

Ambedkar's Vision of Gender Equality: A Social as Well as Legal Struggle

Diksha Tripathi,
Research Scholar, University of Lucknow

Abstract—Bhimrao Ambedkar, father and the chief architect of the constitution of Bharat, was a staunch feminist. He was a pioneer in dismantling obstacles to women's progress in India, advocating for feminism not just through words but also through his actions. His views on women's liberation can be explicitly seen in our constitution through its various provisions like the Preamble, Fundamental Rights, Fundamental Duties, Directive Principles of State Policy, etc.

DR. Ambedkar viewed gender equality as an integral part of social justice. For him caste and gender oppressions are deeply inter-related and genuine gender equality could only be realized by smashing the hierarchical structure of the caste system. His work demonstrates that entrenched social structures and cultural norms are key drivers of gender inequality. His advocacy for women's rights emphasizes that achieving true gender equality requires systemic reforms rather than temporary solutions. His efforts paved the way for significant transformation in Indian society enabling women's empowerment through legal reforms and increased social consciousness.

This paper attempt to explore Ambedkar's holistic approach to gender equality, throwing light on his instrumental role in shaping constitutional provisions that secured fundamental rights and safeguards for women. His advocacy for the Hindu Code Bill—an ambitious legislative effort to secure women's rights in marriage, inheritance, and property—stands as a landmark advancement toward their legal and social empowerment. This paper also attempts to explore Ambedkar's emphasis on women's education as an effective means of women liberation from deep-rooted patriarchal customs and traditions of society which enslave them. According to him, an educated woman can actively contribute in societal advancement by breaking traditional constraints. It also tries to examine the opposition faced by him in implementing these positive measures and the impact of his contribution on contemporary feminists in advocating for more just and reasonable rights for women.

Index Terms—Gender Equality, Social Justice, Dalit feminism, Hindu code bill, Caste and Gender, Women

Empowerment, Patriarchy, Graded Inequality, Affirmative Actions, Caste - patriarchy nexus,

I INTRODUCTION-

"I measure the progress of a community by the degree of progress which women have achieved."

DR. B.R. Ambedkar

Indian women have experienced varying degrees of discrimination and inequality throughout history simply because they are women. Their status has shifted significantly over time, from the empowered women of the Vedic age to the subjugated women of the later Vedic and medieval periods, followed by the awakened women of the colonial era, and finally to the constitutionally empowered women of contemporary India. This journey reflects the dramatic ups and downs Indian women have faced in their quest for equality and empowerment.

Gender equality, though a complex concept, can be broadly defined as "ensuring equal opportunities, rights, participation in decision-making, and access to resources for every individual in all areas, including education, employment, and public life, regardless of gender." Since the time of Manu, Indian women have been systematically denied gender equality and subjected to various inhumane practices aimed at reinforcing male dominance and maintaining the so-called gender balance in society. Practices such as sati, child marriage, restrictions on widow remarriage, parda pratha (veil system), denial of access to education, and dowry-related violence have long been used as tools to subjugate women and preserve patriarchal control.

The interplay of caste and patriarchy significantly contributes to the subjugation of women, with each system reinforcing the other to preserve their respective dominance and maintain the status quo.

Caste, in its quest to maintain purity and tradition, weaponizes gender inequality, subjecting women to systemic discrimination and inhumane practices.

Ambedkar's feminist outlook stemmed from his profound understanding of the social, legal, and economic structures that shaped Indian society. He recognized that the oppression of women was not incidental but rather a deliberate and deeply embedded feature of the caste system. Ambedkar's feminist consciousness was also shaped by his personal experiences and observations. Born into a Dalit family, he witnessed firsthand the exploitation and marginalization of Dalit women, who endured a dual burden of caste and gender oppression.

Dr. B.R. Ambedkar, in his seminal paper 'Castes in India: Their Mechanism, Genesis, and Development', read before the Anthropology Seminar at Columbia University, New York, U.S.A. on 9th May 1916 exposed how the caste system strategically demanded strict control over women to safeguard its continuity. To maintain caste purity, practices such as the ritualistic burning of widows—intended to eliminate "surplus" women—were justified, preventing them from supposedly bringing immorality into society. In contrast, "surplus men" were allowed to live and remarry, because they were viewed as essential for maintaining the caste's numerical strength and intellectual legacy. Thus, the caste system elevated men as assets while reducing women to symbols of honor.

Dr. B.R. Ambedkar popularised a concept known as Graded inequality to describe how the Indian caste system is organized like a ladder, where some groups are placed higher and others lower. But it's not just about upper and lower castes — even within the lower castes, there are smaller divisions where some groups are treated as better or worse than others. This creates a system where even those facing discrimination from higher castes may look down on others below them. This layered system of inequality makes it harder for people to unite and fight against caste-based discrimination.

This phenomenon of graded inequality also exists among women. Even within the category of women, there is a hierarchy where high-caste women are

placed above lower-caste women, creating a social ladder. Similarly, within the Dalit community, men and women form another layer of hierarchy, where Dalit men often exercise dominance over Dalit women. This creates a complex system of layered inequality, making it deeply rooted and difficult to dismantle. Dr. B.R. Ambedkar recognized the complexity of these intersecting inequalities and believed that overcoming them would require sustained effort and intellectual strength. That's why he emphasized the importance of education as a tool for empowerment. His call to "educate, agitate, and unite" was aimed at awakening social and political awareness among marginalized groups, encouraging them to challenge these structures and fight for equality.

Ambedkar's feminist outlook was thus not limited to securing formal legal rights; it was a broader call for dismantling the caste-patriarchy nexus that governed Indian society. He believed that the liberation of women was central to the dismantling of caste oppression. For Ambedkar, the fight for women's rights was not merely a matter of securing legal equality but also about dismantling the social and cultural structures that sustained gender-based discrimination (Rege, 2013).

This paper delves into Dr. B.R. Ambedkar's visionary approach to gender equality, positioning it as both a legal and social struggle. It critically examines his pivotal contributions to constitutional provisions on gender justice, his groundbreaking efforts in framing the Hindu Code Bill, and his broader advocacy for women's education, economic independence, and reproductive autonomy. Through a detailed analysis of Ambedkar's speeches, writings, and legislative reforms, this study underscores the profound and lasting impact of his ideas on the evolving discourse of gender justice in contemporary India.

II AMBEDKAR'S ROLE IN ENSURING GENDER EQUALITY THROUGH CONSTITUTIONAL PROVISIONS -

Dr. B.R. Ambedkar, as the Chairman of the Drafting Committee of the Indian Constitution, played a pivotal role in embedding the principles of gender equality within the constitutional framework. As the chief

architect of the Constitution, D.R. Ambedkar meticulously incorporated various provisions to ensure that the Constitution upheld a secular outlook not only concerning religion but also with respect to gender. His vision was to create a legal foundation that guaranteed equal rights and opportunities for women, challenging the deeply entrenched patriarchal and caste-based structures that governed Indian society.

The Constitution of India provides a strong foundation for gender equality through various Fundamental Rights, Directive Principles of State Policy (DPSP), and Fundamental Duties. Here are the key provisions that promote gender equality:

Preamble– Declares to secure equality of status and opportunity, justice, and dignity of the individual; thus, laying the foundation for gender equality.

Fundamental Rights – Part III of the Constitution of India guarantees rights that are essential for the overall development of an individual's personality. Article 14- Guarantees equality before the law and equal protection of law, Article 15 prohibits discrimination on the grounds of caste, race, religion, sex, or place of birth, Article 15[3] empowers the state to make "special provisions" for women and children, ensuring that the right to equality doesn't prevent affirmative action for their advancement. Article 16 provides for equality of opportunity in matters of public employment [ebook.inflibnet.ac.in]

Directive principles of state policy- Part IV of the Indian constitution contains directives for the state to ensure the welfare of citizens and better administration. Article 38 directs the state to minimize inequalities in income, status, facilities, and opportunities. Article 39[a] direct the state to secure adequate means of livelihood for all citizens. Article 39[d] secure equal pay for equal work for both men and women. Article 42 directs the state to make provisions for just and humane conditions of work and maternity relief. D.R. Ambedkar described these principles as 'novel features' of the Indian constitution.

Fundamental Duties (Part IVA) - Article 51A(e) – Imposes a duty on every citizen to renounce practices derogatory to the dignity of women.

Though the Constitution of India is a collective effort of many individuals, Dr. B.R. Ambedkar, as a key member of the Drafting Committee, played a pivotal role in shaping it. His vision of gender equality significantly influenced the framing of constitutional provisions, ensuring that the principles of justice, equality, and dignity were embedded in the Constitution.

Dr. B.R. Ambedkar firmly believed that merely enshrining constitutional rights was insufficient without the support of meaningful social and economic reforms. He contended that authentic gender justice necessitated not only legal equality but also affirmative actions, such as reservations, to address the historical and structural disadvantages faced by women. Furthermore, Ambedkar emphasized that genuine gender equality could only be realized when women themselves become aware of their rights and actively exercise them.

III HINDU CODE BILL

Introduced in 1948, the Hindu Code Bill was one of the most ambitious and groundbreaking legislative reforms proposed by Dr. B.R. Ambedkar as the Law Minister of independent India. It sought to secure equal property rights, marriage rights, and adoption rights for Indian women by dismantling the deeply entrenched discriminatory and patriarchal customs that had long subjugated women under the sanction of shastras and ancient traditions. Under the old Hindu tradition, women had limited property rights and were denied the right to dissolve their marriage, even if their husbands remarried. The concept of divorce was practically non-existent for Hindu women, reinforcing their unequal and subordinate status within the family and society. Recognizing these regressive shortcomings, Dr. Ambedkar drafted a progressive and modernized bill aimed at liberating Hindu women from these oppressive constraints.

Key Provisions of the Hindu Code Bill

- 1- The bill granted both men and women equal rights to seek divorce on grounds of adultery, cruelty, and desertion.
- 2- It also legalized exogamous marriages and prohibited polygamy by declaring it illegal.

- 3- Daughters were granted the right to inherit property independently and on an equal footing with sons.
- 4- Hindu women were empowered with the legal right to adopt children independently.
- 5- The bill mandated that a husband must provide alimony to his ex-wife in case of separation, and it allowed women to act as the legal guardians of their children.

Despite its progressive nature, the bill faced fierce opposition from orthodox Hindu sections who viewed it as an assault on age-old traditions and the sanctity of sacred spiritual texts. The resistance was so intense that the bill was ultimately defeated in Parliament, leading Dr. Ambedkar to resign from his position as Law Minister in protest. However, his vision did not go unrealized. The bill was later revived and introduced in a restructured form under Jawaharlal Nehru's government, eventually passing as four separate legislations:

- 1- The Hindu Marriage Act (1955)
- 2- The Hindu Succession Act (1956)
- 3- The Hindu Minority and Guardianship Act (1956)
- 4- The Hindu Adoptions and Maintenance Act (1956)

Ambedkar's unwavering commitment to gender justice and legal equality laid the foundation for a transformative shift in Hindu personal law, securing greater rights and dignity for Indian women.

Ambedkar's effort for ensuring reproductive autonomy and bodily rights of Women-

Dr. B.R. Ambedkar played a pioneering role in empowering women. Apart from advocating equal rights for women in social, economic, and political spheres, he also championed reproductive autonomy and bodily rights. Ambedkar firmly supported the right of women to have control over their bodies and make independent choices regarding marriage, family, and reproduction. His vision for gender justice was deeply rooted in the principle of human dignity, which he sought to enshrine in the Indian Constitution. The inclusion of the phrase "dignity of the individual" in the Preamble reflects Ambedkar's unwavering commitment to social justice and equality. He believed that dignity was not merely an abstract principle but a concrete right that required protection from social,

economic, and political exploitation. Ambedkar's insistence on dignity as a constitutional value underscored his belief that true equality could not be achieved without respecting the bodily integrity and personal autonomy of women. By embedding the principle of dignity in the Constitution, Ambedkar laid the foundation for future legal reforms that would address issues of sexual violence, reproductive rights, and workplace discrimination.

Ambedkar's commitment to reproductive autonomy was clearly reflected in his efforts to include Articles 14, 15, and 42 in the Constitution, as well as in his steadfast support for the Maternity Benefit Bill, which he introduced as Labour Minister in 1942. The Bill guaranteed working women the right to paid maternity leave and protection from workplace discrimination during pregnancy, ensuring that motherhood did not become a barrier to economic independence. Ambedkar firmly believed that economic self-sufficiency was essential for women's empowerment and argued that the state had a moral obligation to create an environment where women could balance their professional and maternal responsibilities with dignity and security.

Furthermore, Ambedkar opposed the coercive population control policies that targeted marginalized communities, particularly Dalit women. He condemned forced sterilization as a form of state-sponsored violence and argued that women should have the right to make decisions about their reproductive health without state or societal interference.

Ambedkar's understanding of reproductive autonomy was remarkably progressive for his time. He recognized that patriarchal control over women's bodies was a fundamental tool for maintaining caste hierarchies and sustaining gender-based oppression. By challenging these structures, Ambedkar sought to dismantle both caste-based and patriarchal barriers to women's freedom and empowerment.

Suggestion for women empowerment by D.R. Ambedkar-

"It is the education which is the right weapon to cut the social slavery and it is the education which will enlighten the downtrodden masses to come up and

gain social status, economic betterment and political freedom”

- Dr. B. R. Ambedkar

Dr. B.R. Ambedkar held a profound belief in the transformative power of education as a means to uplift oppressed communities and foster democratic participation. He asserted that education serves as a potent tool for individual empowerment and societal advancement. Ambedkar identified two primary purposes of knowledge: first, to utilize one's education for the betterment of society, thereby promoting collective progress; and second, to leverage knowledge for personal development, leading to self-empowerment and socio-economic mobility. He critiqued the British educational system for its focus on creating a clerical workforce, which he believed limited critical thinking and perpetuated subservience. Instead, Ambedkar advocated for an education that encourages critical inquiry and challenges oppressive social structures. He emphasized the importance of secular education as a means for social emancipation and freedom, believing that education should be accessible to all, regardless of caste, creed, or gender, and should promote rational thinking over religious dogma. He viewed education as the primary vehicle to enlighten marginalized communities, enabling their social, economic, and political upliftment. By fostering awareness and knowledge, education empowers these communities to challenge systemic injustices and advocate for their rights. [Dr. B. R. Ambedkar's Vision for Women Empowerment, Dr. Minara Yeasmin]

In his treatises — *The Riddle of the Woman*, *The Woman and the Counter-Revolution*, *Rise and Fall of Hindu Women*, and *Castes in India: Their Mechanism, Genesis and Development* — and through the issues of his journals *Mooknayak* (1920) and *Bahishkrit Bharat* (1927), Dr. B.R. Ambedkar critically examined the construction of gender relations within the framework of the Hindu Brahminical order. He argued that the caste system not only created social hierarchies but also reinforced patriarchal norms that conditioned women to conform to stereotypical feminine roles of passivity and domesticity. According to Ambedkar, the Brahminical social order deliberately confined women to the private sphere of family and household responsibilities, thereby sustaining both caste and gender oppression.

Ambedkar's feminist critique went beyond analyzing oppression — he also proposed strategies for emancipation. He viewed the Buddhist values of equality, self-respect, and education as key to dismantling the intertwined structures of caste and patriarchy. In *The Annihilation of Caste*, Ambedkar identified the *Shastras* (Hindu religious texts) as the ideological foundation of both caste and gender-based subjugation. He asserted that true liberation required breaking the authority of the *Shastras*:

“Make every man and woman free from the thralldom of the *Shastras*, cleanse their minds of the pernicious notions founded on the *Shastras*, and he or she will interdine and intermarry.”

D.R. Ambedkar

Ambedkar identified education, intercaste marriage, and interdining as essential tools for dismantling the caste and patriarchal order. Education, he argued, would empower women with knowledge and critical thinking, enabling them to challenge the societal norms that confined them. Intercaste marriage and interdining would undermine the foundations of caste-based segregation, thereby weakening the patriarchal control over women's social and reproductive choices. [<https://www.lawyersclubindia.com>]

IV CONCLUSION

Dr. B.R. Ambedkar's understanding of gender inequality was deeply rooted in his analysis of the Indian social order, which, since the time of Manu, institutionalized discrimination against women. Ambedkar was a pioneer in identifying the interconnection between caste and patriarchy, providing a structural explanation for how these systems mutually reinforced each other. He argued that caste and patriarchy used women as instruments to sustain the hierarchical balance of society, which was designed to uphold the dominance of high-caste Hindu men.

Through his extensive body of work, Ambedkar critically examined the status of Hindu women in Indian society. In his influential treatise, *The Rise and Fall of Hindu Women*, he conducted a historical analysis of women's status, revealing that women enjoyed relatively high social standing during the Vedic age but experienced a sharp decline in status

from the later Vedic period onward. Ambedkar identified specific social, religious, and legal factors that contributed to this deterioration, including the codification of patriarchal norms in Hindu religious texts and the practice of endogamy, which restricted women's autonomy and reinforced caste boundaries.

Ambedkar's approach to gender justice was not confined to legal reforms but extended to broader social, political, economic, and educational dimensions. He recognized that dismantling gender inequality required breaking down the social and cultural structures that not only sustained but also perpetuated gender-based discrimination. His advocacy for women's bodily autonomy was remarkably progressive for its time. Ambedkar strongly argued that women have the fundamental right to control their own bodies and make independent decisions about marriage, family, and reproduction—rights that many women in India continue to struggle to secure even today. He challenged the deep-rooted patriarchal and caste-based norms that sought to regulate women's autonomy, highlighting how Brahminical patriarchy reinforced male dominance by controlling women's sexuality and reproductive choices. Ambedkar's vision extended beyond legal equality; he advocated for social and cultural transformation to ensure that women could exercise true autonomy and agency in their personal and public lives.

Ambedkar's vision for women's empowerment was remarkably progressive and far ahead of his time. In the 20th century, he championed reproductive autonomy, economic independence, and political representation for women—principles that laid the foundation for the rights and freedoms women continue to demand even today. His advocacy for equal property rights, access to education, and participation in political decision-making reflected his deep understanding that gender justice was inseparable from social and economic justice. Gap of over six decades between his advocacy and the realization of many of these rights underscores his progressive thinking and unwavering commitment to liberating India not only from colonial rule but also from the entrenched social inequalities that oppressed women and marginalized communities.

By embedding the principle of gender equality in the Indian Constitution, Ambedkar ensured that women's rights were protected as fundamental legal guarantees. His contributions to constitutional provisions on equality, anti-discrimination, and affirmative action reflect a transformative vision that sought to empower women as equal citizens. Ambedkar's legacy in the field of gender justice remains a guiding force for contemporary movements seeking to address the complex intersections of caste, class, and gender in Indian society. His pioneering efforts have created a foundation for ongoing struggles for women's rights, ensuring that the fight for gender equality continues to evolve in line with his vision of social justice and human dignity.

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