



THE ROLE OF WOMEN IN MAKING OF INDIAN CONSTITUTION

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Article Info: - Received : 12 February 2024

Accepted : 25 February 2024

Published : 29 February 2024



The role of women in framing the Indian Constitution was significant; despite their underrepresentation, these women made valuable contributions to the drafting of the Constitution and advocated for the inclusion of gender equality and women's rights. The Indian Constituent Assembly was a body of elected representatives from across India responsible for drafting the Indian Constitution between 1946 and 1949. The people of India did not directly elect the Constituent Assembly of India. Instead, it was indirectly elected by the members of the provincial assemblies, who were themselves elected through indirect elections. Under the Government of India Act of 1935, the governing document at the time, provincial elections were held in 1937. While there were only 15 women members out of 299, these women played an essential role in shaping the Indian Constitution and advocating for women's rights.

Keywords: *Indian Constitution, Women, Constituent Assembly, Provincial elections, Women's rights, Government of India Act 1935.*



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1. INTRODUCTION

The people of India did not directly elect the Constituent Assembly of India. Instead, it was indirectly elected by the members of the provincial assemblies, who were themselves elected through indirect elections. Under the Government of India Act of 1935, the governing document at the time, provincial elections were held in 1937. These elections were based on a limited franchise, which excluded a large number of Indians from voting, particularly women and the lower castes. Also, at that time, women were underrepresented in Indian politics and had limited access to education and employment opportunities. These factors led to the underrepresentation of women while framing the Indian Constitution. Out of the 299 members of the Constituent Assembly that drafted the

Constitution, only 15 were women. This was less than 5% of the total number of members. While several constitutions worldwide provide for vigorous representation of women, no constitution has women in majority representation. Not just in India, but no constitution in the world has women in majority representation. From the world's oldest Constitution, the United States of America, adopted in 1787, to the newly adopted Constitution of South Sudan, all have male domination in framing the Constitution. However, many countries like Rwanda, Bolivia, and Sweden have made important progress in promoting gender equality and women's representation in political and public life. The Constitution of India is the longest and one of the most comprehensive worldwide. Indian Constitution included rights that Western societies had to fight for

years after their Independence. From the onset of our Independence, universal adult suffrage was adopted, giving voting rights to every citizen above the age of 21 (which later reduced to above the age of 18), irrespective of creed, caste, gender, and race. We adopted measures to safeguard our minority communities and also abolished the system of untouchability. The Indian Constitution now, consists of a preamble, 448 articles in 25 parts, and 12 schedules. It had 395 Articles in 22 Parts and 8 Schedules at its commencement. The Constituent Assembly took almost 3 years (2 years, 11 months, and 18 days) to complete its historic task of drafting the Constitution for The Republic India. During this period, it held 11 sessions covering 165 days. Of these, 114 days were spent considering the Draft Constitution. According to the Cabinet Mission 1946, The Indian Constituent Assembly, total consisted of 299 Members who, were chosen by the Members of the Provincial Legislative Assemblies by the indirect election. Out of the 299 members, 70 members were nominated from 29 Princely States. This included 15 women representatives. In a once matriarchal society where goddesses are still worshipped to no end, only 15 women were chosen to represent. This in itself showcases how pre-dominantly male-oriented and patriarchal our society was, although we preached equality. We can be proud that, some of were ordinary revolutionaries out of the 15 women, who had an

immense impact on our Constitution, mainly women's interests.

They were come from different professions as lawyers, reformists, suffragettes, and politicians. They also worked with women's organizations and had participated in women movements from 1917. Unfortunately, they were invisible then and mostly remain invisible after 75 years of the Constitution coming into force.

2. OBJECTIVES OF THE STUDY

- To study the Indian Constituent Assembly in briefly.
- To explore the role that women played in the making of Indian constitution.
- To raise awareness about 15 women of Constituent Assembly.
- To draw attention to the sacrifices and sufferings of 15 women.

3. RESEARCH METHODOLOGY

In order to conduct this research, the information used was primarily based on textual sources, including debate in Constituent assembly, books, essays, and papers published in a variety of national and international journals. Hence, the researcher used secondary data.

4. ROLE OF WOMEN IN MAKING CONSTITUTION

LIST OF WOMEN MEMBERS OF CONSTITUENT ASSEMBLY

| Name of the Member | Date of Signing Register | Constituency |
|--------------------------|--------------------------|-------------------------------------|
| 1. Ammu Swaminathan | 9 December 1946 | Madras/General |
| 2. Annie Mascarene | 29 December 1948 | Travancore and Cochin Union |
| 3. Begum Aizaz Rasul | 14 July 1947 | United Provinces/Muslim |
| 4. Dakshayani Velayudan | 9 December 1946 | Madras/General |
| 5. G. Durgabai | 9 December 1946 | Madras/General |
| 6. Hansa Mehta | 9 December 1946 | Bombay/General |
| 7. Kamla Chaudhri | 9 December 1946 | United Provinces/General |
| 8. Leela Ray | 9 December 1946 | West Bengal/General |
| 9. Malati Chowdhury | 9 December 1946 | Orissa/General |
| 10. Purnima Banerji | 9 December 1946 | United Provinces/General |
| 11. Rajkumari Amrit Kaur | 21 December 1946 | Central Provinces and Berar/General |

| | | |
|--------------------------|------------------|--------------------------|
| 12. Renuka Ray | 14 July 1946 | West Bengal/General |
| 13. Sarojini Naidu | 9 December 1946 | Bihar/General |
| 14. Sucheta Kriplani | 9 December 1946 | United Provinces/General |
| 15. Vijayalakshmi Pandit | 17 December 1946 | United Provinces/General |

Ammu Swaminathan (22 April 1894-4 July 1978) 1 - She was born into an upper-caste Nair family in Kerala. She was a social worker who, along with Annie Besant, Margaret Cousins, Patwardhan, and Mrs. Ambujammal, formed the Women's India Association (WIA) in 1917 in Madras. WIA was the first associations to demand adult franchise and constitutional rights for women. She strongly opposed discriminatory caste practices, although belonged to an upper caste and strongly advocated equal status for women, adult franchise, and the removal of untouchability. She fought for the Sarda Act, (1927) or Child Marriage Restraint Act, and the various Hindu Code Bills that pushed for reform in Hindu religious Laws. Ammu became a part of the Constituent Assembly in 1946 from the Madras constituency. She felt that the Constitution was too long and had gone into unnecessary detail, and she wanted a Constitution that could fit easily into a purse. She was essential in developing labour laws and advocated for women's rights. She said the Constitution rests on Fundamental Rights and the Directive Principles of State Policy². The Fundamental Rights of the People of India are guaranteed in such matters as freedom of speech, association and worship.

Annie Mascarene (6 June 1902- 19 July 1963) - She was born into a Latin Catholic family in Kerala. She was the first women who joined the Travancore State Congress and became the first woman to be part of the Travancore State Congress Working Committee. She was one of the women leaders of the movements for freedom and integration with the Indian nation in the Travancore State in Kerala³. Advocate of women's rights and social reformer. She fought for women's rights and advocated for laws protecting women from exploitation and discrimination. She served briefly as Minister in Charge of Health and Power during from 1949 to 1950. She believed in the right of the people of the province to elect their representatives independently of any control, supervision, or direction of any power on earth⁴. She thanked and paid tribute to Sardar Patel for Unifying India without Bloodshed⁵.

Begum Aizaz Rasul (9 December- 24 January 1950) - She was the only Muslim woman in the Constituent Assembly⁶. She entered into politics at an early age. She was born in the Princely family of Malerkotla, British Punjab. She was the only one

attending political meetings with her father and served as his Secretary for a shortly period. She joined the Muslim League with her husband after the enactment of the G.O.I. Act in 1935. After the dissolution of the Muslim League in India, she joined Congress in 1950. She was elected to the Constituent Assembly as a member of the Muslim League representing the United Provinces. Although she was not a part of any committee in the Assembly, she advocated for National language, reservation and property rights, and Minority Rights. In her speeches, she highlighted the need for 'just compensation' when the government acquires the property. She also spoke against separate electorates for minority communities during the discussion on the Report of the Advisory Committee on Minority Rights. She was against making 'Sanskritised Hindi' the National language, as only very few understood it and instead advocated for Hindustani. She argued for equal rights for women and fought against laws that discriminated against women in matters of marriage, divorce, and inheritance.

Dakshayani Velayudhan (4 July 1912 - 20 July 1978) - She was born into an agrestic untouchable caste, Pulayas, on the small island of Bolgatty on the coast of Cochin. She was the only Dalit woman member of the Constituent Assembly and the youngest at 34 years old. She was the first Dalit woman to graduate in India; she studied chemistry at Maharajas College, Cochin, and was the only female student pursuing a science course. Her family's fight against discriminatory caste practices inspired her into politics. She was the first generation Kerala woman to be able to cover their upper body. She was nominated to the Assembly in 1945 from Madras. In the Assembly, she advocated issues of untouchability, forced labour, reservations, and against separate electorates for Dalits⁸. She believed the best way to address untouchability was through sustained state propaganda and not punishment⁹. Social reformer and activist. She was a strong advocate for women's education and worked to improve the status of women in society.

Durgabai Deshmukh (15 July 1909 - 9 May 1981) - She advocated for women's rights and played an essential role in developing social welfare policies. Durgabai, from the ripe age of twelve, was a part of the Indian freedom movement. She quit school to protest the imposition of English as a medium of education,

part of the Non-Cooperation Movement(1920-1922). She volunteered at a conference held by the Indian National Congress in Kakinada at the age of 14.¹⁰ She participated in the Salt Satyagraha from Madras in May of 1930. While in jail, she studied English and completed her M.A. degree from Andhra University. She then studied law at Madras University and practised at the bar for a few years. She established Andhra Mahila Sabha to coach young Telugu girls in Madras for their 10th examination conducted by the BHU in 1936. She founded and edited the Telugu journal Andhra Mahila. She was elected to the Constituent Assembly from Madras and was part of the Committee on Rules and Procedure and the Steering Committee. She also advocated for Judicial Independence and women trafficking. She also felt that Hindustani should be adopted as a National language instead of Sanskritised Hindi.¹¹

Hansa Jivraj Mehta (3 July 1897 – 4 April 1995) - She was a writer, social reformer, social activist, and educator¹². In 1937, she contested in the Bombay Legislative Council elections from the General category; she not only won but remained on the council till 1949.¹³ She became President of the All India Women's Conference in 1946. During the presidency, she drafted the Indian Women's Charter of Rights and Duties, which called for gender equality and civil rights for women. Social reformer and women's rights activist. She played a crucial role in drafting the section on fundamental rights in the Indian Constitution and was a strong advocate for women's political and social empowerment¹⁴. She was elected to the Constituent Assembly as a member of the Congress. She was part of the Advisory Committee, Sub-Committee on Fundamental Rights, and Provincial Constitution Committee. She strongly advocated for a Uniform Civil code and believed that purdah was an evil practice. She also rejected quotas, reserved seats, and separate electorates for women. She presented the National Flag on behalf of the women of India¹⁵.

Kamla Chaudhry (22 February 1908 – 1970) - She was a feminist, fictional writer, and political activist. Chaudhry political career began in 1930 when she joined the Congress and actively participated in the Civil Disobedience Movement. She was the vice-president at the 54th session of the All India Congress Committee. She was elected to the Constituent Assembly. She advocated for women's education and played an essential role in developing social welfare policies. Four collections of her stories, **Unmaad (1934)**, **Picnic (1936)**, **Yatra (1947)** and **Bel Patra**, were published. Gender discrimination, exploitation of peasants and poor conditions of widows were the main themes in her works.¹⁶

Leela Roy (2 October 1900- 11 June 1970) - She was a great social reformer, a staunch feminist, a

social and political activist, and a close associate of Subash Chandra Bose.¹⁷ She advocated for women's education. She established Dipali Sangha, an association for women, in 1923. She founded Dipali School and 12 other free primary schools with the patronage of the Dipali Sangha. Subsequently, in 1928, she established 2 other schools known as Nari Shiksha Mandira (Temple of Women's Education) and Shiksha Bhavan (House of Education). Another significant contribution she made to Muslim women's education was setting up one of her schools, Qamrunnessa Girls' School in eastern Bengal Dhanka. She also established hostels in Calcutta for girls. She also advocated for the equal importance of women's economic freedom and facilitated women through the Dipali Exhibition in vocational training. Roy was the only woman to be elected from British Bengal to the Constituent Assembly on 9, December 1946. However, she resigned from her post a few months later to protest against the partition of India. Educationist and social worker. She advocated for women's rights and played an essential role in developing education policies.

Malati Choudhury (26 July 1904 – 15 March 1998) - She was a Politician and social worker. She was essential in developing social welfare policies and advocated for women's rights. Along with her husband, during the Dandi March Satyagrah joined the Indian National Congress. She formed Utkal Congress Samajvadi Karmi Sangh in 1933, later known as the Orissa Provincial Branch of the All India Congress Socialist Party. She joined Mahatma Gandhiji in his famous padayatra in Orissa in 1934. She was arrested and jailed several times (in 1921, 1936, 1942) with other women freedom fighter activists like Ramadevi Choudhury, Sarala Devi, and others and was sent to jail¹⁸. To uplift vulnerable communities in Odisha, she set up several organizations, such as the Bajiraut Chhatravas.

Purnima Banerjee (1911-1951)¹⁹ - Banerjee was a part of the individual Satyagraha and Quit India movement. She was a member of the Congress Socialist Party and Congress. She fought for women's rights and worked to improve the status of women in society. She held the Secretary of the Allahabad City Congress Committee post, working towards creating rural engagement. She was appointed to the Constituent Assembly from the United Provinces. She argued that the preventative detention clause in Draft Article 15A (Article 22 of the Constitution of India) must prescribe time limits beyond which a person cannot be detained²⁰.

Further, she asserted that the detained person, if they are the earning member of their family, must be given maintenance allowance ²¹. During the discussion of the Constitution Preamble, she expressly stated that 'sovereignty' is derived from the people of India.

During the discussion around the qualifications of Upper House (Rajya Sabha) members, she believed that the age limit should be reduced from 35 to 30 years²².

Renuka Ray (1904 – 1997) - She played a crucial role in drafting the section on fundamental rights in the Indian Constitution and advocated for equality of status and justice for women.²³ In 1934, she authored 'legal disability is Women in India, A Plea for a Commission of Inquiry' during working as secretary of the All India women Conference. She worked for the prevention of women trafficking (Human trafficking) and the improvement of conditions of female labourers. She contributed to numerous women's rights issues, minority rights, and bicameral legislature provisions.²⁴ She fought for the Uniform Personal Law Code. In 1949 represented India in the U.N. General Assembly.

Sarojini Naidu (13 February 1879 – 2 March 1949) - The first woman president of the Indian National Congress in Kanpur session 1925 was popularly known as the Nightingale of India. She pursued higher studies at King's College, London, and later at Girton College, Cambridge²⁵. She arrested 5 She was a Poet, freedom fighter, and politician. She was a prominent leader of the Indian independence movement and played an essential role in developing the Indian Constitution. Times during the freedom movement. Besides being a suffragette, she was also a women's rights activist, and she advocated for reforms to improve the conditions of widows in the Indian National Social Conference in Madras in 1908. 1917 she headed the All-India Women's Deputation and championed women's suffrage before E. S. Montagu (Secretary of State for India). In the same year, she and Annie Besant set up the Women's India Association. In 1931, she accompanied Gandhi to London for the inconclusive second session of the Round Table Conference. She was appointed to the Constituent Assembly from Bihar as part of the ad-hoc committee on the national flag.²⁶

Sucheta Kripalani (2 October 1963 – 13 March 1967) - She was a Freedom fighter and politician. She was essential in developing social welfare policies and advocated for women's rights. She was elected to the Constituent Assembly from the United Provinces in 1946 as a member of the Flag Presentation Committee. This committee presented the first Indian flag before the Constituent Assembly. Kripalani served as a Secretary to the Relief and Rehabilitation Committee established by the Congress Party, pivotal in rehabilitating the Bengali refugees during the partition. She sang the first verse of VANDE MATARAM in the Constituent Assembly.²⁷ Shrimati Kripalani sang the first few lines of Sare Jahan Se Achcha Hindustan Hamara and the first verse of Janaganamana Adhinayaka Jay He.²⁸

Vijayalakshmi Pandit (18 August 1900 - 1 December 1990) - She was a Diplomat and Politician. She was the first Indian woman to become a cabinet minister. She was elected from the United Provinces to the Constituent Assembly under the Congress²⁹. She advocated the centrality of new Asia in Post-Raj world order.³⁰

Rajkumari Amrit Kaur (2 February 1887 – 6 February 1964) – She was a Social worker, politician and the first Health Minister of India.³¹ Inspired by Mahatma Gandhi's fight for freedom struggle, and gave up her ,Sherborne and Oxford education to be his Secretary for 16 Sixteen years. In 1927, she and Margaret's cousins co-founded the All-India Women's Conference (AIWC). Kaur held the post of Secretary and President in 1933. She resided in Gandhi's Ashram from 1934. Kaur was arrested for her participation in the Dandi March (1930) by the British. She showcased her support for the Quit India movement (1942) by resigning her British-appointed membership to the education advisory board in 1942. She was elected from the Central Provinces and Berar to the Constituent Assembly.³² She played a vital part in India's establishment of constitutional equality of genders guaranteed under Indian Constitution Articles 14, 15, and 16. She also contributed to including the Uniform Civil Code as part of the Directive Principles of State Policy. She was the first Health Minister of independent India and held office for 10 years. She was the first female Asian President of the World Health Assembly. As the first Health Minister, she established the All India Institute of Medical Sciences (AIIMS) and was its first president. She actively worked to reduce illiteracy and eradicate child marriage. She advocated for women's right to education, participation in healthcare, and sports.

5. CONCLUSION

The role of women in framing the Indian Constitution was significant. women made valuable contributions to the drafting of the Constitution and advocated for the inclusion of gender equality and women's rights. The Indian Constituent Assembly was a body of elected representatives from across India responsible for drafting the Indian Constitution between 1946 and 1949. While there were only 15 women members out of 299, these women played an essential role in shaping the Indian Constitution and advocating for women's rights. We should remember these 15 name worthy, brave women who didn't think they were representing only themselves. They always spoke on behalf of other women. It's also important to remember the debates that went into the making of the constitution. We better start taking it seriously now because it's about to be snatched away from us.

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Cite this article as: Rahul Kumar Bharti and Ritesh Kumar., (2024). The Role of Women in Making of Indian Constitution. *International Journal of Emerging Knowledge Studies*. 3(2), pp. 80-85.