

Feminist Threads in the Fabric of the Constitution of India

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KEYWORDS	ABSTRACT
Feminism, equality, gender equality, feminist Constitution.	In this paper, the researcher deals with the idea of feminist Constitution in the context of Indian Constitution. This research paper dispenses the meaning of feminism, feminist Constitution, the contribution of women in the making of the Indian Constitution and the Articles of the Constitution which reflects the idea of the feminism. The sole objective of the paper is to highlight the beauty of the Constitution from the perspective of the feminist thoughts. The feminism is not only about equality to women. It has wide meant which includes social, economic and political equality to all genders without any discrimination. This concept was initially born to preserve the rights of the women and uphold the equality in the respective fields. But, concept in the contemporary world stated equality to all genders without any discrimination. It is the beauty of our constitution that although our Constitution was framed and enforced in earlier time but it is drafted with such conscious mind that it includes provisions that takes away discrimination and sustain the equality to all.

1. Introduction

Women always had a great history and role in India and it can be evident while looking back in historical events occurred in India. Either we talk about women fighters in ancient history like Laxmi Bai, Kittur Chennamma, Abbakka Chowta, Avantibai, Rani Durgavati or we talk about intellect women like Sarojni Naidu, Sucheta Kripalani, Savitribai Phule, Kalpna Chawla, Indira Gandhi, and many more, we can clearly observe women participation in very field. Whether it is in the field of sports, politics, education, research, defense, etc. women had notable role in each and every field. This is what the strength holds by the women in

India and always contributed at every stage to achieve great success. One can witness the powerful role and contribution of Indian Women in the fight against the British Government. Not only has this but women also had a pivotal role in the raising of the family.

The Indian Constitution has been prepared by the framers with lot of research and understanding keeping in mind its scope in the near future. The Constitution has involved minds of many people. The constituent assembly has been set up as provided by the Cabinet Mission Plan. "Initially, total membership of the assembly was 389 among which 292 members were elected by the provincial

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legislative assembly, 93 members represented the Princely states and 4 members were representing the chief Commissioners Provinces but due to the partition the total members was reduced to 299.”¹ Among these 299 members there were also fifteen women who have made a considerable contribution in the making of the Constitution but unfortunately their great input has been remains unsung and only few people know that there were women members in Constituent Assembly and those who if now, don't know their names. Though, there was not a single transgender person participated in the making of the India Constitution but it is the beauty of our Constitution that it includes the provisions that protect the rights of the transgender community and provide them equality.

Feminism is a great socio-political movement which had been initiated with an aim to bring equality in sexes in the matters related to social, economic and political field. It basically points to the “elimination of all forms of discrimination on the basis of the gender and providing them with an equal opportunity in different fields and in payment scale”. It aims to put all the sexes on the same footing and to realize the actual meaning of the Article 14 of the Constitution. The Constitution of India consists of provisions that indicate the feminist characteristics. The Indian Court of Law has also played a crucial role in uplifting the status and the dignity of the all by delivering the judgments in various landmark cases from time to time.

2. Research objective

- a) To understand the Constitution of India from lens of feminism.

3. Research Methodology

The researcher has opted doctrinal method in the present paper in which debates of constituent assembly, Articles of the Constitution, various case laws of the Apex Court of India and other relevant websites and documents has been observed in order to understand Constitution making and feminist thoughts reflected in our Constitution.

4. Meaning of Feminism

Feminism, at its center means the “social, economic, and political equality of the sexes in society.”² This term has been springs from a Latin term ‘femina’ which means woman. The Merriam Webster Dictionary defines the term feminism as “a belief that advocates the economic, political and social equality for all sexes especially through organized activity on the viewpoint of women's right and interest.” It originally aims to place the women at par with the men in the society. At present, feminism is all about promoting the equality of all the genders and placing them in the same footing in different fields.

The concept of feminism can be understood as original concept and the modern concept. The original concept of feminism is all about women's right in social, political and economic field. This initial concept of feminism only focusses of women equality and discrimination against them. It only wants the women to be as equal footing with that of the men in the above-mentioned fields. But the modern feminism focuses on equality between all the genders in the respective fields. No matter whether it is women, men or transgender community, they all should be treated equally and rights must be made available to them equally

without any discrimination.

5. Idea of Feminist Constitution

Feminist Constitution is the idea and practice that examine or study the Constitution of India with the lens of feminist thoughts and ideologies. This concept is related to the study of the relationship between feminism and the Constitutional law. "Basically, it is the project of rethinking Constitutional law in a manner that addresses and reflects feminist thought and experience."³ It talks about examining, redefining and challenging the Constitution from the perspective of feminist thoughts. The primary focus of the feminism is to support in the upliftment of each and every gender in every field in order to ensure the principle of equality.

6. Participation in Constituent Assembly

Women participation is important in the development of a nation and there is need to educate women along with man. It is famous saying that "If you educate a man, you educate an individual but if you educate a woman, you educate a nation."⁴ The Constitution has involved minds of many people. The constituent assembly has been set up as provided by the Cabinet Mission Plan and holds its very first meeting on 9 December, 1946 under the Chairmanship of Dr. Sachidananda Sinha. Initially, "total membership of the assembly was 389 among which 292 members were elected by the provincial legislative assembly, 93 members represented the Princely states and 4 members were representing the chief Commissioners Provinces but due to the partition the total members was reduced to 299."⁵ Among these 299 members there were also fifteen women who have made a

considerable contribution in the making of the Constitution but unfortunately their great input has been remains unsung and only few people know that there were women members in Constituent Assembly and those who if now, don't know their names.

The women in Constituent Assembly belong to different background and have their own struggle. Despite such hurdles these women marked their presence in the framing of the Constitution of India. Following are the 15 founding mothers of the Indian Constitution:

- a. **Ammu Swaminathan:** She belongs to the upper caste family and got elected from the Madras Constituency. She along with other women leaders formed Women's India Association in 1917 in Madras which is said to be a first association to demand Universal Adult Franchise and Constitutional rights for women. She was against the discriminatory practice against the women and also raised voice against the untouchability. In her speech in the constituent assembly, she mentioned that our Constitution actually rests on two pillars i.e., Part III (FR) and Part IV (DPSP).⁶
- b. **Annie Mascarene:** She became the pioneer women who join the Committee i.e., "Travancore State Congress Working Committee". She as an advocate of women's right and social reformer. She fought for women's rights and raise voice for the laws that protect women from any kind of exploitation as well as discrimination. Also, in her speech in Constituent assembly she talked about the province elections. She believes in the right of

the people to elect their representatives independently without any control. For her this provision related to province election is to be a democracy.

- c. **Begum Aizaz Rasul:** She was the sole women from the Muslim Community to be the member in the Constituent Assembly. She was the advocate of equal opportunity to be given to women. She also contributed in the different discussions like National language, minorities' rights, joint electorates, provisions related to the retirement of members of the Rajya Sabha, right to property, and compensation to be provided in case of acquisition of the property by the government. She also talks about power of parliament and president with reference to passing of the legislation.
- d. **Dakshayani Velayudan:** She belongs to the Dalit family and the sole Dalit women to graduate in India. In the Constituent Assembly she advocated on various issues like forced labor, untouchability, against the separate electorates for Dalits, untouchability, and against the reservation for Harijans.⁷
- e. **G. Durgabai:** She was one of the prominent youth participants in the freedom struggle and even went to jail for that. In the Constituent Assembly she was the member of Committee on Rules and procedure and the Steering Committee. She further advocated for Judicial independence and suggested to add that a judge should be citizen of India, also advocated for opening of Hindu religious and education institution for all the sections of the society, human trafficking and stated that "Hindustani

should be considered as national language instead of Hindi".

- f. **Hansa Mehta:** She was the most prominent members of the Assembly who fought of women rights. She was the member of Advisory Committee, Sub –Committee on Fundamental Rights and provincial Constitution Committee. According to her free India means not only equality of status but it also includes equality of opportunity. She raised the issue on social, economic, and political justice for women. She was against the purdah System and considered it as an inhuman custom. She also rejected the idea of quotas, or reserved seats and separate electorates for women. She has started that a man is degrading himself if he degrades women but he will raise himself if he raises women.⁸ She was the one who presented Nation flag on behalf of the women of India. She also advocated for Uniform civil Code.
- g. **Purnima Banerji:** She discussed that in the Preamble the Sovereignty has been derived from the People of India. She referred that women don't want reservation in the constituent Assembly but has requested to fill the vacant sets with the women members only in the Assembly. Other than this, she also advocated for the protection of the minorities against discrimination in the public funded educational institutions rights of detainee qualification age for the membership of state legislature and Electoral College for the upper house of the parliament.
- h. **Renuka Ray:** She was the celebrated women activist for the women right of inheritance in the

property of the father. In the constituent assembly she advocated for the equality of status and justice for women. Like other women members she also stated that women not want reservation of seats for themselves. She also stated about the prevention of trafficking of women and abolition of Devdasi system.

- i. **Sarojini Naidu:** She holds the title of “First woman president of the Indian National Congress” and was also known as the “Nightingale of India”. She was the member of the “ad-hoc committee” on the national flag.
- j. **Sucheta Kripalani:** She was the member of Flag presentation Committee. She sang national Song i.e. Vande Mataram and national anthem i.e. Janagananmana Adhinayaka Jaye he.
- k. **Vijayalakshmi Pandit:** She was also participant of the Constituent Assembly. She talks about the centrality of new Asia in post-raj world order.
- l. **Kamla Chaudhary:** She was a feminist and actively participated the freedom struggle. She writes about the atrocities and the oppression against the women in the society. She was stand for the women rights and makes serious efforts in order to improve and uplift the “socio-political and cultural level” to boost the living standard of the women in the society. She always uplifts the women through her literature work.⁹
- m. **Malati Chaudhury:** She played a vital role in the freedom movement & struggle for the upliftment of the under privileged groups which includes, schedule Castes, Schedule tribes, and

other Backward classes. She emphasized upon the education for all.

- n. **Leela Roy:** She encouraged many women to sign up for politics. She was a great advocate of women’s rights and want women to take part in in the freedom struggle. She became the member of constituent assembly and played prominent role in empowering the women. But she left the Assembly due the partition of India. She also works for the education of girls.
- o. **Rajkumari Amrit Kaur:** She was the member of Constituent Assembly and was elected from the United Provinces. She advocated for extensive participation of women. She was against the purdah custom, child marriage and Devdasi system.

In the Constituent Assembly, the members are either men or women but there was not a single member who was the transgender person. In the making of the Constitution, the transgender in community is represented but not by the person of their community but by the men or women. Although there was no such member in the Assembly, but it is the beauty of our Constitution that it imbibes the provisions that also protect the rights of this vulnerable section of the society by providing them equality without any discrimination.

7. Constitutional Provisions that reflect Feminist Thoughts

In the year 2018, the former CJI Hon’ble Shri D.Y. Chandrachud in the session organized by O.P. Jindal Global University stated that our Indian Constitution is itself feminist.¹⁰ Again in the year 2022, he stated that Constitution of India is a feminist document as well as egalitarian socially

transformative document.¹¹ The Constitution of India consists of provisions that indicate the feminist characteristics. The Constitution of India is said to be a neutral Constitution that states the provisions that benefit all the genders by treating all gender equally in the matters of social, economic and political field. It gives equal status to women, men and also transgenders and eliminate discrimination against them by providing them equal opportunity. The articles in the constitution contains terms like “citizen of India” or “any person” this indicates that there is no discrimination between men, women and transgenders somehow promotes gender equality in all respect. Let us have a glance over some prominent provisions:

- i. Preamble to the Constitution:** It contains the idea and ideals of the Constitution. The preamble protects the interest of all genders. The objective of the Constitution that has been given in the preamble i.e., “justice (social, economic and political), liberty (of thought, expression, belief, faith and worship), equality (of status and opportunity) and dignity to all the individual, clearly recognized the rights of all the citizen of India so that they can develop their personality to the fullest.”¹² The preamble assures the dignity of all by stating dignity of an individual which place male, female and even transgender on same footing. This is what feminism is all about i.e., equality.
- ii. Article 14:** This Article states the “fundamental right to equality”. According to this, “the State shall not deny to any person equality before the law or the equal protection of the law within the territory of India.”¹³ The term used in this Article

is “any person” which is a gender-neutral term that includes in its ambit women, male and transgenders too. The “equality before the law” and “equal protection of law” is available to all and so no discrimination should be made against any one particular gender.

iii. Article 15(3): Article 15 states about the “prohibition of discrimination” on grounds of religion, race, caste, sex or place of birth. According to clause (3) of the Article 15, the state can make special provision for women and children. The Constitution-makers keeping in mind the situation and condition of the women prevalent at that time added this provision in the Constitution. Also, the Article prohibits whatever type of discrimination on the ground of sex, promotes the idea of feminism. But, if we observe current conditions, special provisions should also be made to uplift the transgenders. Then it may promote feminism at more high level.

iv. Article 16: This Article states about the “equality of opportunity” in the matters of public employment. Clause (1) states that equality of opportunity must be made available to all the citizens of the India. The term “citizen” is again gender neutral. Clause (2) states that in the matter of opportunity in the employment there must be no discrimination on the ground of sex. More prominently women and transgender person face various discrimination and harassment at working place and sometimes even refused to get employment only on the ground that they are women or transgender respectively. In the Constituent Assembly debate various

women members stood for the rights of the women in employment but still there are certain areas in which women face discrimination. The environment at workplace is not suitable for the women and measures have to be taken. The same has to be work out for transgender making working environment inclusive for all. The Article clearly string the thread of feminism in the Constitution.

v. Article 21: It states about the “right to life and personal liberty”. The language of the Article states “no person shall deprive of his life or personal liberty except according to procedure established by law.” The word ‘person’ is gender neutral and includes all genders in its purview hence certain derogatory practices such as female feticide, honor killing, dowry death, etc., must be prevented. It is a human right available to all. This right also includes in its ambit right to life with dignity.¹⁴ The status and reputation of all the gender should be considered by everyone. Different interpretation has been done of Article 21 by the judiciary and held that the right to liberty also includes women’s reproductive choice.¹⁵ The judiciary also interpreted this Article to include right to self-determine one’s gender identity as a fundamental right.¹⁶

vi. Article 21A: This Article has been added to the Constitution by the “Constitution (Eighty-Sixth Amendment) Act, 2002” and states about the right to education. According to this Article free and compulsory education has to be provided by the state to the children of the age 6 to 14 years. Education is the vital part of the life of the

individual. Historical, women are not allowed to get the education and was only limited to the household work. Savitribai Phule along with her husband Jyotiba Phule initiated the women education. This work has been undertaken in the Constitution by adding right to education under DPSP and then by judicial activism making it an integral part of Article 21 and then by amendment making it a separate fundamental right. Education is the fundamental element in life of everyone as it assists the person to build his identity in the society and develop knowledge. Such right is no limited to any particular gender and available to all.

vii. Article 39: This Article is the part of DPSP which provide directions to the State in framing of laws for the country. Clause (a) of Article 39 states that “right to adequate means of livelihood” is available to both men and women. One can access to this right when he or she has employment opportunity hence women are also having such right without any discrimination. Clause (d) states that there must be “equal pay for equal work” for both women and men. This Article indicated that there is no discrimination between men and women in the matters related payment for the work rendered by them. This ensures economic equality for the women while treating them equally to men. Clause (e) states than health and strength of men and women workers needed to be taken into consideration as such of necessary to work efficiently and also protect right to life of both. But a kind of loophole is said to be created in reference of the words used. There are transgender persons who are non-binary and do not strictly identify

themselves as man or woman. In this respect there is need to consider the same

viii. Article 42: This Article states about the maternity benefits must be provided to the women worker in order to protect their social and economic interest.

ix. Article 44: This Article talks about uniform civil code. It is related to bring uniformity in the personal laws like marriage, succession, divorce, inheritance, etc. In different personal laws women are facing discrimination like the concept of polygamy, discrimination in the succession, etc. This code aims to bring uniformity and also target the gender inequality. The concept of UCC is not limited to bring equality between man and woman but also include transgender.

x. Article 51A (e): it is fundamental duty of every citizen of India “to renounce derogatory practices that affects or have impact on dignity of women”. It is suggested that an amendment may be made that same dignity should be given to transgender community as society treats them inferior and untouchables.

xi. Universal adult franchise: Women in America have to face discrimination in the matters related to voting as initially they were not given right to vote and to hold office in the Government and for which they have initiated the first wave of feminism in USA. The Indian Constitution from the very beginning ensures such rights to women. Under Article 326 states that election to the Lok Sabha and Legislative Assemblies of the States must be based on adult suffrage and every person who is a citizen of India and above the

age of 18 years can give vote. This ensures political equality to all the genders.

xii. Reservation of Seats in Panchayats and Municipalities: By the 73rd and 74th Constitutional Amendment new Part IX and IXA was added to Constitution that provide provisions such as Article 243-D and 243-T related to “reservation of seats in the Panchayats and municipalities” for the women. This again ensures women participation and political equality. According to 243-D, not less than 1/3rd of the seats shall be reserved for women who belong to SCs and STs in the Panchayats. Even for the offices of Chairperson in the Panchayats at village 1/3rd of the seats has been reserved for women. Similar provision is given under 243-T but in respect of Municipalities. Recently, the Constitutional (106th Amendment) Act, 2023 has been passed for the reservation of 1/3rd of the total seats for women in House of People, State Legislative Assemblies and the Legislative Assembly of the National capital territory of Delhi. Here there is need to look into the representation of the transgenders in political offices which perfectly align with the fabric of feminism.

8. Role of Court of Law

The Supreme Court of India is the guardian of the Constitution and guarantor & protector of the Fundamental Rights under Part III of the Constitution. The Court from time to time through its judgment emphasis on the necessity of the right to equality for all genders. The Court protect every individual from discrimination on any unreasonable ground. Therefore, whenever the question of

equality come before the Court, the same is taken into consideration by the Court seriously in order to uphold the justice. There are various case laws where we can see the concept of feminism in the judgment of the Court.

In the case of “*C.B Muthamma v. Union of India & Ors.*”¹⁷, a senior member of the Indian Foreign Service denied promotion to Grade I of the IFS on grounds which make one think that whether Article 14 & 16 belongs to reality or myth. She challenged few Rules of the IFS (Conduct and Discipline) Rules, 1961 on the grounds that they are violative of Article 14, 15, and 16 of the Constitution. The rules are- firstly, a female candidate, at the timing of joining IFS, need to give undertaking that if she gets married then she would resign; secondly, a woman under the IFS need to obtain the written permission from the Government before getting married and, that a married women officer may be required to resign from her post at any time after marriage if Government is satisfied that her domestic and family settlements are hampering her duties. Lastly, that no married woman is eligible to be appointed in the services. The court held that these provisions are contradictory to Art. 14, 15 and 16. It was stated that “if a woman member shall obtain the permission of government before she marries, the same risk is run by government if a male member contracts a marriage. If the family and domestic commitments of a woman member of the Service is likely to come in the way of efficient discharge of duties, a similar situation may well arise in the case of a male member....”¹⁸. This case shows that how court uphold the economic and social equality between man and woman officer.

In the case of “*Air India v. Nergesh Meerza & Ors.*”¹⁹, Regulations no. 46 and 47 of the “Air India Employees Service Regulations” was challenged on the grounds of infringement of Art. 14, 15 and 16 of the Indian Constitution. There are mainly 3 issues in this case- firstly, termination of service Air Hostess on the ground of marriage if it was solemnized within four years of the service; secondly, different retirement age for Air Hostess and wide power to Managing Director to extend such services at its discretion; lastly, termination of service on first pregnancy. It was held that termination of service on first pregnancy is arbitrary and unreasonable. The court held that in such cases a pregnant Air Hostess must be given benefit of Maternity leave instead of termination of service. Related to one of the issues, the opposite party (Corporation) contended that the Air Hostess should be youthful and attractive & should have pleasing manner which is not there in the women of old age. The court stated that such contentions are the “open insult of the institution of womanhood and is totally against the ancient culture”²⁰. The court to respective issue strikes out the invalid portion of the Regulation 47 which give option to Managing Director to extend the service at his discretion and held that Air Hostess will be retire after 35 years of age but it is mandatory for the Managing Director to extend their services up to 10 years more, we they are found to be medically fit. Related to the last issue of termination of the service if done marriage within 4 years of services, the Court held that it is a valid ground for the termination. The decision on ground related to marriage within 4 years gets highly criticize on the ground that it did not take

into consideration Art. 16 (2) and there is no reasonable classification.

In the landmark case of “*Vishaka & Ors. v. State of Rajasthan & Ors.*”²¹, the question is related to sexual harassment at workplace and the facts involve harassment of women specifically. The Hon’ble Supreme Court stated that “gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right. The common minimum requirement of this right has received global acceptance.”²² It was further stated that “the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to compass all the facets of gender equality.” Since at the time there is no legislation related to Sexual Harassment of women at workplace, the Court gave twelve guidelines that to be followed and along with them the Court direct that such guidelines should be followed strictly in all work places with a view to preserve and enforce the right to gender equality. This judgment is said to upholding the concept of feminism connecting it with Constitution. Although, the case revolves around the sexual harassment of women at workplace but the court observation is also related to gender equality.

In the recent and very famous judgment of the Supreme Court, “*Indian Young Lawyers Association v. The State of Kerala*”²³, also referred to as “Sabarimala Temple Entry Case”, the temple authority did not allow ‘women of menstruating age’ i.e., 10-50 years age, to enter in the temple, citing the celibacy of Lord Ayyappa. It was argued that such practice is discriminatory and violated the

constitutional rights of the women. The Court struck down such practice stating that it is violative of Article 14, 15, & 25 of the Constitution. Hon’ble Justice D.Y. Chandrachud stated that “holding that stereotypical understandings of sex hold no legitimate claim under our Constitution”.

There are many cases in which court uphold the equality between man and woman in social, political and economic field.

In another milestone case of “*National Legal Services Authority v. Union of India*”²⁴, the issue is related to gender identity of the transgender community. Our society abuse transgender community in public places and treat them as untouchables. The petitioner in this case seeks a legal declaration of their gender identity which is other than the one assigned to them at the time of their birth i.e., male or female and also prayed that if their gender identity is not recognized then it violated Article 14 and 21 of the Constitution of India. The court held that transgenders should be treated as “third gender” in order to protect their rights under Part III of the Constitution and at the same time direct the Parliament to make laws for them. The Court also upheld that it is their right to decide their “self-identified gender”. It was also stated that there must be the law that reservation should be there in the matter of appointment for the persons of the respective community under Art. 16(4) and state is under obligation to take inclusive actions so as to give them representation in the public offices. Related to this the Court direct the Central and State Government to extend all kind of reservation in case of education and public appointment. The court also analyzed the law and

stated that they also have political rights. So, this is the case that recognize the gender identity and the rights of the transgender community and provide them equality in social, economic and political field. As a result of this, the Parliament has enacted “The Transgender Persons (Protection of Rights) Act, 2019”.

Another pivotal ruling of the Supreme Court is “*Navtej Singh Johar v. Union of India*”²⁵. In this case, the issue is related to constitutionality of the portion of Sec. 377 of IPC that criminalized the carnal intercourse against the order of the nature due to which the LGBTQ+ community faced harassment, arrests and social stigma. The petitioners contended that this provision is violating the fundamental rights of the community. The Court upheld the same sex relationship and stated that “*sexual orientation is immutable, since it is in innate features of one’s identity, and cannot be change at will. The choice of LGBT persons to enter into intimate sexual relations with persons of the same sex is an exercise of their personal choice, and an expression of their autonomy and self-determination*”²⁶.

Recently, in 2023, the Supreme Court delivered another important judgment in “*Suprio @ Supriyo Chakraborty v. Union of India*”²⁷. After Navtej Singh case, the next step was the fight for legal recognition of same-sex marriages. The number of petitions were filed before Apex Court for recognition of Same-sex marriages under personal laws and states that not recognizing the same amounts to violation of Art. 14, 15, 19 and 21. By recognizing this right various other personal right also get recognized such as adoption, guardianship,

etc. But the majority held that there isn’t such right to marry under Part III of the Constitution hence, not recognize their marriage. The majority is the opinion that related to the same comes under the purview of legislative power and decides not to interfere. But, the former CJI D.Y. Chandrachud (minority decision) is of the opinion that since same sex relationship is recognized it is suggested that legal recognition should be given for civil unions and adoption rights. Also, added that denying them marriage equality amounts to discrimination but also accepted that Parliament should make law for the same.

9. Conclusion

Both man and woman play a key role in the development of the country and both must be considered equal. It has been a saying that educating a woman means educating the whole family. Women are facing discrimination from the very long time and their struggle for the achieving equality is still continue. The life of women is filled with many hurdles and they are still keep going with courage in their hearts. Women life is considered to be dependent on men like, as a daughter depend upon father, as wife depend upon husband, and as mother depend on upon son. They are still fighting for some basic rights which are actually available to them but on paper and not in reality. The feminist movement is not about treating men inferior to women by supporting women but it talks about treating women equal to men in social, political and political matters by uplifting them. Women in the Constituent Assembly didn’t want reservation for women but want equality in all respect. Our constitution has been framed at the

time when the status of women and transgender were miserable in the Indian society and they are not adequately represented. At such time our Constitution provides gender equality and includes provisions that somehow reflect the feminist thoughts. The majority of provisions are designed in such a beautiful way that it includes in itself right of transgenders along with others. The modern feminism deals with equality of all irrespective to sex, gender etc. But at the same time, there is need to make necessary amendments to add “transgender” term specifically in the Articles. The saying of CJI Hon’ble D.Y. Chandrachud that our Indian Constitution is feminist is correct.

Endnote

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¹³ INDIA CONST. art.14

¹⁴ Maneka Gandhi v. Union of India, AIR 1978 SC 597

¹⁵ Suchitra Srivastava v. Chadi, AIR 2010 SC 235

¹⁶ NALSA v. UOI, AIR 2014 SC 1863

¹⁷ AIR 1979 SC 1868

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