

WOMEN'S MOVEMENT WITHIN A SECULAR FRAMEWORK - REDEFINING THE AGENDA*

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i. A New Challenge to Existing Social Movements

Bombay has the reputation of being the home of many progressive social movements during both pre-independence and post independence period. Although the first communal riots recorded in the history of Bombay took place in 1893¹, during the period when the city grew into an industrial capital it acquired a cosmopolitan image, with the migrants providing the necessary vibrancy for the growth and expansion of the city. In fact this migrant character was conducive to many refugees taking shelter here after the partition. The riots during the later period did not affect Bombay in any significant way.

Hence the scale and intensity of the riots which followed the demolition of the Babri Masjid at Ayodhya took the Bombayites by surprise. They dealt a serious blow to the cosmopolitan and progressive image of the city. The city which had welcomed with open arms refugees of all natural and man-made calamities and provided them with the basic minimum means of sustenance witnessed a large scale exodus. Many of its age old trades as well as its endeared traditions went up in flames with the tacit approval of thousands of spectators.²

The riots posed a new challenge to the social movements in the city. Every stone, every pebble thrown by the frenzied mob became the touch stone upon which their work had to be tested. And sadly, faced with this new challenge, they failed miserably. It was evident that building a counter secular force had not been in their agenda and hence they could not counter the rising wave of communal passions. The feeble voice raised by a few groups was drowned in the sea of venom and hatred into which the city had plunged. Even worse, some trade unions and community organisations became the fertile collective on which this venom was nurtured and nourished.

As the city 'went back to normal' and the organisations tried to pick up the threads they sensed a sharp cleavage. The beneficiaries of a programme or the members of a union had been divided into two sectors - the majority and the minority.

The question foremost in the minds of secular minded persons was an obvious one, 'Why did this happen... and when...? And where did we go wrong?' Did the venom of

¹ Jim Masselos: 'The City as Represented in Crown Action: Bombay 1893' (1993) Economic & Political Weekly Vol. XXXVIII No.5 January 30 Pg.182

² For detailed account of Bombay riots see two articles titled 'The Winter of Discontent' (pg.12-42) and 'A City at War With Its Self' (Pg.43-108) by Clarence Fernandez & Naresh Fernandes in WHEN BOMBAY BURNED edited by Dilip Padgaonkar (1993) A Times of India Publication.

communalism spread over night? If not, did the movements themselves consciously or unconsciously participate in this process? The riots affected different social movements in different ways. Since my work has primarily been within the of women's movement, I am posing the questions within its confines.

ii. The Women's Movement in India

Around late seventies and early eighties the autonomous women's movement began to take shape mainly around the issue of rape and bride burning. The groups which mushroomed in various cities consisted of women from left and liberal backgrounds many of whom were professionals from middle and upper strata of society.³ To focus attention to the issues, women walked the streets in protest marches shouting slogans.

The initial spontaneous protest marches led to more sustained activities like counseling centres and support services.⁴ Women from both lower and middle strata approached the centres for help in a crisis situation. These centres subscribed to a pro-women ideology which can be termed as broadly feminist, although some groups refrained from using this term. They challenged the traditional and conservative role of women as subordinate partners within domestic and social relationships.

Although the groups remained small in number, the movement was highly visible as it received wide media publicity. This acted as a pressure tactics and the state was forced to respond. Women's issues were placed on the agenda of state sponsored developmental schemes, social work programmes and sociological research. The government set up anti-dowry police cells to help victims of domestic violence. There were also several cosmetic efforts at legislative reforms although the inadequately formulated laws did not have the desired effect.⁵

While the counseling centres remained at the crisis intervention level, several community organisations and non-governmental organisations (NGOs) formulated programmes to address the economic issues concerning women particularly in the unorganised sector. Some of these NGOs were headed by women who subscribed to this new ideology and hence were able to transgress the narrow boundaries of 'women's welfare' and incorporate the new concept of 'women's empowerment'. Although they did not directly challenge the subordinate role of women within marriage nor address 'personal' issues like domestic violence, they indirectly helped in the empowerment of women through developmental work.⁶

³ Forum Against Oppression of Women, Bombay; Stree Sangharsh, Delhi, Stree Shakti Sanghatana, Hyderabad, Sachetana, Calcutta.

⁴ Saheli, Delhi, Vimochana, Bangalore, Women's Centre, Bombay Ahmedabad Women's Action Forum (AWAG), Ahmedabad

⁵ Flavia Agnes (1992) Protecting Women Against Violence? Economic & Political Weekly (April) p.WS-19

⁶ Annapurna, Bombay; Self Employed Women's Association (SEWA), Ahmedabad; Working Women' Forum, Madras; Women's Voice, Bangalore.

The autonomous women's movement focussed on issues which challenged the patriarchal power structures within a broad liberal framework. There were several instances where the movement addressed issues concerning dalits, tribals and landless labourers.⁷ The movement was also active in providing relief during communal riots and worked in broad secular forums. The women's organisations played a prominent role during Anti-Sikh riots in Delhi in 1984 addressing the question of widows, during the communal riots in Ahmedabad by providing loans and immediate reliefs to women victims of communal violence and participated in government survey and relief programmes and during the Bhiwandi riots in Bombay in 1984. The active participation of women's organisations helped to focus on specific issues which affect women and bring them into the agenda of secular forums.⁸

During community conflicts resulting in police excesses or during human tragedies, the movement was able to place gender concerns on the agenda of human rights and civil liberties.⁹ But overall, it worked from a presumption that gender lines can be drawn up clearly and sharply in a patriarchal society and within these parameters sexual assault and domestic violence affect women equally across class, culture and religious barriers.

iii. Secular Culture as an Agenda

The leaders of this autonomous movement remained predominantly urban and upper class Hindu. Their work centered mainly in areas away and outside their own immediate neighborhood and community context. In order to reach out to women from a different class, caste and culture and to propagate the new ideology of the strong and assertive woman, the movement adopted a populist approach and relied upon mythical symbols of Shakti and Kali to convey the newly constructed feminist ideology. The movement relied more upon myths and fictions rather than on the history of a pluralistic society encompassing within its frame work cultural idioms of minority communities.

The intention of using the symbols from the dominant culture was not to propagate the Hindu ideology. But since the movement did not have 'secularism' as one of its prime objectives, no conscious efforts were made to evolve alternate symbols. Hence the cultural expressions with which the women who were in the forefront were familiar with, had surreptitiously crept into the women's movement.

⁷ Sunderlal Bahuguna (1980) Herstory - Women's Nonviolent Power in the Chipko Movement MANUSHI No.6 Pg.34; Burnard Fatima (1983) Despite Heavy Odds - Organising Harijan Women in Tamil Nadu Villages MANUSHI No.19 Pg.33; Alaka & Chetna (1987) When Women Get Land - a Report from Bodhgaya MANUSHI NO.40 Pg.25; Peter Clusters (1986) Women's Role in Tebhaga Movement - An interview with Bimla Maji.

⁸ Madhu Kishwar (1984) Gangster Rule - The Massacre of the Sikhs MANUSHI No.27 Pg.34; SEWA Report on Communal Violence (1986) Why This Slow Murder MANUSHI No. 33 Pg.5; Sonal Mehta(1986) 'We know the Weapons will finally turn on us. Recurrent Anti Muslim Riots in Ahmedabad MANUSHI No. 36 Pg.7; Lalita Ramdas & Jaya Srivastava (1986) 'From Day To Day - Envisioning Tomorrow - Working with Victims of Anti Sikh Riots at Tilak Vihar' MANUSHI No.36 Pg.35.

⁹ Civil Rule Threatened in Nor East - The Lawyers Vol.4 No.2 (February, 1989) Pg.24; Shashi Sinha (1985) Bhopal - How Women Suffered MANUSHI No..29 Pg.36;

The feminist movement also had to constantly counter the allegation that it is 'Western'. So in order to establish the 'Indianness' of the movement it relied on Hindu iconography and Sanskrit idioms denoting woman power, thus inadvertently strengthening the communal ideology that Indian, Hindu and Sanskrit are synonymous.

Within this social milieu of a high caste Hindu culture, the handful of minority women who were vocal and articulate had also internalised the dominant culture and hence did not protest against this trend. On the contrary, in order to prove their secular credentials they willingly divorced themselves from their own traditions and cultural symbols of women's strength and power and accepted not just cultural symbols but even food habits and dress codes of the dominant section.

iv. Women and Communal Forces

With the women's concerns gaining prominence in both governmental and non-governmental organisations during the eighties, women's issues became an important agenda for all political parties. Initially the political parties refrained from raising issues of domestic strife and male dominance within party organisations. The women who needed support against violent husbands or male colleagues had to approach a women's organisation to deal with this issue. This conservative approach was maintained not for traditional and reactionary reasons of preserving the family but more in order to preserve the existing status quo within party cadre. But over the years some party affiliated women's organisations started addressing issues of women's oppression within the family through counseling centres.¹⁰

In Bombay, during the mid-eighties, the communal party - Shiv Sena which was gaining popularity within the lower middle class was able to mobilise a large number of women around support activities like income generation, creches, and midday meals for children, civic amenities, ambulance services etc. The movement also appropriated cultural platforms of public celebrations of Hindu festivals like Ganesh Utsav and Satya Narayan Pooja which were popularised by Tilak during the nationalist struggle in the pre-independence era. In addition, the 'sun of the soil' theory propagated by the Shiv Sena had also managed to carve out a special niche for women. As mothers of these sons of the soil the women were bestowed a special role and responsibility.

Through a systematic hate campaign the Shiv Sena, was able to whip up communal tensions among their women cadre. The image of the modern Hindu woman which was constructed while advocating the communal Hindu ideology was not the traditional subservient and docile domestic being but a new modern Durga, the destroyer of the evil, an angry and rebellious woman. This construction of the modern Hindu woman resembled very closely the Indian construction of the new 'feminist' woman.

¹⁰ Bharatiya Mahila Federation of CPI; Janwadi Mahila Sanghatana of CPI (M); Mahila Dakshata Samiti of Janata Dal and Stree Mukti Sanghatana of Lal Nishan Party.

This new woman could come out on the street with equal ease just as the men from the community to avenge the wrongs. And in this action she had the blessings of the political party and the community leaders. Hence, women found this role not only exciting but also more comfortable in comparison to the protests against a violent husband or a rapist from within the community because then they would not have the protective mantle of the party nor the blessings of the community elders.

Though the ideology of the feminist movement could not be transmitted, the Hindu communal forces usurped the external usages popularized by this movement of protest marches and road blocks which are contrary to the conservative domestic role of the traditional Hindu woman. The irony lay in the fact that the communal parties were able to mobilise women far more easily using the image of the modern Durga than the movement which had popularised these forms in the first place.

To its dismay the women's movement found that the new found strength the Shakti of the modern Durga was not directed against violence within the home and community but was directed externally towards the Muslim - both men and women. In this process the myth that all women are equal and could be mobilised around a common issue on a common platform lay shattered. Hence slogans such as 'Sisterhood is Powerful' or '*Hum Sub Ek Hai*' (We are all United) lost their relevance. But what was even more distressing was that the women from the communal organisations mouthed slogans coined by the women's movement '*Hum Bharat Ki Nari Hai; Phhol Nahi Chingari Hai*' (We are the Women of India, not delicate flowers but fire flames) while leading the demonstrations during the riots or while the Babri Masjid was being torn down.

v. Merging of Demands - Obscenity & Uniform Civil Code

The merging of lines between communal forces and women's organisations did not stop just at an abstract level of symbols and slogan but also found an expression through some of the more concrete demands raised by the movement.

Obscenity is one such issue. The women's groups had taken up a campaign against obscenity in the media. The aim was to protest against using women bodies as sex objects or in derogatory and subservient roles. The campaign received the support of people from varied tendencies from Victorian moralists to Hindu revivalists. The issue became very popular with communal parties. In Bombay the women's wings of the Shiv Sena and BJP organised demonstrations and stormed the Doordarshan studio to protest against the late night screening of classic films on the television including films which portrayed an assertive woman.

In the hands of communal forces the issue took a dangerous turn of an informal censorship curtailing freedom of speech and expression for secular issues. In an agreement signed by the Film Makers Combine (FMC) the producers of Hindi cinema have given an undertaking that they will not portray the demolition of Babri Masjid, the performances of Maha Aratis (which ignited communal frenzy in Bombay in the month

of January) or any other issue hurting Hindu sentiments along with an undertaking not to portray images of women in derogative roles.

The second such issue is the demand for a uniform civil code. The women's movement had a sustained campaign for reforms within the segregated and religion based marriage laws and pressurized the state to evolve a non-sexist secular code. This demand found an echo in a similar demand by the communal forces.

The family laws in India are termed as 'personal laws' and are divided along religious affiliations rather than territorial jurisdiction. Even after independence no effort had been made to evolve a uniform civil code inspite of the constitutional mandate. The ruling party, in order to lure the minority vote continued to sacrifice the rights of minority women. Examples of this tendency can be found in laws governing Christian and Muslim minorities. The only exception is the recent reform in laws governing Parsis.¹¹

The archaic and anti-women Indian Divorce Act was enacted by the British in 1869 to facilitate the smooth functioning of the colonial regime, to facilitate the divorce of its officers posted in India. But today it is applicable to Indian Christians (who are referred to as 'native Christians' in the Act). Under Section 10 of the Act while a man can get divorce only on the ground of adultery the woman has to prove an additional ground such as cruelty or desertion.¹² Repeated pleas to change this oppressive provision by Christian Women's organisation¹³ as well as recommendations by the Law Commission have fallen on deaf ears.¹⁴

In a similar vein the Dissolution of Muslim Marriages Act of 1939 governing the divorce of Muslim women which has no provision for custody of children or for maintenance has remained unchanged. Further, the customary privilege of the Muslim male to a unilateral talaq is held valid inspite of protests from Muslim Organisations.¹⁵

But the most stark example of this tendency was the passing of the Muslim Women (Protection of Divorce) Act 1986. A judgment in 1985 popularly known as the Shah Bano judgment¹⁶ which reaffirmed the divorced Muslim woman's right to maintenance aroused the wrath of the leaders of the Muslim community because of certain adverse comments made by the judiciary against Islam. The adverse campaign led to passing of

¹¹ Amendments to the Parsi Marriage & Divorce Act, 1936 by Act 5 of 1988 (with effect from 15th April, 1988)

¹² Heera Nawaz (November, 1998) 'Section 10 of the Indian Divorce Act - Need for Amendment' The Lawyers Vol.3 No.10 Pg.14

¹³ Joint Women's Programme (1986) Christian Women Demand Reform MANUSHI No.33 Pg.34

¹⁴ Law Commission of India, 90th Report on The Grounds of Divorce Among Christians in India, S.10 Indian Divorce Act, 1989 (1983)

¹⁵ Shikhare (1986) Talaq Mukti Morcha in Maharashtra MANUSHI No.32 Pg.23

¹⁶ Mohd. Ahmed Khan v. Shah Bano Begum AIR 1985 SC 945

laws which deprived divorced Muslim women of their hard won right to maintenance under a secular code.¹⁷

It was not surprising that the demand of uniform civil code raised by the women's movement aroused contradictory response from fundamentalists depending upon whether they hail from the majority or the minority communities. It was opposed strongly by Muslim and Christian religious leaders who perceived it as a threat to their cultural identity and violation of fundamental rights guaranteed by the Constitution.¹⁸

But it became an important plank upon which the hate for the Muslims could be ignited. Through it, the Hindu communal organisations were not only able to gain popularity amidst the Hindu male who envied his Muslim counterpart for his freedom to practice polygamy¹⁹ but could also pose as the champions of women's cause.

vi. The myth of a progressive Hindu Code

There was a very clear difference between the demand made by the women's movement which was based on a pro-woman, secular and non-sexist ideology and the anti-Muslim demand of the communal forces. But this did not clearly manifest through well publicised campaigns. Although most of the initiators of the movement were culturally Hindu they perceived themselves as secular beings.

Hence they did not focus sharply and minutely on the Hindu code and the challenges to the sexist bias within it.²⁰ But at the other level the movement could rally around important cases initiated by a few minority women challenging the sexist biases within their personal laws.²¹ This resulted in the women's movement focussing primarily on lacunae within laws governing minority communities.

¹⁷ The Muslim Women's Act excluded a divorced Muslim woman from the purview of the beneficial social legislation under Section 125 of the Criminal Procedure Code of 1973 which provides for maintenance of wives, children and parents.

¹⁸ Articles 25 - 28 of the Constitution guaranteeing freedom of religion

¹⁹ To give an example in *State of Bombay vs. Narasu Appa Mali* AIR 1952 Bom.84 it was contended that banning polygamy among Hindus violated the provision of equality under article 15(1) of the Constitution.

²⁰ *Is a Father Natural Guardian - Hindu Guardianship Act Challenged*. MANUSHI No. 35 (1986) Pg.33; *Smt. Madhu Bala vs. Arun Khanna* - AIR 1987 Delhi 81 reported in 'Natural Mother as the Custodian of Her Child' (October, 1989) *The Lawyers* Vol.4, No.10 Pg.17; *Shamona Khanna* (April, 1992) - *Challenging the Unequal Position* *The Lawyers* Vol.7 No.4 Pg.28.

²¹ *Challenge to the Inheritance Laws of Syrian Christians* by Mary Roy [Mary Roy Vs. State of Kerala AIR 1986 SC 1011] and *Challenge to S.10 of the Indian Divorce Act* by Mary Sonia Zacharia [Mary Sonia Zachariah v. Union of India (1990) 1 Kerala Law Times (KLT) 131] These litigations were supported by Christian Women's Organisations i.e Young Women's Christian Association (YWCA) and All India Council of Christian Women (AICCW) and Joint Women's Programme (JWP). Similarly the issue of triple Talaq was raised by Talaq Peedit Mahila Morcha, Pune. Ms. Shahnaz Sheikh filed a case in the Supreme Court challenging various discriminatory provisions under the Muslim Personal Law in 1984 (see *Abusing Religion to Oppress Women*. MANUSHI No. 22 May-June, 1984 Pg.9) *Challenge to the Muslim Women's Act* by P.K. Saru

Perhaps a few examples of the extent of sexist biases within laws governing Hindus are necessary to clarify the issue. The first and concrete example is the Hinduisation of the Special Marriage Act. While the Muslim Women's Bill which deprived the Muslim women their right to maintenance under a secular code was strongly criticised, the amendment of 1976 to the Special Marriage Act of 1954 went unnoticed. This was the forerunner to the Muslim Women's Act and the first instance after independence when the trend towards uniform secular code was reversed. A religious group was taken out of the purview of the secular code and placed within the purview of a code based on religion. By this amendment if two Hindus married under the Special Marriage Act then the secular code which granted equal rights to men and women - the Indian Succession Act of 1925 would not apply to them and parties continued to be governed by the Hindu Succession Act which ensured male coparcenary rights.²²

The amendment was both anti women and anti minority. It sought to protect the property interests of a Hindu male who married any woman within the broad Hindu fold by not depriving him of his coparcenary rights. Since the concept of coparcenary (through which a male member by birth becomes a partner in the ancestral property and a woman can never be a coparcener) per se is anti-women this amendment was de facto against women's rights. At the other level it served as a deterrent to a Hindu male wishing to marry a woman from the minority religious communities because then he could be penalised by forfeiting rights to his ancestral property.

This amendment aroused no public furor from progressive organisations. Perhaps it is apt to point out that this amendment was passed at a point in history when the legislature enacted major changes in laws governing women's rights, as a response to the Status of Women Committee report of 1974 '*Towards Equality*' and the International Women's Year - 1975.

Several other lacunae within the Hindu Code also went unnoticed. For instance the procedure of solemnizing the Hindu marriage at one level remained Brahmanical But at the other level the code validated customary rituals and ceremonies. To this confusion the Hindi films have contributed their bit by creating a fiction that exchanging garlands or applying Sindoor to the forehead of the girl constitutes valid marriage. This confusion coupled with non registration of marriages has enabled the Hindu male to contract second marriage with impunity.

In a divorce proceedings, a Hindu male can, at his whim and fancy admit either his first or his second sexual relationship as a valid marriage. This places the woman in a polygamous relationship extremely vulnerable, while it permits the man to enjoy the fruits of the relationship without any financial responsibility. When the man refuses to validate the marriage, the woman loses not only her right to maintenance but has to

reported in Hazir Hai (November, 1987) The Laywers, Vol.2 No.11 Pg.23. The cases are pending in the Supreme Court.

²² Section 21(A) of Special Marriage Act, 1954, Instituted by the Marriage Laws (Amendment) Act 1976 (68 of 1976) Section 22 (with effect from 27th May, 1976).

face humiliation and social stigma as a 'mistress'. So much is at stake for the woman that it is not an uncommon sight at the family court in Bombay for two women who are vying with each other for the status of a wife to come to a physical brawl.

Only the Hindu Marriage Act permits the scope for ambiguity regarding the solemnization of marriage. Under other laws the officiating priest has to provide the necessary document by way of a '*Nikah Nama*' or he is required to register the marriage with the Registrar of Births, Deaths and Marriages.

In criminal prosecutions for bigamy under S.494 of the Indian Penal Code, years of litigation fails to end in conviction for the errant male due to the courts adopting a rigid view that only Saptapadi and Vivahahoma are valid marriage ceremonies.²³ If these ceremonies could not be proved in the second marriage the courts held that the second marriage was not valid even though the couple is living as husband and wife and the community accepts them as such.²⁴ Hence the progressive sounding provision of monogamy not only turned out to be a mockery but in fact even more detrimental to women than the uncodified Hindu law which recognised rights of wives in polygamous marriages.²⁵

Continuation of coparcenary concepts within the Hindu Succession Act denied of equal property rights and the right to ancestral home and property.²⁶ The daughters had equal rights only in the self earned property of their father. This provision made it easy for men to turn their self earned property into a joint property and deny women property rights. While introducing the provision of property rights to women in Parliament, this lacuna was pointed out to appease the Hindu revivalists who had vehemently opposed the provision granting property rights to women.²⁷ Some southern states like Tamilnadu, Andhra Pradesh and Karnataka have tried to rectify the discrimination to women through state amendments.²⁸

Under the Hindu Adoption and Maintenance Act, a Hindu wife can neither adopt nor give her child in adoption.²⁹ The father remained the natural guardian of the child under the Hindu Guardianship and Adoption Act. But based on the deep rooted desire to control women's sexuality, the law continued its distinction between legitimate and illegitimate children and made mothers the natural guardians of their illegitimate children absolving the fathers of any moral responsibility towards the child.³⁰ While at one level equal property rights were denied to the Hindu woman both in ancestral as well as marital home, under some strange and perverse notion of equality a Hindu woman was called

²³ Section 7 (1) & (2) of Hindu Marriage Act, 1955.

²⁴ Bhau Rao v. State of Maharashtra AIR 1965 SC 1964; S. Varadarajan vs. State of Madras AIR 1965 SC 1564; Priyalata vs. Suresh AIR 1971 SC 1153.

²⁵ Anupama Pradhan vs. Sultan Pradhan 1991 Cri.L.J.3216 Orissa HC.

²⁶ Section 6 of the Hindu Succession Act, 1956; See P..M. Bakshi (April, 1988) 'Partition Rights of Female Hiers' The Lawyers Vol.3 No.43 Pg.14.

²⁷ Arachana Parasar (1992) Women and Family Law REform in India at Pg.128

²⁸ Heera Nawaz (July, 1988) Equal Property Rights to Women in Karnataka Vol. 3 No.6 Pg.16.

²⁹ Section 8 (c) of the Hindu Adoption and Maintenance Act 1956.

³⁰ Section 6 (a) & (b) of Hindu Minority and Guardianship Act, 1956.

upon to pay maintenance to her husband a provision which thankfully was non-existent in other personal laws.³¹

But unfortunately none of these anomalies and anti-women bias within the Hindu code received wide media publicity. They remained hidden in statute books and legal manuals. The women's movement did not rally around litigations challenging these anti women biases in its campaign for a uniform secular code. Hence the demand by the women's movement could not clearly position itself away from the sexist Hindu code. So by default, the movement contributed to the fiction popularised by the fundamentalist that the Hindu Code is the perfect family code which ought to be extended to other religious denominations in order to liberate women.

The women's movement could not allay the fears of the minorities that the Hindu code would not be thrust upon them under the guise of 'uniformity' in order to crush their cultural identity. Hence the brunt of this default will have to be borne by women from minority communities who are already burdened under sexist and archaic laws. The severe opposition from fundamentalists of both Christian and Muslim communities to the uniform civil code and assertion of their cultural identity means further obstacles to the rights of minority women.

vii. Women's Rights within Communal Organisations

Till recently the women leaders of communal organisations have been advocating a conservative role for women. The public statements of Rajmata Vijayaraje Scindia and Mridula Sinha the President of the Mahila Morcha (the women's wing of the rightist party - the Bharatiya Janata Party - BJP) publicly supporting the derogative practices of Sati and dowry are well known. Although out of the 200,000 kar sevaks who went to Ayodhya 55,000 were women, their role was mainly behind the curtain cooking and feeding the male counterparts.³²

But as large numbers of women enter the public arena under the banner of communal forces slowly but steadily the older and conservative notions about women's role and status in society will give way to a struggle for equality within the organisational structure. This can be seen from the recent rebellion among a group of BJP women MPs against the sexist insult of Uma Bharati. Newspapers reported rumblings of discontent in the Mahila Morcha of BJP which is demanding a broader representation within the organisations. Even the most conservative Hindu organisation the Rashtriya Swayamsevak Sangh (RSS) imparts physical training with a special accent on the martial arts to its women members, the Rashtra Sevikas.³³ Indicating this shift in party's attitude

³¹ Section 24 & 25 of the Hindu Marriage Act, 1955. See also Shamona Khanna (1992) 'Padmasini's Quest for Justice' The Lawyers - March, 1992 Pg.25. Also note that the 1988 amendment to the Parsi Marriage & Divorce Act, 1936 has granted Parsi men the right of maintenance under Sections 39 and 40 of the Act.

³² Diva Arora - The Telegraph 27th December, 1992.

³³ Tanika Sarkar (1992) - The Crucible that Moulds - Pioneer 23rd December 1992.

to the women's question, Mridula Sinha, the President of the BJP's Mahila Morcha stated in an interview that women leaders are working on a perspective paper on 'BJP and Women'. She added that it is important that women know their rights and only by educating them and making them independent entities can women access these rights. Further she condemned the Muslim Women's Act as a backward step. According to her the BJP has never discouraged women from standing for elections. During the 1989 the BJP fielded the highest number of women i.e. 5.5 per cent as compared to the 4.5 per cent of the Congress and 3.3 per cent of the Janata Dal 3.3.

Even the Shiv Sena has been taking a more active interest in women's issues in recent times. In a case where a minor domestic worker was repeatedly raped by her employer which resulted in pregnancy, the issue got public attention when a Shiv Sena MLA raised it in the state legislature. Shiv Sena has also been reporting rape cases at times even more promptly than English newspapers. For instance a case of gang rape on a teenager which occurred on 17th November, 1993 was reported in Samna the mouthpiece of Shivsena on 18th November, 1993 and the same news item appeared in the Times of India five days later i.e. 23rd November, 1993. The Hindi version of the same paper Dopahar ki Samna also carried a sensitive and informative report denouncing police inaction and corruption while investigating rape cases and by providing accurate statistics lamented the delays and humiliation caused to women in court rooms. It is interesting to read the other two other articles on the same page. An editorial on the Kashmir issue while blaming Pakistan stated that it is time to de-robe Benazir (The exact words used are - Benazir ka lehanga utarne ka yeh sahi vakht hai and Clinton ko batana zaroori hai ki Benazir ka chowli ke peeche kya hai') The third article commenting on the demolition of the Babri Masjid stated that the demolition of Babri Masjid was essential not just to assert Hindu identity but to preserve democracy and human values in society.

With women's concerns gaining prominence the women's organisations will be forced to choose its political alleys within the existing political set up. For instance the recently constituted women's commissions both at Central and State level will be broad forums which includes representations from women's organisations along with other political parties. While this will provide the opportunity to influence policy decisions, the representatives will have an option either to be co-opted by the ruling party or form broad alliances with the opposition including the communal organisations. The question which needs to be addressed is whether in order to strengthen women's interest it would be strategical to join hands with communal forces in broader forums which might amount to a tacit endorsement to their anti-Muslim propaganda. Or should commitment to secularism and minority rights be a precondition to forming coalitions for women's rights.

viii. New Challenges during the Post-Riot Phase

While these issues have not been adequately addressed, the complexities of the post riot situation have brought minority concerns centre stage. Some groups feel that women's issues could no longer be addressed merely within a patriarchal framework along gender lines but would have to be re-examined within the newer challenges to democracy,

secularism and minority rights. The questioning does not limit to controversial issues like personal laws but extended even to seemingly non-controversial issues like domestic violence.

Here is one example of the choices which were thrust upon women's groups in the context of the riots. Around October, 1992, the Joint Commissioner of Police Mr. R.D. Tyagi issued directions to the subordinate police stations that cases of domestic violence should not be registered against women who do not bear visible marks of physical injury on their person. This direction was a setback. It is through a sustained campaign that a special provision was incorporated within the Indian Penal Code i.e. Section 498(A) which recognised both physical and mental violence against women within the matrimonial home. Although the officer later retracted his statement, to counter the allegation that women misuse this provision, a seminar was planned with police and legal authorities and was scheduled for January, 1993.

But the riots of December, 1992 changed drastically the original context of the seminar. In the wake of the large scale police brutality where groups of young boys picketing on the roads were shot down by the police, the faith of the minority community in the law enforcing machinery had totally broken down. Large numbers of Muslim youth with bullet injuries were hiding in their homes haunted by the fear that they will be locked up if they come into the vicinity of the police stations.³⁴

In such a situation where one whole community was being held at ransom, the issue of domestic violence had lost its earlier context. By organising a seminar on domestic violence we would be helping the police to defuse the more pressing issue of police excesses during the riots. Interaction with the law enforcing machinery in a forum on women's issues would amount to condonation of their brutality towards Muslims.

The police were too eager to arrest Muslim men under any pretext. They would have entertained a Muslim women's complaint with undue eagerness and responded to it promptly. Viewed within the context of the women's movement, it would have been an ideal situation, but the response would in fact be anti-Muslim rather than pro-women. By applauding this move on the part of the police the movement would be segregating the issues affecting the Muslim women into isolated compartments of gender and religious identities.

During these months of political instability the number of women approaching the agencies for help had decreased. The number of Muslim women following up their court cases had gone down even more drastically. The violence and instability had corroded the social fiber an essential pre-condition for raising the question of domestic conflict.

ix. Extended Social Space for Women During Conflict

³⁴ Madhu Kishwar (1993) 'Safety is Indivisible - The Warning from Bombay Riots' MANUSHI No.74-75 Pg.2

But ironically the social space which is denied to women in peace times was now being offered to them on a platter in the face of grave adversity. Women from both communities were being used or became willing martyrs in aid of the community defying traditional norms and roles. In predominantly Muslim localities women became the buffer between police and the community youth and hence suffered casualties.

The elderly neighbors of 50 year old Neelam Bano who was shot dead on 8th December, 1992 in a slum in Bandra East say, 'As the police opened fire, a group of us elderly women came out. We did not let the boys come out as the police might fire at them. We did not think that the police would fire at a group of elderly women.'³⁵ In many bustis while men went into hiding, the women braved the bullets to fend for the children with a great sense of pride and honour. It is the women who stood in long queues to claim relief at the collector's office or went to police stations to lodge complaints.

On the other side, the Shiv Sena was able to mobilise a large section of women to hold traffic blocks and demonstrations outside police station to protest against detention of community youth, even at midnight. Women slept on the roads to prevent army trucks from entering the area to rescue Muslim hostages or put off the blazing fires.³⁶ The slogans which the left groups had used to strengthen collective actions were now used to whip up communal frenzy among violence mobs. For instance the slogan - '*Hum se jo takarayega, Mitti me woh mil jayega*' (Those who confront us will be destroyed – or, in other words - *might is right*) rent the air.

But sanction to oppose traditional norms did not imply that they would not be victims of sexual jealousy and domestic violence within the homes. So the women who threw stones at the Muslim men while they were being set on fire in the middle of the road, would yet have to approach a women's organisation for help in personal problem.

With the Muslim community the equation was in the reverse. The community leaders who were fighting for a legitimacy and a right to dignified existence in a riot torn situation became our allies in anti-communal forums. But at that moment we could not dare to ask them their views on the *Shah Bano* judgment or tripple talaq. And even while we were being welcomed with open arms during peace rallies we are apprehensive that riot time allies might become peace time adversaries. The same men may deny us access to the women once normalcy is returned if we work on the issue of maintenance to the divorced Muslim woman.

x. A moment for reflection

Women leaders of left political parties like Ahilya Rangnekar while confronting the fact that women had played a significant role in the riots admitted that the left parties and

³⁵ Interviews of Muslim women in a documentary film by Madhusree Dutta titled 'I Live in Behrampada (1993)

³⁶ Flavia Agnes (1993) 'Behrampada - A Besieged Basti' MANUSHI No.74-75 Pg.8 at Pg.23.

women's organisations had failed to counter communalism.³⁷ It was evident that gender unity could not withstand communal hostility.³⁸ A section of women most difficult to mobilise i.e. housewives had responded to the call of Hindutva and marched under the banner of Shiv Sena and Durga Vahini, the women's wing of BJP. Sadhvi Ritambara and Uma Bharati addressing mammoth public meetings of devout followers became the living incarnations of Shakti.³⁹

The riots dealt a severe blow to the premise that the women have a separate existence away from their communal identity where we can discuss problems of rape, divorce and maintenance on a common platform. The same issues affect different women in different ways at different times. We also realised that our allies and adversaries would change depending upon the external realities. If social action means reacting to external social reality, then as the external reality changes the internal positions have to be redefined or else the movement itself would be redundant in the wake of the newer challenges. In conclusion it is necessary to emphasize that the critique of the movement is made from within, having participated in all the different stages of the development of the movement. The contradictions and confusions are as much a part of the movement as its gains and are signs of a movement which is alive and growing while reformulating its positions in response to external shifts in the configuration of powers.

The women's movement does not stand in isolation and is an integral part of other social movements. Hence the contradictions and ideological shifts expressed here within the context of the women's movement hold true for other social movements as well. During the last decade the trade union movement in Bombay has become communalised with the Shiv Sena dominating many important trade unions in the city. The Sena-dominated unions in Larsen & Toubro, Oberoi Towers, Bombay Dyeing and other private companies not only led the riots but also demanded that Muslims be removed from the workforce.

But the hostility towards the Muslims was not limited to Sena dominated unions but was also wide spread among left party affiliated unions which resulted in many stabbing and burning instances within factory premises. This led to large scale absenteeism of Muslims. Less than 30 per cent of the Muslim labour force in the organised sector returned to work even after a month of the riots. In an effort to restore normalcy, establishments like Tatas issued a public statement inviting the Muslim workers back to work and promising them adequate protection. But some others sent their Muslim workers on leave on the grounds that they could not guarantee their safety.⁴⁰ The severe blow to the commercial activities of the trade centre led industrialists like J.R.D. Tata and Nani Palkhivala to demand a partial emergency or to declare the city as a union

³⁷ Sharmila Joshi (1993) Women as Messengers of Peace; Independent 10th March, 1993

³⁸ Kalpana Sharma (1993) Can Gender Unity Override Communal Hostility? The Hindu 7th March, 1993

³⁹ Sunday Observer 31st January, 1993.

⁴⁰ The Bombay Riots - the Myths and Realities - A Report by Lokshahi Hakk Sanghatana and Committee for the Protection of Democratic Rights, Bombay, March 1993 Pg. 87.

territory in order to bring the riots under control. This is an indication of the level to which the trade union movement was divided.

Analysing the developments, one Trade Unionist felt that the Shiv Sena had been able to provide the space for the cultural assertion of the workers, however narrow and excluding in nature it might be. On the other hand the left organisations had rallied mainly around economic and political issues which perhaps might have been limiting in its scope.

The Dalit and other caste based movements also had to confront similar issues.. The Mandal issue which had divided the Hindu community along caste lines stood united as a cohesive Hindu force against the Muslims. The progressive organisations which had supported the Mandal campaign found that this alliance could not withstand the stress of communal pulls. Within the government bureaucracy those who were occupying reserved seats expressed deep rooted communal biases even while implementing relief programmes declared by the government. In Dharavi and other bustis the corporators belonging to the Republic Party, a political forum of the dalits led the riots against the Muslims. Shanta Dharia a Republic Party woman corporator was shot down by the police while leading a rioting mob.

A similar rescrutiny of earlier presumptions and premises of other social movements might help in building up a consolidated secular force which can stand the onslaught of rising communalism and counter its challenges effectively.

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