

Paper -women education

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PD.JAWAHARLAL NEHRU AND WOMEN EMPOWERMENT

“When women moves forward, the family moves, the village moves and the nation moves”.

- Pandit Jawaharlal Nehru, 1951

Pt. Jawaharlal Nehru, India's first Prime Minister and Architect of Modern India. It is an occasion to recall his selfless services and monumental contribution in both the freedom struggle and building of post independent India. Dr. S. Radhakrishnan, President of India when Nehru died, called him 'the greatest Indian after Mahatma Gandhi.' In this topic we will confine ourselves to Nehru's historic role in women's empowerment, especially the Hindu Code Bill the passage of which had to pass through many hurdles, and took nearly a decade to fructify.

Andre Malraux, the famous French writer, once asked Pd. Nehru 'what has been your greatest difficulty since independence? The Prime Minister replied, creating a just state by just means.' Then he added, 'Perhaps too, creating a secular state in a religious country.' This was in 1958. But a few months before he died, when asked what he regarded as the greatest real advance achieved under his leadership, Nehru referred to the enactment of measures for the improvement of the condition of Hindu women. He obviously meant the Hindu Code Bill which he had hoped would serve as a forerunner for the reform of their personal laws by other communities.

Nehru's concern for women liberation is seen when he writes to his Chief Ministers on January 4, 1950, before the first general elections, to ensure that adequate numbers of women are elected to Parliament. But is not happy that it does not happen and writes again to the CMs on September 20, 1953: 'During the last general election I laid great stress on having women candidates. In spite of my efforts, relatively few women were put as candidates or were elected— in our political organization there are not many women functioning, and yet the standard of Indian womanhood is high and Indian women have brought us more real in the world than perhaps the men. A nation cannot go far ahead unless it gives full scope to it women — if we do not give them these opportunities, then we ignore half the electorate which obviously is the height of unwisdom.' Historian Ramachandra Guha writes in his magnum opus *India After Gandhi*: 'In colonial times, the whole of India had come under a common penal code, drafted in the 1830s — But there was no attempt to replace the personal laws of various sects and religious with a common civil code — After independence, among those favoring a common civil code were the Prime Minister Nehru and Law Minister Dr. B.R. Ambedkar. Both were of a modernist cast of mind — For both the reform of personal laws became an acid test of India's commitment to secularism and modernization.'

A draft Hindu Code Bill, prepared by Dr. B.R. Ambedkar in 1947, was taken up for discussion in the Constituent Assembly in 1948 (earlier, B.N. Rau, a constitutional expert, had prepared a draft in 1944 for the Viceroy's Executive Council). The President of the Assembly, Dr. Rajendra Prasad, refused to support it. Hard core conservatives and right wing elements condemned it as an undoing of Hindu heritage. Despite its name the 'Hindu' Code Bill was to apply to Buddhists, Jains and Sikhs. The codification had a dual purpose: firstly to elevate the rights and status of Hindu women and secondly, to do away with the disparities and division of caste. Some of the notable features of the proposed legislation were:

- (a) awarding to the widow and daughter of the same share as the sons in the property of a man dying in estate.
- (b) granting of maintenance to the wife who chose to live separately from the husband if he had a loath-some disease', was cruel to her, took a concubine etc.
- (c) abolition of the rules of caste and sub-caste in sanctifying a marriage
- (d) making monogamy mandatory
- (e) allowing either partner to file for and obtain divorce on certain grounds, such as cruelty, infidelity, incurable disease etc.

The authors of India After Independence (Bipin Chandra, Mridula Mukherjee and Aditya Mukherjee) write: 'The bill faced sharp criticism from conservative sections of society, especially from Jan Sangh and other Hindu communal organizations'.

On September 15, 1951 President Rajendra Prasad wrote to the Prime Minister that 'the bill was highly discriminatory in nature for it applied only to one community, the Hindus.' Nehru wrote back that in his view there was a 'very widespread expression of opinion in favour of the bill.' Many constitutional experts felt that the President was on the wrong and he was 'bound to act on the advice of Council of Ministers and cannot act independently of that advice.' Despite this advice the Prime Minister chose not to challenge the President. In October 1951 the Law Minister Ambedkar resigned from the Union Cabinet complaining of 'lack of earnestness and determination' of the government for failure to pass the bill before the end of provisional parliament. But there were other reasons too for his resignation.

Pt. Nehru, however, was firm in his determination to pass the bill and made it an issue in the first general election of 1951-52. In his own constituency of Phulpur (Allahabad) he was opposed by the leader of the Anti - Hindu Code - Bill Committee, Prabhu Dutt Brahmeshari. Pt. Nehru won not only his seat by a

huge margin, but the Congress got a massive majority in the Lok Sabha. The Prime Minister saw this as a mandate for his campaign against communalism and women liberation. Soon after the Parliament was convened he resurrected the Hindu Code Bill. Now even the President Dr. Rajendra Prasad acquiesced for he realized that the people of India, and their representatives in Parliament, were solidly behind Nehru.

After a prolonged battle lasting nearly a decade the Hindu Code Bill was finally passed into law, not in one swoop but in four separate acts, – the Hindu Marriage Act of 1955, the Hindu Succession Act, Minority and Guardianship Act, and the Adoptions and Maintenance Act of 1956. These acts introduced monogamy and the right of divorce to both men and women, raised the age of consent and marriage and gave women the right to maintenance and inherit family property. Social change, Nehru advised his Chief Ministers, must accompany political and economic change, and without the emancipation of women from degrading and oppressive conditions, there could be no real change.’ A revolutionary step was thus taken for women empowerment.