



The Secular Sisterhood: Challenging Communalism and Patriarchy in the Drafting of the Indian Constitution

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Abstract:

*This research examines the pivotal role of the “Secular Sisterhood”—a cohort of women leaders from Bengal—in shaping the Indian Constitution between 1946 and 1949. While traditional constitutional historiography often prioritizes a male-centric narrative, this study illuminates how figures such as **Renuka Ray, Malati Choudhury, and Leela Roy** synthesized **liberal constitutionalism** with **radical social reform** to challenge the dual structures of communalism and patriarchy. The study specifically investigates the strategic ideological shift from “particularist” protections to “**Gender Universalism**,” evidenced by their staunch rejection of reserved seats in favour of a **Uniform Civil Code (UCC)**. By analyzing their contributions to equality jurisprudence, the research demonstrates that these leaders utilized secularism not merely as a tool for religious harmony, but as a feminist instrument to liberate women from the restrictive “private sphere” of religious personal laws. The findings suggest that while their universalist gamble led to a temporary decline in formal representation in post-independence elections, their intellectual labour successfully institutionalized substantive gender equality within the Fundamental Rights. This study bridges the gap between feminist theory and political science, redefining the women of the Constituent Assembly as central architects of the modern secular republic.*

Keywords: Secular Sisterhood, Constituent Assembly of India, Gender Universalism, Uniform Civil Code (UCC), Bengal Women Leaders, Patriarchy and Communalism.

1. Introduction

The presence of women from Bengal in the Indian Constituent Assembly, such as **Renuka Ray, Sarojini Naidu, and Leela Roy**, represented a significant ideological bridge between the radical grassroots activism of the Swadeshi era and the formal legalism of a new republic. These leaders functioned within a “Secular Sisterhood” that sought to dismantle the dual structures of communalism and patriarchy that threatened to fragment the emerging state. According to Srivastava (2006), these women were not peripheral figures but central architects of social justice who utilized their experience in the nationalist struggle to argue that gender equality was the bedrock of a modern democracy. Their political philosophy prioritized the individual as the unit of rights, a stance intended to prevent the state from deferring to regressive religious customs in the name of cultural autonomy (Ray, 1943, as cited in Constitution of India).

A defining feature of their contribution was the strategic rejection of communal and gender-based reservations, an ideology often termed **Gender Universalism**. Leaders like Renuka Ray and Hansa Mehta (who, though representing Bombay, shared the AIWC's Bengal-influenced platform) argued that "special treatment" would only serve to segregate women from the mainstream political body and perpetuate the notion of their inherent weakness. As documented by the Lok Sabha Secretariat (1993), this refusal of quotas was a nationalist priority aimed at fostering a unified Indian identity that transcended the colonial "divide and rule" logic. By demanding equal opportunity rather than protective reservation, they sought to ensure that women entered the halls of power as sovereign citizens rather than as a "minority" dependent on state patronage (Jain, 1993).

Furthermore, the Bengal cohort was instrumental in advocating for the **Uniform Civil Code (UCC)** as a secular shield against patriarchal interpretations of personal laws. They recognized that while the public sphere might promise equality, the private sphere remained a site of profound inequity governed by religious mandates. Sarkar (1992) suggests that while mainstream nationalist rhetoric often sentimentalized women as the "spirit of the nation," the women in the Assembly actively deconstructed this essentialism. They pushed for the Hindu Code Bill and secular marriage laws to ensure that domestic rights—such as inheritance and divorce—were justiciable under the Constitution. Through these interventions, they ensured that the drafting of the Indian Constitution became a site of resistance against both the communal division of the people and the patriarchal subjugation of the home (Nigam, 2024).

1.1. The Statement of the Problem

The "Statement of the Problem" for a study titled *The Secular Sisterhood: Challenging Communalism and Patriarchy in the Drafting of the Indian Constitution* addresses the systematic marginalization of women's agency in traditional constitutional historiography. While the Indian Constitution is celebrated as a transformative document, the specific ideological labour of the women members from Bengal—who navigated the volatile intersection of post-Partition communalism and deep-seated social patriarchy—often remains a "historical footnote" (Srivastava, 2006). The core problem lies in the tension between nationalist priorities, which demanded a unified, often homogenized identity, and feminist perspectives that sought to dismantle the "legal disabilities" inherent in religious personal laws (Ray, 1943, as cited in Constitution of India, n.d.). This study identifies a critical gap: the failure to recognize how these leaders utilized **Secularism** not just as a state policy for religious harmony, but as a feminist tool to liberate women from the restrictive "private sphere" governed by patriarchal religious mandates (Sarkar, 1992).

Furthermore, the problem encompasses the strategic dilemma faced by these leaders regarding political representation. By staunchly rejecting reserved seats for women, leaders like **Renuka Ray** and **Leela Roy** risked political invisibility to uphold the nationalist ideal of a "single uniform citizenship" (Lok Sabha Secretariat, 1993). However, this "Gender Universalism" often clashed with the reality of a predominantly male-oriented and patriarchal Assembly where women's voices were frequently "ridiculed or dismissed". The central inquiry, therefore, is to determine how this "Secular Sisterhood" managed to institutionalize gender equality within the Fundamental Rights while simultaneously fighting the communal fragmentation of the nation, a feat that required them to constantly re-negotiate their roles as both "loyal nationalists" and "radical reformers" (Nigam, 2024; Jain, 1993).

1.2. The Significance of the Study

The significance of this study lies in its ability to deconstruct the "masculine" narrative of Indian constitutional history by centering the intellectual contributions of Bengal's women leaders as pivotal to the nation's democratic foundation. By examining the "Secular Sisterhood," this research highlights how these

women ingeniously repurposed secularism—traditionally viewed as a mechanism for communal peace—into a feminist instrument for legal emancipation, thereby establishing a precedent for gender-just laws within a multi-religious society. Furthermore, the study offers a critical re-evaluation of the “Equality vs. Protection” debate, providing contemporary relevance to discussions on the Uniform Civil Code and the efficacy of gender quotas in modern governance. Ultimately, this work serves to bridge the gap between feminist theory and constitutional law, illustrating that the rights of Indian women were not “granted” by a paternalistic state but were strategically fought for by visionary leaders who recognized that the abolition of patriarchy was essential to the survival of the secular republic.

1.3. The Objectives of the Study

O1: To analyze the intersectional political thought of Bengal’s women leaders, specifically how they synthesized liberal constitutionalism with radical social reform to influence the drafting process.

O2: To investigate the “Universalist” vs. “Particularist” debate within political representation in constituent assembly.

O3: To assess the role of the “Secular Sisterhood” in state-building, through the advocacy of a Uniform Civil Code.

2. The Review of Related Literature

The provided literature explores the intricate dynamics of gender, nationalism, and constitutional jurisprudence, emphasizing the transformative yet often marginalized role of women in the Indian state-building process. The following synthesis organizes these works into a thematic review of literature.

A recurring theme in recent scholarship is the systematic “undervaluing” of women’s contributions to the drafting of the Indian Constitution. **Khobung and Sagar (2024)** argue that historical narratives have disproportionately focused on male achievements, relegating the fifteen female members of the Constituent Assembly to the periphery. They highlight that these women—ranging from freedom fighters to attorneys—filled a critical gap in constitutional history by advocating for social justice and gender diversity. Similarly, **Bharti and Kumar (2024)** emphasize that despite their small number (15 out of 299 members), these women were instrumental in ensuring that gender equality was not merely an afterthought but a foundational principle of the new republic. They underscore the unique indirect election process of the Assembly, which required these women to navigate complex provincial politics to secure their seats.

The philosophical struggle to institutionalize equality is a central focus of **Kumar (2022)**, who analyzes how female members crafted “equality jurisprudence” to dismantle patriarchal and religious dogmas. A significant finding in this research is the women’s rejection of “positive discrimination” or reservations; they preferred a merit-based system that removed sex as a barrier entirely. However, Kumar notes a tragic limitation: the drafting process was often stifled by a “religio-masculine complex,” which prevented gender inequality from remaining at the forefront of the constitutional agenda. This tension illustrates the struggle of the “Secular Sisterhood” to balance radical social reform with the prevailing conservative attitudes of the time.

The broader context of state-building is addressed by **Khan and Kumari (2024)**, who frame the Constituent Assembly as the ultimate vehicle for national integration. They argue that the Assembly was designed to synthesize India’s diverse geographical, religious, and linguistic identities into a singular national consciousness. For the women members, this goal of national integration was a double-edged sword: while it provided a platform for universal rights, it often pressured them to subordinate specific feminist priorities to

the “greater good” of national unity. Their study traces the persistent demand by the Indian National Congress for a constitution that would act as a cohesive force for a fractured post-Partition society.

The gap between the high-minded ideals of the 1940s and contemporary political realities is bridged by **Bauri and Basu (2024)**. Their study of women’s political participation in West Bengal reveals a persistent gender bias that leads to a dichotomy between “effective participation” and “pseudo-participation.” By utilizing the Political Empowerment Index (PAI) and Political Awareness Index (PEI), they demonstrate that even in a state with a rich history of female leadership, legislative presence does not always equate to actual power. This contemporary analysis serves as a sobering follow-up to the Constituent Assembly debates, suggesting that the “universalist” dream of the founding mothers remains partially unfulfilled due to enduring structural barriers in local governance.

2.1. The Research Gap

Despite the emerging scholarship on the female members of the Constituent Assembly, a significant research gap exists in the failure to synthesize their intersectional political thought with the specific socio-political exigencies of the Bengal region. While current literature, such as Khobung and Sagar (2024) and Kumar (2022), acknowledges women’s general contributions to equality jurisprudence, it often overlooks how the unique revolutionary history of Bengal—characterized by a blend of Marxist-Brahmo radicalism and the trauma of Partition—shaped a distinct form of “Secular Sisterhood.” Existing studies frequently treat the rejection of reserved seats (Universalism) as a generic nationalist stance, failing to investigate the deeper ideological tension between liberal constitutionalism and the radical social reform required to address the “religio-masculine” barriers in the private sphere. Furthermore, while the advocacy for a Uniform Civil Code is noted as a secular ideal, there is a lack of detailed analysis on how these leaders strategically framed the UCC as an alternative to “Particularist” electoral quotas to ensure state-building remained a gender-just project. This study seeks to bridge this gap by examining how Bengal’s women leaders navigated these specific ideological intersections to transform the Constitution into a tool for both national integration and feminist liberation.

3. The Methodology of the Study

This study adopts a qualitative historical-interpretive approach, utilizing thematic content analysis of primary documents, specifically the Constituent Assembly Debates (1946–1949), to identify the ideological underpinnings of Bengal’s women leaders. Following the frameworks established the research employs a feminist historiographical lens to re-examine the tension between liberal constitutionalism and radical social reform. The methodology incorporates a comparative analysis of “Universalist” and “Particularist” arguments to evaluate how these leaders negotiated gender rights against nationalist priorities. Furthermore, it integrates secondary socio-legal literature and longitudinal data on political participation to bridge the gap between constitutional drafting and post-independence electoral outcomes. Finally, the study uses archival triangulation to validate the unique regional influences of Bengal’s revolutionary politics on the broader state-building project.

4. The Analysis and Interpretation

O1: To analyze the intersectional political thought of Bengal’s women leaders, specifically how they synthesized liberal constitutionalism with radical social reform to influence the drafting process.

The intersectional political thought of Bengal’s women leaders—such as **Renuka Ray**, **Sarojini Naidu**, and **Leela Roy**—represented a sophisticated ideological synthesis that bridged the gap between the elite corridors of **liberal constitutionalism** and the grassroots fervor of **radical social reform**. These leaders did

not view the Constitution merely as a charter for state administration but as a “revolutionary social document” designed to dismantle the centuries-old structures of patriarchy and communalism. According to Nigam (2024), their thought process was fundamentally intersectional because they recognized that a woman’s identity in India was inextricably linked to her caste, religion, and economic status; therefore, any constitutional framework that ignored these intersections would fail to achieve substantive equality. They utilized the language of liberal rights—equality, liberty, and fraternity—to demand radical changes in the private sphere, particularly in marriage, inheritance, and domestic autonomy (Ray, 1943, as cited in Constitution of India, n.d.).

One of the most elaborate aspects of their philosophy was the transformation of **Secularism** from a passive “tolerance of all religions” into an active feminist instrument for legal emancipation. While many male members of the Assembly viewed personal laws as a protected domain of religious freedom, the “Secular Sisterhood” argued that these laws were the primary site of women’s subjugation. As noted by Sarkar (1992), leaders like Renuka Ray were vocal proponents of a **Uniform Civil Code**, arguing that a modern state could not claim to be “liberal” if it allowed religious patriarchy to override the fundamental rights of its female citizens. This synthesis of liberal legalism and social radicalism was evident in their push for the Hindu Code Bill during the drafting years, where they framed gender equality not as a Western imposition, but as a necessary fulfillment of the nationalist promise of *PoornaSwaraj* (Complete Independence).

Furthermore, their political thought challenged the “protective” paternalism prevalent in contemporary nationalist discourse. Instead of accepting reserved seats or special quotas—which were often seen as a hallmark of colonial “divide and rule” policies—these women embraced a radical form of **Gender Universalism**. According to the Lok Sabha Secretariat (1993), they believed that demanding “special treatment” would reinforce the patriarchal stereotype of women as a “weaker section” in need of male guardianship. By advocating for a single, gender-neutral electorate, they aligned themselves with the liberal constitutional goal of creating a unified Indian citizenship while simultaneously executing a radical social move: forcing women into direct competition and participation within the public political sphere. This was a strategic gamble that prioritized the long-term political agency of women over short-term electoral gains (Jain, 1993).

Finally, the influence of Bengal’s radical revolutionary history played a crucial role in their approach to the drafting process. Leaders like Leela Roy, who had been involved in underground revolutionary movements, brought a militant insistence on **Economic Justice** to the constitutional debates. They synthesized the liberal focus on individual rights with a socialist-leaning demand for state-guaranteed social welfare. As Srivastava (2006) highlights, they were instrumental in ensuring that the **Directive Principles of State Policy** included provisions for just and humane conditions of work and maternity relief. This holistic vision ensured that the Indian Constitution did not just provide a “right to vote” (a liberal goal) but also laid the groundwork for the “right to live with dignity” (a radical reformist goal). Through this elaborate ideological blending, the women of Bengal ensured that the Indian Constitution became a tool for the total transformation of the Indian social fabric.

O2: To investigate the “Universalist” vs. “Particularist” debate within political representation in constituent assembly.

While prominent leaders like Renuka Ray and Sarojini Naidu dominated the headlines, the “Universalist vs. Particularist” debate was significantly enriched by other women from Bengal, most notably **MalatiChoudhury** and **Purnima Banerjee** (a Bengali woman representing the United Provinces). Their involvement provided a nuanced, often radical critique of how political representation should function in a post-colonial, post-Partition state.

The debate centered on whether women should be treated as a protected, “particularist” group with reserved seats or as “universal” citizens whose rights were guaranteed by merit and equal opportunity.

Malati Choudhury, born in Calcutta into a distinguished Brahmo family and educated at Santiniketan, represented the radical Marxist-Gandhian fringe of the Bengal delegation. Her “universalism” was not just a legal preference but a deep ideological conviction that political power should belong to the masses, not just an elite “representative” class. Unlike some of her contemporaries who viewed the Constitution through a liberal-legalist lens, Choudhury was skeptical of the Assembly’s “top-down” approach. She argued that “particularist” protections like reserved seats for women or minorities were superficial compared to the need for **economic emancipation**.

She synthesized universalism with **agrarian radicalism**. For her, a woman was first a “worker” or a “peasant.” By advocating for the abolition of the *zamindari* system, she believed she was providing more “universal” protection to women than any gender-based quota could (Chaudhary, 1946; Constitution of India, n.d.).

In a dramatic act of political principle, Choudhury resigned from the Assembly in 1946. According to Daksh India (n.d.), she felt that the “particularist” legal wrangling over quotas and seats was disconnected from the reality of the masses she represented. She chose to work with Gandhi in Noakhali, proving that her universalism was rooted in “shared suffering” rather than just “shared law.”

Purnima Banerjee (sister of Aruna Asaf Ali) was a Bengali woman who represented the United Provinces. She took a more pragmatic and often **functional particularist** stance, challenging the “blind universalism” of the male majority.

Banerjee raised one of the most specific particularist arguments in the Assembly. She proposed that if a seat held by a woman became vacant, it must be filled by another woman. She argued that in a patriarchal society, “universal” elections would inevitably favor men due to their social capital. According to Constitutional Law and Philosophy (2015), her proposal was met with extreme indifference and even sexism. Member H.V. Kamath mockingly supported her by saying the House should not “quarrel with Shrimati Purnima Banerji,” yet the proposal was ultimately rejected. Banerjee’s argument was an early recognition of what we now call **“Substantive Equality.”** She realized that “Formal Universalism” (treating everyone exactly the same) would lead to the exclusion of women in practice (Lok Sabha Secretariat, 1993).

For the women of the Bengal assembly, the debate was haunted by the **Partition of 1947**. The “Particularist” argument was often associated with the very communal divisions that led to the violence they witnessed.

Prior to 1947, many women’s organizations (like the AIWC) were divided on the issue of quotas. However, after the communal carnage in Bengal, there was a sharp pivot toward **Secular Universalism**. They feared that asking for a “Women’s Electorate” would look like asking for a “Communal Electorate,” which was seen as anti-national (Nigam, 2024). The rejection of reserved seats was a “gift” to the new nation to prove that women were not a “divisive” force. However, data from the **1952 elections** showed that this universalism resulted in only **15 women** being elected to a 489-member Lok Sabha (Jain, 1993).

O3: To assess the role of the “Secular Sisterhood” in state-building, through the advocacy of a Uniform Civil Code.

The “Secular Sisterhood”—a term encapsulating the unified ideological front of women in the Constituent Assembly—viewed the state-building process as an opportunity to reconcile the tension between religious pluralism and individual rights. Central to their vision was the advocacy for a **Uniform Civil Code (UCC)**,

which they framed not merely as a legal necessity for national integration, but as a critical instrument to dismantle the “particularist” cages of religious personal laws. Leaders like **Renuka Ray**, **Hansa Mehta**, and **RajkumariAmritKaur** argued that for a state to be truly secular and democratic, the domestic sphere (marriage, divorce, and inheritance) could not remain a “theocratic island” where women were denied the equality guaranteed in the public sphere. According to Srivastava (2006), they believed that as long as personal laws remained fragmented along communal lines, women would never achieve the status of full, undifferentiated citizens of the Republic.

This push for the UCC was intrinsically linked to their radical stance on **electoral representation and seat reservations**. In a move that defied conventional “particularist” politics, the Secular Sisterhood staunchly rejected reserved seats for women in the legislature. As documented by the Lok Sabha Secretariat (1993), they argued that quotas would create a “permanent minority” status for women, effectively ghettoizing them within the political system. By refusing reservations, they were strategically placing a bet on **Gender Universalism**. They contended that if the state guaranteed a Uniform Civil Code and equal fundamental rights, women would not need “protective” quotas because the legal barriers to their social and economic progress would be removed. For them, the UCC was the “substantive” foundation that made “formal” electoral equality possible (Jain, 1993).

The debate over the UCC and reservations became a site of intense political negotiation between the “Secular Sisterhood” and the patriarchal or communal factions of the Assembly. While male leaders like **AnanthasayanamAyyangar** cautioned against interfering with religious customs, the women leaders argued that such customs were the primary source of communal friction. According to Nigam (2024), they posited that communalism thrived because people were governed by different laws in their private lives. By advocating for a UCC, they aimed to create a **unified civic identity** that would eventually make communal or gender-based electorates obsolete. This was their “Secular” solution to the problem of representation: instead of partitioning the electorate into religious or gendered silos, the state should unify the people under a single law, thereby ensuring that every representative was answerable to a universal citizenry (Sarkar, 1992).

However, the “Secular Sisterhood’s” gamble on universalism faced significant data-driven challenges in the aftermath of the first general elections. While they successfully embedded the UCC in **Article 44** (as a Directive Principle), they could not secure it as a justiciable right. The refusal of reservations led to a stark under-representation in the first Lok Sabha, where women comprised only a tiny fraction of the elected representatives. As noted by Constitutional Law and Philosophy (2015), this outcome highlighted a tragic irony: the women leaders had provided the secular blueprint for a modern state, but the lack of “particularist” safeguards meant that the very patriarchal structures they sought to dismantle continued to dominate the electoral landscape. Their advocacy remains a foundational study in political science regarding the limitations of **Liberal Legalism** in the face of deep-seated social and communal biases.

5. Conclusion

The “Secular Sisterhood” of the Constituent Assembly, particularly the visionary leaders from Bengal, fundamentally redefined the trajectory of Indian democracy by positioning gender justice as an inseparable component of national sovereignty. By navigating the treacherous intersection of post-Partition communalism and entrenched social patriarchy, these women successfully synthesized liberal constitutionalism with a radical social reform agenda, ensuring that the Indian Constitution became a vehicle for structural transformation rather than mere administrative governance. Their strategic advocacy for Gender Universalism—manifested through the bold rejection of “particularist” reserved seats in favor of a Uniform Civil Code—demonstrated a sophisticated political gamble: that a truly secular state must prioritize individual rights over religious traditionalism to ensure the substantive liberation of women. Ultimately, their

intellectual labor proved that the abolition of patriarchy was a prerequisite for the survival of the secular republic, leaving behind a constitutional legacy that continues to challenge contemporary political frameworks to move beyond “pseudo-participation” toward a more inclusive and equitable democratic reality.

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