

**BOOK REVIEW: FOUNDING MOTHERS OF THE INDIAN
REPUBLIC: GENDER POLITICS OF THE FRAMING OF THE
CONSTITUTION BY ACHYUT CHETAN**

AFREEN AFSHAR ALAM¹

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INTRODUCTION

“The passing of this Constitution for an Independent India can be called without exaggeration the realisation of a great dream of four hundred million people. For so many years the people of this country had been working for this realisation and today we have actually got what we had been working for.”

- Ammu Swaminathan (Constituent Assembly, November 24, 1949)²

A constitutional bench of the Supreme Court of India (“**the Supreme Court**”) headed by the 50th Chief Justice of India, Justice Dr. D.Y. Chandrachud, observed that conventional historic chronicles have spun around the ‘founding fathers’ of the nation which kept most citizens oblivious of the exceptional contributions of women in the framing of the Indian Constitution (“**the Constitution**”) during the Constituent Assembly debates.³ He said:

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¹ Afreen Afshar Alam is a lawyer and researcher based in Delhi. She is an LL.M. candidate at Jamia Hamdard University, New Delhi. The author can be reached at <afreenafshar@gmail.com>.

² Ammu Swaminathan, 11 CONSTIT. ASSEMB. DEB. ¶ 11.164.206 (Nov. 24, 1948), <https://www.constitutionofindia.net/debates/24-nov-1949/>.

³ Govt. of NCT of Delhi v. Union of India, (2018) 8 SCC 501.

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“Traditionally, the dazzling contributions from women, who played a great role in the framing of the Constitution, is not highlighted. Their contributions were invaluable. They made valuable suggestions to improve constitutional provisions, keeping in mind the adverse conditions prevailing for women in those days. We read about Dr. B R Ambedkar, K M Munshi, Alladi Krishnaswami Ayyar's contributions. However, we were not taught in schools or colleges about the great contributions of Durgabai Deshmukh, Begum Aizaz Rasul, Rajkumari Amrit Kaur, and others.”⁴

Justice Chandrachud had mentioned the founding mothers twice in his concurring opinion in the landmark case of **Govt. Of NCT of Delhi v. Union of India**.⁵ He quoted the prominent constitutional specialist Granville Austin, who mentioned in his book⁶ that both the founding fathers and mothers worked together to establish the new Nation's ideals and created processes and institutions to achieve them.

India's Constituent Assembly was established in December 1946, and it had 389 members, including 15 women. It debated and finalised the provisions of the draft Constitution, which was adopted on November 26, 1949. The women in the Constituent Assembly represented diverse socio-cultural and professional practices. Amrit Kaur, Aizaz Rasul, Ammu Swaminathan, Hansa Mehta, Renuka Ray, Purnima Banerji, and Sucheta Kripalani were ardently engaged with the All-India Women's Conference from its establishment in 1927. While G. Durgabai and Dakshayani Velayudhan were not officially affiliated with the AIWC, they played a significant role in advocating for gender equality. Famous freedom fighters and political leaders like Annie Mascarene, Kamla Chaudhry, Leela Roy, Malati Choudhury, Sarojini Naidu, Sucheta Kriplani and Vijayalakshmi Pandit were also part of the Assembly.

⁴ Mahapatra Dhananjay, *Contribution of 'founding mothers' to Constitution need highlighting: Supreme Court*, TIMES OF INDIA, (Jan. 12, 2023), <https://timesofindia.indiatimes.com/india/contribution-of-founding-mothers-to-constitution-need-highlighting-supreme-court/articleshow/96926518.cms>.

⁵ Govt. of NCT of Delhi v. Union of India, (2018) 8 SCC 501.

⁶ GRANVILLE AUSTIN: THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION, 390 (Oxford: Clarendon Press, 1999).

Achyut Chetan's book, *Founding Mothers of the Indian Republic: Gender Politics of the Framing of the Constitution*, is a vital addition to the feminist legal literature in India. Chetan's work traces the influences of Durgabai Deshmukh, Hansa Mehta, Amrit Kaur, Aizaz Rasul, Kamala Chaudhri, Ammu Swaminathan, Sucheta Kripalani, Dakshayani Velayudhan, Renuka Ray, Purnima Banerji, and Annie Mascarene on the Indian Constitution in an effort to restore their legacy. The book provides an insightful portrayal of the active participation of women, particularly behind the scenes, in expressing the fundamental ideas of equality, freedom, and human rights. The women who helped shape the Indian Constitution are less well-known in the public sphere. While some biographies have attempted to explore each person's life individually, this investigation into the creation of the Constitution is distinctive.

Chetan examined a variety of documents, committee records, and dissenting notes in the Constituent Assembly, along with personal correspondence of these women, to paint a picture of them as the missing mothers of the Republic.

Chetan also explores the ideological differences among these women, who come from various social backgrounds, hold diverse religious perspectives, and embrace different political ideologies.

FOUNDING MOTHERS AND THEIR CONTRIBUTIONS

“I feel it a great privilege to be associated with the framing of the Constitution. I am aware of the solemnity of the occasion. After two centuries of slavery India has emerged from the darkness of bondage into the light of freedom, and today, on this historic occasion we are gathered here to draw up a constitution for Free India which will give shape to our future destiny and carve out the social, political and economic status of the three hundred million people living in this vast sub-continent”.

- Begum Aizaz Rasul (Constituent Assembly, November 8, 1948)⁷

⁷ Begum Aizaz Rasul, 7 CONST. ASSEMBLY DEB. ¶ 7.51.60 (Nov. 08, 1948), <https://www.constitutionofindia.net/debates/08-nov-1948/>.

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Constitutions worldwide continue to extol the wisdom of their “founding fathers” who sat in august assemblies to draft their nations’ charters. Figures like B.R. Ambedkar, Jawaharlal Nehru, Vallabhbhai Patel, Rajendra Prasad, and Maulana Azad are popular names that dominate academic and popular discourses in India. Women, however small in number, played important roles in the creation of the Constitution. These women are the Indian Republic’s missing mothers, whose names and achievements have been ignored from the narrative of the Constitution’s creation. The book is divided into seven chapters and ends with a conclusion on how we should remember these founding mothers and their contribution to the Republic of India in general and the Indian Constitution in particular.

Chetan contends in the book that these women were admitted to the Assembly not due to patriarchal favouritism but because they had earned the right to participate in the Republic’s founding. Before they were chosen to serve in the Constituent Assembly, most of them had a long history of involvement in women’s organisations on a national and international level. Ammu Swaminathan formed the Women’s India Association in Madras in later 1910s; Durgabai Deshmukh established the Andhra Mahila Sabha in the 1930s; Begum Aizaz Rasul was elected a member of the Uttar Pradesh Legislative Council from a non-reserved seat in the 1930s; Hansa Mehta was the President of the All-India Women’s Conference in 1945-1946, and she was the Indian representative in the UN Human Rights Commission in the 1947-48 session.⁸

The women who served in the Constituent Assembly were attorneys, reform advocates, and supporters of independence with many of them having been involved in various women’s organisations and feminist movements since the dawn of the 19th century. They were either nominated or elected to the Constituent Assembly after the elections of 1945. The presence of these missing mothers ensured that the Constitution included elements of their feminist moral imagination.

⁸ GOURI SRIVASTAVA, *WOMEN ROLE MODELS: SOME EMINENT WOMEN OF CONTEMPORARY INDIA* (Concept Publishing Company, 1st ed., 2006).

The founding mothers demonstrated unwavering dedication and strategic acumen in their involvement with many committees, including important ones like the Fundamental Rights Sub-Committee, the Minorities Sub-Committee, the Advisory Committee, and the Steering Committee.⁹ In addition to voicing their opinions during the massive task of drafting the Constitution, they also penned a number of dissenting notes signed by certain women. As Chetan puts it, these notes aimed “to resist the erasing march of the collective, oral debates.”¹⁰ The most notable dissenting notes were written by Kaur and Mehta, who collectively addressed freedom of religion and the Uniform Civil Code. Furthermore, Kaur wrote two dissenting notes against reservations for any community.¹¹

Throughout the framing process, these women had a distinct presence in the Constituent Assembly and spoke in one authorial voice – overtly feminist, morally robust, and internally consistent, despite intersectional differences.¹²

Before 1946, there had been two decades of constitutional politics, and their voice had a distinct feminist tone. The rich tradition of feminist consciousness in India served as the foundation for this thought. The National Council of Women in India (NCWI) and the All-India Women's Conference (AIWC)¹³, established in the late 1920s, participated in organisational politics that shaped this imagination into a potent discursive force.¹⁴ AIWC was closely associated with the Indian National Congress. Under the leadership of Mahatma Gandhi, AIWC gave its support to many

⁹ Priyadarshini Ravichandran, *The women who helped draft our constitution*. MINT, (Mar. 11, 2016). <https://www.livemint.com/Leisure/dLi6ZIdW6CgswZCGdOA9VM/The-women-who-helped-draft-our-constitution.html>.

¹⁰ Uma Mahadevan-Dasgupta, *Review of Founding Mothers of the Indian Republic — Gender Politics of the Framing of the Constitution: In search of missing mothers*, THE HINDU (May 19, 2023), <https://www.thehindu.com/books/books-reviews/women-politics-india-constituent-assembly/article66842311.ece>.

¹¹ Amrit Kaur, *Memorandum on Minorities*, in B. SHIVA RAO, II THE FRAMING OF INDIA'S CONSTITUTION 309-312 (Universal Publishing co., 1st ed., 2015).

¹² Achyut Chetan, *India's founding mothers made vital contributions*, HINDUSTAN TIMES, (Jan 25th, 2023), <https://www.hindustantimes.com/opinion/indias-founding-mothers-made-vital-contributions-101674660009134.html>.

¹³ Nirmala Banerjee, *Whatever Happened to the Dreams of Modernity? The Nehruvian Era and Woman's Position*, 33(17) EPW, (1998).

¹⁴ B. SUGUNA, WOMEN'S MOVEMENT (Discovery Publishing House, 2009).

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anti-colonial and national movements including the Civil Disobedience Movement of the 1930's. Mass mobilisation and participation of women were striking features of the Indian independence struggle.¹⁵ Hence, the voice in which these women spoke at the Constituent Assembly (and frequently wrote dissent notes or articles) in the Assembly was established and evolved over years of constitutional politics in AIWC and other organisations from the 1920's to the 1940's.

The addition of Dakshayani Velayudhan to the Constituent Assembly was very interesting. Hailing from the Pulaya caste in Kochi, she achieved the remarkable feat of becoming the first Dalit woman in India to successfully complete her university education.¹⁶ She had opposed the notion of separate electorates and the AISC's call for Direct Action, a large-scale motion of civil disobedience against the Cabinet Mission's plan that might have caused the nation's entire economic system to collapse. She urged a mass movement to carry the Ambedkar movement to its intended goal, which is the acceptance of untouchables as "part and parcel of the Human Society" and compared it to the start of the untouchables' social revolution, which will only lead to the downfall of the Caste Hindus suzerainty.¹⁷ The leaders of the Dalit movement expressed their disapproval of her actions by labelling her as a "traitor" "an unworthy creature" a "turncoat" and a woman who had succumbed to "the depths of moral turpitude."¹⁸ These derogatory terms were employed to undermine her bravery and commitment. Records reveal that Dakshayani gave keen attention to advocating for the Dalits in the Constituent Assembly despite her difference of opinion with policies like separate electorates.¹⁹ She recurrently fetched up issues like the education of the Dalit community, scholarships for students from Scheduled Castes, the defence of Dalits

¹⁵ RADHA KUMAR, *THE HISTORY OF DOING*, (Kali for Women, 1993).

¹⁶ Meera Velayudhan, *Linking Radical Traditions and the Contemporary Dalit Women's Movement: An Intergenerational Lens*, 119 *FEMINIST REVIEW* 106-125, (2018).

¹⁷ R K KSHIRSAGAR, *DALIT MOVEMENT IN INDIA AND ITS LEADERS 1857-1956* (New Delhi: MD Publications, 1994).

¹⁸ Achyut Chetan, *Unafraid to oppose Ambedkar, Congress—Dakshayani Velayudhan was India's 1st Dalit woman MLA*, *THE PRINT*, (Oct. 13, 2022), <https://theprint.in/pageturner/excerpt/unafraid-to-oppose-ambedkar-congress-dakshayani-velayudhan-was-indias-1st-dalit-woman-mla/1164481/>.

¹⁹ *Id.*

against violence from the higher caste, and the labour and protection of Dalit women.

The founding mothers prepared a number of documents, including the widely acclaimed Report on Woman's Role in Planned Economy (1939)²⁰, which declared feminist positions decades ahead of their time. They also presented a memorandum to the International Labour Organisation,²¹ petitioned the Hindu Law Committees in 1941 and 1945,²² and prepared various documents related to women's issues that were presented to the colonial government.²³ The final form of their continuing demands was the outstanding Indian Women's Charter of Rights and Duties, with Hansa Mehta and Renuka Ray emerging as the major contributors²⁴ Mehta, who was then our country's delegate to the United Nations Human Rights Commission, ran efforts to modify the dialectal of the Universal Declaration of Human Rights from "man" to "human beings" while concurrently participating in the Constituent Assembly.²⁵

The Women's Charter was distributed to representatives of Indian legislative assemblies, global feminist organisations, and the United Nations sub-commission on the status of women. This text corpus highlights that a self-assured movement rooted in sound ideas and rhetoric foreshadowed women's appearance in the Assembly. It also demonstrates that the founding mothers had already come to strongly believe in constitutionalism, the idea that a steady set of principles must serve as a steadfast foundation for the turbulence of democratic politics, and the necessity of recognising women as a marginal group suffering from societal

²⁰ Maitrayee Chaudhuri, *Citizens, Workers and Emblems of Culture: An Analysis of the First Plan Document on Women*, 29(1-2) CONTRI. TO IND. SOCIO., 211-235, (1995).

²¹ J Krishnamurty, *Indian Officials in the ILO, 1919-c 1947*, INDIA & THE INTERNATIONAL LABOUR ORGANISATION, https://www.ilo.org/wcmsp5/groups/public/---dgreports/--inst/documents/genericdocument/wcms_192563.pdf.

²² CHITRA SINHA, *EVOLUTION OF THE HINDU CODE BILL, DEBATING PATRIARCHY: THE HINDU CODE BILL CONTROVERSY IN INDIA 1941-1956* (Oxford Academic, 2012).

²³ SUMITA MUKHERJEE, *INDIAN SUFFRAGETTES: FEMALE IDENTITIES AND TRANSNATIONAL NETWORKS* (Oxford University Press India, 1st ed., 2018).

²⁴ Hansa Mehta, *Draft of Indian Woman's Charter of Rights and Duties*, ALL INDIA WOMEN'S CONFERENCE, Information of Sub-Commission, (New York: UN, May 1, 1946).

²⁵ DEVAKI JAIN, *WOMEN, DEVELOPMENT AND THE UN* (Bloomington: Indiana University Press, 2005).

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incapacities, requiring constitutional protection. Almost all of them were also well-known on a global scale in their own right. The missing mother's involvement in the Constitution-making task can be seen as a continuation of the women's movement's extensive aeons of constitutional politics. They had to grapple with complex issues like minority rights, property rights, fundamental rights, secularism and religion affirmative action, language multiplicity, socialism, the interplay between constitutional rights and human rights, democracy and nationalism, and justice in order to have a feminist, pro-women vision into the language of the Constitution.

An extremely crucial chapter was chapter six, which talked about the position of women in India with regard to old age customs and traditions. The Chapter includes discussion and disclosure of Article 25. Amrit Kaur and Hansa Mehta wrote dissent notes against Article 25 of the Constitution, urging that the right to “freely profess, practise, and propagate religion” not be made a fundamental right; they expressed this from an idealistic perspective, highlighting religion's many negative effects in women's personal lives. The women in the Constituent Assembly pushed for a Uniform Civil Code for all the citizens, they wanted this provision to be in the Part III of the Constitution, i.e., the fundamental rights. It was eventually added as Article 44 of the Constitution. Hansa Mehta's final speech in the Assembly emphasised on the civil code, claiming that it was more important than the national language.²⁶

The missing mother's insistence on inter-faith marriages as a fundamental right stemmed from the same ground. Mehta and Kaur requested that the directive principles be “nevertheless fundamental” to the governance in their keynote of dissent, which was, in part, adopted as Article 37, after their demands were rejected. The Chapter mentions their views on the Hindu Law Committee, while the women were hopeful about the bill, they had fear and anxiety about the Hindu Code not being good enough for women, they had disagreements and debates with the other members

²⁶ Hansa Mehta, 11 CONST. ASSEMB DEB. ¶ 11.162.119 (Nov. 22, 1949), <https://www.constitutionofindia.net/debates/22-nov-1949/#129893>.

including Dr. Ambedkar on subjects like female succession, adoption, and patriarchal customs.

The Constituent Assembly was only the beginning of their contribution to the Republic. Many became actively involved in administration, political and social organisations, and movements to supplement the ideals they vehemently defended in the parliament. Durgabai joined the Planning Commission, Kaur became India's first health minister and established AIIMS, Ray was appointed to help with refugee rehabilitation in West Bengal, Mehta contributed to the creation of a new national education agenda for women, Rasul was elected to the Rajya Sabha, Naidu was the first female Governor of India, and Kripalani became the first female Chief Minister in India, she was the CM of Uttar Pradesh from 1963 till 1967.

CONCLUSION

“The working of the Constitution will depend upon how the people will conduct themselves in the future, not on the actual execution of the law. So, I hope that in course of time there will not be such a community known as Untouchables and that our delegates abroad will not have to hang their heads in shame if somebody raises such a question in an organisation of international nature.”

- Dakshayani Velayudhan (Constituent Assembly, 29 November 1948)²⁷

The book's monumental task at the outset is to dispel the preconceptions associated with the term “founding fathers” which have significantly influenced constitutional interpretation. It demonstrates how the female members of the Indian Constituent Assembly laboriously drafted the Constitution, reflecting a virtuous vision cultivated through a lifetime of feminist politics. It touches upon the ancestors of numerous constitutional provisions to argue that the Constitution would be a shoddier document of rights without the interventions of the women who helped frame it.

Chetan sheds light on the distinctive moral vision of the women who helped draft the Constitution in this notably detailed, carefully investigated,

²⁷ Dakshayani Velayudhan, 7 CONST. ASSEMB. DEB., ¶ 7.62.175 (Nov. 29, 1948), <https://www.constitutionofindia.net/debates/29-nov-1948/>.

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and convincingly formulated interpretation of the arguments of the missing mothers of the Indian Constitution. The book showcases the significant contributions of the female members of the Indian Constituent Assembly, highlighting that their role extended beyond being mere “founding mothers” of the Republic. It accomplishes this by contextualising their interventions within the broader framework of Indian feminism, which forms their foundation, and by examining their constant negotiations within the nationalist discourse. Furthermore, the book explores how these interventions align with the human rights discourse of the 1940s.

The ideas and revolutionary spirit of these founding mothers have influenced the country to date. Our Constitution was drafted through the consent and will of our founding fathers and mothers that are still redeemed as the will of this Republic and has stood the test of time.