

The Founding Mothers: Decoding the Gendered Discourse of the Indian Constitution

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Abstract

The discourse surrounding the framing of the Indian Constitution has historically been dominated by the narrative of its "founding fathers," often marginalizing the intellectual and political labour of its female architects. This chapter reclaims the literary, political, and constitutional contributions of the fifteen "founding mothers" of the Constituent Assembly. By analysing their speeches, activist literature, and policy drafts most notably the 1946 Indian Women's Charter of Rights and Duties this study explores how these women utilized the written and spoken word to dismantle entrenched patriarchal frameworks. The chapter traces the evolution of gender studies in early Indian political discourse, highlighting how early magazines like *Nari Shiksha* and *Rashni* served as incubators for feminist thought. Through qualitative historical analysis, the chapter profiles each of the fifteen women, examining their early lives, struggles, and specific constitutional contributions from Hansa Mehta's advocacy for a Common Civil Code to Rajkumari Amrit Kaur's pioneering public health frameworks. Furthermore, it interrogates the Assembly's debates on gender-based legislative reservations, examining the ideological faith these women placed in the written guarantee of equality. Ultimately, this chapter argues that these women were not merely participants in India's foundational legal text but were critical linguists of democracy who embedded gender justice into the vocabulary of the republic, offering enduring leadership lessons for contemporary legal scholars and the youth.

Keywords: Indian Women's Charter, Constituent Assembly Debates, Gender Justice, Feminist Literary Discourse, Constitutional Identity

1.Introduction

In the annals of global constitutional history, the creation of the Republic of India is frequently attributed to a pantheon of "founding fathers" visionaries like Dr. B.R. Ambedkar and Jawaharlal Nehru. However, the constitutional identity of India was equally forged by the words, worlds, and willpower of fifteen extraordinary women. These "founding mothers" were essential in weaving the values of equality, justice, and democracy into the very fabric of the Constitution.

Operating in an era of extreme patriarchy and misogyny, these women utilized literary discourse, organizational charters, and parliamentary debates to challenge the status quo. Through magazines, manifestos, and legal drafts, they engineered a new political vocabulary. This chapter explores how these women translated grassroots activism into constitutional guarantees. By examining their individual journeys, their collective drafting of the 1946 Indian Women's Charter of Rights and Duties, and their enduring legacy, we uncover how gender studies intersect with legal and literary discourse in the making of modern India.

2. Literature Review

To contextualize the contributions of the founding mothers within English literary and legal discourse, it is imperative to examine seminal texts that map the intersection of gender, constitutionalism, and early feminist writings in India.

Austin's classic work provides the foundational context of the Constituent Assembly. While primarily focused on the broader strokes of nation-building, it documents the Assembly's consensus-driven approach. For this chapter, Austin's text is critical as it sets the baseline of the "founding father" narrative, against which the interventions of the founding mothers can be contrasted. His meticulous detailing of the Fundamental Rights and Directive Principles debates illuminates the structural challenges women like Ammu Swaminathan faced. (Austin, 1966). Bhatia theorizes the Indian Constitution as a transformative document designed to disrupt deeply entrenched social hierarchies, including patriarchy. This literature is vital for understanding how the founding mothers viewed the Constitution not merely as an administrative manual, but as a socio-legal weapon. Bhatia's analysis supports the chapter's discussion on why leaders like Hansa Mehta pushed for a Common Civil Code to eradicate discriminatory domestic practices. (Bhatia, 2019). De shifts the focus from the elite drafters to how everyday citizens and marginalized groups interacted with the new Constitution. This work is highly relevant to this chapter's theme of "bridging the grassroots gap." It demonstrates how the rights championed by figures like Malati Choudhury and Purnima Banerjee eventually translated into legal realities for the working class and women at the societal margins. **De, R. (2018)**

Kannabiran provides a comprehensive feminist jurisprudence of the Indian Constitution. This text is crucial for the chapter's analysis of gender justice. The author unpacks the specific articles related to non-discrimination, directly linking them to the pre-independence advocacy of organizations like the All-India Women's Conference and the Women's India Association. It grounds the 1946 Women's Charter within modern legal frameworks. **Kannabiran, K. (2012)**. Roy explores the conceptual evolution of "citizenship" for Indian women. Through a literary and historical lens, Roy examines early feminist discourse, including the role of colonial-era magazines. This directly supports the chapter's exploration of journals like *Nari Shiksha* and *Rashni*, proving how print culture was leveraged to cultivate political agency before women stepped into the Constituent Assembly. **Roy, A. (2005)**.

3. Research Methodology

This chapter employs a Qualitative Historical and Textual Analysis methodology, situated within the framework of Feminist Literary Criticism.

Archival and Textual Review: The research analyses primary texts, specifically the 1946 Indian Women's Charter of Rights and Duties, alongside excerpts from early colonial-era feminist magazines (e.g., *Nari Shiksha*).

Discourse Analysis: By examining the spoken and written interventions of the fifteen women in the Constituent Assembly Debates (CADs), the methodology traces how gendered vocabulary was negotiated (such as the shift from "all men" to "all human beings").

Thematic Synthesis: The life histories and political contributions of the founding mothers are synthesized into distinct themes: literary agency, fundamental rights, healthcare, and global diplomacy, allowing for a structured exploration of their impact on modern gender justice.

4. Analysis and Discussion

4.1 The Pedagogy of Print: Early Discourse and Organizations

Long before stepping into the Parliament, women activists utilized the written word to subvert patriarchy. Magazines became the first battlegrounds of gender studies. Publications such as *Nari Shiksha* and *Rashni* acted as platforms to dismantle misogyny. As powerfully articulated in the Kolkata-based *Nari Shiksha*, women challenged societal constraints through evocative literary questions:

"Free bird, how do you hope to be happy within the cages? Imprisoned, you have forgotten your own speech and you repeat words of others mindlessly."

To reclaim their "own speech," women mobilized. The founding of the Women's India Association (WIA) by Annie Besant in 1917, the National Council of Women in India (NCWI) by Lady Tata in 1925, and the All-India Women's Conference (AIWC) by Margaret Cousins in 1927 marked a shift from literary lament to organized political action. Ammu Swaminathan, alongside Kamla Devi Chattopadhyay and other activists, began working through the WIA in 1917 to tackle critical social issues such as child marriage and the devadasi system. They conducted detailed surveys regarding women's roles in a planned economy, directly influencing national policy.

4.2 The 1946 Indian Women's Charter of Rights and Duties

This intellectual and organizational advocacy culminated in the drafting of the 1946 Indian Women's Charter of Rights and Duties. This landmark document demanded several key provisions that laid the ideological groundwork for the Constitution:

- The adoption of universal adult franchise.
- Equal pay for equal work.
- The striking down of discriminatory marriage and inheritance rights.
- The placement of a duty on the state to ensure the financial security, education, and health of women.
- The socio-economic recognition of household work.

4.3 Debating Equality: The Stance Against Reservations

A fascinating aspect of the founding mothers' discourse was their collective opposition to gender-based legislative reservations. Figures like Renuka Ray and Begum Aizaz Rasul fiercely argued that embedding the fundamental right to equality within the Constitution would naturally foster a just society, making special privileges unnecessary. They sought genuine equality, not concessions. However, looking back over 70 years later, the reality reveals a stark gap between these constitutional guarantees on paper and their practical application, proving that the initial hope for organic equality without affirmative action remains unfulfilled.

4.4 The Architects of the Republic: 15 Women, 15 Constitutional Pillars

To understand the soul of the Indian Constitution, one must understand the specific pillars built by its female architects. They were not a monolith; each brought a singular, defining crusade to the halls of the Constituent Assembly. Here are the fifteen distinct contributions that forged the

republic.

4.5 The Global Reconstruction of Human Rights

Hansa Jivraj Mehta recognized that constitutional law did not exist in a vacuum; it belonged on the global stage. Born to privilege in Gujarat, she faced immense societal backlash for her inter-caste marriage, teaching her early on that the personal is deeply political. In the Assembly, she fought for a Common Civil Code to annihilate patriarchal customs like child marriage and purdah. But her defining contribution was linguistic and global. Representing India at the UN, she famously fought Eleanor Roosevelt over the drafting of the Universal Declaration of Human Rights. Recognizing the danger of exclusionary language, Mehta forced the amendment of the phrase "all men are born free" to the immortal, inclusive guarantee: "All human beings are born free and equal."

4.6 The Architecture of Public Health

Rajkumari Amrit Kaur brought the lens of human survival to constitutional debates. An Oxford-educated princess from the Kapurthala royal family, she abandoned her immense wealth to live a life of absolute austerity as Mahatma Gandhi's secretary for sixteen years. Her ultimate contribution was redefining healthcare as a foundational democratic right. Viewing practices like child marriage as a national "canker" destroying maternal health, she became India's first Health Minister. She secured the funding and laid the blueprint for the All-India Institute of Medical Sciences (AIIMS) in Delhi, ultimately taking her public health crusade to the world stage as the first female president of the World Health Organization.

4.7 The Poetics of Democratic Resistance

Sarojini Naidu, globally revered as the "Nightingale of India," proved that literature and political defiance were one and the same. Educated at King's College and Cambridge, her contribution was infusing the rigid legal text of the republic with poetic idealism and fierce gender justice. Imprisoned multiple times, her courage was legendary most notably in Berlin, where, lacking a national banner, she and her compatriots tore their own sarees to fashion an Indian flag, saving the nation from international humiliation. She championed women's voting rights, eventually breaking colonial barriers as the first woman governor of an Indian state.

4.8 The Twin Pillars of Fundamental Liberties

Ammu Swaminathan possessed an unparalleled political acumen, cultivated informally at home in Kerala. Her defining contribution to the Constitution was her ironclad defence of civil liberties. Having battled the exploitative devadasi practice from the trenches of the Women's India Association, she entered the Assembly with a clear mandate. She fiercely insisted that the Constitution must be grounded in two inseparable pillars: Fundamental Rights and Directive Principles. She successfully guarded the absolute freedom of speech, association, and worship, warning that without these, all other constitutional promises were an illusion.

4.9 The Blueprint of Global Diplomacy

Vijaya Lakshmi Pandit expanded the borders of the Indian Constitution, translating its domestic ideals into a framework for international relations. Born into the Nehru dynasty, her political fire was stoked by personal tragedy when draconian inheritance laws left her vulnerable after her husband's death. Her singular contribution was projecting India's democratic voice globally. Believing that the newly independent nation must not be insular, she pioneered India's diplomatic

missions to Moscow, Washington, and Mexico, making history as the first female President of the UN General Assembly and championing India's role as a "messenger of peace."

4.10 The Crucible of Crisis Leadership

Sucheta Kripalani brought the grim reality of a fractured, bleeding nation to the drafting table. A professor of constitutional history, she stepped into the fire of the 'Quit India Movement.' Her defining contribution was the integration of disaster rehabilitation into the ethos of the state. During the horrors of Partition, while others debated in Delhi, she walked through the riot-torn zones of Noakhali, personally rehabilitating refugees. She proved that a constitution must protect its most displaced citizens, a grit that propelled her to shatter the ultimate political glass ceiling as India's first female Chief Minister.

4.11 The Iron Défense of Federalism

Annie Mascarene was the Assembly's fiercest guardian of state autonomy. A brilliant lawyer from Thiruvananthapuram, she had endured brutal violence and repeated imprisonments fighting the autocratic regime of Travancore. Her defining contribution in the Assembly was her sharp, unyielding legal defence of federalism. She was deeply sceptical of centralizing too much power in Delhi, ensuring that the Constitution protected the rights of citizens equally across all newly integrated princely states, preventing the rise of a new domestic autocracy.

4.12The Uncompromising Stance on Secularism

Begum Aizaz Rasul defied orthodox Islamic traditions, famously discarding the purdah to enter the brutal arena of electoral politics. As the only Muslim woman in the Constituent Assembly, her defining contribution was her absolute defence of pure secularism. When the Assembly debated religion-based political reservations, she stood up and successfully destroyed the argument. She warned that institutionalizing religious quotas would permanently fracture the soul of the nation and isolate minorities, demanding that the Constitution recognize citizens by their humanity, not their theology.

4.13 The Annihilation of Caste and Untouchability

Dakshayani Velayudhan used her voice as a weapon of mass rebellion against the deeply entrenched horrors of the caste system. Emerging from the oppressed Pulaya community in Kerala, she was the first Dalit woman in India to earn a college degree. Her defining contribution was forcing the elite, upper-caste drafters to confront the reality of systemic oppression. She did not merely ask for rights; she demanded the sweeping, constitutional criminalization of untouchability and caste slavery, laying the legal groundwork for India's affirmative action framework.

4.14 The Foundation of Social Welfare

Durgabai Deshmukh built the scaffolding for India's social justice system. Forced into a child marriage, she fiercely renounced it, mastered the law, and transformed into a formidable criminal lawyer. Her primary contribution was institutionalizing state-sponsored social work. Leading the Salt Satyagraha in Madras and standing as the sole woman on the Assembly's Panel of Chairmen, she spearheaded the constitutional framework for independent judiciaries and designed the national social welfare policies that would protect women and children for decades to come.

4.15 The Vernacular Mobilization of the Masses

Kamla Chaudhry proved that the English language alone could not build a nation. A prominent Hindi fiction writer from Lucknow, her primary contribution was ensuring the Constitution did not become an elitist document. Battling both the British Empire and deeply entrenched community patriarchy, she mobilized the rural masses through vernacular literature. In the Assembly, she fought to ensure that the raw, unfiltered perspectives of rural and semi-urban women were baked into the Constitution, bridging the gap between urban intellectuals and the agrarian heartland.

4.16 The Radicalization of Female Education

Leela Roy viewed the classroom as the ultimate training ground for revolutionaries. A radical leftist and close associate of Netaji Subhas Chandra Bose, she was the first woman to earn a master's degree from the University of Dacca. Embracing militant nationalism, her defining contribution was tying political freedom to female economic independence. She championed the absolute necessity of women's education, founding a network of schools for girls in Bengal and ensuring the Assembly understood that political liberty was hollow without the intellectual liberation of women.

4.17 The Guardian of Grassroots Democracy

Malati Choudhury served as the Assembly's moral conscience against the intoxicating allure of centralized power. Educated by Rabindranath Tagore, she abandoned elite comforts to embed herself in the remote villages of Odisha. Her defining contribution was championing the absolute bottom of the pyramid farmers, tribes, and the marginalized. She fought relentlessly for village self-governance and grassroots democracy, warning the Constitution's drafters that true freedom must be measured not by the wealth of the capital, but by the dignity of the poorest village.

4.18 The Crusade for Socialist Economic Justice

Purnima Banerjee brought the demands of the working class directly to the drafting floor. A relentless freedom fighter from Allahabad who practically lived in colonial jails, she was a master organizer of trade unions and peasant uprisings. Her defining contribution was her fierce advocacy for a socialist constitutional vision. She demanded that the state take absolute moral and economic responsibility for the comprehensive education, healthcare, and civil liberties of every citizen, arguing forcefully that fundamental rights mean nothing to a starving populace.

4.19 The Reformation of Hindu Personal Law

Renuka Ray understood that a woman could not be a free citizen in public if she was subjugated in her own home. Educated at the London School of Economics, her defining contribution was taking a sledgehammer to patriarchal domestic laws. Standing unflinching against the orthodox male majority of the Assembly, she was a gladiator for legal equality within the family unit. She fiercely debated for equal property rights for daughters and paved the brutal, deeply controversial, but entirely necessary road toward the reform of Hindu personal laws.

4.20 Lessons for Today's Youth and Legal Scholars

The fifteen founding mothers of the Indian Constitution did not wait for power to be handed to them; they wrote themselves into the foundation of the republic. If they could speak with one

collective voice to today's youth, law students, and scholars, their message would be an uncompromising call to action:

"Do not make the mistake of believing that the fight for equality ended when the ink dried on the Constitution. We drafted the words, but you are the ones who must live them. In an era of immense educational privilege, you must be the bridge that connects the high courts of the land to the grassroots of the villages. Challenge the deeply ingrained patriarchy within your own homes before you attempt to change the world. Never accept vocabulary, laws, or traditions that render you invisible or secondary. Ask the dangerous questions, refuse the comfort of the status quo, and remember: equality written on paper is merely an unfulfilled promise until you have the courage to enforce it in reality. The Constitution is not a relic of the past; it is a weapon for the future. Pick it up."

The lives and discourse of these fifteen founding mothers offer profound pedagogical lessons for today's youth, particularly students of law and gender studies:

. The Importance of Individual Agency: These women operated in a hardest time of that era, yet they remained committed to their democratic vision. Young people must start with themselves, challenging restrictive norms within their own families before expecting broader societal change.

4.21 The Necessity of Constant Questioning: Even as a microscopic minority in the Constituent Assembly, these women asked difficult questions. Youth are encouraged to interrogate the status quo daily regarding gender roles and decision-making powers.

4.22 Bridging the Grassroots Gap: While literacy rates were abysmal during the 1940s, today's generation possesses vast educational access. Modern youth must reduce the distance between themselves and the grassroots, ensuring community voices reach Parliament, the judiciary, and local governance.

4.23 Persistence Beyond Legislation: Writing equality into law is not the final victory; it is merely the beginning. Legal rights often remain confined to paper if societal attitudes do not evolve. The youth must actively fight for the daily implementation of constitutional values.

5 Conclusion

The integration of gender studies within English literary and legal discourse finds its most potent historical example in the Constituent Assembly of India. Through magazines, charters, and parliamentary debates, the founding mothers utilized the power of words to reshape their world. They rewrote international human rights vocabulary, drafted the 1946 Indian Women's Charter of Rights and Duties, and ensured that the world's longest written Constitution carried the indelible ink of gender justice. As we analyse their literary and political legacies, it is evident that India's founding mothers did not just help write a constitution they authored a new paradigm of human dignity. It is up to contemporary society to translate their written guarantees into lived realities.

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