

OUR FOUNDING MOTHERS: ROLE OF WOMEN IN FRAMING INDIAN CONSTITUTION AND ITS IMPLICATIONS IN TODAY'S ERA

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ABSTRACT

While talking about the Indian constitution and the constituent assembly, we often tend to talk about the founding fathers, their roles, and their views. What about the founding mothers? Didn't they contribute enough to the Constitution? The very simple answer to all these questions is yes, they did it all but their voice still remains suppressed in this patriarchal society. Out of 299 members of the constituent assembly, only 15 were women. But the significant role played by this cadre is worth appreciating. Let's discuss how this elite group of 15 women gave an imaginative and innovative aspect to the constitution of the world's most complex democracy and how it has helped India to grow in modern times.

INTRODUCTION

The Constituent Assembly of India was not directly elected by the people of India. Instead, it was indirectly elected by the members of the provincial assemblies, who were themselves elected through a process of indirect elections. Under the Government of India Act of 1935, which was 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 there are several constitutions in the world that provide for strong representation of women, there is no constitution in the world that has women in majority representation.

Not just in India but there is no constitution in the world that has women in majority representation. From the world's oldest constitution of the United States of America adopted in 1787 to the newly adopted constitution of South Sudan, all of them have male domination

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in framing the constitution. Though many countries like Rwanda, Bolivia, and Sweden have made significant progress in promoting gender equality and women's representation in political and public life.

WHY EQUAL REPRESENTATION IS IMPORTANT

Equal representation of gender is important in every facet of life same is essential when it comes to the process of framing the Constitution.

First, it ensures that the Constitution reflects the diverse perspectives and experiences of all members of society, including women. Women's experiences and perspectives are unique and should be included in the decision-making process to ensure that the Constitution addresses their concerns and promotes gender equality.

Second, equal representation of gender promotes gender equality and women's rights. When women are included in the process of framing a constitution, they are better able to advocate for their rights and ensure that they are protected under the law. This can help to address gender-based discrimination and ensure that women have equal access to opportunities and resources.

Third, equal representation of gender can help to promote social cohesion and reduce conflict. When all members of society are included in the process of framing a constitution, it can help to create a sense of ownership and shared responsibility for the document. This can help to promote social cohesion and reduce tensions between different groups in society.

Equal representation of gender is important in framing a constitution because it ensures that the constitution reflects the diverse perspectives and experiences of all members of society, promotes gender equality and women's rights, and can help to promote social cohesion and reduce conflict.

IS INDIAN CONSTITUTION UNDER-REPRESENTED?

The Indian Constitution, like any other constitution, is a product of its time and reflects the societal norms, values, and beliefs that prevailed during its drafting. While it is true that the Indian Constitution was drafted at a time when gender inequality was prevalent and women's views were not fully represented in the political and social spheres, it is important to note that

the Constitution does not necessarily reflect these biases. In fact, the Indian Constitution is one of the most progressive and gender-sensitive constitutions in the world. It enshrines the principles of equality, freedom, and dignity for all individuals, regardless of their gender, and recognizes the rights of women to participate in all aspects of public life. But the use of male-dominated language in the Indian Constitution is a reflection of the societal norms and values that prevailed at the time of its drafting. The Constitution was written in the 1940s and 1950s, a period when gender inequality was deeply entrenched in Indian society, and women's voices were not given equal importance as men's. It is important to note that the use of male-dominated language in the Indian Constitution does not reflect a deliberate attempt to exclude or marginalize women. Rather, it is a reflection of the biases and norms that were prevalent at the time.

The Indian Constitution would have been even better if women had been kept on equal footing as men during its drafting. While the Constitution is progressive and includes several provisions that protect the rights of women, the fact that women were not given equal representation and equal footing in the Constituent Assembly may have resulted in a lack of consideration of their specific needs and concerns. However, it is important to note that the Indian Constitution can still be improved and made more gender-sensitive by addressing the gaps and inequalities that exist in its implementation. This requires sustained efforts at all levels of society to challenge gender biases, promote gender equality, and ensure that the rights of women are protected and promoted in practice.

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ROLE PLAYED BY WOMEN IN FRAMING CONSTITUTION



The role of women in framing the Indian Constitution was significant, despite their under-representation 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 that was responsible for drafting the Indian Constitution between 1946 and 1949. While there were only 15 women members out of a total of 299, these women played an important role in shaping the Indian Constitution and advocating for women's rights.

Let's discuss in brief how each of these ladies contributed to the framing of the Constitution-

Annie Mascarene - Advocate of women's rights and social reformer. She fought for women's rights and advocated for laws that would protect women from exploitation and discrimination.

Begum Aizaz Rasul - Prominent Muslim feminist and politician. She argued for equal rights for women and fought against laws that discriminated against women in matters of marriage, divorce, and inheritance.

Dakshayani Velayudhan - 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 - Social worker, educator, and parliamentarian. She advocated for women's rights and played an important role in the development of social welfare policies.

Hansa Jivraj Mehta - Social reformer and women's rights activist. She played a key role in drafting the section on fundamental rights in the Indian Constitution and was a strong advocate for women's political and social empowerment.

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Kamla Chaudhry - Social worker and politician. She advocated for women's education and played an important role in the development of social welfare policies.

Leela Roy - Educationist and social worker. She was an advocate for women's rights and played an important role in the development of education policies.

Malati Choudhury - Politician and social worker. She played an important role in the development of social welfare policies and advocated for women's rights.

Purnima Banerjee - Social reformer and politician. She fought for women's rights and worked to improve the status of women in society.

Renuka Ray - Writer, educationist, and politician. She played a key role in drafting the section on fundamental rights in the Indian Constitution and advocated for women's rights.

Sarojini Naidu - Poet, freedom fighter, and politician. She was a prominent leader of the Indian independence movement and played an important role in the development of the Indian Constitution.

Sucheta Kripalani - Freedom fighter and politician. She played an important role in the development of social welfare policies and advocated for women's rights.

Vijaya Lakshmi Pandit - Diplomat and politician. She was the first woman to hold a cabinet position in India and played an important role in the development of India's foreign policy.

Ammu Swaminathan - Labour organizer and social activist. She played an important role in the development of labor laws and advocated for women's rights.

Rajkumari Amrit Kaur - Social reformer, freedom fighter, and politician. She played a key role in the development of social welfare policies and was the first woman to hold a cabinet position in India.

NEED FOR REVISION

It is pertinent to note that the Indian constitution has undergone several revisions. Every few amendments, address the representation and empowerment of women. Women in India had to wait a very long time to obtain these fundamental rights, which they might have obtained much more quickly had there been a sizable representation of women in the constituent assembly. Because there were not many women, the assembly was not aware of the widespread prejudice and issues affecting women. The lack of women in the assembly caused these rights to be delayed. Yet, as time went on, women became more powerful, which increased their presence in the parliament, which ultimately led to the amendment of the constitution to grant them the rights they deserved.

A few amendments have been discussed here-

73rd and 74th Amendments: These amendments, passed in 1992, provided for the reservation of one-third of seats in local government bodies for women. This has helped to increase the representation of women in political and public life and has given them a greater voice in decision-making processes.

81st Amendment: This amendment, passed in 2000, lowered the voting age from 21 to 18 years for both men and women. This has enabled more young women to participate in the electoral process and have a say in the governance of the country.

97th Amendment: This amendment, passed in 2011, added a new provision (Article 43B) to the Constitution, which directs the State to promote the participation of women in cooperative societies. This has helped to increase women's access to credit and other economic opportunities.

108th Amendment: This amendment, passed in 2008, provides for the reservation of one-third of seats for women in the Lok Sabha (the lower house of the Parliament of India) and the state legislative assemblies. However, this amendment has not yet been implemented.

124th Amendment: This amendment, passed in 2019, provides for the reservation of 10% of government jobs and educational institutions for economically weaker sections (EWS) of the society, including women.

These amendments have helped to strengthen women's rights and empower them in various spheres of life. However, there is still much work to be done to ensure that women in India are able to live with dignity and autonomy and have equal access to opportunities and resources.

WOMEN IN TODAY'S INDIA

In the 21st century, women in India continue to face several challenges, including discrimination, violence, and unequal opportunities. However, the Indian Constitution provides a strong framework for the protection and promotion of women's rights and their empowerment.

The Constitution includes several provisions that guarantee equality and non-discrimination on the basis of gender. Article 15 prohibits discrimination on the grounds of sex, while Article 16 guarantees equal opportunities for all citizens in matters of public employment. Additionally, Article 39(a) of the Constitution directs the State to ensure that men and women have equal access to means of livelihood, while Article 42 mandates that the State shall make provisions for securing just and humane conditions of work and maternity relief for women.

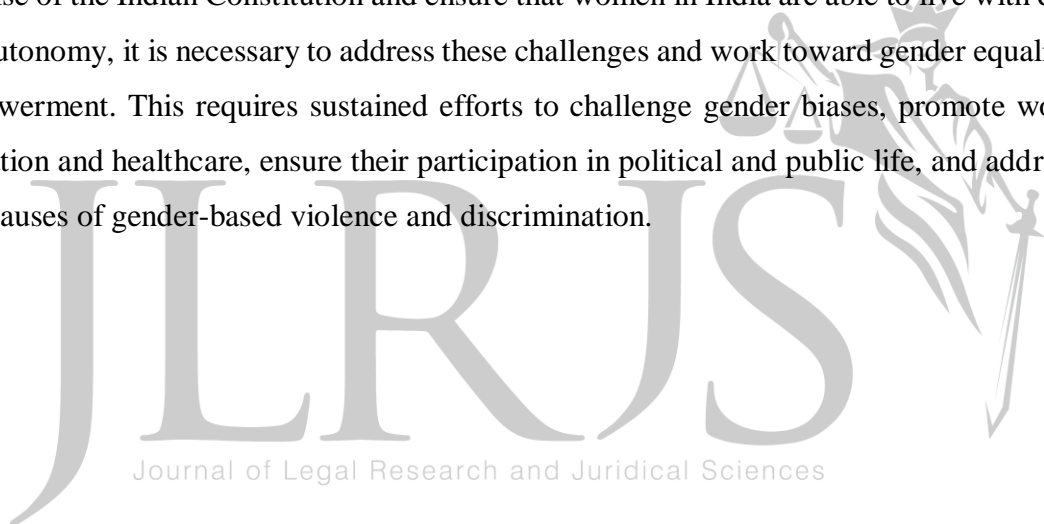
Moreover, the Constitution provides affirmative action measures to promote the participation of women in political and public life. Article 243D mandates that one-third of seats in local

government bodies shall be reserved for women, while Article 243T provides for the reservation of one-third of seats for women in panchayats and municipalities.

Despite these provisions, however, women in India continue to face several challenges and obstacles in their pursuit of gender equality and empowerment. Gender-based violence, including sexual harassment and domestic violence, remains a pervasive problem in the country. Women continue to be under-represented in political and public life, and their participation in the workforce is hindered by several barriers, including a lack of access to education, healthcare, and other basic services.

CONCLUSION

The role of Indian women in framing the Constitution is inexplicable. To fully realize the promise of the Indian Constitution and ensure that women in India are able to live with dignity and autonomy, it is necessary to address these challenges and work toward gender equality and empowerment. This requires sustained efforts to challenge gender biases, promote women's education and healthcare, ensure their participation in political and public life, and address the root causes of gender-based violence and discrimination.



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