**FEMINIST THEORY IN THE INDIAN CONSTITUTION**

**BY**

**ANJALI BASKAR**

**INTERN**

**1ST YEAR,**

**CHRIST (Deemed to be University),**

**BENGALURU**

**Mob.:- 9742894306**

**E-mail-** [**anjali.baskar@law.christuniversity.in**](mailto:anjali.baskar@law.christuniversity.in)



www.probono-india.in

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**ABSTRACT**

Feminist jurisprudence is a budding school of legal thought which envelopes legal approaches and laws in the eye of the patriarchal-dominated society we live in.[[1]](#footnote-2)Constitutional feminism is the relationship between feminist theory and the Indian document needed to govern a country, i.e. the constitution. A country’s constitution, even where it comprises of impartiality on the surface level, affects people differently when it comes to gender. Gender equality is a known to all in theory, but application in real life at home or at work is insufficient. The architecture and design of the constitution should be that, it needs to give every citizen equal rights. These rights assured to women can help increase representation of women in all walks of life. Due to the historical oppression of women, they have been termed as the inferior sex as compared to cis-gendered men and therefore,women’s rights should be protected.Constitutional design can never be considered final, due to the provision of amendments and various interpretations which we can apply to the feminist perspective. A constitution will always be susceptible to changes, either in written form or from different view-points that arise through revision in jurisprudential and methodological style.Similarly, some of the past judgements have changed the dimensions of patriarchal society leading to a horizontal application of equality and dignified life to every citizen irrespective of discriminations. Gender justice discussion would be rudimentary without seeing it from the Indian Constitution’s frame of reference. The Constitution of India, also known as the cornerstone of a nation[[2]](#footnote-3), lays down methods (through provisions) for social, economic and political revolution in India. It is the primary document that gives the definition and guarantee of equality, justice, liberty and democracy to the Indian citizens. The Preamble states that one of the basic provisions of the Constitution is to make sure there is social, economic and political justice for all its citizens. In this paper, the author intends to examine the provisions of gender justice in the Constitution and the role of law in securing justice to women. In doing so, the author shall also study, the feminist challenges to the interpretation of the provisions of the Constitution as well as to the legal discourse. This paper raises the point thatconditioning towards habitual regressive societal ideas restricts the possibility of autonomous decisions. In conclusion, it is to be observed that laws need to bring about fair conditions of social behaviour and a liberty-inducing model from disabilities that have been socially imposed and encourage freedom of choice in decision making.[[3]](#footnote-4)This feminist intervention is linked with concept of justice and equality that has been embedded in the constitutional framework. A study of the criminal and personal laws reveals that laws are affiliated with protectionist and paternalistic idealsin order to manifest empowerment and autonomy among women.[[4]](#footnote-5) This paper engages a discussion on issues at the core of gender justice.

**KEYWORDS**

Feminism, Indian Constitution, Feminist Theory, Gender Equality, Constitutional Theory.

**INTRODUCTION**

The feminist movement/women’s movement/feminism refers to an array of campaigns of the political nature for change in social evils and demand for bodily reproductive rights (pro-choice), removal of [domestic violence](https://en.wikipedia.org/wiki/Domestic_violence) in the society, [maternity leave](https://en.wikipedia.org/wiki/Parental_leave), [equal pay](https://en.wikipedia.org/wiki/Equal_pay_for_women), [women's suffrage](https://en.wikipedia.org/wiki/Women%27s_suffrage), [sexual harassment](https://en.wikipedia.org/wiki/Sexual_harassment), and sexual violence, all of which fall within the ambit of [feminism](https://en.wikipedia.org/wiki/Feminism) and the feminist movement. Our constitution has provided in article 14 read with article 12 that state should not refuse to anyone equality for all in the eyes of the legal system and equal protection of the law across India and no discrimination on grounds of religion, race, caste, sex or place of birth. In consonance with this, article 15(3) also provides the provision where nothing shall prevent the State from making any special provision for women and children. Feminism in India is an arrangement of maneuverswith the objective ofproviding definition, establishment, and defence of equality in political, economic, social rights of women [in India](https://en.wikipedia.org/wiki/Women_in_India). It is the pursuance of [women's rights](https://en.wikipedia.org/wiki/Women%27s_rights) under Indian society. In comparison with feminist movements in other countries, feminists in India want and believe in gender equality: the right to equal pay for equal work, the right to get good quality health and education, and equal political rights (eg. right to vote), etc.[[5]](#footnote-6) Indian feminists also have fought against issues that are specific to cultural mindsets within India's [patriarchal](https://en.wikipedia.org/wiki/Patriarchy) society, eg. [inheritance laws](https://en.wikipedia.org/wiki/Dowry_law_in_India) and dowry.To Indian feminists, these are high-priority injustices which is worth fighting for. In [West](https://en.wikipedia.org/wiki/Western_countries)ern countries, there has been criticism of feminist movements in India, as it is mostly first-world/mainstream feminism. Indian feminism in popular culture and media platforms tend to focuson already privileged/cis-gender women, neglecting the needs and representation of poorer or lower-[caste](https://en.wikipedia.org/wiki/Caste_system_in_India)/dalit/intersex/trans-women. Feminist organizations and movements have now been initiated especially for caste.[[6]](#footnote-7)Though the legal system helps to curb gender discrimination and injustice, some patriarchal notions guiding the interpretation of legal provisions have compelled a feminist rethinking of law as a tool for gender justice, eg. “enraging the modesty of a woman” in the IPC. It challenges the dichotomy of the man and woman and states that if men and women are fundamentally different as categories, then a single yardstick for measuring justice is wrong.

**HISTORY OF INDIAN FEMINISM**

The history of feminism in India can be separated into three stages: the first phase, beginning in the mid-19th century, started when reformists began to speak in favour of women rights by making reforms in education, customs involving women[[7]](#footnote-8); the second phase, from 1915 to Indian independence, when Gandhi incorporated women's movements into the [Quit India movement](https://en.wikipedia.org/wiki/Quit_India_movement) and independent women's organisations had begun an uprising; and finally, the third phase, post-independence, which has focused on fair treatment of women at home after marriage, in the work force and right to political parity. Despite the Indian feminist gaining headway on certain issues, women living in modern India still face discriminatory behaviour, which shows we still have a long way to go. India's patriarchal culture has made the process of getting right to property and access to education challenging for girls. Over a period of 20 years,sex-selective abortion has become an emerging trend. This is due to the fact that they believe the female child is a burden because of dowry to be paid when she attains a marriageable age, which shows that one social evil results in another in a vicious cycle. Feminists believe that history was written by men and for men, excluding women that have made inventions or added structure to the society, which has created a hole of information in the concepts of human nature, gender potential, and social arrangements. The language, logic, and structure of the law are created by men and reinforce toxic masculinity.[[8]](#footnote-9)Male characteristics are considered as normal, and female characteristics are shown as deviation from the norm, so these prevailing conceptions of law reinforce and perpetuate patriarchal power. Feminists oppose the belief that the women are so different from men biologically, that it assigns generalized attributes to women as being too emotional. This shows feminism is also good for women as it enables men to be more vulnerable and move away from patriarchy. They believe gender is a social construct, and not determined biologically. Sex ascertains matters like physical appearance and reproductive capacity (based on science, eg. secondary sex characteristics), but not psychological, moral, or social traits.

**WOMEN CONSTITUTIONAL AND LEGAL RIGHTS IN INDIA**

Status of women prior to Independence

Old Ages: In Vedic period, women had a fair, equality and freedom in India equality.[[9]](#footnote-10)This period is known as period of feminine glory. The education was gained in the Gurukuls where they learnt Vedas. Rigveda has proven that the woman who lives in her husband house was the queen of that house. The term ‘Dampati’, indicates the women’s high status, was mentioned in Vedas, and symbolizes both wife and husband.[[10]](#footnote-11)There were many troubles for the women like child marriage, sati, and female infanticide in Alexander and Huns time.

British Period: The attitude and behaviours of men in relation to women, however, changed during the British period. Voice against ill-treatments and discrimination with women was raised. At the time of British ruling the two movements were come which alter the women status. In these movements, first one was the Social Reform Movement of the 19th Century and the second was the Nationalist Movement of the 20th Century. British period may be seen with enacting number of laws eradicating social evils and removing all disparities, dissimilarities and discriminations against women.[[11]](#footnote-12)These laws were related to the authorization of widow’s remarriage act, Child Marriage Restraint Act, recognizing Hindu Women’s Right to Property Act etc. Thus, at the time of British Ruling consciousness was shaped for the removal of social illnesses. Many laws rectifying women’s unequal position were passed.

**FEMINIST SCHOOLS OF THOUGHT**

Though all feminists believe in equality amongst genders, feminist jurisprudence is not motivated by just one goal. There are three schools of thought under feminist jurisprudence.[[12]](#footnote-13)

1. Traditional/liberal feminism attests that women are just as rational as men and therefore should have equal opportunity to make their own choices.
2. Cultural feminists tend on the differences between men and women and celebrates/embraces those differences. Propounders of this school uphold that women tend to focus on the importance of relationships, whereas men give importance to abstract principles of rights and logic. The goal of this school is to show that communal and caring values of women are to be appreciated. The author personally disagrees, as only men being associated with logical thinking is frankly a hasty generalization and perpetuates sexism.
3. Radical/dominant feminism aims to eradicate inequality. It asserts that men, as a class, have suppressed women as a whole, creating gender inequality. They are concerned with the imbalance of the power dynamics/matrix. Radical feminists encourage us to abandon traditional approaches that consider men the starting point of reference. They argue that sexual equality must be constructed on the basis of differences between men and women.

**FEMINIST JURISPRUDENCE**

Feminist jurisprudence showcases the diversification of the theories/philosophies of feminist ideals. All feminists agree on the fact the perpetuator has historically been men towards the victim, which is often a weak and vulnerable woman, and that their oppression is in some or another way illegitimate or unjustified, as the woman has no freedom of choice. The convoy behind the recent women’s movement is feminism which has provided encompassing knowledge across all fields such as feminist sociology, feminist philosophy, feminist history, along with feminist jurisprudence’. Feminist jurisprudence provides an extension to law and justice. Law-related strategies have boosted the campaigns of women’s organizations to achieve greater equality and social justice.[[13]](#footnote-14)Feminists criticize the fact that law sometimes engages in constructing, maintaining, reinforcing and perpetuating patriarchy and it looks at ways in which this patriarchy can be undermined and ultimately eliminated, eg. unequal succession rights. The feminist investigation into the depths of law fixates on the following issues:

* Examination of legal concepts, rules, doctrines and process with reference to women’s experiences.
* Analysis of the underlying legal assumptions based on male vs. female and gender-neutral distinctions.
* Inquiry into chaos, distortion or disintegration created by the gap created between women’s actual life experiences and the assumption made by law and its imposed structures
* Serving of the patriarchal interests which encourages imbalance/discrepancy.
* Reforms to be made in the law to eliminate patriarchal influences.
* Classification of feminism into four schools: liberal, radical, cultural and postmodern and the exploration of the first wave of feminism, i.e. equality before law.

**FEMINISM IN THE INDIAN CONSTITUTION**

The Indian Constitution has adopted protective measures to protect women’s intereststhrough various provisions.[[14]](#footnote-15) With reference to the case of **National Legal Services Authority v. Union of India**[[15]](#footnote-16),it was held that the concepts of justice, social, economic and political, equality of status and of opportunity and of assuring dignity of the individual incorporated in the Preamble, clearly recognize the right of one and all amongst the citizens of these basic essentials designed to flower the citizen’s personality to its fullest. The Indian Constitution, which is the longest, most extensive constitution in the world, is gender-sensitive. It clearly states that the mind-set of the constitution framers was based on the concept of equality and positioning women equal at every sphere, even decades ago, when the feminist movement in India was at a nascent stage.[[16]](#footnote-17)

**FEMINIST PROVISIONS OF THE CONSTITUTION**

Fundamental Rights

Talking about equality, our constitution has provided us with certain rights and provisions which protect the positivist/equalist atmosphere.[[17]](#footnote-18)One of the main provisions of equality is embodied in Article 14, which embodies equal treatment before the law.[[18]](#footnote-19) In this Article, ‘equality before law’ is a negative concept that implies the absence of any special privilege in favour of any individual. It ensures that all are equal before the law and no person is above the law. It ensures that all persons are equally subject to the ordinary laws of the land. On the other hand ‘equal protection of laws’ is a positive concept, which suggests the need for affirmative action. On inspection of Article 14, Article 15 and Article 12, it reflects the thinking of our constitution-makers to prevent women against gender discrimination. The interpretation of the Article 14 in the light of gender equality states that all persons including women are equal in the eyes of the law and they also have the entitlement to have the right of equal protection of laws within the territorial jurisdiction of India. Law and the nation should treat both the sexes equally in circumstances of similar type, whereas Article 15 whereas protects the women from any kind of discrimination. Article 15(3) gives the power to the state to make any special provision for women and children so that the concept of equal protection of law remains stable in the cases where same treatment would have received but was infringed.[[19]](#footnote-20) Thefirst approach is the ‘exceptional’ approach, which considers that Article 15(3) is an exception to the general guarantee of equality. Seen in this light, it is based on formal equality, which reads equality as sameness.[[20]](#footnote-21) Hence any difference in treatment is considered an exception to equality. The second one called the ‘holistic’ approach considers Article 15as a whole and hence Article 15(3) is used to interpret equality more broadly. According to this approach any difference in treatment is not considered as an exception to equality. Rather it considers that equality sometimes requires different treatment. In this sense, it is based on substantive model of equality. Special treatment embedded in Article 15(3) is not seen as an exception but as a fundamental part of equality. According to the substantive approach to equality, we find that ‘sex’ is a category that denotes disadvantage, in the sense that sex of a person has been used as a basis for discrimination and has resulted in women being disadvantaged as compared to men. However sometimes the Court views all other social and economic factors that fortify disadvantage, as separate from ‘sex’, instead ofseeing the fundamental relationship between them. Nevertheless, Article 15(3) has been useful for legislating in favour of women. Many laws have been passed to prohibit female infanticide, dowry, exposure of women in films and advertisements, child marriage, molestation, abduction and rape, providing maternity benefits and protection in employment. Another article directed at bringing about equality among sexes is Article 16 that guarantees equality of opportunity to all citizens. Article 16(1) assures that all citizens get access to equal distribution of opportunity in matters about employment/appointment to any State-owned office. Article 16(2) guarantees that no citizen shall, due to religion, race, caste, sex, descent, place of birth, residence, etc. be disqualified for/discriminated against in respect of any government job position. An exception (special measures) to Article 16, Article 16(4) says that nothing in this article shall restrain the State from making any provision for the reservation of posts for any backward class/weaker sections/minorities which, according to the prudence and rationale of the State, is not correctly represented in the services under the State.[[21]](#footnote-22)Article 16, in conjunction with Article 14, has been used to guarantee equality of opportunity and non-discrimination on the basis of sex in employment. Moreover, the marital status or pregnancy of a woman if used to discriminate against her in employment is also held as a violation of Articles 16 and 14.[[22]](#footnote-23)Some High Courts have in fact stated that Articles 14,15 and 16 constitute a single code. In a judgement, Justice Mathews has argued that formal equality is achieved when all people are treated equally, but states that men and women are not equal in all aspects. As a result, some sort of proportionate equality is required to achieve justice. Such a proportionate equality can be achieved only when equals are treated equally and unequals are treated unequally.[[23]](#footnote-24) Some other articles that are important to gender justice include Article 21, which states: “No person shall be deprived of his life or personal liberty except according to the procedure established by law”.[[24]](#footnote-25)This Article guarantees protection of life and personal liberty and has often been employed for the protection of women.[[25]](#footnote-26)For example, this article has formed the basis for the provision of protective and humane treatment for inmates of women’s remand homes. Here the ‘right to life’ implies more than mere existence, it implies the right to live with human dignity. At the core, rape is considered a crime against basic human right of life with dignity, and hence in violation ofArticle 21.[[26]](#footnote-27)Similarly, Articles 23 and 24, which prohibit traffic in human beings and forced labour, and employment of any child below the age of fourteen respectively, can also be viewed as provisions that are positive and progressive towards women. These provisions have inspired many laws including those for the prevention of traffic in girls and women, and the Indecent Representation of Women (Prohibition) Act, 1986.[[27]](#footnote-28)The disadvantages of democratic process and risks of parliamentary majoritarianism make it imperative that a pro-woman and anti-subordination interpretation of Constitution[[28]](#footnote-29) and laws shall be made and under the light of positive discrimination further this provision was created. In the following case of **Bodhisattwa Gautama v. Subhra Chakraborty**[[29]](#footnote-30), the court talked about the need for laws which shall curb the practices of dominance analysis that is found in our patriarchal society. The court held that unfortunately, a woman, in our country, belongs to a class or group of society who are in a disadvantageous position on account of several social barriers and impediments and have, therefore, been the victim of tyranny at the hands of men it was held that certain laws helps to soothe the position of women in the society. This indicates that they are very much constitutionally valid as they come under the legitimate title of positive discrimination which is fundamentally the rule of equal protection.[[30]](#footnote-31)In the landmark case of **Nargesh Meerza vs. Air India**[[31]](#footnote-32), it was finely pronounced that on the basis of gender discrimination, a woman shall not be rejected employment.[[32]](#footnote-33) The Apex Court ruled that that even however the first provision is sensible while the second and third provisions are unpleasant, illogical and unauthorized. In the case of **C. Rajakumari vs Commissioner of Police**[[33]](#footnote-34), Hyderabad the critical query was raised up before the Andhra Pradesh High Court belong to the point whether the beauty competitions which offensively shows a women’s body, figure and form is in violation of Article15 of the Constitution. The court states that if in any beauty competition, the body is showed in a way of offense and is harmful to community ethics then such beauty competition would be considered as the violation of the provisions of Offensive Demonstration of Females (Prohibition) Act, 1986 and also unauthorized as it interrupts Articles 14, 21 etc.

Directive Principles of State Policy

Article 39A and Article 39D of the DPSP talks about having an equal right to men and women for an adequate means of livelihood whereas the latter supports equal pay for equal work for both men and women. The framers had the long-sighted vision which allowed them to think of the problems, a woman would have faced in the changing trends of the society. To support the fact, article 51A further talks about the provision which renounces practices derogatory to the dignity of women. However, seeing the laws cumulatively, there is no going back to the thought that the constitution has forgotten the position of women.

**PROTECTIONIST INTERPRETATION OF LAWS FOR WOMEN**

Despite the broad horizon provided by the Constitution, the interpretations of these provisions have echoed the patriarchal and conservative nature of the Indian society. Women are subjected to as subordinate to men when they are put under the status of the weaker sex. The constitution gave the tag of weaker sex keeping in mind the past discrimination that a woman has gone through. The economic and sociological prejudices in their past have made their progress rate slow and further, they need laws for the advancement. The Constitution nowhere mentions that women are weak in comparison to the men according to nature. Such patriarchal interpretations are prevalent for a long time. Taking an example of the law of Adultery which is now unconstitutional, earlier in the case of **W.Kalyani vs. State Tr. Insp. Of Police & Anr.[[34]](#footnote-35)**, it was held that only men can be prosecuted for the offense of adultery and women cannot be prosecuted. The judgment was further criticized on the grounds for showing a strong gender bias making the position of a married woman almost as a property of her husband.  The women were seen as it was subordinate to men and in the jurisdiction of them. It took almost 160 years for the court to understand that women are not a chattel and have certainly equal status that of men. After having the provisions of equality in article 14, the court continued to interpret the law basely. In the recent judgment of section 497, the court held that there cannot be a patriarchal monarchy over the daughter or, for that matter, a husband’s monarchy over the wife. On top of all of that, there cannot be a community exposition of masculine dominance. The judgment passed is a step towards gender neutrality but certainly, it is already become too late to know what all hardships a woman has faced. The absence in understanding the concept of gender neutrality by the courts after having the provisions laid down in the Constitution has resulted in the prima facie violation of women’s independence. In **Independent Thought v. Union of India**[[35]](#footnote-36), a division bench of the Supreme Court of India read “Exception 2” to Section 375, Indian Penal Code (hereinafter, IPC), which now stands thus altered which stated that sexual intercourse by a man with his wife, the wife not being less than 18, is not rape. Before the provision stated that the age was to be 15 years instead of 18 years. Sexual violence apart from being a de-humanising act is an unlawful intrusion of the right to privacy and sanctity of a female. It is detrimental to her supreme “honour” (which is also backward, as women are not an object) and offends her self-esteem , well-being and dignity- it degrades and humiliates the victim where she is a helpless innocent child, it leaves behind a trauma she could very likely never recover from. The “traditional practice” being referred to in the case deals with child marriage and the rights secured to women. The IPC sanctified the practice by allowing the husband of a girl child to have sexual intercourse with her, regardless of her consent, provided she was not under the age of 15. The Court identified the harm that the right of the girl child to maintain her bodily integrity is destroyed when her husband is given the full control over her body, thereby reducing her to nothing more than his property. Thus, the basis of the violation of Article 21, as identified by the Court itself, is applicable equally, and in the same way, to adult married women, as it is to child brides.[[36]](#footnote-37)This judgement stood strong on the grounds of equality and justice for women and throws out the patriarchal laws that were once prevalent in our country.

**ROLE OF INDIAN WOMEN CONTRIBUTING TOWARDS INDEPENDENCE**

After Independence, the Congress made attempts to fulfill the promises made during pre-Independence. Perhaps the most important of them was the enshrinement of equality of men and women in the Constitution and many administrative bodies were set up for creating new opportunities for women. By 1955, the Constitution included some of the most progressive laws for women. Nandita Gandhi[[37]](#footnote-38) and Nandita Shah note that during this period “many middle class women found a place in the expanding service and educational sectors, governmental structures or the professions. This numerically small but conspicuous entry into the formerly prohibited areas gave rise to an image of the ‘new’ emancipated Indian woman”.[[38]](#footnote-39) Gradually the number of organizations and institutions for women began increasing. The government supported the spread of “mabila mandals” and reformist programmes. Yet many of the feminists’ expectations suffered a setback in post-Independence period. The Hindu Code Bill was severely watered down. The Bill had proposed equal inheritance rights, prohibited polygamy, and attempted to liberalise divorce and custody rights for women. Moreover, the demand for a Uniform Civil Code, which then was on the feminist agenda, was shrugged off. This gave rise to a new ferment of political action, when people raised organised protests and struggles around various issues. The Telangana Movement[[39]](#footnote-40), a peasant movement during the 1948-50, Jayprakash Narayan’s Total Revolution’ in Bihar during the 1970s, the Chipko movement in the Garhwal, the Shahada and anti-price rise in Maharashtra, and the SEWA and “Nav Nirman” in Gujarat could be identified as some important people’s movements in post-Independence India. Though these movements were not feminist per se, they had the massive participation of women. Some movements like the Shahada challenged the practice of wife-beating; movements in many other parts of India saw antiliquor agitations, wherein alcohol was identified as a main reason for wife battering. Thus such people’s movements saw the massive participation of women in raising issues that affected the family and/or women.[[40]](#footnote-41)The year 1974 turned out to be a major landmark in the history of women’s movement. This was the year when ‘Towards Equality’, a report on the status of women in India was published. In 1971 the Ministry of Education and Social Welfare appointed a committee to examine the constitutional, legal and administrative provisions that affect women’s special status, their education and employment and to gauge how effective they are in real life application. The report suggested that the Constitutional guarantees of equality and justice for women had not been met with. It also argued that the status of women had not improved but in fact had deteriorated since Independence. An important argument it put forth was that most ofthe Indian women had not benefited from modernity - whether social, economic, political or technological.[[41]](#footnote-42)Another impetus to the IWM was given by the UN declaration of the year 1975 as International Women’s Year. It was in response to a request by the UN, that Towards Equality’ was prepared. However with the declaration of emergency in 1975, there was a break in the movement.[[42]](#footnote-43)Many political organisations were forced to go underground, activists were arrested and those activists who were not, focussed entirely on securing civil rights. After the lifting of the emergency, new ‘feminist’ groups were formed. These groups and organisations took up several issues highlighting the denial of just conditions for women’s survival. One of the major issues that engaged the attention of the IWM in the post-emergency period was the rise in sexual violence against women.

**WOMEN WHO HELPED DRAFT THE INDIAN CONSTITUTION**

Out of 392 people that were appointed for the constitution drafting committee, only 15 were women, which makes the representation of women less than 4%. While this is not ideal, it is important to note the widespread illiteracy and subjugation, especially amongst women, and caused from pre-existing societal prejudices and norms, had made it almost impossible for women to claim a political space.

There were 15 women from diverse backgrounds - though and unsurprisingly so, the number of Savarna (upper-caste) women was more than that of the Avarna women.[[43]](#footnote-44)

1. **Dakshayani Velayudhan**had her roots in the Pulaya community in Cochin, Kerala and was among the first generation of women of her community to be both educated and wear a ‘upper-cloth’. She was the first and only Dalit woman who was elected to the Constituent Assembly. She, along with Dr. Ambedkar, brought many caste-related issues to light in the Assembly debates. She also happened to be the youngest member of the committee at 34 years of age.
2. **Hansa Jivraj Mehta**, elected from Bombay, was a member of the Fundamental Rights Sub-committee, the Advisory Committee, and the Provincial Constitutional Committee. A few minutes after midnight on Independence Day, Mehta, on behalf of the “women of India", presented the national flag to the assembly—the first flag to fly over independent India. She, along with Rajkumari Amrit Kaur, modelled the Indian Women’s Charter of Rights and Duties, and fought for the Uniform Civil Code (UCC). She recognised herself as a feminist and worked extensively in the women’s movement that pushed for the abolition of child marriage (the Sarda Act), the Devadasi system, for better educational opportunities for women, and personal law reforms.
3. **Ammu Swaminathan** was elected from the Madras Constituency and was a firm advocate for the abolishment of the archaic and oppressive caste system and sided with Ambedkar for several caste-related issues. Being an upper-caste woman, Ammu recognised the evil of caste and even criticised Jawahar Lal Nehru for responding to Panditji which she saw a sign of superior class dominance.
4. **Begum Aizaz Rasul** was the only Muslim woman among the fifteen and was elected from U.P. in the Constituent Committee of India. She was elected to the Rajya Sabha in 1952.
5. **Durgabai Deshmukh** was the only female member of the Panel of Chairmen in the Constituent Assembly. She played a significant role in the enactment of many social welfare laws. She was also the one who proposed Hindustani (Hindi+Urdu) as the national language of India.
6. **Kamla Chaudhary** had come from an affluent family in Lucknow but had struggled to get an education. She was one of the most active women in the Civil Disobedience Movement in 1930. The British government jailed her several times. In 1946, she was made the Vice President at the 54th conference of the Congress held in Meerut. She was a member of the Constituent Assembly from 1947 to 1952, and she was also a prolific writer and wrote extensively on gender discrimination, exploitation of peasants, and poor condition of widows in the society.
7. **Leela Roy** was a feminist who, time and again, had protested and fought for what was right. From a young age, she threw herself into social work and education for girls, supported vocational training and emphasised the need for girls to learn martial arts to defend themselves.
8. **Malati Choudhary** was a socialist whose struggle for what is morally correct didn’t stop at obtaining freedom for the country, she went to jail for protesting against Indira Gandhi’s imposed Emergency.
9. **Purnima Bannerjee** was perhaps one of the most strong-headed women elected from Allahabad (present-day Prayagraj), Uttar Pradesh and worked extensively towards rural engagement.
10. **Rajkumari Amrit Kaur** came from the princely state of Punjab and founded AIIMS (All India Institute of Medical Science) and argued for its autonomy. She firmly supported women’s participation in sports, medicine, and health. She set up the Tuberculosis Association of India, the Central Leprosy and Research Institute, held the vice-chair of the Board of Governors of the League of Red Cross Societies, and also the Chair of the Executive Committee of St John’s Ambulance Society.
11. **Renuka Ray** hailed from West Bengal and was a strong advocate for gender equality. Renuka argued for a UCC, stating how the position of Indian women was iniquitous.
12. **Sarojini Naidu** is possibly one of the most famous names from the drafting committee. She is popularly called the ‘Nightingale of India’. She was the first Indian woman to be president of the Indian National Congress and to be appointed as Governor to a State. Besides her exemplary work in the field of women empowerment, she was known for her literary prowess and was elected as a member of the Royal Society of Literature.
13. **Sucheta Kriplani**  came from the present-day Haryana and is celebrated for her pivotal role in the Quit India Movement in 1942. She was also responsible for establishing the Women Wing in the INC in 1940. She was the first woman Chief Minister of India when she took over the office from Chandra Bhanu Gupta (Uttar Pradesh) in 1963.
14. **Vijaylakshmi Pandit**, the sister of Jawahar Lal Nehru, was appointed as the first woman and became the first Asian to be elected President of the U.N. General Assembly in 1953.
15. **Anne Mascarene** was one of the first women to join the Travancore State Congress and became the first woman to be part of the Travancore State Congress Working Committee. She was one of the leaders of the movement for independence and integration with the Indian nation in the Travancore State.

**CONCLUSION**

In post-independence era, although much has been done for liberation and betterment of women, yet it cannot be said that they are fully free from the clutches of male domination. In practice, there is no equality between man and woman. It is true that establishment delivers equivalent chances for women indirectly as they are appropriate to all individuals regardless of their gender, but the court realize that respective article reproduce only equivalence towards women. They also have not considered to speed up de facto impartiality to the amount of Constitution proposed. Replicating this in **Dimple Singla v. Union of India**[[44]](#footnote-45), the Delhi High Court uttered its nervousness that except, elimination and attitudes, change of judgment in contradiction of women cannot be attained. There is also a significant space between rights of Constitutional as well as its use in everyday lives of maximum women. Accordingly, it is also truthful that the females are employed in jobs which are previously entirely majority of male domains, and they should free from sexual harassment at their workplaces.[[45]](#footnote-46)They should be able to work in a healthy and safe work environment, without having to resort to “quid pro quo” to get ahead/grow in their career. Hence, there are consisting occurrences which reveal absence of self-assurance and confidence in their competence and productivity. There remnants an extensive and persistent doubt concerning their capabilities to fulfil the challenges of the assigned job. These obstacles disturb the self-respect of those women who are working. A point to be added is that feminism should be intersectional, and across all class and sections of society. While women should not be forced to have sex, they should be free to adopt a sexually liberated lifestyle without facing condemnation from the society, whether married or not. The author believes that even though the constitution has inherently feminist principles, application is not there in real life. Few regressive terms in the law like “honour” and “modesty” contribute to male-dominance. There needs to be progressive realisation of rights beyond interpretation of women needing to be protected.

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**BRIEF ABOUT AUTHOR**

Anjali Baskar is a 1st year, BBA LLB (Hons.) student at CHRIST (Deemed to be University) from Bangalore, Karnataka. Her preferred branches of law are criminal law, ADR, and human rights law. She has participated in various external debates in GNLU and NUALS as an adjudicator, in internal trial and internal mediation competitions. She has been promoted to Zonal Head of Libertatem Magazine.

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