

Title

How Women’s Representation Affects Constitution Making: Evidence from India’s Constitutional Legal History

Abstract (298 words)

India’s freedom struggle witnessed participation of women which culminated into the election of women to the Constituent Assembly, the body entrusted with the duty of making the Constitution of a newly independent state. There were 15 women members out of 299 members in India’s Constituent Assembly representing different walks of life.

PURPOSE: The paper critically analyses the contribution of women members which is often not discussed and makes a compelling case for impact of women’s representation in Constitutional legal history. In a democratic constitution making, the process is as important as the content of the final document. The process of including women, elected and nominated, as part of the Constituent Assembly left an indelible mark on the present Constitution and legal instruments, both national and international. What is the place for women in the making of constitution of a modern democratic state? How was women’s participation assured, both in electing representatives and being a representative to the Constituent Assembly? How did this impact the process of constitution making in comparison to the United States of America?

DESIGN: The Constituent Assembly Debates, other reports and literature are critically analysed to understand the contribution of women members and comparatively analyses the impact of women’s representation in India’s Constitution making in contrast to that of the United States of America.

FINDINGS: The women members transformed the Constitution by avoiding masculine terminology and made meaningful contribution to various provisions especially those relating to equality and fundamental rights.

PRACTICAL IMPLICATIONS: This critical analysis provides a feminist perspective of the process of constitution making and sets out a basis for better understanding of the importance of gender representation in the Constitution making, how it structures the Constitution, how it enhances the deliberations and contributes to making the Constitution more gender-representative, participative and inclusive.

Keywords: **Women members of Constituent Assembly, Gender representation, feminist perspective of constitution making, Constitutional legal history.**

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Biography (146 words)

Shivika Choudhary researches and publishes in international institutional law, humanitarian law, environmental law and contemporary human rights issues. An alumnus of National Law School of

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