian constitution mandates that the state guarantee all of its citizens the right to employment, education, and, in some cases, public aid, within the limits of its economic capacity. This clause guarantees these fundamental rights are available to all Indian people. According to Article 42, the state is responsible for providing humane working conditions and maternity relief. Following Article 44, the State of India offers its residents all across the country a standard Civil Code.

According to Article 46, the state must safeguard the more vulnerable members of society from social injustice and exploitation and preserve the educational and economic interests of the less fortunate members of society with special care. According to Article 47, the State must enhance its people's nourishment and living standards throughout the country. In Article 51 (A) and (C) of the Fundamental Duties, it is stated that one must repudiate activities that are detrimental to the dignity of women. The allotment of seats in the Panchayati Raj System is outlined in Articles 243D (3), 243T (3), and 243R (4), respectively (YeasminMinara, 2018: 3).

The principles of liberty, equality, and fraternity were written into the Indian Constitution by B.R. Ambedkar because he believed that the law was the instrument for establishing a proper social order. In addition, under fundamental rights, equal education rights to the depressed class, special provisions are provided, including the following: Article 30 (1) grants linguistic or religious minorities the right to organize and run educational institutions of their choosing. This right includes administrative control. Article 30 (2) prohibits the state from showing favouritism to certain educational institutions over others

simply because they are run by linguistic or religious minority members while providing financial assistance to educational institutions.

The constitution outlines the preservation of the rights and interests of India's many minority groups in Article 29 (2). It guarantees that no citizen will be turned away from any educational institution that is kept running by the funds provided by the state on the sole basis of their religion, race, caste, language, or any combination of these factors. Article 46 of the Constitution mandates that the state protect the most vulnerable members of society from social injustice and all forms of exploitation and promote such groups' educational and economic interests (YeasminMinara, 2018: 3).

CONCLUSION

The present study titled “Ambedkar and Women’s Emancipation: A study on Hindu code Bill” argued that the role of B R. Ambedkar in the emancipation of women through the revised Hindu Code Bill is not merely legislation but a historical blueprint that proposed to realize the universal importance of rights discourse which would emancipate the women in India. The essential findings of the study are presented summarized as follows:

In the “Introduction,” the research question raised in the present study was dealt with systematically. Connected to the research questions, relevant literature has been reviewed. Intellectual works related to the position of women in Indian society, the caste hierarchy, patriarchy, and gender discrimination are critically reviewed and presented. Along with this, Ambedkar's works on the problem of women are also presented. The present study is based on qualitative analysis. However, the multiperspective narrative approach developed by Chitra Sinha has been used to understand the critical discourse that followed during the debate on the Hindu code.

The thesis is divided into five chapters: **First Chapter** critically analyzes the position of women in Hindu society. The social evils like sati, widowhood, and child marriage are critically presented. Various perspectives of the “mainstream debate” on the position of women in India are presented. Contemporary scholars have articulated various debates on the position of women in India, drawing attention to the various perspectives on the status of women in Indian Society. The nationalist or traditionalist perspective, the other is the liberal universal discourse, which informs, overlooking the differences of caste, class, and

gender. Along with these, the Gandhian perspective and Marxist perspectives are also discussed.

The “mainstream perspectives” of nationalist and Gandhian perspectives tried to venture into the Indian women's problem from the nationalist point of view. According to these perspectives, custom, culture, and tradition are central issues in understanding women's problems. The nationalist and Gandhian perspectives considered the women as the homogeneous community and argued that women's emancipatory interests are well protected in the hands of ‘nationalism’ alone. Much of the analysis, in these perspectives, concentrated on and characterized the problem of the dominant caste/class women while undermining the lower caste women's problem. The liberal perspective, while emphasizing the modernity and modernism principles of liberty, equality, rights, and universal suffrage, tried to bring equal relationships between men and women. Disseminating the liberal values, the proponents of the liberal perspective worked for the spread of modern education, employment opportunity, and equal treatment, all the more fighting for the share in the property right for women. However, the liberal perspective also fails to address the specific problem of caste hierarchy and caste-based patriarchy. The Marxist perspective applied the universal class and production relations category to understand the women's problem. Despite being rich in its material interpretation of the gender problem, the Caste becomes the second in their emancipatory project. The Marxists, too, neglected the caste discrimination and the caste-based violence against the lower caste women.

The *Second Chapter* is devoted to the alternative debates articulated by subaltern intellectuals. The alternative discourse to the mainstream perspectives has been

historically traced from the Buddha, Phule, Periyar, and Ambedkar to the contemporary debates. The problem of women's emancipation was constructed from caste, class, and gender and raised many questions on the problem of resistance and autonomy of women. Thus the "perspective from the below" argues that the mainstream scholarship has undermined the marginalized lower caste women. It argued that the lower caste women justify the case for "talking differently" based on external and internal factors, saying that the struggles faced by the lower caste women are more accurate and authentically portrayed by the lower caste women themselves. The alternative perspective tries to articulate alternative consciousness and vision with pro-women themes and actions drawn not from the dominant perspectives but the lower caste non-brahmin intellectuals like Gauthama Buddha, Bhakti saints, Jotiba Phule, Narayana Guru, Iyothee Thass, Ayyankali, Periyar, and Ambedkar. Perspectives from the below articulations critically evaluate the man-women relations on egalitarian terms while attacking the caste, gender, class-based hierarchy, patriarchy, and discrimination and violence against women.

In contrast to the mainstream perspective, the "perspective from the below" takes the caste system and its graded inequality in which castes are placed according to an ascending degree of reverence and a descending scale of scorn. Caste oppression as it operates in women's lives, significantly lower caste women, is far more dehumanizing than economic exploitation. They challenged the concepts of "genderless caste" and "casteless gender". They concluded that caste denies the lower caste subjectivity, dignity, and personality. The perspective below highlighted the articulation of women's questions about self-respect and self-dignity. Further, intellectuals from this perspective argued that mainstream researchers had viewed Indian civilization within the framework of caste

Hinduism undermining the alternative egalitarian consciousness from the anti-caste perspective.

The third chapter explains the historical antecedents of the Hindu code. Its evolutionary character from static and inert state to the modern codification has been explained from pre-colonial to colonial and from colonial to the period of post-independence state formation period. This process was very complicated within the given politico-geographical setting. Before the rise of modern law-making legislative and interpretative judicial bodies, the Hindu personal law was derived and standardized mainly by the Dharmasashtras and occasional commentaries by learned scholars. The study found that the legal system known as Hindu law in pre-modern India is distinct from the European legal system. The sources of the Hindu law come from both written and unwritten: Manusmriti and Yagnavalkya are the most important written sources. Of the many schools of mainly, there are two important legal schools of systems. Daya Bhaga school was developed by Jimuta Vahana and Mitakshara school of Vijaneswara. It is agreed that the Daya Bhaga school seems to be more advanced in granting rights to women than the Mitakshara school. Along with abundant written sources of Hindu law, incredible unwritten sources spread across the subcontinent.

This chapter also found that there has been a very elaborate and complex evolution of Hindu law under colonial rule. Thus the codification of the organizational framework of the ever-expanding body of Anglo-Hindu law was collated and translated into comprehensive codes of civil and criminal procedures followed by the modern courts. As a part of its civilizing mission, the colonial government harshly criticized the native society's socio-cultural situation, notably concerning the undervalued standing of women

in the society at large. As a result, the colonial rule introduced a series of measures, which underwent a socio-politico reform movement intending to redefine gender relations. The rise of anti-colonial consciousness in the form of nationalism also witnessed the massive rise of women's organizations calling for the end of women's oppression. The origin and codification of the Hindu code under the Rau's Committee and its efforts to bring a comprehensive uniform civil code have been elucidated in detail.

The fourth chapter is based on the diversity of narratives, otherwise referred to as the “multiperspective” approach developed by Chitra Sinha. The diversity of narratives was critical in Indian legal reform from the 1940s to 1951. While redrafting the Hindu code, Ambedkar carefully brought balancing forces that would lead to the social transformation in general and women's position in particular. Of the many aspects of the codification, Ambedkar mainly concentrated on six aspects he redrafted. Codification of the property right; share of daughter and son in the succession of heir; change in the women's limited estate into an absolute estate; law of maintenance; abolition of caste in the matter of marriage and adoption; the principle of monogamy; the principle of divorce and minority and guardianship.

The study found that as soon as Ambedkar presented his revised draft of the Hindu Code in the Central Legislative Assembly, there was a critical debate on the Hindu code from multiple narratives. The debate between the cry of “faith in peril” versus “progressive rights of women,” “change” versus “change resistance” narratives. Through rationalizing and consolidating the law. The study found that Ambedkar's redrafted Bill was considered a significant piece of legislation and worked to create a unified judicial system

that would provide unified equitable justice to Indians. It also tried to reduce religion's influence in public life and end discrimination against women in Hindu society.

The study found that the uniform code debate was one-sided despite its revolution. The respective members have taken Ambedkar more seriously than the Hindu code. The critique was leveled against Ambedkar rather than the contents codified in the Bill. Further, hundreds of minor amendments were moved against the bill without debating the vital issue in the bill. Vehement opposition was expressed against the code, saying that religion might be in danger. Because of immense opposition both from inside and outside of the Legislative Assembly, Ambedkar resigned on September 27, 1951. Later, the Hindu code was fragmented into various Acts subsequently.

The fifth chapter critically explained Ambedkar's ideas on the empowerment of women in general and dalit women in particular in India. The study found that the socio-political liberation movement led by Ambedkar has substantially affected women's lives, especially the oppressed lower caste women in India. Ambedkar's contribution to the emancipation of women, in this Chapter, is explained in four ways. Firstly, his theoretical examination of the relationship between caste and patriarchy. According to Ambedkar, Manusmriti was responsible for the fall of Hindu women. He attacks the Manu and his law which are ultimately responsible for the swift fall of women.

Secondly, Ambedkar's socio-political movement culturally mobilized and politically organized the lower caste women. His alternative political movement significantly raised the women's self-help and self-respect among the lower caste women. Thirdly, this initiation into political consciousness led the women to enhance their self-worth and

education, which led them to engage in creative intellectual pursuits. Lastly, his attention to women's rights while drafting the Indian constitution and codifying Hindu law is glaringly discernable. In all these dimensions, Ambedkar's role is exceedingly contemporaneous.

The study found that the critical discourse over Hindu Code Bill between 1941 to 1956 symbolized the inevitability of social justice and allowed an alliance with forces of modernization in the legislation-making process. The Hindu Code Bill was a social debate on notions of tradition and modernity and sought to codify the diverse systems and property practices of men and women. Ambedkar aimed to design new laws of maintenance, marriage, divorce, adoption, guardianship, and the minorities.

The timing of the debate was essential. Much of the achievements of modern India can be traced back to the initiatives and events of this phase. This period was marked by a transition in all spheres of life, political, economic, social, and cultural. This codification of personal laws of religious groups of India became the focal point of this process of modernization and secularization of society. Ambedkar viewed law and liberal state power focused on the rights-bearing individual subject as the exact antonym of caste society, which was mired in irrational prejudice. Ambedkar argued that the problem of caste is inevitably connected with gender relations in Indian society. According to him, the struggle against caste and subordination of women are inseparable, and women became the triple victim in the caste-based patriarchal structure of Indian society. Caste is detrimental for the women to be rational actors because it uses women as the gateway to the reproduction of caste inequalities.

Ambedkar redrafted provisions of the Hindu code, including issues such as the abolition of the birthright to property, property by survivorship, half share for daughters, conversion of women's limited estate into an absolute estate, abolition of caste in matters of marriage and adoption, the principle of monogamy and divorce. Ambedkar argued that the codification of Hindu law means recognizing Indian women as equal citizens as an individual and not merely as bearers of the honor of the family, kinship, and community. Ambedkar made an effort to make women a self-conscious category and force them to generate a rational, sensible attitude towards women.

Ambedkar argued that there was a need to modernize and westernize women adequately through education to enhance the image of a modern and civilized India. According to him, the need for Hindu Code Bill was where the social reform movement did not radically challenge the existing patriarchal structures. The social reform movement attempted to reform the women rather than reform social conditions that opposed them. Ambedkar recognized both family and marriage are spiritual necessities and social obligations. He argued that political and spiritual freedom was more important for men and women, and the traditional family and marriage must change in the light of reason and gender justice.

This study argued that Ambedkar played a pivotal role in women's emancipation in India. His redrafted Hindu code has challenged gender discrimination and hierarchy among the Hindus through which he laid the foundation for the rights discourse and social equality and justice. His redrafted Hindu code is a legislative cornerstone. Unlike the people who cried that the Hindu code is dangerous or a destructive measure of the Hindu religion, Ambedkar saw the Hindu code as a positive force that could bring about modern Indian

society and wished that with this legislation, the Indian nation-state would be genuinely democratic. Ambedkar saw religion, more precisely Hinduism, as the principal threat to India's rational progress and argued that religion was an irrational and retrograde force that prevented Indian society from developing along the preferred democratic route.

Ambedkar viewed law, and the state would play a significant role in secularizing and modernizing politics, and once this was done, real democratic modern citizenship could be built. Focused on the rights-bearing individual subject, Ambedkar envisioned that the social and moral conscience of the society should protect the rights of citizens not only by law it must be backed by social morality. He defined rational, civilized society in ethical terms in which human beings rated one another with mutual respect. Ambedkar argued that caste could not wither away on its own. It had to be abolished using rational legal power, an exact antonym of caste society.

Ambedkar's commitment to social equality and his hostility to traditional Hindu power structures made him use secular and universal ideals of equality, fraternity, and liberty to address the caste. He argued that any form of social and political progress was impossible while the caste system continued. Ambedkar saw the Hindu code as a measure that could annihilate caste. The debate on the relationship between law reform, women's rights, and religious practice. Codification of law in terms of legal modernity would bring profound transformation. For Ambedkar, codifying Hindu law and reforming Hindu women's rights were hand in hand. He argued that legal rights are needed to modernize Hindu law and saw the compatibility between Hindu law and the modern legal system. The rights of Indian women, like property rights, conjugal rights, etc., could be defended and supported only by modernizing the Hindu legal system.

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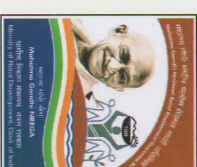


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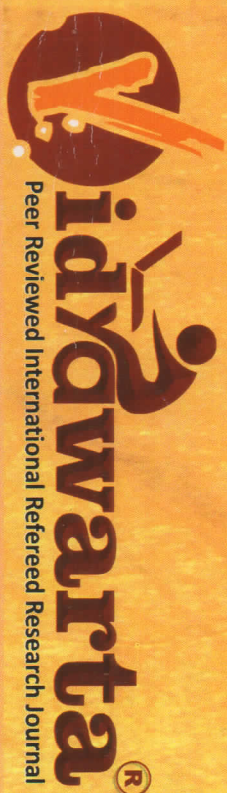
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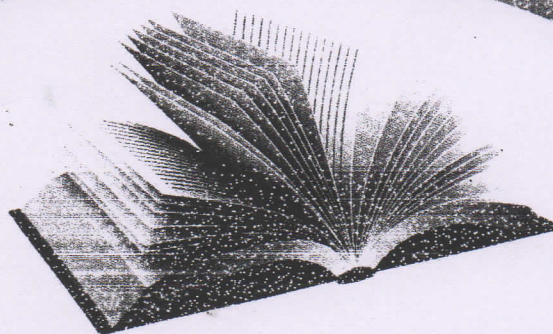
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Role of Dalit Women in Telangana Armed struggle (1946 to 1951)

Vijaya Kota
Research Scholar,
Department of Political Science,
University of Hyderabad

Introduction:

The historical and political importance of the Telangana region grew along with the rise of the Marathas. By the 18th century it was politically stabilized under the AsafJah dynasty for initiating development in the region thus a powerful bureaucracy was set up on the top creating various jagirs and the local chiefs were also integrated in the political set up and administrative structure. Seven service castes, Kummari(Potters), Kammari(Smelts), Vadla (Carpenters), Kanchari(Metalworkers), Mangali (Barbers), Chakali(Washermen), and Mala-Madiga (Out Caste- Leather Workers and Field labourers), were most predominant in Telangana region. Inam (tax free) lands were given to them in lieu of their service apart from granting other remunerations. During the 19th century and beginning of 20th century, the politics of domination and subordination further hardened due to the impact of British Indian economic policies on the Nizam's Hyderabad state. The service castes and out castes were converted in to vetti (forced labor).

The Vetti was the major form to which a large number of lower castes people were subjected to serve the 'private ends' of the land lords. It was primarily caste based and most of the artisan or service castes were granted inam

lands at the time of 'colonization' of land during late 19th century to serve the village in their respective professional capacities.

Telangana People's Armed Struggle of 1946-51 was truly a people's movement. In Indian History, it was a significant struggle in terms of mass participation that was led to demolish the unjust power structure headed by the Doras (landlords). It was a people's struggle against the exploitative autocratic feudal socio-economic, cultural and the unethical practices that were based on Pethanam (the domination). It was a struggle for the establishment of the praja rajyam (people's state) in the place of the existing Doras rajyam (rule of the Doras).

The lower caste women were specifically used for transplantation, picking groundnut, cutting jowar and paddy, winnowing, grinding and sweeping the cattle sheds along with menial labor. When their male member's drawn to vetti service, the women also had to earn wage for the family. Dalit women suffer from the interconnections of multiple oppressions of class, caste, gender and cultural at all levels by both men and women, from all castes and classes. Dalit women is downtrodden among downtrodden she suffers in the family, first, because she is a women; and then she has to face society as she is a Dalit. Sexual control and systematic rape of Dalit women by men of the dominant castes forced her into prostitution in the name of religion through Davadasi system which widely prevalent in the region. Most of Dalit women in the Nizam state worked as manual scavengers and forced to earn their living through scavenging, cleaning dry latrines by using metal pans and a short broom to scoop up the night soil. The human excreta were carried in baskets on their heads. This kind of dehumanized practice has killed dignity of Dalit women at the same time these women believe that without this job they will be no where to their livelihoods.

The Dalit women in Telangana joined the

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Dalit Women and Human Rights Violation: Role of Caste, Class and Gender

Vijaya Kota
Research Scholar,
Department of Political Science,
University of Hyderabad Telangana

Introduction:

Descent based discrimination based on caste imposes social exclusion on persons belonging to Dalit castes, and their physical separation from dominant castes in housing patterns, strict enforcement of the prohibition of inter dining at public places, seating arrangements in educational institutions, particularly schools and forces the performance of degrading occupation like manual scavenging and carrying of human excreta by women. Discrimination based on descent results in the sexual control over Dalit women by men of the dominant caste, evident in systematic rape of Dalit women and perpetuation of forced prostitution within the name of faith through Devadasi system.

Dalit women are one among the foremost marginalized segments within the society. Dalit women are Dalit among Dalits and worst among the worst. Dalit woman life is most unprotected and in-secure in Indian society. Whatever the fight between upper caste and lower castes the victims are always Dalit women. The hierarchal structure of Hindu society considers Dalit women inferior, voiceless and slaves because of their low economic status, illiteracy and lack of power in their hands. Dalit women are suffering from multi- disadvantages.

- Of being Dalit i.e. socio-economically and culturally marginalized section.
- Of being women i.e., gender based inequalities and subordination.
- Being poor deprived economic conditions.

Dalit women are one of the largest segregated groups anywhere in the world and they are 2% of the world's total population. Dalit women are discriminated against thrice over: they're poor, they're women, and that they are Dalits. Dalit women constitute half of 200 million Dalit population and 16.3 of the total Indian female population.

During the 1990's serious challenges were posed to the women's movement and feminist scholarship in India. When the Dalit women's groups, the writings and manifestoes underlined the fact that the unmarked feminism of the 1970s and National Federation of Dalit women (1995) suggested new directions for feminist scholarship in India. The absence of feminist comparative work on issue of race and caste became apparent. The recognition of caste as an oppressive past reproduced as kinds of inequality in modern society; therefore we integrate questions of caste with those of sophistication and gender.

Human Rights of Dalit Women:

The Universal Declaration of Human Rights (1948) and treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Elimination of all sorts of Racism (ICERD). According to these treaties equal rights for men and women were enshrined. India also party to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), governments have specific obligation to make sure that women can realize their human rights. Theoretically the constitution of India is one of the most rights-based constitutions in the world.

Ambedkar and Women's Emancipation: A study on Hindu code Bill

by Vijaya Kota



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