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JAWAHARLAL NEHRU AND INDIAN WOMEN

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Jawaharlal Nehru, the greatest emancipator of women in India, played a significant role for the amelioration of their socio - economic condition and made every effort to raise their status socially, economically, politically and educationally to make them at par with men. To him "a country is judged by the standard of its women-folk...." Hence, he forced them out of their seclusion and turned "the dolls and playthings" into valiant soldiers to fight the battle for freedom. All strode down to the sea like proud warriors and turned this struggle into a beautiful epic.

To Jawaharlal Nehru, women's participation in large numbers in the national struggle in response to Gandhi's call was a social revolution of sorts. It broke barriers of social restraint and gave women a new cause and sense of commitment. As he wrote in his *Discovery of India*, '... a remarkable thing happened. Our women came to the front and took charge of the struggle... Here were these women, women of the upper or middle classes, leading sheltered lives in their homes-peasant women, working class women, rich women – pouring out in their tens of thousands in defiance of government order and police lathi.¹

To Jawaharlal Nehru the participation of women in the national movement was the beginning of larger process whereby women would struggle to find their proper identity in the Indian

¹ Jawaharlal Nehru, *Discovery of India*,(1982), p.41.



Sarah Naqvi Shirin (2025). *Jawaharlal Nehru And Indian Women*. International Journal of Multidisciplinary Research & Reviews. 4(3). 275-280.

social milieu and enjoy equal rights with men. Nehru was perhaps one of the few leaders who sensed this inevitable turn in the women's movement and actually heralded it. He loudly proclaimed: 'I have the greatest admiration... for the women of India today. I have faith in them, I am not afraid to allow them freedom to grow, because I am convinced that no amount of legal constraint can prevent society from going in a certain direction. And if you put too much legal constraint, the structure breaks.'² It was this legal constraint, binding women in society, that Jawaharlal sought to remove but he realized that the process of doing so must be actively pursued by women. As he put it, 'no people, group, no community, no country has ever got rid of its disabilities by the generosity of the oppressor... the women of India will not attain their full rights by the mere generosity of the men in India. They will have to fight for them and force their will on the men folk before they can succeed.'³ While on the one hand Nehru was forthright in condemning the male-dominated society that India was where 'our civilization, our customs, our laws, have all been made by men and he has taken good care to keep himself in a superior position and to treat women as a chattel and a plaything to be exploited for his own advantage and amusement',⁴ on the other hand he was equally aware that the move to break the socio-legal restraints on women had to be cautiously taken. He explained: 'inheritance, marriage, divorce are all supposed to be parts of the personal law of various communities and this personal law is supposed to be part of religion. It is obvious that no change can be imposed from the top.'⁵ He visualized that education of public opinion would ultimately rally around support to get the measures of socio-legal equality between man and woman passed. This, however, was easier said than done and it took Nehru several years before he finally realized the volume of orthodox opinion arrayed against him in his bid to carry forward progressive legislation affecting personal laws.

As Gopal says, Nehru's strength lay in ideas, reading, thinking and listening as well as in posing questions, "He took a broad view of events, noted historical parallels and looked for deeper explanations... He knew what India required and how it could be achieved. He was a visionary as well as a planner; and the combination imbued his vision with realism and gave a wide sweep of perspective to his planning".⁶ He introduced the concept of "equal obligations" Karachi Congress of 1931 consented 'silently' to the resolution without fully agreeing with its implications.⁷ He also referred to women as "the depressed classes in India and the world... economically and otherwise

² Speech during debate on the Third Reading of the Hindu Marriage Bill, 5 May 1955. Lok Sabha Debate, 1955, vol. iv, pt. II.

³ Gopal, S, Select works of Jawaharlal Nehru, New Delhi, 1972, Vol. III, p. 363.

⁴ Gopal, S, Select works of Jawaharlal Nehru, New Delhi, 1972, vol. 6, p. 218.

⁵ Gopal, S, Select works of Jawaharlal Nehru, New Delhi, 1972, Vol. 11, pp. 316-18.

⁶ Gopal, S, Select works of Jawaharlal Nehru, New Delhi, 1972, Vol. III, p. 299.

⁷ Gopal, S, Jawaharlal Nehru: a Biography, Vol. 7, p. 238.



Sarah Naqvi Shirin (2025). *Jawaharlal Nehru And Indian Women*. International Journal of Multidisciplinary Research & Reviews. 4(3). 275-280.

depressed... We have to remove these bars and give equal opportunity and equal privilege to all of them before we can have an advanced nation”.⁸

In fact, it was in this spirit of appreciation that Congress at the behest of Jawaharlal Nehru decided to enshrine the principle of equal rights for men and women in the Fundamental Rights of the People at the Karachi Congress of 1931. To Nehru symbolism was very important and in the Karachi resolution he saw the symbolic victory of women in their fight for recognition of equal status and civic rights, a significant victory for which women of England had to fight with great bitterness for generations.⁹

That the principle, to be translated into action, would have far wider ramifications became obvious by 1940, with the Report of the Sub Committee on Women’s Role in a Planned Economy.¹⁰ He had appointed this group, as Chairman of the National Planning Committee. He is reported to have attached the greatest importance to the work of this Sub-Committee.¹¹ Not only had the Sub-Committee done the most work, it had come as an ‘eye opener’ to many, showing “how much room there is for work among women in India”.¹²

Though part of the Sub-Committee’s report were considered by several members of the NPC to be too revolutionary, some of its recommendations, e.g. equal pay, child care and recognition of the economic value of women’s work within the family and on family land were accepted. Co-sharing of family income, and the husband’s property were not even mentioned. However, the general resolutions on women’s rights were distinctly ahead of its time, and reflected, fairly clearly, the influence of socialist thinking and practices already underway in the Soviet Union. Mystery lies however, in the virtual disappearance of the Women’s Committee’s document, and the NPC’s decisions on its recommendations, from India’s planning history after independence.

Nehru’s contribution to women’s status as the first and greatest Prime Minister of India:

The basic instruments that Nehru adopted for his ‘assault on the barriers of ages’ to clear “the way for the majority of Indian women to have full social, as well as political equality”¹³ were the Constitution, special legislation for the protection of women and expanding educational opportunities. While his election manifesto vouchsafed to remove their "sex disabilities" and the sub-committee on women's role... aimed "for the realization" for them "equal status, equal opportunities and equal responsibilities". Later, women were enthused with the "local programmes

⁸ Ibid, p.480.

⁹ Gopal,S, Select works of Jawaharlal Nehru, New Delhi, 1972, Vol.7, pp.313-14.

¹⁰ *Women in a Planned Economy*, Vora & Co., Bombay, 1947.

¹¹ Gopal, op.cit, Vol I, p. 248.

¹² *Gopal, op.cit*, Vol. 10, p. 529.

¹³ Gopal, op.cit, Vol.II, p. 313.



Sarah Naqvi Shirin (2025). *Jawaharlal Nehru And Indian Women*. International Journal of Multidisciplinary Research & Reviews. 4(3). 275-280.

of self - defence and self - sufficiency..." and they stood shoulder to shoulder with men and directed the National Movement and suffered appalling brutality.

With the dawn of independence, "the downtrodden sections of society... trampled upon for centuries..." became Jawaharlal Nehru's "special responsibility". India adopted adult suffrage. "Today... we have women in our Central Cabinet... In almost all fields of work, our women take an active part". The involvement of women in community projects aimed at revolutionizing their economic status while "the greatest and perhaps the most revolutionary change" was "through the enlargement of their education, and the Hindu Code Bill, Nehru's greatest achievement was an important landmark in India which heralded the onset of a social revolution in society."

The Hindu Code Bill:

It was the passing of the Hindu Women's Rights to Property Act, otherwise known as the Deshmukh Act, in 1937 that brought out the legitimacy of this demand for codification. The Act, while securing for the widowed daughter-in law legal rights equal to those of her son, to enjoy her husband's share in the joint family property, did not give her absolute and alienable rights of ownership. Nor did it mention the rights of the daughter. It was clear that piecemeal legislation could not meet the growing demands for modernizing the whole structure of the law. There were difficulties in interpreting the act and protests made from many strata of society including the All India Women's Conference. Finally, the government ordered an investigation of the situation as a whole and placed the Act of 1937 together with other similar bills pending, before a specially formed committee for its detailed consideration.

The committee, called the Hindu code Committee, was set up in 1941 under the chairmanship of Sir B.N.Rau, a former judge of the Calcutta High Court. After a study of the draft bills prepared by the Rau Committee, the government revived the activities of the Hindu code committee in 1944 under B.N.Rau which now met to prepare a Draft Code dealing specifically with Succession, Maintenance, Marriage and Divorce, Minority and Guardianship and Adaptation. This code known popularly as the Hindu Code Bill.

In 1948, under Nehru's primeminisership, the Draft Code was referred to Select Committee under the chairmanship of the Law Ministers, Dr.B.R.Ambedkar. While introducing the code in the Constituent Assembly, Ambedkar pointed out that the main aim of the bill was to 'codify the rules of Hindu law which are scattered in innumerable decisions of the High Courts and Privy Council, which form a bewildering motley to the common man'. He introduced several important changes in the bill including equal property rights for women, abolition of customary law, and specification of grounds for divorce.

The reintroduction of Bill in the Constituent Assembly with the major changes, created most interesting situation. The founding fathers of the Constitution, who , a short while ago had passed the



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Constitution and accepted without discussion the principles of equality and absence of discrimination between the sexes, now in total volte-face opposed up the Pandora's box of age-old superstitions, complexes, patriarchal feelings and deep-rooted prejudices running along caste, class, religious and regional lines.

The views of Dr. Rajendra Prasad were widely shared. Concurring with the opinion of Dr. Prasad, Pandit Thakur Das Bhargava (Congress U.P) said that the sense of propriety and proportion demanded that the principles which had existed for thousands of years should not be hastily brushed aside by legislation.¹⁴ A legal and constitutional angle to the debate was projected by Dr. Rajendra Prasad, which proved to be the greatest challenge to the Nehru government's bid to see the legislation through.

Matters came to such a pass that Nehru decided to break up the Code into four separate parts to facilitate their passage. Nehru chose to bide his time and ultimately in May 1955, the Hindu Marriage Act was passed, followed by the Hindu Succession Act in May 1956, and the Hindu Adoption and Maintenance Act in December 1956 and the Dowry Prohibition Act in July 1961.

For Nehru the Hindu Code was necessary reform measure which fitted into his larger perspective of all-round national development. As he put it, 'We talk about Five Years Plans, of economic progress, industrialization, political freedom and all that. They are all highly important. But I have no doubt in my mind that the real progress of the country means progress not only on the political plane, not only on the economic plane, but also on the social plane. They have to be integrated, all these, when the great nation goes forward.'¹⁵

Conclusion:

Even after six decades since the epoch-making legislation was made, the condition of women in country in general remains unequal. Broad demographic data show a decline in sex ratio, higher female infant mortality, continuing incidence of child marriage, rising rare of reported dowry deaths and bride burnings, low level of female literacy and workforce participation.

In the ultimate analysis it can be said that Nehru's victory was largely symbolic. He recognized that legislation as drafted was not perfect. Yet, he was not willing to initiate changes which would shake up the social organization too drastically.¹⁶ To him, the Hindu Law Reform Bill were revolutionary in symbol rather than in substance which he claimed to be the 'the outstanding achievement of his time. 'The shortfalls of this idealistic position are obvious. Nehru comes across as being the visionary who could never match his expectations with his achievements. By harping on

¹⁴ Constituent Assembly Debates 1949,pt II.

¹⁵ Lok Sabha Debate 1955, vol. Iv, pt.II.

¹⁶ Jawaharlal Nehru, Letters to Chief Ministers 1947-64.vol.II(1986) 4 Oct. 1951.



Sarah Naqvi Shirin (2025). *Jawaharlal Nehru And Indian Women*. International Journal of Multidisciplinary Research & Reviews. 4(3). 275-280.

the symbolic value of the social reforms that were passed, he inadvertently lulled people into a sense of complacency and achievement.

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