

THE UNSUNG ARCHITECTS OF THE INDIAN CONSTITUTION

“Effective participatory constitution making has to provide for women’s equal representation in the process and outcome. No process which excludes or marginalized the majority of the population can be representative. No constitution which has failed to fully ensure the perspectives and concerns of women can be seen as fully legitimate over time.” (Mary Robinson)

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ABSTRACT

In the midst of partition and following a lengthy period of colonization, the drafting of the Indian constitution has always been a stirring and magnificent event. The constituent Assembly's drafters served as legislators during the day and constitution-makers in the afternoon. Nevertheless, as with numerous spectacular transformations, some voices and individuals are acknowledged while others are obliterated. This has been the distinguishing characteristic of women's contributions to the Indian Constituent Assembly. While we all remember Dr. B.R. Ambedkar and other pioneering male members who assisted in drafting the Indian Constitution, the contribution of the constituent Assembly's female members is easily overlooked.

KEY WORDS: Women, constitution, Indian, Constituent Assembly.

INTRODUCTION

On 15th August 1947 India became free from the Britishers. Although the process of India becoming a republic on the other hand began considerably earlier. The gradual transition of power from Britishers to Indians provided women opportunity of participating in democratic process. The Government of Indian Act 1935 extended the franchise to almost six million women a significant increase over the previous total of 315000 under the Government Act of 1919. Women on the other hand had to fight for this voting right. Lord Lothian the leader of the franchise committee said that, “They were very firm in their demand for equality as a basis of the Indian constitution” after meeting with the delegation of led by Sarojini Naidu.

A Constituent Assembly was elected in December 1946 to debate and draft the constitution of India. Originally the strength of the Constituent Assembly was 389. But after

the partition there were 299 members and among them only 15 were women. , who represented all the provinces of the country. The deliberations in the constituent Assembly lasted two years, eleven months and eighteen days and the contributions of these women were nothing short of extraordinary. The result in the form of constitution was determined by these deliberations and contributions from all members. We are taught about the men freedom fighters lives, triumphs, participation and speeches, men who were part of the constituent Assembly as well as men politicians. While the iconic personalities such as Dr. B.R. Ambedkar, Sardar Vallabhbhai Patel, J.L. Nehru and others dominated the scene, it is almost always ignored that this Constituent Assembly included the women, albeit in small numbers and from diverse background. This is done as if women didn't exist in any roles. The Constituent Assembly comprised of fifteen women members, all of whom had previously fought for country's freedom.

INDIAN CONSTITUENT ASSEMBLY AND WOMEN

Like the men, women members were also voted or chosen from their provinces. These women were the members of provincial panel and several other sub-committees. They were present throughout every sitting of the Constituent Assembly and took part in all deliberations and debates that led the Constitution's adoption. The names of those fifteen founding mothers of the constitution and their provinces which they represent in Constituent Assembly are given in the table 1.1.

TABLE 1.1

S.NO.	NAME	PROVINCE
01	Ammu Swaminathan	Madras
02	Begum Aizaz Rasul	United Province
03	Annie Mascarene	Travancore Cochin Union
04	Dakshayani Velayudhan	Madras
05	Hanas Jivraj Mehta	Mumbai
06	Durgabai Deshmukh	Madras
07	Leela Roy	Bengal
08	Kamla Chaudhary	United Province
09	Purnima Banerjee	United Province
10	Malti Devi Choudhary	Odisha
11	Vijaylakshami Pandit	United Province
12	Renuka Ray	West Bengal
13	Rajkumari Amrit Kaur	United Province

14	Sarojini Naidu	Bihar
15	Sucheta Kriplani	United Province

Source: Prepared by Research Scholar.



In reality these women members of the Constituent Assembly were more aware about India's current realities at the time. They knew what kind of future they desired. Hansa Mehta and Vijaylakshmi Pandit were attentive and well informed about world affairs in addition to domestic concerns. All of these women who were part in the Constitution's drafting contributed to the process by sharing their perspectives. The representation of women in the Constituent Assembly was five percent which is not satisfactory. The brief introduction of founding mothers of Constitution of India are given below.

1. Ammu Swaminathan



In Constituent Assembly Madras province was represented by Ammu Swaminathan. She was born in Kerala's Palghat district in the year 1894. She was the founding member of the Women's India Association 1917. This was one of the first organization to call for adult suffrage and women's constitutional rights.

Ammu Swaminathan's intervention on Directive principles and fundamental rights in the Indian Constituent Assembly are remarkable. On 24th of November 1949, during a debate on Dr. B.R.Ambedkar's proposal to pass the draft constitution, she candidly stated, "People outside have been saying that India did not give equal rights to her women. Now we can say that when Indian people themselves framed the constitution they have given rights to women equal with every other citizen of the country." She thought the constitution was too extensive and went into too much detail and wished a constitution that could be easily carried in purse or pocket¹.

She was the member of Lok Sabha and Rajya Sabha in 1952 and 1954 respectively. She was elected vice president of the Federation of Film Societies in 1959. She was also the president of the Bharat Scouts and Guides and the Censor Board from 1960 to 1965².

2. Begum Aizaz Rasul

¹ <https://feminisminindia.com/2018/09/04/ammu-swaminathan-freedom-fighter/> Accessed on 18 of March 2021.

² Ibid.



On second April 1909 Begum Aizaz Rasul was born into a Punjabi royal family in Malerkotla. She was elected in the Constituent Assembly Uttar Pradesh and was the only Muslim woman among the fifteen founding mothers of the constitution. Despite the fact the Begum Aizaz Rasul was not a member of any Assembly committee. She argued for official language, quota, property and minority rights.

Begum Aizaz Rasul served the Assembly of U.P from 1969 to 1990, having been elected to Rajya Sabha in 1952. She served as Minister of Social Welfare from 1969 to 1971. She was a fanatic who served woman's Hockey federation as a president. Her devotion to social work earned her the Padma Bhushan award in 2000³.

3. Annie Mascarene

³ https://www.constitutionofindia.net/constituent_assembly_members/begum_aizaz_rasul Accessed on 15th of March 2021.



In 1902 Annie Mascarene was born in Christian family in Thiruvananthapuram, Kerala. In the Constituent Assembly Travancore and Cochin Union was represented by her. She was one of the Travancore State congress's first female members and served on the Travancore state congress working committee for the first time. She was one of a prominent persons of the independence movement and the merger of State with Indian nation. From 1939 to 1947, she was jailed several times.

In Constituent Assembly, she paid tribute to Sardar Patel for integrating country without violence is noteworthy. She referred him as "India's Bismarck", saying he has shaped the future of Republic. India in such a way that a safety mechanism have been provided so that they can prosper without worry.

She was Kerala's first female Member of Parliament and one of just ten women elected in Parliament elections. She had previously held position as Minister in charge of Health and Power from 1949 to 1950, before being elected to parliament⁴.

4. Dakshayani Velyayudhan

⁴ <https://indianexpress.com/article/gender/annie-mascarene-freedom-fighter-nation-builder-guardian-of-democracy-and-keralas-first-mp-5066085/> Accessed on 25 of July 2019.



On 4th of July 1912, Dakshayani Velayudhan was born into an agrestic slave caste Pulayas at the Bolgatty Island, Cochin. She was the Constituent Assembly's first and only Dalit woman representative. In the debates of Assembly she and Dr. B.R Ambedkar raised a number of caste related problems like untouchability, reservation forced labor etc. She was elected from the province of Madras to the Constituent Assembly. She was nominated by the State Government to the legislative Council of Cochin in 1945. She founded the Mahila Jagriti Parishad a woman's rights organization in Delhi, in 1977⁵.

5. Hanas Jivraj Mehta



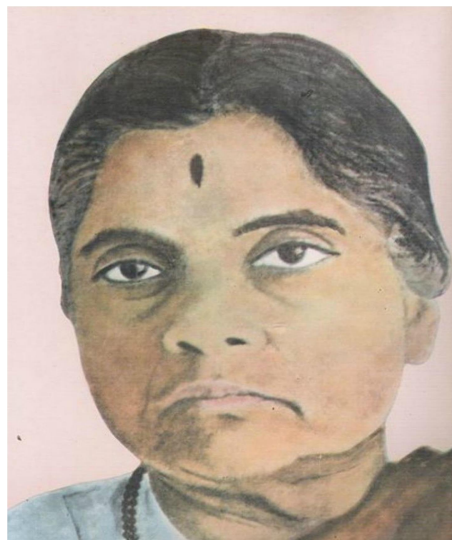
On July 3, 1897 Hanas Jivraj Mehta was born in an Aristocratic family of Manubhai Nandshankar Mehta. She went to England to study sociology and journalism. She was elected

⁵ <https://www.dailyo.in/variety/dakshayani-velayudhan-dalit-woman-constituent-assembly-caste-oppression-harijan-gender-discrimination/story/1/33346.html> Accessed on 13 August 2020.

from the Bombay for the Constituent Assembly. She was also the member provincial constitutional committee and the advisory committee. She was also the member of the Fundamental Rights sub-committee. She on the behalf of Indian women presented the Indian flag to the Constituent Assembly on August 15, 1947. She won the Bombay legislative Council election of 1937 and not only this had she served on the council until 1949. In 1946, she was elected president of the All India Women's conference.

She was also a part of the United Nations sub-committee related to the status of women in 1946. She served on the UN's Universal Declaration of Human Rights Committee as a vice chairwoman alongside Roosevelt. The speeches of Hanas Jivraj Mehta in the Constituent Assembly on social, economic and political justice for Indian women as well as the presentation of Indian flag are notable⁶.

6. Durgabai Deshmukh



On 15th of July 1909 Durgabai Deshmukh was born in Rajahmundry. She joined the Indian National movement when she was only 12 years old. In Mmay 1930, she joined the movement of Salt Satyagrah alongside Andra Kesari T. Prakhsan in Madras. She done her M.A in English from Andhra University while in jail. She then went to Madras University to study law and practice for a short while. In 1936, she founded the Andhra Mahila Sabha for the

⁶ https://www.constitutionofindia.net/constituent_assembly_members/hansa_jivraj_mehta Accessed on 15th of Feb.2021.

Banaras Hindu University's Matriculation examination. She represented Madras constituency at the Constituency Assembly and was the member of the steering committee and the committee on rules and procedures.

In the Constituent Assembly her speeches on banning the Devdasi system and opening Hindu religious and educational institution for all the members of the society are noteworthy. She received India's 4th Nehru Literary Award in 1971 for her remarkable contribution to literary improvement. She was given the Ppadma Vibhushan award in 1975⁷.

7. Leela Ray



On 2nd October 1900 Leela Ray was born in Goalpara Assam. She was brought up in the Bengal that was developing its own image as a part of the National movement. She was the first woman to get a master's degree from Dhaka University in 1923. She with her comrades established the "Diphali Sangha" in 1923, where women received military training. She was jailed for six years after participating in the freedom struggle.

⁷ https://www.constitutionofindia.net/constituent_assembly_members/g_durgabai Accessed on 20th of March. 2021.

She was elected from the Constituency of Bengal to the Constituent Assembly. She did, however resign from the constituent Assembly a few month later in protest of partition of Nation⁸.

8. Kamla Chaudhary



On 22nd February 1998 Kamla Chaudhary was born in Lukhnow. Despite her family's opposition, she passed the Ratna and Prabhakar Hindi literature exams. She wrote a number of literary works, the most of which reflects the experiences of the women of India and on multiple occasions, she was imprisoned. She was the vice-president of the Congress committee's 54th session. She was elected from the united provinces to the Constituent Assembly. In 1962, she was elected from Uttar Pradesh's Hapur district to the Lok Sabha⁹.

9. Purnima Banerjee

⁸ <https://15fortherepublic.wordpress.com/2016/07/22/leela-roy-1900-1970/> Accessed on 10th of March. 2021.

⁹ https://www.constitutionofindia.net/constituent_assembly_members/kamala_chaudhri Accessed on 10th of March.2021.



In 1911, Purnima Banerjee was born into a Bengali Brahmo family in Kalka Punjab. She was imprisoned for participating in the Salt March and Quit India Movement. Purnima Banerjee was a member of the Indian National Congress as well as the Congress Socialist party. She worked as the Secretary of the Allahabad Congress committee to increase rural participation. She also had talks with trade and Kisan unions.

She was the representative of the united provinces in the Constituent Assembly. In the Constituent Assembly while the debate on preventive detention, she proposed that it should include time restrictions for detention. She also stated that if the incarcerated person is an earner in their family, they must be granted a maintenance stipend. She also spoke up during debates about the Preamble and Rajya Sabha member qualifications¹⁰.

10. Malati Devi Choudhary

¹⁰ https://www.constitutionofindia.net/constituent_assembly_members/purnima_banerjee Accessed on 12th of Nov.2021.



On 26th of July 1904, Malti Devi Choudhary was born in a Brahmo family of Kolkata. She at the age of 16 years denied to join college. However, she went to Shantiniketan in 1921 to join Visva Bharti. Her ideas about patriotism and the independence movement evolved throughout her time there .She joined the Congress and took part in the National Movement alongside her husband. To foster a conducive atmosphere for Satyagrah, they educated and engaged with the public. For her active participation in the freedom the freedom struggle, she was imprisoned many times (1921, 1930, 1936 and 1942) by the Britishers.

Malti Devi Choudhary was elected from Orissa to the Constituent Assembly. In the same year however, she resigned from the Assembly in order to work with Gandhi. She wished to work at the ground level with tribals, Dalits, farmers and children¹¹.

11. Vijaylakshami Pandit

¹¹<https://www.inuth.com/india/women-freedom-fighters-of-india/malati-choudhury-a-freedom-fighter-who-mahatma-gandhi-named-toophani/> Accessed on 12th of April.2021.



On 18th of August 1900 Vijaylakshmi Pandit was born in a nationalist aristocratic leader's family of Motilal Nehru in Allahabad. Her original name was Swarup Kumari Nehru and it was after the marriage she was given the name Vijaylakshmi Pandit. She married a fellow congress man, Ranjit Sitaram Pandit in 1921, after completing a private education in India and overseas. She was arrested three times because of her active role in the nation's freedom struggle, in the years 1932-33, 1940 and 1942- 1943. With elections of Allahabad Municipal Board, she began her career in politics, in 1936, she became the elected member of united provinces's legislature and later in 1937 was appointed Minister of local self-government and public health. As such became first woman from India to get berth in the cabinet.

Vijaylakshmi Pandit was elected to the Constituent Assembly from the united provinces. She gained prominence as a renowned diploma after India's independence, served as India's representative to the United Nations from 1946 until 1952. After then, Pandit worked as an ambassdor in Moscow, U.S.A and Mexico. She was the first female to serve as president of the United Nations General Assembly in 1953. She became an ambassador to Ireland and England a year later. Following her return to country, she was appointed as a Governor and later in 1964 contested election from Phulpur¹².

¹² https://www.constitutionofindia.net/constituent_assembly_members/vijaya_lakshmi_pandit Accessed on 25th of April.2021.

12. Renuka Ray



On January 4th 1904 Renuka Ray was born in renowned and privileged family of Bengal presidency. She has been interested in politics of India since her young age. She met M.K Gandhi when she was sixteen years old and dropped out of college to support his call for a boycott British education system.

She later stayed in London for a time and got her B.A from the London School of Economics. She was a well-known campaigner for the rights of women. She worked as a legal secretary for All India Women's conference and wrote a book, "Legal Disabilities of Women in India: A plea for a commission of Enquiry". She worked tirelessly to prevent women from being trafficked and to remove the working conditions of women.

Renuka Ray was elected from the West Bengal province to the Constituent Assembly. Her remarks on Women's status and justice as well as religious minorities and majorities in a secular State are enlightening. She was adamant in her opposition to the constitutional amendments that include minority rights, claiming that were a backdoor techniques of bringing in separate electorates and could eventually lead to secessionism.

In May 1949, she represented the country in the United Nations General Assembly. She was elected to legislative Assembly of Bengal and Parliament of India in 1952 and 1957 respectively. In 1988, Ray received the Padma Bhushan award for her Public service¹³.

13. Rajkumari Amrit Kaur



On 2nd of Feb. 1889 Rajkumari Amrit Kaur was born in a royal family of Harman Singh in Lucknow Uttar Pradesh. Kaur was impressed by Mahatma Gandhi's struggle for independence, she left her education to work as his secretary for sixteen years. She was the founding member of All India Women's Conference in 1927. The British jailed her for taking part in the Dandi march. In solidarity of the Quit India movement, she gave up the membership of Advisory Board of Education in 1942 and after that she was incarcerated once again.

Rajkumari Amrit Kaur represented the Central provinces and Berar in the Constituent Assembly and was a member of Fundamental Rights sub-committee, Minority Rights sub-committee, Finance and Staff committee, Advisory committee and Provincial constitution committee. She was instrumental in the establishment of equality of the sexes in India's constitution, which is ensured by Articles 14, Article 15, Article 15 and Article 16. She was instrumental in ensuring that the uniform civil code was included in the DPS. She served for ten

¹³ https://www.constitutionofindia.net/constituent_assembly_members/renuka_ray Accessed on 25th of May.2021.

years as the country's first Health Minister. She founded and fight for the autonomy of the AIIMS¹⁴.

14. Sarojini Naidu



On 13th of February 1879 Sarojini Naidu was born in Hyderabad. She got her primary education of science and mathematics at her home and was motivated by her parents to pursue them. At the age of twelve years, she cleared her matriculation exam and received a scholarship from the Nizam to continue her education overseas.

After returning to country, she participated in the independence movement of India. In 1904, she attended the Bombay congress session. Following that she became acquainted with the renowned leaders of the National movement. In 1925 at Kanpur congress session, she became the first woman of India to chair the session. She actively participated in the movements launched by the Gandhi ji and for her role in these movements, she was imprisoned five times.

Sarojini Naidu represented the Bihar in the Constituent Assembly and was a member of the Adhoc Committee on National Flag. During the debate over the adoption of Indian Flag, she shared examples of times when she was representing country in international conferences and

¹⁴ <https://www.news9live.com/knowledge/rajkumari-amrit-kaur-birth-anniversary-know-about-indias-first-health-minister-150983?infinitescroll=1> Accessed on 20 of May,2021.

was disappointed by the lack of country's flag. From the August 15 1947, she was appointed the Governor of U.P and remained at the office till her death 1949¹⁵.

15. Sucheta Kriplani



On June 25th 1908, Sucheta Kriplani was born in Punjab. She received her education from Delhi University. She was teaching constitutional history in B.H.U till 1939. In 1938, she joined the Congress party and became the foreign department's and women section's secretary. In 1940's, she was a key figure in the National movement. She was well known for her contribution in the Quit India Movement and for that she was imprisoned for a year in 1944.

Sucheta Kriplani represented the united provinces in the Constituent Assembly. She was the part of the group which introduced the National flag in the Constituent Assembly. After independence, she was among the first woman elected to the Indian parliament. She served in the provincial parliament from 1950 to 1952, the first Lok Sabha from 1952 to 1956 and the second Lok Sabha from 1956 to 1962. After succeeding the Chandra Bhanu Gupta Chief Minister of U.P. in 1963, she became India's first female Chief Minister¹⁶.

Conclusion

¹⁵ <https://inc.in/congress-sandesh/tribute/sarojini-naidu-13-february-1879-2-march-1949> Accessed on 23 May.2021.

¹⁶ https://www.constitutionofindia.net/constituent_assembly_members/sucheta_kriplani Accessed on 23rd of May.2021.

There were only fifteen women selected to symbolize the fairer sex in this formerly matriarchal culture, where goddesses are still revered to no end. Even while we advocated for equality, this alone demonstrates how primarily male-oriented and patriarchal our culture was. We may be happy that, out of the 15 women, the majority were regular women who led revolutions and had a significant influence on our Constitution, particularly in regard to women's rights. They were legislators, reformers, suffragettes, attorneys, and freedom warriors. Additionally, they belonged to women's groups and had been active in feminist activities since 1917. Sadly, even after 71 years since the Constitution's inception, they are still mostly unseen. They were invisible back then.

There should be more effort put into educating future generations about the work that women did in the Constituent Assembly, which produced the Constitution.