

Women in Indian History

DHIS632

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Unit 01: Feminist Consciousness in Ancient India

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Objectives

After this lecture you would be able to

- Understand the background of the rise of feminism
- Analyze the position of women in ancient Indian thought as depicted in the Arthashastra , Manusmriti and Therigathas.

Introduction

The concept of feminism as a political ideology is very closely associated with women's studies and women's movement in various parts of the world. The term Feminism is a modern one. This term seems to have been first used in 1871 in a French medical text to describe a cessation in development of the sexual organs and characteristics in male patients who are perceived as suffering from "feminization" of their bodies . The term was then picked up by Alexander Dumas, a French writer, republican and anti-Feminist to describe women who behaved in a supposedly masculine way. The term became widely used in the mid 19th century when the Women's right movement emerged in the United States of America. This was followed by the writings of Elizabeth Cady Stanton and Mary Wollstonecraft, who questioned many injustices met out to women. Hence the term Feminism emerged long after the women started questioning their inferior status and demanding an amelioration of their social position. Feminism comprises a number of social, cultural and political movements, theories and moral philosophies concerned with gender inequalities and equal rights for women.

It is a fact that women now occupy a subordinate status to men in most societies, the few matrilineal societies being the only exceptions. Women's status has come to be inferior in historical stages of human civilization. The most famous analysis of this phenomenon is by Fredrick Engels whose Origin of the Family, Private Property and the State denies that women's subordinate position is prescribed by nature. He attributes women's subordination to the institution of private property. The role of economic and political conditions is more important than even those of social customs and legal rules. In the primitive societies, men and women were equals in hunting and gathering food. The original subordination of women or, to use Engel's expression, "the world historic defeat of the female sex" happened with the coming of agriculture whereby men started domesticating animals, possessed tools and the produced surplus which gave them a sense of property. This was the main cause of the overthrow of 'mother right' and its replacement by 'father right'. With this came up the patriarchal family along with monogamy which controlled women's sexuality to ensure the legitimacy of the heir.

Women in Indian Thought

Interpreting the position of women in Indian society is no doubt challenging. Moreover, the task becomes complex due to lack of genuine sources especially in relation to the early ages. Many scholars have expressed such dilemmas in their works on women's status in Indian society (Srinivas 1986, Thapar 1975). According to M.N. Srinivas (1986), the study of status of women in Indian society has many facets. Generalization is quite unattainable because there are variations between regions, between rural and urban areas, among classes, and finally among different religious, ethnic and caste groups. This applies to the study of women's position in both early as well as contemporary Indian society. Romila Thapar (1975) shared this viewpoint and states that the Indian sub-continent has many variations in cultural milieu, family structure, class, caste, property rights and morals which impact status of women. Responding to these dilemmas posed by Srinivas and Thapar, Andre Beteille (1975) states that in order to cater to the diversity inherent in the fabric of Indian society, a sociological viewpoint is needed. Indian society has many structural divisions and women's position should be examined in each of them, i.e., among Hindus and Muslims, among different regions and social strata and so on.

In Indian history the period from 200 BCE to 300CE, a period of about approximately five hundred years has witnessed a number of developments be it in terms of political, social or economic process as well as in the fields of art and architecture. While this period has witnessed diverse expansion in various areas which mark this phase as one of the important phases in Indian history, it has been noticed that while looking at the society during this period it reflects a lack of engagement with gender relations.

Patriarchy continued to control the society during this period and the marginalization of women from the public sphere is clear from the fact that historical sources of the period are silent about the participation of women in a number of activities. Normative texts that were composed during this period, it is observed that the compilers of the texts have clearly defined the roles for the members of each of the varna as well as for both men and women as to how they had to perform in the society. Therefore the attitude of women as seen in these texts is contradictory because the role played by women in the society cannot be ignored but there were clear attempts on the part of the compilers to prevent them to take any part in the society.

The earliest Vedic literature Rig Veda (1500B.C.-1000B.C) shows clear influence of the pre- Aryan culture in its references to the image of Mother Goddess or Shakti, giving reverence to the beneficial aspect of nature and women. Historians like Altekar considers that women were equal to men in the early Vedic age. Women held a significant role in rituals and family life and had access to education. Between 1000 BC to 500 BC, the Aryans politically consolidated Northern India. They turned a section of the vanquished population into slaves and employed them in manufacturing and agriculture, displacing women's active role. Uma Chakravarty (2004) states that studies of women in early Indian history were mostly concerned with the 'status of women' and its classification as high or low which led them to focus on marriage laws, property rights, and rights related to religious practices. Instead, it is important to analyze the 'structural framework of gender relations' whereby the nature of women's subordination and the causes behind it are seen along with its extent and the form which it adopts in the early Indian society. The subordinate status of women was expressed in the religious traditions that determined social practices. The Hindu society legitimizes social stratification by which women and the lower castes are treated with disgrace. Most importantly, caste hierarchy and gender hierarchy form the core constituents of the Brahmanical patriarchy.

The agricultural economy and the second urbanization (800 BC to 600 BC) led to the formation of caste and class distinctions. Brahmans became important and the patrilineal order became established. This post-Vedic period also marks a departure from the tribal economy with polity being highly stratified due to the private ownership of land. The control over property made the patrilineal system important along with patrilineal succession for kingship. Caste purity became central requiring chastity of women maintained through strict seclusion.

1.1 Manusmriti

Manu, in the mythology of India, has been referred to as the first man and the legendary author of an important Sanskrit law code, the Manusmriti (Laws of Manu). He appears in the Vedas, the sacred literature of Hinduism, as the performer of the first sacrifice. He is also known as the first

king, and most rulers of mediaeval India traced their genealogy back to him either through their son (the solar line) or their daughter (the lunar line).

Manusmriti is one of the most important and controversial literary works of ancient India, which contains 2,685 verses arranged into twelve books. It demonstrates the process of reconsolidation of a continuing ancient tradition with an emphasis on reorientation of that heritage around "new principles of life."

It established the principle of purity as the basis of a code of social conduct. Women were seen as the greatest potential danger to the purity of the family lineage. The outcome of this perception of women was the denial of education to women, the denial of the ability to read Vedas or chant mantras. The role of a married woman was confined to her home.

While Manu acknowledged the Vedic text's action of divorce under certain conditions he did not approve divorce under any condition. Women were engaged in an elaborate regime of vratas, observed for the welfare of their husband or sons.

Due to complete subjugation of women they had no right to property or inheritance. Rather they themselves were considered a commodity 'owned' by their husband. Manu assigned to women the habit of lying, sitting around, an indiscriminate love of ornaments, anger, meanness, treachery and bad conduct. He drew a direct link between women's basic nature and their sexuality. According to him, women need to be guarded strictly, irrespective of their age so as to maintain the purity of the husband's offspring. Women's subjugation is described in Manu Dharmashastra by which women should never be allowed to be independent. As a daughter she is dependent on her father, as a wife on her husband and as a widow on her son. The Gita allocates the same position to women, vaishyas and shudras and regards them as beings of sinful birth.

1.2 Arthashastra

Chanakya also called Kautilya or Vishnu Gupta (flourished 300 B.C.E) was a Hindu statesman and philosopher who wrote a classic treatise on polity , Arthashastra (The Science of Material Gain) a compilation of almost everything that had been written in India up to his time regarding artha (property, economics or material success).

The Arthashastra is a work on politics or statecraft which was a field of activity regarded as almost an exclusive prerogative of man. It is said that artha is wealth or livelihood of men hence the land which is inhabited by men , is providing the source of livelihood which is artha and the science which deals with the acquisition and protection of the realm is arthashastra.

In his Arthashastra, Kautilya describes the woman in many of its chapters, but very little is known about her childhood or the period before marriage. According to the text, a woman attains majority (vyavahara) at the age of 12 and, upon reaching that age, she proves to be disobedient to her lawful guardian, so she shall be punished. From the general tone of the work, it is apparent that the girls before their marriage lived under the protection of their peasants and, after marriage, under their husbands. The marriage system is in agreement with that of Manava Dharmashastra. Kautilya, however, does not give us any hint regarding the marriageable age of the girls. The Arthashastra enjoins compulsory marriage of both males and females, as Kautilya states that the foremost duty of a man is to marry and to lead the householder's life. Inter-marriages used to exist among various castes, as mentioned by Kautilya.

In his chapter concerning marriage, Kautilya describes eight forms of marriage and defines each of them. Remarriage of both males and females is allowed in the Arthashastra. Like many ancient writers, he allowed unlimited polygamy. In this respect, he is in agreement with the Greek writers and the Indian writers like Vatsyayana, who say that wealthy people generally have a plurality of wives.

Regarding the divorce system, we have clear indications in the works of both Manu and Kautilya. In the opinion of Manu, the wife is praised as equal to the husband in honor only if she bears children; otherwise, she may be divorced. Kautilya, like Manu, lays down the rules by which he empowers both the husband and wife to divorce each other. He accepts the Vedic customs of producing sons by the brothers of the deceased husband when he says that a widow may remarry any one of the brothers of the deceased husband.

The Arthashastra contains interesting data on women of diverse background. It speaks of women skilled in handicrafts , who could be employed for spying living inside the house of the enemy. But there was women who did not stir of their home and supported themselves by spinning yarn.

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Apparently such women belong to the upper castes. The superintendent of yarns and textiles was to give them work by sending his own female slaves (dasis) to their homes, rather than asking them to come to him.

The spinning of yarn could provide livelihood to the helpless women as old female slaves of the royalty (vrddharajadasibhi) devdasis (female slaves of the temples) whose services to god were longer required and the mothers and matrons of prostitute women who had committed such offence pay it off in the form of personal labor by spinning yarn.



Thus, spinning was a major industry providing livelihood to needy women.

References to women of lower orders were more frequent in the Arthashastra doing menial jobs as well working as spy for the state. Kautilya speaks about women tenant tilling half of the produce.

He looks upon prostitution as an occupation and mentions several categories of prostitution like the ganika, pratiganika etc. Ganika was no ordinary prostitute but had a state appointed institutionalized position. Bandhakis were harlots and were part of a brothel maintained by brothel keepers. Rigorous patriarchal norms and absence of family support must have compelled many a women to opt out of society and the Arthashastra provides ample evidence of the existence of female renouncers.

Another rule enjoins the king to provide the helpless women with their children. Similar legislation designed with the sole object of protecting the chastity and honor of women certainly indicates the place occupied by women in the age of Kautilya.

Critical Analysis of the Arthashastra

From a critical study of the Arthashastra, it appears that there is no doubt that the women lost much of their liberty and freedom, but the honor and prestige that they enjoyed from the earliest times did not suffer in the hands of Kautilya. In other words, women in Kautilya were placed in high regard and esteem, though their liberty was to a great extent curtailed. But liberty is not the sole consideration by which the status of the woman would be judged in a particular period. The aspects which should be given proper consideration are the position and honor in which they are placed in the society. With regard to these aspects it can be said that Kautilya is careful enough to grant them their legitimate claims and rights allowing them to occupy an honorable position in the society.

On the whole Kautilya's spirit about the woman is humane and enlightened. All these considerations will naturally lead us to the conclusion that the women, in the age of Kautilya, occupied no inferior position in the Hindu society but that is also highly debatable question.

1.3 Teachings of Buddha and his understanding of women

Despite the humiliating subordination of women in the religious domain, there was always in India a parallel line of thought that glorified motherhood and idealized the concept of the feminine. In actual practice, however, Manu's Code of Laws adversely influenced social attitudes towards women. It is against this background that we must view the emergence of Buddhism in the Northern India in the sixth century B.C.

Buddha condemned the caste structure dominated by a particular caste and denounced excessive ritual and sacrifices. He emphasized emancipation through individual effort. This assertion of women's spiritual equality, explicitly enunciated in the texts had a significant impact on social structures. Thus in a period when under Brahmanic injunctions the women had lost their individuality, the Buddha came with a liberal outlook.

In the propagation of his teachings he treated them alike with men. He gave Dhamma to both the sexes without making any individual distinction. This was indeed a great achievement for women. According to the Pali Canon of Theravada Buddhism, when the Buddha first established the monastic order, women had no place in it. But when his foster-mother, Mahapajapati Gotami who happened to be his stepmother and maternal aunt, a royal woman became a renunciant after becoming influenced by her son's teachings, then the situation changed. She walked to Vaishali where the Buddha was teaching, along with her 500 female followers, determined to persuade him to sanction the entry of women into his monastic order. She appealed to him three times to allow women to be initiated, but was denied each time.

The admission of women in the order and the first sermon that the Buddha delivered to Mahaprajapati Gautami and her associates was also a turning point in the life of the Indian women. The career of preaching and evangelizing that was thus opened before women by Buddhism attracted a large number of talented ladies, who distinguished themselves as teachers and preachers.

Buddhism and Feminism

Buddhism and feminism can be seen as particularly linked with each other. Both are concerned with emancipation, with broadening our self-view which would otherwise remain restricted. Both understand the importance of achieving emancipation by attempting to introduce changes in consciousness, hence negating the political philosophy that attaches paramount importance to external changes. In response to Ananda's query about women's status in the cult, Buddha categorically stated that women were as capable of gaining enlightenment as men. In this sense Buddha may be regarded the first feminist who did not pay heed to the socio-cultural construct as far as women are concerned. He, rather, acknowledged their much denied potential for development.

A very basic difference of perspectives may be seen between feminism and Buddhism. While feminism is rooted in the belief that women are victims Buddhism believes that to identify oneself as victim is to incapacitate oneself in terms of taking initiative. Also a cult based on such a belief shall encourage hatred for the victimizer and hatred creates oppression which leads to suffering.

A discerning study of its tenets brings forth Buddhism as a women-friendly religion by and large, though many a critics call it a 'viciously sexist religion' (Patti Nakai) on the basis of some verses quoted out of context. Diana Paul evaluated the Buddhist period as essentially misogynist. Rita M. Gross, however, attributes this misconception to "androcentric record-keeping practices," which led to the loss of important women-centric discourses.

Therigathas

Therigatha may be read as the oldest existing testament to the feminist experience of Buddhism. The elder nuns composed songs known as Therigathas. These were a collection of stanzas attributed to 73 of the lending theirs (i.e. sisters) in the order during the lifetime of Gautama Buddha himself. The stories, explanatory of the verses, give a short account of the life history of each of the authoresses. This account presents a very instructive picture of the life they led in the valley of the Ganga in the time of Gautama Buddha.

Therigatha is an anthology of verses by the Theris, the senior ordained women of the Buddhist monastic order who were considered to be exceptionally spiritually accomplished and enlightened

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women. The poems of the Therigatha reveal a community of women who sought to embrace an exceptional life by rejecting the patriarchal social norms.

It was a bold step on the part of the Buddhist reformation to allow so much freedom and to concede so high a position to women. But, it is quite clear that the step was a great success and many of these ladies were as distinguished for high intellectual attainments as they were for religious earnestness and insight. For six centuries these pearls of ancient wisdom were circulated orally before being scripted in the 1st cent. B.C. The gathas as we have today comprise four verses or padas of eight syllables each. Dhammapala wrote the commentary on Therigatha in Pali wherein he wove in the biographical sketches of the bhikkunis with their verses. Therigathas are splendid records of women experience in times when feminism was not even in the offing. This Buddhist text makes a point of how one world religion acknowledged since its very beginning the authority and equality of women in spiritual practice.

From the poems of the enlightened nuns of the Buddha's time contemporary nuns and monks alike can receive a great deal of instruction, help and encouragement. These verses can assist one in developing morality, concentration and wisdom, the three sections of the path. With their aid one shall be able to work more effectively towards eliminating one's mental defilements and towards finding lasting peace and happiness. In some respects, the inspiration from these poems may be stronger for women than for men, since these are in fact women's voices that are speaking. These verses exhibit a wide range in terms of subject matter but the essential message remains the same i.e., suffering ends when all defilements are eliminated. Nibbana or enlightenment is attainable only through Buddhist teachings – the four noble truths and the eightfold path.

Thomas W. Rhys Davids got the Pali tipitaka transliterated in English and together with his wife Caroline became instrumental in making this text popular in the West. In 1909 the first translation came out followed by another one as late as 1971 by K.R. Norman.



Enlightened Women who composed Therigathas

Summary

In the various ancient Indian texts like Arthashastra , Manusmriti women enjoyed a subordinate position as compared to the age of Buddha. In Therigathas we came across various enlightened women who mostly followed Buddha's teachings.

Keywords

- Feminism
- Therigathas
- Manusmriti
- Kautilya
- Arthashastra
- Caste

Self Assessment

1. The concept of feminism is a political ideology associated with
 - A. peasant studies
 - B. Women's Studies and Women's movement
 - C. labour studies
 - D. All of the above

2. In which text the term feminization is used to describe cessation in the development of the sexual organs and characteristics in male patients.
 - A. Arthasastra
 - B. Communist Manifesto
 - C. French medical text
 - D. Meinkampf

3. Who was Alexandar Dumas?
 - A. political activist
 - B. French writer , republican and anti- feminist
 - C. social activist
 - D. None of the above

4. Who wrote Origin of the Family , Private , Property and the State ?
 - A. Frederick Engels
 - B. Karl Marx
 - C. Lenin
 - D. all of the above

5. In the Rig Vedic Society women and nature had been given reverence by
 - A. worshipping Lord Shiva
 - B. worshipping minor cults
 - C. Mother Goddess or Shakti

6. Which industry was providing livelihoods to needy women in Kautilya's Arthashastra?
 - A. textile industry
 - B. spinning industry
 - C. laboring industry
 - D. handicraft industry

7. Who is referred as the first man in Indian mythology ?
 - A. Ashoka
 - B. Brihaspati
 - C. Manu
 - D. Chandragupta Maurya

8. How many forms of marriages has been mentioned by Kautilya?
 - A. 5
 - B. 2
 - C. 1
 - D. 8

9. Who has argued 'caste and gender hierarchy are the organizing principles of brahmanical social order.'
 - A. Uma Chakraborty
 - B. R.S. Sharma
 - C. Romila Thapar
 - D. Ishita Banerjee Dube.

10. Reference of women of lower orders are more frequent in
 - A. Manusmriti
 - B. Therigathas
 - C. Arthashastra
 - D. None of the above

11. The poem which reveal a community of women who sought to embrace an exceptional life by rejecting the patriarchal social life .
 - A. Arthashastra
 - B. Therigathas
 - C. Manusmriti
 - D. Tripitaka

12. According to which stories Buddha had a very low view of women's capabilities ?
 - A. Theraveda Buddhism
 - B. Therigathas
 - C. Jataka stories
 - D. d) None of the above

13. Who translated Therigata in 1971?
- K.R . Norman
 - Thomas W. Rhy's David
 - Caroline
 - None of the above
14. Which royal woman became a renunciant influenced by Buddha's teachings?
- Sultan Razia
 - Queen Didda
 - Draupadi
 - MahapajapatiGautami
15. In which year the first translation of Therigathas came out?
- 1885
 - 1920
 - 1910
 - 1909

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. B | 2. C | 3. B | 4. A | 5. C |
| 6. B | 7. C | 8. D | 9. A | 10. C |
| 11. B | 12. C | 13. A | 14. D | 15. D |



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Unit 2: Feminist Consciousness in Medieval India:Cases of Queen Didda, Razia Sultana, Nurjahan and Jahanara

CONTENTS

Objectives

Introduction

2.1 Cases of Queen Didda

2.2 Razia Sultana

2.3 Nurjahan

2.4 Jahanara Begum

Summary

Keywords

Self- Assessment

Answers for Self Assessment

Review Questions

Further Readings

Objectives

- Examine the gender relationship within medieval Indian society.
- Understand the prominent women rulers like Queen Didda of Kashmir.
- Analyze the position of women at power in Delhi Sultanate and Mughal period.

Introduction

Status is a social position one occupies in a society with its associated advantages and obligations. Being a part of the social web, this position is linked naturally to other social positions. In a purely sociological sense, status does not imply any grading, ranking or hierarchy among different social positions. However, the very fact that a particular social position carries certain benefits, privileges or power and these positions are related to each other, some status positions are seen as superior to others. It is in this context that the status or position of women is seen as inferior to that of men in any given society. That women's status has consistently been subordinate to that of men in India as elsewhere has been accepted for quite some time now. Patriarchy and religion have generally been held to be the main culprits for creating this situation. While these two forces played a very significant role and influenced all other factors, the low social status accorded to women is the result also of political, economic, legal and educational and other social determinants.

Women in Medieval India

During the 7th to the 9th century A. D, we find that the general level of the culture and position of women was high. Women, including those not belonging to the higher classes, had some opportunities for liberal education, as well as training in fine arts (especially those of painting, music and versification). Rajyashree (sister of the renowned king Harshvardhana) was a disciple of Lord Buddha and her advice was sought on various important matters. Rajshekhar (Kavya-Mimamsa) quotes examples of princesses, daughters of high officials, of courtesans, and of

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concubines who were poetesses as well as adepts in sciences. Avantisundari, the wife of the poet Rajshekhar, was an exceptionally accomplished woman. Rajshekhar's Karpurmanjari was produced at her request and Hemachandra quotes three of her stanzas. The dramas and prose romances of this age also illustrate the contemporary state of learning among women. Here we find that court ladies and even the queens' maids-in-waiting are capable of composing excellent Sanskrit and Prakrit verses. Shila-Mahadevi, wife of Rashtrakuta emperor Dhruva, probably ruled jointly with her husband and enjoyed the privilege of granting large gifts. Several queens of the Kara dynasty ruled in Orissa. Sugandha and Didda of Kashmir administered extensive kingdoms as dowager queens.

The political condition also appears to have had their impact on the status of women. The political reverses, the atrocities due to war and the decline of prosperity, produced a detrimental effect on the society. The preaching of Upnadishism, Buddhism and Jainism started spreading and the status of widow was badly affected. Remarriage of widows was stopped and they were asked to devote themselves to an ascetic life at home. The tonsure (shaving of head) of the widow was enforced by about the eighth century A.D; the purdah system was widely used in the middle class families. There was a marked deterioration in the status of woman in the medieval period.

2.1 Cases of Queen Didda

Auriel Stein stated, "The statesmanlike instinct and political ability which we must ascribe to Didda in spite of all the defects of her character, are attested by the fact that she remained to the last in peaceful possession of the Kashmir throne, and was able to bequeath it to her family in undisputed possession."

Rani Didda's (958-1003 CE) rule represents the peak of women's power in Kashmir, which unusually had many women rulers both before and after her. She is sometimes called the Catherine of Kashmir, referring to the ruthless Catherine the Great of Russia who ruled long and well with the help of her favourites whom she periodically purged. In spite of a leg disability and her gender, Didda was able to rule Kashmir with an iron hand for more than four decades.

Queen Didda was the daughter of king Simharaja, the lord of Lohara. On her mother's side, she was the granddaughter of king Bhima Sahi, of the royal house of the Sahis. King Bhima Sahi was the ruler of Udabhandu. Udabhandu was the ancient capital of Gandhara. She was given away in marriage to king Ksemagupta (950-958 AD) of Kashmir. Didda was a remarkable lady in many ways. She was charming, intelligent, ambitious and a successful queen with a dominating personality. She was also shrewd, calculating, determined and possessing a masterful personality. She had one physical defect. She was lame. She ruled Kashmir for nearly half a century, first as the chief queen of Ksemagupta, then as the regent of her son and three grandsons and subsequently as an independent ruler. She ruled Kashmir during very turbulent times, with a steely determination. Upon marriage, Didda spontaneously gained considerable influence and political traction in state affairs, evidenced by discovery of coins bearing both her name and that of her husband.



Coin bearing name of Queen Didda

Didida - As Regent (958-981 AD)

The matrimonial alliance of Queen Didda with king Ksemagupta was destined to influence the history of Kashmir for a very long time. Ksemagupta was totally under the influence of his intelligent Queen. So much so, that he came to be known as Diddaksema. Several copper coins bearing the legend "Di-Ksemaguptade (va)" have been discovered, which further strengthen our contention. Ksemagupta took another wife. She was Chandralekha, the daughter of the Lord of the Gate, Phalgun. This new alliance raised the status of Phalgun and he was made the Prime

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minister. This development was not liked by Didda and it resulted in straining of relations between the two.

She ruled with an iron hand, crushing rebellion and animosity, at first sight, with bribe, extortion and sporadically, even assassination. Her swift addressal of conflict and prompt response to any sign of rebellion was characterized by ruthlessness and a salient trend of total uprootment and eradication of every last vestige that even remotely posed a potential or even prospective threat. She often utilized mutual favor-bargains and, in spite of her headstrong, uncompromising attitude, optimized her crony relations, in order to best suit her interests and preserve her scope.

Problems faced by Didda

Ksemagupta died in 958 AD. He was succeeded on the throne of Kashmir by his minor son - Abhimanyu II. Didda became the regent of her son. Soon after the accession of Abhimanyu II, Prime minister Phalguna decided to retire to Parnotsa along with his followers. Few jealous ministers poisoned the ears of Didda that Phalguna had evil intentions. He had wanted Didda to immolate herself on the funeral pyre and thereafter himself usurp the throne. Instigated thus, Didda sent royal bodyguards to bring Phalguna back to the capital. Meanwhile, Phalguna reversed his march along with his men and it appeared as if he would confront the Queen. But he seemed to have changed his mind on reaching the shrine of Varahamula, where he laid his sword at the feet of the god. Thereafter, he set forth again for Parnotsa. In this way, we see that Didda had to face trouble soon after becoming a regent. The exit of Phalguna from the active political scene, for the time being, saved Kashmir from the threats of a possible civil war. It also gave an opportunity to Didda to take full control of the state of affairs.

Monarchy

In a hitherto unprecedented (in multiple ways) act and assertive exercise of self-will against the patriarchal orthodoxy, she bust countless norms by taking in a mere, poor herdsman, by the name of Tunga, whom she fell in love with, in her middle-age. This obviously was much to the opposition of almost all, out of class, caste and age-based considerations, besides obviously, at the free exercise of feminine will. But the cultural shock and disapproval persisted under pronounced, as her subjects and acquaintances alike, were wary to vocalise, fearful of her sternness. She thus set a liberal precedent for women, and summited her legacy as a vanguard.

Didda, was assertive and authoritarian but never indulgent or whimsical. She was practical, adaptable and opportunistic but never succumbed to appeasement, conformance or subservience. She later deposed of her third grandson as well, once he started to depict the early beginnings of challenge to her regime, and with her lover's imbibing emotional support, took the long overdue audacious step to finally reconsecrate herself as the sole, absolute monarch, in 980 AD. She appointed Tunga as her Chief Minister, whose company had provided her the courage to shed her inhibitions and overcome her reservations about ruffling the patriarchy. The relationship worked wonders and provided her the requisite boost to morale. Under the following latter decades of her uncontested reign, the agitation-prone region, enjoyed an era of relative peace.

Legacy

She exercised an effectively blood-and-iron policy for good measure, thus, consolidating her regal designation. She faced the same fierce opposition and chauvinist inertia and resistance, as the idealistic, great Razia Sultana would, two centuries later. But unlike the latter (her physically and martially more competent ideological successor), she was more pragmatic, acute and sly, and thus managed to outsurvive three generations. Later queens in the subcontinent (in spite of their physical and intellectual prowess) were prone to disruptions, betrayal and gullible backstabbing, and hence failed to match the length of heir reign. Didda, remains the most powerful woman in the history of Kashmir, revered for her administrative skilfulness, conciliatory mastery at maintaining peace, and her indispensable sociocultural legacy, by one and all in the region.

Didda was the epitome of optimization, reconciling bold self-will with keen practical acumen, and pacifist arbitration. The feisty Queen Didda never yielded to the bridles of patriarchy and lived a full and fulfilling life, as a liberated and independent woman, as well as a sovereign.

2.2 Razia Sultana

'Sultan Razia was a great sovereign, sagacious, just, beneficent, the patron of the learned, a dispenser of justice, the cherisher of her subjects and of warlike talent, and was endowed with all the admirable attributes and qualifications necessary for kings. She was endowed with all the qualities befitting a king, but she was not born of the right sex and so in the estimation of men all these virtues were worthless.'

These are the well-known words in which a 13th century Persian historian, Minhaj-us-Siraj described Razia Sultan, India's first Muslim female ruler. Generally portrayed in glowing terms by contemporaries and later writers alike, the life and times of this fifth Mamluk Sultan is nothing short of an adventurous tale. But behind this adventure lies the story of an extremely courageous and ambitious female who ruled Delhi for a short but significant span of four years, from 1236 to 1240 CE, as the Sultan herself (she refused to be called 'Sultana', a term generally used for the wife or mistress of a Sultan). In retrospect, Razia's reign appears as a significant milestone in the staunchly patriarchal society of medieval India, as she managed to subvert the existing power structures at many levels.

Born Raziya-al-Din in 1205 in Badaun, Raziya was the daughter of Shamsud-din Iltutmish and his favorite wife Terken Khatun. Iltutmish became the Sultan of Delhi in 1210 and proved to be a very competent and efficient ruler. He imparted the best military training and administrative skills to his three sons, as well as daughter Razia. And she herself turned out to be the sincerest and skilled among all his children. Iltutmish realized this quite early and therefore took a historic decision of naming Razia as heir apparent. This was the first time in Indian history that a ruler had chosen a woman to succeed him to the throne. And the fact that it was his 'choice' and not out of any 'political pressure' is even more significant. Minhaj-i-Siraj quotes Iltutmish to have said: 'My sons are devoted to the pleasures of youth, and not one of them is qualified to be king. They are unfit to rule the country, and after my death you will find that there is no one more competent to guide the State than my daughter.'

A brief account of Iltutmish's own tryst with rulership gives a self-explanatory background to this decision of his. Iltutmish himself arrived in Delhi as a slave of the then Sultan Qutb-ud-din Aibak, and it is on account of his immense bravery and proficiency that Qutb-ud-din raised him to the reputed position of a provincial governor. After Qutb-ud-din's death, the Turkish nobility, who were the real decision makers in those times, also recognized his caliber and therefore favored Iltutmish over the Sultan's own son (Aram Baksh) for accession to the throne. Having gained the right to rule on account of his capabilities alone, it is not surprising that Iltutmish too decided to make Razia his heir apparent because she turned out to be the most capable for this position among all his children. Unfortunately, not everybody was ready at that point of time in history to concentrate upon her capabilities alone. Traditionally, succession has always been reserved for males and it was for the first time that a female was nominated to rule. As a result, upon Iltutmish's death on 30 April 1236 CE, the Muslim nobility vehemently opposed Razia's appointment as Sultan. The opposition was solely based on the fact that they thought it inappropriate to accept a woman as their ruler. Razia fought this staunchly patriarchal attitude and proved her mettle in the short span of time that she ruled over Delhi, but before that her half-brother Rukn al-Din Firuz Shah was declared Sultan.

Solely engrossed in enjoying royal privileges and pleasures of the court Rukn al-Din turned out to be a debauch and extremely incapable ruler. Razia then decided to take the reins of control in her hands. She got dressed in red clothes as a plaintiff (Iltutmish instituted a policy whereby anyone seeking justice should wear dyed clothes, in contrast to the commoners who wore white garments) and appeared before the congregation gathered in the Quwwat-ul-Islam mosque for Friday prayers. In front of this huge gathering she reminded people of her father's time and his benevolence towards them and appealed for justice. The people trusted her, and she was made Delhi's fifth Sultan, while her brother Rukn al-Din was imprisoned and executed along with his mother Shan Turkan. Making the most of the existing circumstances Razia claimed what was rightfully hers from the start, the authority to rule. Upon ascending the throne, Razia adopted the formal title Jalālat-ud-Dīn Raziya.

Ever since she was a little girl Iltutmish ensured that Razia is imparted training in the art of warfare, horsemanship, diplomacy and administration at par with his sons. His trustworthy and accomplished Abyssinian slaver Malik Yaqut was assigned the responsibility to look after her training. As a result, Razia spent little time in the harem (with women of the household) and therefore never really embraced the customary behavior prescribed for contemporary Muslim women. She actively participated in the affairs of the State, assisting her father on a number of occasions. Having gained a place of authority and veneration Razia made conscious efforts to

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dissociate herself from being simply a female, as women in those times were not considered deserving of authoritative positions. She wanted people to think of her as a Sultan, a true leader and monarch. She is known to have lifted off the veil (purdah) and chose to display her face in public, much to the resentment of the orthodox elements at court. She also shrugged off feminine clothes and instead wore the robes, tunic, and turban of a man, or as was proper for a Sultan.

As envisioned by Iltutmish, Razia turned out to be a strong and confident ruler. She was a very brave warrior who led forces from the front in battles and captured new domains, adding to the glory and strength of her kingdom. Legend has it that she openly rode an elephant into battles as chief of her army. And like a strong leader she chose to assert her authority with ease by issuing coins in her name as in those times minting coins was one of the signs of sovereignty and rulership in the Muslim world. In the early years of her reign, the coins carried both her father's name as well as hers, strengthening her legitimacy as Bent-al-Sultan (Daughter of the Sultan). But by 1238 she had these coins minted in her own name, 'Al-Sultan al-Muazzam Radiyyat al-Din.'

Razia also worked towards the welfare of the populace at large by laying the foundations of a number of educational institutions and public libraries. Her approach throughout was secular, as the curriculum in these institutions was designed in such a manner that they imparted knowledge in traditional works in the field of science and literature from several other cultures. However, her appointment of Malik Yaqut as Amir-e-Akhur (commander of the horses) was taken as an insult by the Turkish nobles as it was a very important position in those times, generally reserved for Turkish nobility.

Popular culture is filled with stories of romance between Razia and Malik Yaqut, with all movies and television serials presenting it as the fundamental aspect around which her entire life revolved. Interestingly, contemporary historian Minhaj-i-Siraj doesn't mention any such romantic link between Razia and Malik Yaqut in his works. It is a few decades later that Ibn Battuta (1304-1368) states that there were suspicions of romance between them. Apart from this we do not come across any other historical details on the issue in works composed during that time.

There is a high possibility that Razia's trust in Yaqut has been misconstrued and sensationalized over generations. The fact that she was an independent woman with a mind of her own may have been the reason behind this exaggeration. After all, brave and ambitious women are often seen with suspicion as people find it difficult to believe that they are capable enough to assert authority on their own, instead of relying on a man's support. Razia generally followed her father's policy of distributing power among loyal personages so as to dissociate people from establishing powerful local ties. Her elevation of Malik Yaqut could well have been a part of this policy of hers. However, the Turkish nobles created a great fuss about Malik Yaqut's elevation and caught the opportunity to bring her down as being governed by a woman had been a matter of embarrassment for them throughout.

Malik Altunia, the governor of Bhatinda, was the first to rise in revolt against Razia. When she went out to battle against him other Turkish nobles revolted. They killed Malik Yaqut, while Razia was captured and imprisoned. Without further ado the rebel nobles raised her brother Bahram Shah to the throne in April 1240 CE. Meanwhile, Razia is said to have won over her captor Altunia, who proposed marriage to her, and she accepted the offer. They then marched together to recapture Razia's lost throne and attacked Bahram Shah in September 1240, but their army was defeated and Razia was killed at the young age of 35.

Controversy surrounded Razia even after death with some arguing that her tomb is in Kaithal (modern-day Haryana) while others suggesting instead that it is located in the narrow lanes of Old Delhi near Turkman Gate. The second view is widely acceptable now. Razia died as she had lived most of her life, fighting to regain her legacy and right. Being the first woman monarch of Delhi, Razia still enjoys enormous fame in popular culture. Many books have been written on her life and times and she has also been the subject of several Bollywood movies and television series over the years. But very few of these works actually offer a holistic account of the brave and ambitious woman that she was. A female who even though living in a staunchly patriarchal set-up managed to carve out a space for herself, who followed her heart and did not care what people would think, one who did not need the support of a father, husband or son to rule, who strove to improve not just her own condition but of every female living in her dominion by setting a strong example. She did not silently confirm to the established norms but challenged them at every point and therefore

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it will be grave injustice in my opinion to reduce the memory of such a remarkable woman into a sensational love affair. As a woman and as a ruler, Razia Sultan is and will always remain an inspiration for the coming generations of males and females alike. After all, while compiling the long list of rulers in Iltutmish's dynasty, Razia is the only one whom Minhaj-i-Siraj credited as a Lashgarkash, a war-leader.

2.3 Nurjahan

Mehrunnisa was the daughter of a Persian fortune seeker – Mirza Ghiyas Beg, who was a commander of the emperor, and a powerful minister in the reign of Jahangir. She was 20th wife of the emperor. Noor Jahan was really responsible to the ascendance of Shah Jahan to the Mughal Throne. She was a clever politician, a good architect and a nature loving lady. She devoted her last years of life to the building of some famous Mughal tombs and making scent by rose flowers. She learnt this art from her mother. She even gave audience in her palace where she used to discuss the financial matters and strategies with the ministers of Mughal court. Jahangir himself permitted coinage to be struck in her name. She was really the developer of Mughal culture and Mughal architecture. For the rise from an immigrant to become an Empress of the great Mughal Empire, Noor Jahan was one of the most influential women of her era.

Empress of Mughal India, brilliant political and military strategist, architect, and diplomat, who had absolute control in the Mughal court.¹ Name variations: Noor Jahan or Jehan; NurMahal or Nourmahal; Mehr-on-Nesa, Mehrunnisa, Mehr-un-nisa, Mihm-un-Nisa, Mehrunnisa, or Mehrunnissa. Born Mehrunnisa in 1577 in Qandahar, Persia (Iran); died in 1645 in Lahore, India (now in Pakistan); daughter of MirzaGhiyas Beg (a literary artist in Tehran) and Asmat Begum; educated by private tutors; studied Persian culture and language as well as tradition and languages of adopted country, India; married Ali Quli (Sher Afghan or Afkun), in 1594 (died 1607); married Prince Salim (1569 1627), later Jahangir, 4th Mughal emperor of India (r. 1605 1627), in 1611; children: (first marriage) Ladili Begum or Ladli Begum.

NurJahan's story is one of political dexterity, military competence, and cultural achievements. As cultural manifestations change, her legend has reached mythological proportions; some of the reality of her life remains shrouded in mystery. There is no denying, however, that NurJahan, as the wife of Emperor Jahangir and de facto ruler of India, made important contributions to the history of the Mughal Empire in India, working the social and cultural conventions to her advantage and taking the Mughal Empire to greater heights.

In the process of her political maneuvering, she retained her integrity, and that of the house of the Mughals, and thus she has won considerable esteem and admiration. NurJahan became empress when the Mughals had already successfully branded Hindustan (India) with their particular seal. India had been unified, a successful sociopolitical and cultural system set in place, a rich and profitable trade established. The Mughal court became the envy of all Asia and Europe. Despite the riches and fame of the Mughal royalty, the women of the imperial household were bound to the purdahsystem in keeping with the injunctions of Islam. Their identity and self-extended no further than the guarded gates of the palace harem. They were seldom seen and never heard. Given this scenario, NurJahan's high profile during her husband's reign becomes even more remarkable. She broke away from the conventions and participated fully in the empire's administration. She had traveled a long road to become the empress of Hindustan. Being a loving wife, she did care her husband very much. That's why Jahangir gave her the title of NurJahan in accordance with his name Nur-ud-din Jahangir.

Stanley Lane-Pool writes 'great was the influence of this Persian princess that Jahangir joined her name with his on the coinage, a conjunction unparalleled in the history of Mohammedan numismatics.' The wording on the coins, in Persian is worth quoting: Ba Hukm Shah Jahangir yaft sad zewer, / Banam Noor JahanBadshah Begum zarâ (By the order of Jahangir, gold attained a hundred times its beauty when the name of NurJahan, the First Lady of the court was impressed upon it. Nur Jahan is said to have contributed substantially by introducing a variety of new textiles, among them silver-threaded brocade (badla) and silver-threaded lace (kinari). Nur Jahan was very creative and had a good fashion sense, and she is credited for many textile materials and dresses like nurmahali dress and fine cloths like panchtoliya badla (silver-threaded brocade), kinari (silver-threaded lace), etc.

Noor Jahan was the most powerful woman in Mughal history, able to control state affairs from behind the purdah screen. She was a woman of unusual ability. She exercised political authority with intelligence, courage and astuteness, and did it despite constraints (like purdah) imposed by life in the Moghul zenana

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2.4 Jahanara Begum

Women's visibility in both the imperial and sacred realms under the Mughal Empire (1526–1856) was often limited to traditional roles. Yet, a cursory glance at the history of imperial Mughal women reveals active engagement in politics and a public persona that complemented the empire's religious and political rhetoric. One such woman was Jahanara Begum (1614–1681), a Mughal princess whose imperial influence was distinct to that of her female predecessors. Her biographical treatise, *Risalai-Sahibiyyah*, highlights the intersection between the socio-political and spiritual through a Sufistic centred approach. By publicly presenting herself through traditional modes of representation, Jahanara was able to exercise her agency through the appropriation of those modes. Subsequently, Jahanara's agency in her religious persona lends to a better understanding of women's navigation of religious expression.

Jahan Ara Begum, oldest daughter of Emperor Shah Jahan and Mumtaz Mahal assumed the title of 'Begum Saheba' at age seventeen and with it all the responsibilities of the chief queen after her mother's untimely death in 1631. At seventeen, Jahan Ara stepped into a fully formed socio-political framework dictated by Shah Jahan's legacy-building objectives and 'Timurid Renaissance' initiatives. The princess' association and affiliation with the Qadriyah Sūfi order ensured a continuation of the Sūfi-Emperor relationship that predated Emperor Babur. The Sūfi-Princess connection substantiated and linked Shah Jahan's claim to his Timurid legacy and the practice of public piety portrayed good government' under the just emperor with Jahan Ara as one link in Shah Jahan's 'chain of justice.'

Jahan Ara took risky political initiatives as a social and political intermediary or intercessor during the turbulent 'War of Succession' in 1658 between Shah Jahan and Aurangzeb. Shah Jahan and Aurangzeb jockeyed for the throne of Delhi and Jahan Ara played a pivotal role as an intermediary assuaging and mitigating the potential violence and familial rift among the male members of her family. Though the heir-apparent was Dara Shikoh, Shah Jahan's oldest son, Aurangzeb, the youngest son made rightful claims to kingship where he considered his capability and not seniority to merit ascension. At a critical point in the military operations on both sides of the opposition Jahan Ara, interceded with an impassioned plea to Aurangzeb in the form of a letter to withdraw his troops and accept the emperor's will for Dara Shikoh to succeed him on the throne.

Jahan Ara invokes God, his Prophets, Islamic jurisprudence and filial piety to provoke Aurangzeb to give up his military stance. As God's shadows' on earth, the Mughal family and particularly the imperial line is obligated to abide by God's laws and Man's laws to sustain and legitimate their rule. Jahan Ara appeals to Aurangzeb's sense of duty to God, the Empire and its subjects. In this letter, Jahan Ara expresses her diplomacy, religiosity and equanimity and reveals herself, at the tender age of thirty, to be the noble, graceful and pious princess as she is billed in Mughal chronicles and histories. In the letter, she clearly obligates Aurangzeb in making the right choice in his surrender and submission to God and the emperor as his representative, however, not without extolling his virtues.

Jahan Ara praises her brother's superior qualities and impresses upon him the risk he's taking in compromising these noble attributes. Here Jahan Ara exhibits the same political sagacity and determination that Maham Anaga exercised when Akbar's foster-mother used her position and affection for the emperor to advocate a particular social and political maneuver. Nūr Jahan's political and social machinations may have lacked the finesse or artfulness utilized by Maham Anaga and Jahan Ara to delicately negotiate their own needs as part of and not apart from the greater imperial objectives. Jahan Ara's efforts were made to no avail as Aurangzeb responded with a petition to Shah Jahan and dispatched and readied his army for the battle at Samugarh against his brother Dara Shikoh.

Aurangzeb defeats Dara Shikoh's army and takes possession of Agra in 1658 and is supported by other imperials in this seizure. Shah Jahan is deprived of power and access to his treasuries. Jahan Ara intercedes again on behalf of the emperor but this time personally delivers her father's message of partitioning the Empire between Aurangzeb and Dara Shikoh. Jahan Ara takes an active and visible role in conveying to her combatant brother the love that his father still maintained for him regardless of Aurangzeb's aggression toward his brother and father. Jahan Ara tries to

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convince Aurangzeb to accept his equal share of the empire that Shah Jahan has proposed to divide among the brothers and above all he must reconcile with Dara Shikoh and the emperor. Jahan Ara's valiant attempts failed in their objective to quell Aurangzeb's aggression toward his father and in convincing him to dismiss his plans for attacking Dara Shikoh's armies for the purpose of usurping the throne. The significance of Jahan Ara's actions during this pivotal period in Mughal history is not only her visibility and political acumen that is commensurate with the actions of Maryam Makani, Maham Anaga and Nūr Jahan but that she appeals to Aurangzeb's sense of duty to his father, Islam and to his royal subjects. Jahan Ara's imperial authority is revered among high-ranking imperial males as legitimate and commensurate with male authority.

Though Aurangzeb rejects Shah Jahan's petition via Jahan Ara for partitioning the empire, he receives her in his royal apartments with imperial distinction and respect. Regardless of his political objectives, and Jahan Ara's loyalty to their brother and his arch rival, Dara Shikoh, Aurangzeb accorded her the reception she deserves as his oldest sister and one who had served a significant role as a surrogate mother in contracting and preparing his wedding ceremonies as well as interceding on his behalf in an earlier dispute with Shah Jahan during a critical period in the princess' life. In 1644, Jahan Ara took an active role in negotiating a political reprieve from Shah Jahan on behalf of Aurangzeb during her recovery period from an accident where half of her body was burned and afflicted with life-threatening wounds. Aurangzeb was swayed by unwise counsel to abandon his duties in the Deccan thereby incurring the wrath of Shah Jahan. His jagir (allowance) and rank were immediately removed by the emperor for disobeying his royal order. Jahan Ara appealed to the Emperor to forgive Aurangzeb and restored him to his former rank and was given additional honors and financial increases. Jahan Ara rose to the physical and emotional challenge as she found herself once again serving as an intermediary between father and son where she successfully convinced the emperor to reverse his royal edict on Aurangzeb.

The success of Jahan Ara's role as a social and political intermediary may have been facilitated by her elevated rank as a Sūfi-devout or piri-muridi and the physical realizations' of this position through her two Sūfi treatises completed in 1639-40, her patronage of several Sūfi monuments in Srinagar and Ajmer and her public and prolific association with the Qadriyah order. Pre-dating the Mughals, the Timurids used Sūfi pirs as political advisors and intermediaries in resolving social and political conflicts and served as the most compelling advocates of the reigning ruler in the local communities where they lived. In addition to her exemplary and notorious political role, Jahan Ara played the role of a surrogate mother to her brothers in arranging their weddings as well as in alleviating tensions between father and sons. In 1653, Aurangzeb's slow but successful progress in financially and physically reinvigorating the Deccan territories received a critical and unappreciative response from Shah Jahan.

Soon after her mother, Mumtaz Mahal's death, the title of 'Sahibat-uz-Zamani' (Mistress of the Age) was conferred upon Jahan Ara and with this title she was given the royal seal for political, social and commercial transactions and considered the official keeper of the imperial seal. Though the act of issuing royal edicts through the royal seal may have been a perfunctory act for Jahan Ara, it indelibly represented her authority in official records. Further, passing royal edicts was often a two-step process and involved stamping and announcing where Shah Jahan's state-sponsored architecture played a pivotal role.

Jahan Ara's role in resolving conflicts through diplomacy and social tact extended beyond the disagreements within her family and was well-known among Mughal enemies or rival factions. In 1654, Shah Jahan's armies led by Khalilullah Khan attacked Raja Prithvi Chand, king of Srinagar in the Garhwal hills. The war ensued for two years when in 1656 the king sent Jahan Ara correspondence assuring her of his loyalty to Shah Jahan and his willingness to submit to the armies. Jahan Ara was successful in negotiating a retreat and for seeking a royal pardon on Raja Prithvi Chand's behalf. Another incident where Jahan Ara's equanimity and conciliatory agency is sought is in 1656 at the behest of Abdullah Qutb Shah whose territory in Golconda had seen overtaken by Aurangzeb and who Qutb Shah claimed had made unfair fiscal demands from his kingdom. Jahan Ara was sent several letters imploring her to intervene on Qutb Shah's behalf. For the beleaguered Qutb Shah, the princess gained a royal pardon and indemnity from all payments of tribute arrears.

As a keeper of the royal seal, Jahan Ara's imperial identity and authority were also made 'visible' in the commercial sphere as she was granted the territory of Surat and the revenues collected from the highly trafficked international port. In 1644, after Jahan Ara was given the Surat port and its revenues, a ship was dispatched to Bassein to retrieve guns as well as material to build a new junk for the princess. Befitting her pious personality, it seems more than any other chartered ship, Jahan Ara's ship named, Sahabi (after her royal title, 'Begum Sahib') transported pilgrims of Haj to Mecca along with her cargo. The Surat port as Jahan Ara's possession and representation reveals another

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axes through which the princess' position, power and persona were perceived and made 'visible'. The Sahabi served as Jahan Ara's 'conveyance' through which the religious goals of pilgrims were achieved, merchants and their wares transported and the vessel ensured safe passage for the populace.

Jahan Ara was constant in her fealty and filial piety to Shah Jahan as she remained by his side in his remaining days during his imprisonment in the Agra Fort from 1658 until his death in 1666. The princess' unwavering support for her father in his struggle against Aurangzeb was not only profound but a poignant moment in her life. During her father's imprisonment, Jahan Ara was unable to assert the imperial authority she had once used liberally and with success as an intercessor, political diplomat, surrogate mother, Sūfi-devout, and patron to artfully negotiate personal and public needs and objectives. Without Shah Jahan as the epicenter around which Jahan Ara's orbited and represented her authority, the princess had reached the limits of her representation within and beyond the imperial domain and she remained respectfully at the mercy of Aurangzeb's will. Following Shah Jahan's death in 1666, however, Aurangzeb elevates Jahan Ara's position in the imperial hierarchy and doubles her allowance.

The auto/biographical Sūfi treatise, *Risala-i-Sahibiyāh*, attributed to the Mughal princess Jahan Ara Begum (1614-1681). The *Risala-i-Sahibiyāh* is a testimony of the princess initiation and 'self-realization' on the mystical path of Sūfism under the auspices of her Sūfi master Mullah Shah Badakhshi. In the *Risala-i-Sahibiyāh*, Jahan Ara's primary claim is that as a direct function of her piety the light of the Timurid lamp is finally and eternally illuminated. The thirty-nine pages of the *Risala-i-Sahibiyāh*, written in 1641 C.E in Persian, include Jahan Ara Begum's poetic ruminations, the biography of her pīr Mullah Shah Badakhshi and a narrative of the intense interiority of her mystical experience. The 'spiritual journey' enabled Jahan Ara to cultivate a 'voice' and make herself 'visible' through her professions in ink where her personal prose and poetry can be seen as a discursive on the feminine element in Sūfi transcendental ideology.

Summary

Indian women are at the crossroads of their destiny. There is a great upsurge in consciousness about their rights among all sections and classes of society in all regions of the country. There has been a tremendous increase in developmental activity for women in medieval age. Unfortunately, some of the gender biases were predominant. In medieval age, some women exerted considerable influence in the field of administration. This includes Rudramaba - the Kakateya queen about whom Marco Polo speaks; Razia Begum (13th century); Chandbibi who tried to defend the fort of Ahmadnagar from Akbar; Tarabai the Maratha heroine who spearheaded a resistance against Aurangzeb. Razia ruled briefly amidst the male-dominated court of fierce Turkish nobles. She had extraordinary skills as a ruler but the opposition of mullahs along with others brought her end. The Mughal women played an important role in those times. Jehanara and Roshanara (daughters of Shah Jahan), Zebunnisa (daughter of Aurangzeb) wrote poetry. Gulbadan Begum, the daughter of Babur, wrote Humayun Namah. Nurjahan (wife of Jehangir) and Mumtaz Mahal (wife of Shah Jahan) were well versed in Persian literature. However, it would be erroneous to judge the condition of women at large based on a few royal women. Women of the higher classes lived in seclusion, but the women belonging to the cultivating classes did not observe these customs.

Keywords

1. Parnotsa - ancient name of Punch
2. regent - a person appointed to rule a state because the monarch is too young or unfit to rule
3. sovereign - a king / queen who is the supreme ruler of a country.

Self- Assessment

1. Whose biographical treatise is *Risala-i-Sahibiyah*?

- A. Jahanara Begum
 - B. Didda
 - C. Raziya Sultana
 - D. Nur Jahan
2. Queen Didda rule over which part of the of India between 980-1003 CE?
- A. Sindh
 - B. Delhi
 - C. Kashmir
 - D. Agra
3. Which port and its income was the under the control of Jahanara Begum?
- A. Broach
 - B. Surat
 - C. Calicut
 - D. Sopara
4. Queen Didda belonged to which dynasty?
- A. Karkota
 - B. Shah Mir
 - C. Lohara
 - D. Gupta
5. Who stated, "The statesmanlike instinct and political ability which we must ascribe to Didda in spite of all the defects of her character, are attested by the fact that she remained to the last in peaceful possession of the Kashmir throne, and was able to bequeath it to her family in undisputed possession."?
- A. Kalhana
 - B. Colonel Tod
 - C. Vincent Smith
 - D. Auriel Stein
6. Of which successor, Queen Didda became the regent?
- A. Kshemagupta
 - B. Abhimanyu I
 - C. Tunga
 - D. Abhimanyu II
7. Which Mughal lady received the title of 'Sahibat-uz-Zamani'?
- A. Nur Jahan
 - B. Jodha Bai
 - C. Jahanara Begum
 - D. Roshanara Begum
8. To which Sufi sect, Jahanara Begum was associated with?
- A. Qadriyāh
 - B. Nasqbandiya

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- C. Chisti
 - D. Suhrawardi
9. Whom did Iltutmish nominate as his successor?
- A. Bahram Shah
 - B. Aram Shah
 - C. Raziya
 - D. Mahmud Shah
10. Who revolted against Razia Sultan?
- A. Ikhtiaruddin Altunia.
 - B. Bahram Shah
 - C. Aram Shah
 - D. Balban
11. Who stated, 'My sons are devoted to the pleasures of youth, and not one of them is qualified to be king. They are unfit to rule the country, and after my death you will find that there is no one more competent to guide the State than my daughter.'?
- A. Qutub-ud-din Aibek
 - B. Minhaj-us-Siraj
 - C. Iltutmish
 - D. Balban
12. According to Minhaj us Siraj who was a Lashgarkash, a war-leader?
- A. Bahram Shah
 - B. Aram Shah
 - C. Raziya
 - D. Mahmud Shah
13. Who stated, 'great was the influence of this Persian princess that Jahangir joined her name with his on the coinage, a conjunction unparalleled in the history of Mohammedan numismatics.'?
- A. Stanley Lane-Pool
 - B. Colonel Tod
 - C. Vincent Smith
 - D. Auriel Stein
14. Who saved Jahangir from the coup of Mahabat Khan with their tactics?
- A. Khurram
 - B. Khusrav
 - C. Malik Ambar
 - D. Nur Jahan

Women in Indian History

15. Which medieval age lady had a good fashion sense, and she is credited for many textile materials and dresses?
- Queen Didda
 - Raziya Sultana
 - Nur Jahan
 - Jahanara Begum

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. A | 2. C | 3. C | 4. A | 5. D |
| 6. C | 7. C | 8. A | 9. C | 10. A |
| 11. C | 12. C | 13. A | 14. D | 15. C |

Review Questions

- Discuss the events during the regency of Queen Didda.
- Write in detail the career of Queen Didda as an independent ruler.
- Critically evaluate the personality of Queen Didda, both as the regent and as the Queen.
- Examine the reign of Raziya Sultana.
- Asses the contributions of Queen NurJahan.
- Explain the political diplomacy of Jahanara Begum.

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Unit 03: Feminist Consciousness in Modern India

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Objectives

After this chapter, you will be able to:

- Explore Nature and dynamics and composition of the feminist movement
- Understand the feminist movements and feminist consciousness in early half of the 20th century
- Explore wonderful legacies of feminist and social reformists: Begum Rokeya and Sarla devi Chaudrani

Introduction

The notion of feminist consciousness in Modern India denotes to illustrate how women, both individually and collectively, sought to question and challenge their rights, roles, and status in the changing time of the society. Feminist consciousness and awareness in modern India exhorts historians, literary critics, and students to fully understand and grasp the divergent approach, trend and responses that prevailed since the time immemorial in India. Feminist consciousness in modern India can't be understood and explained in isolation but vis a vis to its own past and the feminist consciousness around the world. In India feminist consciousness can also be traced in numerous sources from personal accounts to police records, thus enriching our understanding of the history of gender relations, the construction of gender identity and consciousness, and the emergence of a self-aware and recognizable feminist movement in the modern era around the globe. The concept of feminism as an ideology is very closely associated with women's studies and women's movement in various parts of the world. During various phases of history there has remained a focus on how to establish or to make women a self-conscious category and a force to generate a rational sensible attitude towards women. Besides the emphasis was also on to view the women in their own positions; and an approach to view the women through their own perspectives rather than the perspective of others especially the male counterpart. In recent times, the emergence and growth of women 's studies in India reflects interest in women 's conscious engagement in various social and political movements of the country. The roots of feminist consciousness in India can be traced back to the colonial period. The study of Indian feminism and the various feminist movements cannot be understood without having a deep recognition and understanding of the heterogeneous nature of Indian women community. Here the women are not confined in one sector

but are spread over several sectors with varied and divergent stratification. An analysis of feminism or the study of feminism should be analyzed in alliance with different other forms of pluralistic emancipatory movements, responsive as well as compromising attitude on the part of the state on women's concerns. Prior to 20th century women's autonomous status as a social category was neither much visible nor recognized in the politics and society of the country. In this context we have to remember there exists a thin but clear line of difference between feminism and women's politics. This difference is very much similar to the difference between women's studies and studies of women. For a considerable length of time there was an accepted belief that all kinds of women's activities should belong to the 'private' domain of the individual and family with no direct bearing upon the state and society. Hence women's issues belong very much to the private domain also. But with the gradual change in the attitude women's questions have started receiving a different dimension. A new kind of awareness started to evolve in both sexes and this changed attitude has a lot of owing for its origin to feminism. To a certain extent the concept of feminism as a modern ideology that evolved and developed in Europe and in the United States in the 1960s and from there spread in several parts of the globe. With this feminism and gender studies in the United States developed side by side along with the ethnic and black movements. In India too, we find the varied shades or the phases of Feminism that can be identified in the following context-

- an endeavor to make women a self-conscious group
- an attempt to generate a rational sensible attitude towards women
- an effort to look the women in their own positions
- an approach to view the women through their own perspectives.

Feminist movements in India are like a set of movements aimed at defining, establishing, and defending equal political, economic, and social rights and opportunities for women in India. It is the pursuit of women's rights within the society of India. Like their feminist movements counterparts all over the world, feminists in India also seek gender equality: the right to work and to get equal wages, the right to equal access and affordability to health and educational facilities, and the equal political rights without any discrimination and prejudices. The Indian feminist protagonists also have fought against culture-specific issues within India's patriarchal society, such as inheritance laws and other such laws. Broadly the history of feminist consciousness in India can be divided into three important phases which are as following-- The first phase, which had its beginning in the mid-19th century. It was initiated when feminist reformists began to speak in favor of women rights by making reforms in different areas like education and traditional customs where women were involved. The second important phase which had its beginning from 1915 to Indian independence. It was a time when Gandhi incorporated women's movements into the strategy of various movements like the Non-Cooperation Movement, the Civil Disobedience Movement and the Quit India movement. As now the Women issues have been made a part of the erstwhile nationalist movements, eventually with a slow speed but surely steadily vibrant independent women's organizations began to emerge. In this way finally, the third phase, begun in the post-independence period. All these feminist organizations which has focused on fair treatment of women at home and after marriage. They also talked and brought their issues as well as the use of their labor as work force. Other issues concerning to them like their right to political parity was also addressed by these newly but effective women organization. Despite the splendid progress made by Indian feminist movements towards the rights and awareness of women, the women living in modern India still face many issues of discrimination which reminds us more sincerity and more seriousness towards the gender issues. The patriarchal nature and hegemonic characteristics of the Indian culture has made the process of gaining land-ownership rights and access to education challenging for women besides restricting their entry in many other areas of socio-cultural and political arenas. In the previous two decades and perhaps a little more, there has also emerged a trend of sex-selective discrimination like the forced abortion due to various stigmas, taboos and social customs and also the fake pride in family prides. All these for the Indian feminists were seen as brazen injustices. These also have been considered as worth struggling against the discriminations and feminism is often misunderstood by Indians as female domination rather than equality. Just as in the West, there has been some criticism of feminist movements in India. They have especially been criticized for focusing too much on the rights and conditions of the privileged women, and at the same time neglecting the needs and representation of poorer or lower caste women. This has led to the creation of caste-specific feminist organizations and movements. In India such movements have not remained confined to some areas but evolved and spread on a pan-India basis. Feminist movements Southern Indian states are the example of the recent awareness

and enlightened vision. Almost all the societies across the whole of the world have been patriarchal for most part of recorded history. It is enormously difficult and cumbersome to talk about the position and status of women, with all women being categorized as uniform community. There has been enormous variation in the status of women depending and subjected on the culture, class, caste, family structure and property rights. Even while for a considerable length of time women had the right to kinship systems but on the hand the entire mechanisms of marriage viz. inter-caste, inter religion marriages, descent, residence and inheritance rights are rarely christened in such a way as to guarantee women access to resources or to allow them to secure access for other women. In fact, under patriarchal order kinship, conjugal and familial systems tend to construct women in such a way and order that they hardly live as independent beings and they are virtually seen and visualized only in terms of relation to men, thus by depriving women of their selfhood and independence or autonomy. Hence for a proper understanding and improvement of the social reform movements or feminist movements for the development of women in India it is necessary to examine the historical background that necessitated and brought about social reforms.

In Indian history, however we witness the major shifts in the position of women in different periods and some of these changes are reflected in the texts that prescribe codes of behavior, these texts mostly in the nature of religious texts and therefore to certain extent remains aloof to world view and even failed to capture the dominant worldview of the period. In the eighteenth and nineteenth century Europe there developed the first and vibrant wave of feminism hardly had a considerable influence or effect on Indian situation. However, the major thrust of this ideology that evolved and spread during this period remained centred on the demands of equality, liberty and universal suffrage, which was an step ahead. This was very much in tune with the ideas of European liberalism which was considered some sort of greater emancipation to women. Publication of *The Vindication of the Rights of Women*, (1792) by Mary Wollstonecraft can be considered as a watershed of the feminist movement in west. In India under the colonial influence and as a part of the nineteenth century reform movement the feminist ideas began to spread. During the pre-independence period feminist questions revolves around some major issues like the spread of education, prohibition of child marriage, abolition of Sati system, widow remarriage, etc. However, analysis of women's question in colonial India was very much limited in its scope and approach as it was concerned with the upper caste Hindu Bhadrlok or the elitist class of the society only. Actually, it encompassed the colonial elite experienced in colonial modernity. Thus, in colonial India social reform movements modernized gendered relations in some upper caste families while dispossessing lower caste women of their rights in attempts to homogenize the women as a group renouncing caste and community specific practices and problems. This has compelled a band of scholars and feminists like Anupama Rao to identify feminism in the colonial period as 'Brahminical feminism' (Rao:2003). Ram Mohan Roy and Vidyasagar though have made important contributions towards the emancipation of women in our country, unfortunately their efforts largely remained confined to particular echelons of society and failed to touch the grassroot. It is for this Rao has argued that the "beginning with the debates about the abolition of sati in 1829, the reformers' attention to practices such as widow remarriage and the age of consent focused solely on upper-caste women and their lives. This was accompanied by the quieter transformation of the domestic sphere through women's education and the percolation of a new sensibility about women's duty and responsibility at home. Jyotibha Phule was perhaps the first one to relate the caste question with women's issues along with the problems of the widows who are the most marginal of the women within the upper caste society. In 1848 he opened a school for the untouchable girls and a home for the upper-caste widows punished for illicit sexual relations. Being childless Phule was under extreme pressure to have a second wife. But instead of doing that he and his wife Savitribai took a revolutionary stand in those days which itself was revolutionary and rebellious in nature by adopting a baby born to a Brahmin widow. He believed that, "the upper caste women also faced the impossible burden of maintaining caste purity in their person. Thus 'softer' forms of gendered domination that upper caste women faced were no less oppressive than the expropriation of manual and sexual labor experienced by the lower-caste women". (Rao:2003). The restricted or limited nature and scope of gender issues in the colonial period has been analyzed in detail by the eminent social scientist of the contemporary times, Partha Chatterjee, who considers that the gender studies and offered a means for working through the contradictions of colonial modernity. For him, the new patriarchy which nationalist discourse set up as a hegemonic construct was culturally different from the western concept as well as from the mass of its own people. It has received acceptance among the new middle class, admittedly a widening class, but is irrelevant to the large mass of subordinate classes. (Chatterjee; 1999: 250-251). Thus, the issue of caste or religious community was consistently dealt with but approach to such remained elusive. Tarabai Shinde, an activist of Phule's Satyasodhak Samaj wrote a revolutionary article in 1882

namely Stri-PurushTulana. Here she has written after an upper-caste widow Vijaylakshmi has been convicted of infanticide. It can be considered as "one of the first feminist critiques of caste" Shinde utterly refused to consider home and family as some sacrosanct domains and she positively demanded state intervention to make it easier for women to live and marry independently, and to punish men who corrupted the innocent. "The wide range of ways in which Tarabai Shinde herself describes and represents women, contrasting strongly with the impoverished stereotypes of contemporary masculine discourse, is the most striking aspect of her text. Her voice itself moves from urbane social commentary to the scathing female abuse of the market-place, from mocking descriptions of men's sexual pretensions to the pleas of a pious wife for domestic harmony and companionship of the women. It is crystal clear then that how she has not been arguing from the abstract of 'modern' principles of rights or equality but except at the most and contextual common-sense level. She also has not indeed does she draw at all on themes from devotional religion, through which as we saw, some women in pre-colonial society expressed their dissent from Brahminical religious culture. For her what seems to have mattered was not merely a religious milieu in which women could find acceptance as equals, but much more concrete changes in the domestic and social circumstances of women". (Hanlon; 1994: 53-55). In the nineteenth century earliest phase there developed another concept of womanhood that shaped the key political relations of the period. It was a period of developing national identity. According to noted social scientist Ima Chakravarti, "the nation's identity lay in the culture and more specifically in its womanhood. In the changed political and social environment, the image of womanhood was more important than the reality" Drawing the coinage of Eric Hobsbawm she said that during the nineteenth century there was 'an invention of tradition'. During the period we observed the construction of a particular kind of past that provided the context for a particular kind of womanhood. To her, "the past itself was a creation of the compulsions of the present and these compulsions determined which elements were "highlighted and which receded from the conscious object of concern in historical and semi-historical writings". The Sahadharmini model incorporating the notion of spirituality with a combination of Gargi- Maitreyi-Sita-Savitri and Lakshmi Bai model became the central theme of womanhood. To Chakravarti, "Nationalism itself came to occupy the same place that religion had done before; it was a permitted area for women's participation. In this model of womanhood there was no difference between the perceptions progressives and of conservatives". She further has said, "the twentieth century has continued to reproduce, in all essentials, the same kind of womanhood that the nineteenth century has so carefully, and so successfully constructed as an enduring legacy for us". (Chakravarti; 1999: 78-79) This kind of constructed womanhood reflected a kind of Victorianized pativrata and allied value system with emphasis on upper caste morality and concept of purity. An idea of extremely fragile feminine moral vulnerability was inherent in this concept. These models for womanhood, in turn, "reinforced with Hinduized forms of veiling and outward modesty for women, were particularly important for emerging dominant peasant castes like Marathas, Jats and Rajputs in the later nineteenth century." (Hanlon; 1994:60) These newly hegemonic upper caste and middle caste peasant groups generated some of the most repressive cultures for women even in the contemporary period. We can say the growth of militant Hindu womanhood, which became very much visible since the last decades of the last century, owes its origins to this period. The Rashtrasevika Samity, the mother wing of militant Hindu women was founded in 1936 with an intention to keep the women "tied to family interests and ideology while spicing their lives with the excitement of a limited but important public identity". (Sarkar; 2002:189) Women, increasingly becoming aware of their rights and duties, helped in the formation of the first women's movement in India. The use of the word 'feminism' in the Indian context was still peripheral although its impact was being felt all over the country thus leading to the birth of the women's movement in different parts of the country. More specifically, in the political and social context, women were increasingly making their presence felt by way of their active and effective participation in the movement for freedom movement of the country. Women's enormous struggle, in the world over, has been marked by the efforts of the 'second sex' in dealing with the various material and non-material inequalities and hierarchies that have affected women's lives across time and space irrespective of caste and community distinction, such as those related to class, gender, 'race', caste, sexuality, religion, ethnicity, education, age or health. Women have, since ages, challenged or fought these inequalities through different types of politics and activism in the public sphere and through individual actions and forms of resistance in the so called 'private sphere'. Likewise, the feminist or the women's movement elsewhere, the women or the feminist movement in India may also be categorized and divided into three phases, if not waves to have a broader conceptual understanding about the nature and characteristics of the movement. The first phase began in the second half of the 19th century when socio-religious and the enormity of cultural reforms prompted women's upliftment and gender equality in the overall perspectives. The second phase begins in the 1920s, when organized efforts were made to take up

women's genuine issues and the concerns. This phase that began in this period also coincided with the ongoing nationalist movement and at times both appeared to merge into each other. Women were also being gradually initiated into feminism or the women movement which had their key role in the overall situations. The important and prolific role played by women leaders and women's organizations also constituted a new feature of this period and highlighted the enormous potentials what they had which have been subverted in many centuries. The third phase may be said to be started or began after independence, more specifically in the earliest phase of 1960's, when in the years after independence, the task of nation-building had begun with an enormous speed and rationale. The other and the most recent phase, which may be called as the fourth one, has been identified by scholars of women's studies, beginning with the advent of the 21st century. It was a period when the gender or the women's issues became more diverse and connected with movements against other forms of inequality, subordination, negligence etc. After independence some kind of apathy and quietness prevailed for nearly three decades on the overall feminist or the gender issues or the concerns. In recent times everywhere at the global level the Feminist issues and feminism at large are being considered as part of the all-encompassing human rights issue and concerns that has a broader the democratic agenda. Evolution of feminism in this period was characterized by a major ideological dilemma regarding the issue of independence and the autonomy. Here to quote Bandana Chatterjee where she has written, "feminist movements in India involved both structural autonomy from other social and political organizations side by side the ideological autonomy vis a vis to the relationship to other issues in Indian socio-cultural and the political system". (Chatterjee; 2004:364-365) Here the structural autonomy refers to the inter-relationship between different groups, which may be socio-cultural on the one hand and women's movement and organizations on the other hand. While the questions arising around the concept of ideological autonomy is much more a complicated and difficult issue. As the term feminism in the real sense of the term does not imply or even denotes the substitution of male. Unlike the Western feminist movements, India's feminist movements were initiated by mainly by men, and later these movements were joined by women, and this cannot be ignored or forbidden. Indian feminism as an important and productive initiative started independently a little later in the early half of the 19th century in Maharashtra by pioneering and championing the questions of women's rights, their active participation in education. Savitribai Phule was the first and a pioneering figure who started the first school for girls in Maharashtra in 1848. Another great feminist from Maharashtra, Tarabai Shinde, who has written India's first and celebrated feminist text *StriPurushTulana* which means - A Comparison Between Women and Men. This was written in the year 1882. Another feminist and the champion of women cause and a great social reformer from Maharashtra was Pandita Ramabai. She has vehemently criticized the patriarchal and the hierarchical structure of the caste-system in Hinduism. She not only had stopped here but even solemnized her marriage outside of her caste and converted to Christianity in 1880s. The phenomenal rise of women voice in modern India did not remain confined or restricted to any particular area but gradually turned into a Pan-Indian movement. Here the efforts of Bengali reformers are commendable and worth to be acknowledged. The issues they raised included abolishing sati, which was a widow's death by burning on her husband's funeral pyre. Child marriage was another important issue and this when included with other issues further were making the issues more complicated. They were finally successful in raising their voices against child marriage. Finally, abolishment of the old custom of child marriage was abolished. It was their strenuous effort that in 1856, widow remarriage was allowed. This has opened vast space for women emancipation in India. The abolishment was although not a smooth and a easy win. It was opposed as it was considered sanctioned by the religious texts. Apart from these the introduction of the marriage of upper caste Hindu widows, promoting women's education, obtaining legal rights for women to own property, and requiring the law to acknowledge women's status by granting them basic rights in matters such as adoption. The 19th century was an important period that witnessed a majority of women's issues and concerns that came under the spotlight and reforms began to be made. Much of the early reforms for Indian women as explained earlier were initiated and carried out by men. However, by the late of the 19th century these concerned males have been joined in their strenuous efforts by their wives, sisters, daughters, protegeses and other individuals who directly affected by the campaigns. An example of such is those that have been carried out for women's education. As a result of such awareness and enlightened approaches in the late 20th century, women have gained greater autonomy and independence through the formation of independent women's own organizations and institutions. However, by the late thirties and forties, a new narrative began to be constructed regarding "women's activism". This has been newly researched and expanded with the vision to create 'logical' and organic links between feminism and Marxism, as well as with anti-communalism and anti-casteism, etc. The Constitution of India did guarantee "in 1949 the equality between the genders", which was a relative lull or deliberate silence in women's movements until the start of

1970s. During the formative and the constructive years of women's rights movements, the difference between the sexes was more or less taken for granted in that their roles, functions, aims and desires were different. As a result, they were not only to be reared differently but treated differently also. In the course of time, this difference and the variance itself had become a major reason for initiating women's rights movements. During the early of the 19th century reformers and the pioneers of women rights movement argued that the difference between men and women was no reason or the sufficient reason for the subjection of women in society. However, later reformers were of the opinion that indeed it was this particular difference that subjugated women to their roles in society, here an example can be cited for example, Subjection had many other reasons which may be of due to the various socio cultural reasons. as mothers. Therefore, there was a need for the proper care of women's rights. With the formation of women's and feminists' organizations and their own participation in campaigns, their roles were again stressed but in a different light and shades. In this period of time the argument was for women's rights to speech, education and emancipation. However, gradually the image of women with the mother as a symbol underwent changes over time - from an emphasis on family to the creation of an archetypal mother figure, evoking deep, often atavistic images.

3.1 Nature, Dynamics and Composition of The Feminist Movement in Modern India

India is a country with a rich and a diverse history - one that is interpreted differently by different sections of its population. Since the country is home to several community and socio-religious and linguistic groups, there are enormous and manifold stories to tell and multiple dimensions of each historical event. The feminists' movements in India are generally attributed to diverse culture and great historical factors. They all started in the late 1of the 970s, but there is a long history, there, of struggle and rebellion at various levels. The very basis of the flourishing feminist movement, today, are the small acts of freedom our foremothers engaged in, to get us where we stand, right now. The reality that makes the practice of feminism so diverse and personal is its dynamism. This is also because the experience of gender varies from person to person, as various identities we possess clash with each other. The meaning of gender and empowerment changes from time to time, it develops itself and starts to include within itself various details and nuances that have crept into in various ways and dimensions. It is important to note that the primary feminist movements in India did not recognize words like 'patriarchy', 'misogyny', 'gaze', 'privilege', or 'commodification' as these were more frequently used in various or almost feminist movements in West. Here it would be wrong and erroneous to say there was no women's movement, then, at all which included such issues in India. Any act of resistance by women is nothing but denoting feminism, at whatsoever level. In any historical analysis therefore, it is important and urgent to keep in mind the cultural contexts in which such movements began. The feminist movements in Pre-independence era thus can be studied in two parts or phases for example - focusing on the late 19th century, and then the early part of the 20th century. Here we can see the huge difference in the various movements of the mentioned period. We can that how the two unfolded approaches, between them the one that is also important to aid my previous point about how dynamic feminism is, which is why it is relevant in all forms. The genesis of the new feminist movement or the women movement lay in the radicalization of Indian which were obviously the coming on to the fore in the late sixties. The rebellious mood of the youth, poor peasants, marginal farmers, educated Dalit and tribal men and women, industrial working classes and the minorities like the Muslims and the Sikhs found its expression in the formation of innumerable special interest groups. These groups were addressing themselves to the needs and demands of the local masses. Macro political processes were also finding major shifts in their rhetoric as the protest movements of the subaltern masses had taken militant paths guided by different political ideologies.

3.2 The Feminist Movements in the Late 19th Century

The above-mentioned period is deemed to be the beginning of the fight or the struggle for the women's rights in Indi. The late 19th century saw the dawn of a dynamic realization against those aged long practices that have been now part of a culture and civilizational values such as the practice of the Sati system or the institutionalization of child marriage, and the attempt and effort to promote education for women on a priority basis. All these were characterized by the certain process of legal and social reform. The colonial rule has changed the Indian aspirations and the meaning of the family. In a bid to look alike the white Christian families. The concept of brown

social reformed now has a new concept, a fashioned, a new ideal wife. It means one that was homely and servile, but still educated like the European ladies. However, in real sense the homely terminology was not applicable while defining the European women. Most of these reformers were, however, men, and the leadership of the movement by the males reflected the essence of the feminist movements. The educational upliftment or the education for women was not supposed to be equivalent to what the men have received or what they were receiving. It was because of the hesitation or the fear that once they get educated that women would resist patriarchal control. They would also try to move out of the private space of the home., this was assumed. However, all these assumptions have fallen apart and shattered into pieces but all these took long years. The demand for abolition of sati and widow remarriage during this period was also because it was considered immensely wasteful of the women's reproductive qualities. The further explanation was for them to die so young or never marry again. These reforms were aimed at a specific section of the people like the men of the upper caste and the upper-class women. Here an example of the above can be given that the Widow Remarriage Act, for example, only extended such right to women of the upper castes. Further in this context it is also worthful to be mentioned that in Education too, that was only accessible to these women. However, it is a false and bizarre assumption that only the men were involved in the reform work of the period. While it is true that the men like Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar remained in the lime-light, there were innumerable women also who were challenging patriarchal notions in the social milieu and their resistance was so courageous that in the contemporary writing that has mentioned their action with praise. It is however, true that as always, women's work has been sidelined and made its mentions almost invisibles under a deliberate plan of underestimation. Among the pioneering feminist the name of Kamini Roy is worth to be mentioned. She spearheaded the suffragette movement in India, back in the 1880s, after returning from her studies abroad. She has earned her graduation from England and of course was the Britain's first female honors graduate. She took up the issues of women which had a vast compass yet she focused on the political rights of the women. In her name there are several feminist publications where she has raised various important concerns and issues of women and published several feminist writings. It was through her consistent efforts that women finally won partial suffrage in 1925 in Bengal's Legislative Council elections. Other important pioneer feminist was, Muthu Lakshmi Reddy who braved all the odds of life and studied medicine in a men's college which was purely a male domain. She was the daughter of a devadasi and was well aware of the travesties of life for a devadasi. She fought relentlessly against the system of the devadasi system. At other place, we find the dreams of freedom and liberation in Rasshundari Devi's autobiography. Devi was a child-bride in Bengal in a zamindar family, who had learned to read and write secretly. In her writing she speaks about the loss of personhood and felt as a woman, especially after her wedding, reduced to the identity of a mother and a wife. She in her writings presented the marital home as a prison, and called herself a 'caged bird', yearning for the freedom. It is a paradox that women not only in India but across the globe have always desired for freedom, but it is very often that these desires are made invisible, for fear, that more women will rise to it, and what would the world order be, if we all rose together? It is also important to remember the political context of this period. Fresh out of the First War of Independence, the political mood of the nation was one bursting with nationalist fervor. This was also the time when western ideals were being adopted by the elite upper castes in a quest to match with their colonial masters. Women's organization and feminist groups as markers of nationalism and nationhood, were at the helm of this discourse. Thus, questions rose regarding autonomy for women, but autonomy was only delegated by men, who still had the power, and a 'liberated' women was still a patriarchal victim.

3.3 Feminist Consciousness in the Early Half of the 20th Century

From the early of the 20th century till the time of Indian independence, we witness an enormous and a huge shift in the style, function and the ideology of the feminist movement or the women's movements in India. By 1927, three major women's organizations had been already making their presence. These were as following, The Women's India Association (WIA), the National Council of Women in India (NCWI) and the All-India Women's Conference (AIWC). With the advancement of Indian freedom movement, the women also started demanding space in various arenas especially in the political and economic decision-making sphere. Most of the organizations founded during this period were raising issues and concerns primarily aimed at fulfillment of women demands. It must not be forgotten that all of these organizations were formed around certain basic and the core ideals. These ideals were like- that India would not progress as a nation while its women were locked up indoors. Further locking the women inside the four walls will not bring the status for

India, a progressive nation. Hence when political participation grew, women demand also began to occupy more spaces almost everywhere. There was an unprecedented increase in the number of women who started entering into colleges and universities for a university education, and thus more and more women were getting employed in the various establishments of the country. Women like Annie Besant, Sarojini Naidu, Sucheta Kripalani, Aruna Asaf Ali, Gulab Kaur and many other became important leaders of the freedom movement. These leaders have not restricted themselves to mere socio-cultural activities but also to active political leaders because they were aware of the fact politically empowerment is essential for a change in almost all arenas as it makes them participant in decision making. Some of these women leaders elected as the President of the Congress party. But for a long period, the idea of women empowerment in India has not made any greater advancement as the advancement in Europe was going on and the idea of women movement presented by was still, not more than the reformist movement. The main or the basic idea was to create a woman who may occupy the public spaces, but only in feminine roles and beyond of that, it was the boundary that was set in. The private spaces were still by and large remained a feminized domain. There was a clear manifestation of a mixture or a blend of domesticity and the bourgeois respectability. The women or the feminist movement of the period advocated and propagated such messages only throughout the length and breadth of the country. Feminism or women movement's perspective of this period remained mostly theorized by their essential presence. Several feminist scholars and academics realize that by and large women's participation in the freedom movement was still male dominated. However, the basic idea was to present the image of a free woman to the world, one who was filled with militant nationalistic feelings, while she still remained confined to the boundaries of the home and family. For many leaders who were unable to come out of traditional assumption that the role of women was primarily as wives and mothers, and secondarily in the public domain. The idea of sacred and venerable motherhood shined in the movement, in the form of the Bharat Mata, this soon became a symbol of the independence struggle and remained associated throughout the space and the time. This deification or veneration of womanhood and feminist, mostly Hindu womanhood was pioneered by many as a great feminist move, but it in reality only served to caste women into under the pretext of doing something for femininity and caregiving or a relief from the hardships of the day-to-day life. This idea of motherhood and 'womanly' infestations of nationalism have been repeatedly used and seen in several works and in different contexts like Marianne of France, Germania of Germany, and the Bharat Mata in Indian context. Women have been more often depicted as the national symbol for example as the guardians of continuity and immutability of the nation. Womanhood has been also visualized as the embodiment of its respectability' which is needed to be guarded by the males. In such a situation the glorification of masculine attributes or figures denote only the elicits masculine attributes to add color in the ongoing nationalist feelings which were the steering force of the freedom movement. Such an approach places women at a comparatively disadvantaged position. Women's bodies were now seen as sites of nation-building. The role of the woman in the state is now that of a mother, responsible for bringing and nurturing the nationalist children into the world. However, these changes were only for the rich, upper caste, Hindu women. As these women championed rights for education and began to work, a different wave of consciousness among the Dalits. Thus, Dalit feminism was building side by side along with the upper caste feminism. In this context we find it absolutely necessary and urgent to highlight the story of the village of Nangeli., Here the lower caste Ezhava women resisted vehemently against the breast tax imposed on them historically by the upper castes. It is worth to remember that much of the feminist discourse in the time came from the side of the Dalit voices. The leaders like Ambedkar and Periyar and Naiker spoke of women's status and criticized the precarious situation of the institutions of marriage and religion. To further the interest of lower caste woman, in 1942, the Dalit Mahila Federation was founded. It spearheaded Dalit women movement and raised their issues. In opposition to the patriarchal and dictatorial attitude and action of the AIWC, this organization broke away from the All-India Women's Congress. It raised the issue of differential treatment by upper castes and a discriminatory and prejudiced approach. Sulochanabai, who was instrumental in the establishment of the DMF, spoke quite extensively on women's education, agency. It also advocated the use of birth control, divorce, and period leave for factory workers. It was also a time when there was a labor unrest and hence the women were also actively taking part in in working class struggles in the country. They were only participating in such movements but also organizing workers' strikes. Despite its inherent weaknesses and the plenty of flaws, this was a revolutionary time for Indian feminism, as women stepped out of their homes, braving all odds and resisting patriarchal control, participating in the freedom struggle in both militant and pacifist ways, all while creating a historical moment of resistance and the assertion of their rightful autonomy. India is a country of immensely diverse groups and communities, and the vibrance of India's feminist movement is a testimony to its diversity. It is

feminism at its earliest and newest dimension where the women were being seen as breaking free from the shackles of patriarchy and male dominance, all by themselves. In this way paving an easier path for women of the future generations. The cause of women's freedom was first raised and championed by men who had imbibed liberal ideas, and furthered also by men, until more recently, the conversation has been captured by more and more non-women and its stakeholders. The women have always struggled against the injustices and the inequalities in different ways, throughout with the passage of time and have documented their history. There are some people who used to say that feminism began with the European suffragettes, but feminism began with time, and though the need for it will still last longer, there will be a day it will complete its mission. The foundation for the movement we are part of today, has been laid by the struggles of women in India, years ago. It is true that while the movement was not free from or without flaws, as many movements or any other movement, it was rebellious and revolutionary if we keep into account their valour and the space and the time when such movements have been initiated. Such exemplary exhibition of valour in an age of extreme patriarchy made many people uncomfortable and in a response to such we saw humongous opposition to women's freedom and gender justice that was making its presence and were in phase of flourishing. In the contemporary times the feminist issues in India have gained wide political currency along with different ethnic, caste, class and other interest groups quest for state attention. The state has also in many cases ensured to reconcile with the demands by framing new rules and regulations. In the words of Flavia Agnes, "if oppression could be tackled by passing laws, then the decade of the 1980s would be adjudged a golden period for Indian women, when protective laws were offered on a platter. Almost every single campaign against violence on women resulted in new legislation. The successive enactment would seem to provide a positive picture of achievement". (Agnes; 2002:521) However history proves that in reality it happens that the laws, to a larger extent are blind to the actual needs of the women and whenever or wherever it exists the loopholes override the cause. We can cite the example of the Muslim Women, Protection of Rights on Divorce Act which has been passed in the year 1986, which denied the Muslim women's right to maintenance after divorce. It was a major compromise on the part of the state on women's issues during this period and thus the flaw is been exposed. It was indeed an attempt on the part of the government to pacify the Muslim fundamentalists, In fact, in essence it denied the distinction and failed to distinguish between minority identity and gender identity for the Muslim women. In a way similarly, the Christian women's demand for a reform in their antiquated discriminatory and sexist personal laws has not been conceded. In the year 1987 there occurred the incident of the public murder of eighteen years old Roop Kanwar in Deorala, Rajasthan. The government quickly responded to it with the formulation of the Sati Prevention Act, 1988. This was an attempt to make the law further stringent again after 1829 when the British government of Lord William Bentinck officially had to take step to ban this inhuman practice against women. However, since then the incidents of such practices of sati have not been reported. After that event of Sati in 1988 govt was needed to take some more serious to stop such incidents especially the worship or the cult of Sati but unfortunately such has not been done. Several academicians and women leaders like Madhu Kishwar and Ruth Vanta respond to such in this way that it is not lack of law but the lack of will that resulted in its failure to intervene in women's questions. (Kishwar & Ruth; 1987: 15). While to Flavia Agnes reacts in this way, "the issue of a secular non-sexist civil code has been consistently pushed under the carpet and even when it does come up, in the present political context, it may well be more anti-minority than pro-women." (Agnes; 2002:56). Another example can be cited in this way where women participation is an example. In the late 1970s and early 1980s Chipko Movement became a major environmental and social movement in the northern India. The movement is commonly cited worldwide as an important example of the successful grassroots activism. A trend of Ecofeminism in India developed centering this movement. In accordance to Maria Mies and Vandana Shiva, ecofeminism is a wonderful story about the whole connectedness and wholeness of the theory and the practice. It firmly asserts the special strength and integrity of every living thing besides highlighting the values. For such writers and the feminist activists, the Chipko Movement is a woman- identified movement and there is a firm believe that the women have a special work to do in these imperiled times. It believes that the devastation of earth and her beings by the corporate warriors, and the threat of nuclear annihilation by the military warriors, as feminist concerns. It is the masculinist in the mentality that depends and survives on the multiple systems of dominance and state power which denies women's right to their own bodies and own sexuality."(Mies & Shiva; 1993: Introduction). In this way thus the ecofeminism is necessarily based on the connection of women with nature. Here it is worth to be mentioned that the ecofeminist school of thought is hardly ready to consider women as a passive victim of male violence alone. The school of thought, considers women particularly the rural women as embedded in nature and active participants of development. They are regarded as the custodians of divine feminine creative energy of the

cosmos. Women or prakriti seeks to nurture and maintain the harmony and diversity of the natural forests as a life source. It is the duty of the women to recover the nature from the grips of men and alien industrial culture. Following the arguments of Shiva, beginning of commercialization signals the death of nature, which is for the women, "simultaneously a beginning of their marginalization, devaluation, displacement and ultimate dispensability". (Shiva; 1 988:4 1 -42) She makes it clear that this death is triggered by the arrival of the masculinist, reductionist, industrial, colonizing forces of western culture. In her work she emphasizes on the fact that masculinization of female is clearly and probably undesirable and raises serious questions on such. There are the twin ends of ecofeminism and these are- the liberation of nature from the endless exploitation and the women from the unprecedented level of marginalization. Thus, the saga of the spread of ecofeminism in India has started receiving prominence with the spread of liberalization and globalization at a rapid scale. In recent times more and more feminist groups and organizations are subscribing to these ideals where women everywhere are the greatest victims of industrial modernization and liberalization. The forces and pace of globalization are affecting the social economic, psychological and physical conditions of the women in an extremely negative way. Thus, the resistance to the process itself should also emanate from the wombs of feminism itself.

3.4 Early Feminist—Reclaiming Wonderful Legacies of Feminist and Social Reformists: Begum Rokeya and Sarla Devi Chaudrani

Here in the following para we will make serious endeavors to explore that how those women who belonged to the traditional families made indelible mark in the annals of history and became the torchbearer for the feminist activists, politicians, academics etc. They ushered new and enlightened philosophies that in course of time that put the Indian feminist movements on a high pedestal of glory. In this context the name of Begum Rokeya Sakhawat Hossain and Sarala Devi Chaudhurani stands prominent. Both looked at the abject position of women in the society in contemporary times from a different perspective and through their actions and commendable works suggested the panacea to the society at large. Both stalwarts were contemporaries and were the witness of the travesties of varied nature what the women were experiencing since the time immemorial with a little or almost no variation. Indeed, their approaches were a little different but the objectives were same. Their mission was to assist women to become aware of their potential and be confident of their power or the strength. In tune with the contemporary nationalist thought, both Begum Rokeya and Sarala devi valorized and eulogized the immense qualities of the women from the past. They genuinely believed that their contemporaries especially the women should emulate their lofty spirit and the worthy moral qualities. The words of both the feminists reflect not just the untold courage but give us the idea that they spoke a language that reveals the fact that was far ahead of its time. Both firmly believed in two vital premises, the first premise was that the women were used by men and were willing collaborators in their own oppression and the second premises was that those men and women constituted two equal parts of society. If one was weak, the other could not thrive, both Sarala Devi and Begum Rokeya believed that, to effect sustainable change, the problem of education needed to be addressed immediately and a holistic endeavor is required. However, to address this issue their approaches differed in perspective. Sarala's prescription and resolution for women's education was equated with nationalist consciousness. On the other hand, Begum Rokeya's emphasis was on making women self-respecting individuals at home and ideal Muslims in society. Sarala Devi Chadhurani upheld the home as a central place for educated woman. Begum Rokeya vehemently reminded her contemporaries in India that a majority of women did not possess a home which they might call their own. She also talked of women's rights to get paid employment. The objective thus was in making a case for the economic independence of women. While emphasizing on gender equality with men, Begum Rokeya occupies a unique place amongst the women of her generation. Their feminism in the initial stage and in the final stage was indeed a pathbreaking for either the contemporary feminist protagonists and even for those who came in later days. The message of both these feminist leaders was laud and clear. Their message had contents of universality which found its echoes in the decades and centuries later. The Feminist movements in India springs out of different factors like gender bias in communities, employment, discrimination etc. Remembering early feminists from who rebelled against all sort of discrimination and prejudices from the household or family level to national level and became source of inspiration for many. Among the early feminist icons of Bengal, both were thinker, writer, educator and political activist during the British Raj. They were pioneers of the women's liberation movement in South Asia. A firm believer in equality for women, Begum Rokeya spent her life educating girls to make them self-sufficient and independent. All her works were based on feminist ideas and revolved around the struggles of women in society. Be it a collection of her essays on

feminism, Motichur or an expose of the purdah system, the Secluded Ones, Begum spent her life fighting societal norms. Here, in the below para a detailed description of both the leaders is mentioned for a further reference.

Begum Rokeya Sakhawat Hossain (1880-1932):

Begum Rokeya was born in 1880 in a rich zamindari family in Pairaband, North Bengal. Her father was Zahiruddin Muhammad Abu Ali Saber, of Iranian descent. Her mother Rahatunnessa was the first of four wives, one of whom was European, and they had 15 children amongst them. Strict purdah was observed in her family. It was so extreme, where even small girls could not only not meet male but also female strangers. Begum Rukeya Sakhawat Hossain was an early feminist activist and author. She was unique in her times as to demand equal status for women at home and outside of the home means society. Her emphasis was changing the patriarchal mindset. Her emphasis on education and training to women so that they could be better helpmates to men. A free thinker, she did not pay only the lip service to many vibrant issues of those days. Her scathing writing, laced with wit, humor and logic, spared nobody, not men, not religion, nor women themselves. She wrote profusely in her mother tongue Bengali and also in English. Her writings varied in length and topics besides the covered subject which included a number of genres like the short stories, poems, essays, novels and satirical writings. She was a prolific proponent of women's education as a means to get out of their diminution. According to her education for self-development is an end and also the means itself. Women education, as per Begum Rokeya lead to employment and economic independence of women. In the pursuit of women's education, she set up a school in Calcutta which still exists. She also headed various women's associations. Begum Rokeya herself had received no formal education but was a rare and great feminist who could see the emancipation of women in modern terms, with equality as an inalienable right. Begum Rokeya's age was probably not a very comfortable period and her writings and actions were definitely a match for the contemporary times as it was a very conservative and orthodox period for every society. The Muslim society was not an exception. For her work, sometimes she was praised but more often reviled and vilified in her time. By orthodox and conservatives, she was also called "a shameless woman", "a misanthrope", "a radical misguided by the proselytizing propaganda of Christian missionaries", and a "sexist". Begum Rokeya was in action at a time when the British raj was making its presence everywhere. The impact was almost visible everywhere either in the political domains or in the socio-cultural arenas. Many Indians both men and women were also influenced with the western ideas and principles. Many felt it necessary to effect a change and wished to bring visible reformation. But probably many more were more deeply interested not effect any change. They found pride in many old customs and traditions which were contrary to the Western modern ideas oozing out without any break. Begum Rokeya was not a woman who was willing to affect a total break with the past but was interested to adopt not only for herself but for the whole women some rationale and progressive elements. It was a high time in the 19th century when in Bengal educated men and women had started working to remove the many of the evils. They saw in Sati, purdah and extreme seclusion, child marriage, polygamy at unimaginable levels, called Kulinism, prohibition of widow remarriage, almost no property rights, and lack of education were some other issues as the evils of the time. The great philanthropists and Reformers like Ram Mohan Roy and Ishwarchandra Vidyasagar worked hard to remove such evils and managed to get legislation passed. Many schools for girls were being set up, the first being Bethune College in Calcutta, established in 1849. However, the aim of these reformists the reform was not to make women independent or equal partners of men in family or public life, rather it was to make them better equipped to fulfil their conventional roles as wives and mothers. It was based on the understanding that an educated woman would be a better companion to her now-educated husband, a more competent housewife, and raise healthier and more developed children, in Brahma terms, be a Sakhi, Sugrihini and Sumata. Obviously Begum Rokeya was affected by such reformist movements. Her training in such charged atmosphere was indeed helpful for her work. Rokeya was far ahead of her environment and her time, and had the clarity of vision to see that women were equal and capable of doing all the activities. She considered women at par with men of all professions. In her opinion the women's education and their economic empowerment were for their own betterment. Not merely to make better adjuncts to men but a better-functioning cog in society. She also said that gender equality is a goal in itself and not just a sub-goal of nationalism. She had exhibited the courage to say this in her writing, in the most hard-hitting terms which is still relevant. Education and economic independence were prerequisites for this equality. She did not see the exercise of power by women through agency, influencing their sons, husbands etc. as an adequate substitute for direct exercise of power or choice. She wrote extensively on various vibrant

issues or the concerning the women in the region. Some are worth to be mentioned here, She advocated for men and women to be treated equally as rational beings, noting that the lack of education for women was responsible for their inferior economic position. Her major works included like the *Matichur*, *A String of Sweet Pearls* in 1904 and again a revised one in 1922, *Sultana's Dream* in 1908, it was a collection of essays in two volumes where we can find the specimen of her feminist thoughts, a feminist science fiction novella set in *Ladyland* ruled by women; *Padmarag*, "Essence of the Lotus", in 1924, depicting the difficulties faced by Bengali wives, in 1931 *Abarodhbasini*, *The Confined Women*, a spirited attack on the extreme forms of purdah that endangered women's lives and self-image. She also founded the Muslim Women's Association, an organization that fought for women's education and employment. In 1926, Begum Rokeya also presided over the Bengal Women's Education Conference convened in Kolkata. It was the first significant attempt to bring women together in support of women's education rights. Until her death on 9 December 1932, she was actively engaged in debates and conferences regarding the advancement of women,

She wrote about this in *Abarodhbasini*, *The Woman Who Lives In A Prison*, her indictment of the purdah system, which she dedicated to her mother. Rokeya later bitterly recounted:

"From the age of five, I had to observe purdah even before ladies who were not family member. If suddenly some ladies came calling, someone at home would give me a warning, and I would run helter-skelter as if I were in mortal fear of my life. I would go and hide myself...sometimes in the kitchen behind a large wicker basket...sometimes inside a grass mat kept rolled up by a maidservant...some other time under a bed."

Begum Rokeya was born in a family which was counted an intellectual family of Berngal. Her father had mastery on many languages and realized the importance of English in the British Raj. He sent his sons to the prestigious St Xaviers College in Calcutta to learn English and become part of the new English-speaking Bengali elite. This they did, with her elder brother Ibrahim later joining the Indian Civil Service and becoming a district magistrate. As far as the women were concerned, it was a totally different story. As per the norm prevailing in their elite Muslim group, they were taught to recite the Quran in Arabic by rote, and taught some Urdu letters, to be able to read didactic tracts on appropriate behaviour for women, and religious sermons. Bengali was not taught as it was considered the language of the lower classes, nor was English; learning these languages would also create exposure to un-Islamic influences. The fate of her elder sister Karimunnessa deeply influenced Rokeya. Karimu Nessa, very talented, and thirsty for learning, secretly learnt writing Bengali; when discovered in her transgressions, she was hastily married off at the age of 14. Karimu Nessa wrote profusely in Bengali, but very little managed to see the light of the day, though she did manage to publish a little. Rokeya saw the enormous waste of human potential caused by the purdah and said of her sister: "Had her community not rigidly suppressed her talent, she could have shone as a bright star." She also had this to say: "Although Islam has successfully prevented the physical killing of baby girls, yet Muslims have been glibly and frantically wrecking the mind, intellect and judgment of their daughters till the present day. Many consider it a mark of honor to keep their daughters ignorant and deprive them of knowledge and understanding of the world by cooping them up within the four walls of the house." She saw that the fear of falling outside societal norms and missing out on a rich groom would cause fathers to keep girls uneducated, and scathingly attacked this.

"Our jewelleries—what are these if not the symbol of our bondage? Handcuffs for prisoners are made of steel; ours are made of gold and silver and we call them bangles. Perhaps in imitation of dog collars we have fashioned our neckbands, strung with jewels. Horses and elephants are tethered with iron chains and we happily put gold chains around our necks."

She however had the good fortune of getting support from her progressive brother Ibrahim, who would teach her late at night by the faint candlelight when everybody, particularly her father, had gone to sleep. She managed to learn five languages: Bangla, English, Urdu, Persian and Arabic. Ibrahim taught her English: once he held a big, illustrated English book before Rokeya and said:

"Little sister, if you can learn this language, all the doors to the treasures of the world will be open for you."

Her brother was very keen to see that she should continue to live in a liberal environment. Her marriage with a progressive husband, Sakhawat Hossain, a non-Bengali civil servant from Bhagalpur in Bihar. He was educated in London, a 38-year-old widower in 1896 when they got married. Rokeya was 16. She lived happily in Bhagalpur for 13 years. Her husband encouraged her to read widely in Bangla and English, and to socialize with educated Hindu and Christian women.

 Unit 03: Feminist Consciousness in Modern India

Begum had two daughters but unfortunately died in their infancy. All these surely affected her but still she never forgot the aims of her life. She was encouraged to articulate her fiercely independent feminist thinking, some of which would shock people even today, let alone a hundred years ago. As early as 1905, she suggested that husbands should not be called swami, as was the norm in Bengal, but ardhang, literally, half of the same body. Her first published work was *Pipasha* (Thirst) in *Bangla* in 1902. She then published her tour de force, *Sultana's Dream*, written in English in 1905. It is a feminist utopian fantasy, where she envisions a world of role reversal, in which women rule and control all administrative and social matters, while men are kept in seclusion in the mardanas (men's enclosures) to mind babies, to cook and to do all sorts of domestic work. This is combined with prescient science fiction—the women professors in the universities have invented solar power, water harvesting from the atmosphere, and flying machines. Her account of writing the book:

“My adorable late husband was on a tour; I was totally alone in the house and wrote something to pass my time. After coming back, he asked me what I was doing during those two days. In reply to his query, I showed him the draft of *Sultana's Dream*. He read the whole piece in one go while standing and exclaimed: ‘A terrible revenge!’ Then he sent the draft to the then Commissioner (of Bhagalpur) Mr McPherson for possible (language) correction. When the writing came back from McPherson, it was noticed that he did not make any pen-mark on the draft. Rather he sent a note attached that read: ‘The ideas expressed in it are quite delightful and full of originality and they are written in perfect English.... I wonder if she has foretold here the manner in which we may be able to move about in the air at some future time. Her suggestions on this point are most ingenious.’”

It was published in *The Indian Ladies' Magazine* in 1905, and later as a book, and still later, Rokeya translated it into Bengali and had it published for greater reach. In 1909 her husband passed away in 1909. A great believer in women's education, she left money to start a girl's school, which she immediately did. She however had to move to Calcutta in 1910 because of property disputes. She moved the school with her. Sakhawat Memorial Girl's School was her life's work until she died in 1932. It survives till date, run by the West Bengal Government. In 1911, the school had only eight pupils. By 1930, especially after official approval by the Vicereine, it became well-established as the leading school for Muslim girls. In spite of her personal opposition to the purdah, she ran it as a purdah school, where the girls were taught reading and writing in Urdu, Persian, Bengali and English, gardening, home nursing, music, making handicrafts, cooking, sewing and physical fitness, as well as recitation of the Quran. As there were not many competent female teachers at that time in Calcutta, Begum Rokeya herself used to train the teachers she appointed from Madras, Gaya, Agra and other places. She however campaigned to make chemistry, botany, horticulture, personal hygiene, healthcare, nutrition, physical education, gymnastics and painting and other fine arts open to women. She wanted girls to be physically strong, and encouraged physical training for girls, teaching them how to play with swords or rods. In *Sultana's Dream*, she portrays Sister Sara as someone who is proficient in a number of modern branches of knowledge such as history, politics, military strategy, education and science, while the men in the short novel are busy with masculine vanity, greed, boastfulness and war-making. In actual day-to-day life, she had to make compromises which must have troubled her greatly. She herself was in purdah in public, as she needed it as a strategy to preserve her school. She said that she did not wish the school to die, “so I had to make a compromise in the interest of my school by observing purdah”. The purdah school bus was like a large almirah on wheels where the girls could barely breathe. In her writing, both fiction and non-fiction, she saw education as the means for women to gain equality in professional life, and become economically independent. Rokeya, almost alone, dared to say that marriage was not the ultimate goal, and family was not the ultimate end. Even today, educated and “liberated” women find it difficult to openly say what she said a hundred years ago. Some famous sentences which Rokeya on various occasion comprehended are worth to be mentioned here as these are befitting issues and responses belonging to feminism.

“Education must be both for physical and mental advancement. Women must know that they were not born into this world merely to be decorative pieces in fine dresses and expensive jewelleryes.... Their life is not to be dedicated for the sole purpose of pleasing their husbands, let them not be dependent on others for upkeep.”

At other point of time, she said- "To care for one's husband and his home is not the be-all and end-all of a woman's life. God has given us a very precious life – not to be misspent in cooking and domestic chores."

"Educate the daughters properly and let them go out and fend for themselves. "

"Why should we not have access to gainful employment? What do we lack? In fact, why should we not employ the labour and energy that we expend on domestic chores in our husbands' homes to run our own enterprises?"

"From office workers to lawyers to magistrates and even judges – we shall get entry to all jobs and professions.... Perhaps 50 years down the road we may see a woman installed as a viceroy."

"May I ask Astronomer sir, why do we not find your wife with you? When you are engaged in measuring the distance between the earth and the sun or the stars, why is your wife occupied in the measurement of pillow covers?"

In her crusade for equality for women, she faced a lot of opposition, both from men and women. She often tried to justify her deviation from the mores by saying this was a purer form of Islam, but at other times, she simply rebelled, and placed the imperative of equality above the religious mores. The opponents of the female education say that women will be unruly...fie! They call themselves Muslims and yet go against the basic tenet of Islam which gives equal right to education. If men are not led astray once educated, why should women. At one point of time, she lamented "Whenever a woman has tried to raise her head, she has been brought down to her knees on the grounds of religious impiety or scriptural taboo... What we could not accept as correct, we had to in the belief that it had the authority of a religious dictum. Men have always propagated such religious texts as edicts of God to keep us women in the dark. the scriptures are nothing but a set of regulating systems prescribed by men. You hear that the prescriptions were laid down by saints. If a woman could have become a saint, perhaps she would have prescribed opposite regulations... We must not allow ourselves to bow down to the undue authority exercised by men in the name of religion. It has been seen time and time again that the stricter the religious restrictions, the more severe is the women's victimization."

She herself, though a practicing Muslim, was a liberal in matters of religion. This is depicted from her novel.

From Sultana's Dream:

"Our religion is based on Love and Truth. It is our religious duty to love one another and to be absolutely truthful." On the highest level of the house of religion, "there is just one chamber inhabited by only people, all the same; there are no Hindus, no Muslims; all are worshipping only one God. In the final analysis, there is nothing – except the great God."

Begum Rokeya also founded and headed many women's associations, which organized conferences, vocational training etc. for women. She headed the Bengal branch of Anjuman-i-Khawatin-i- Islam. She strongly supported women's right to vote. She did not believe in relying on and even dependent upon male help to achieve women's goals. She persuaded women "You all club together and form various associations to protect your rights and demands." Though she spent a large part of her life in Calcutta But she was an international figure, Rokeya is today a heroine for Bangladesh, both for her defense of Bangla over Urdu as the true mother tongue for the Muslims of Bengal and also the essential progenitor of the women's movement in Bangladesh, one of the most successful and powerful women's movements in the world. Her demise on the 9th December, 1932 is now commemorated as "Rokeya Day" in Bangladesh. This is a tribute to the great feminist writer. In her memory, there is a women's hall of residence in Dhaka University, and the newly built public university in Rangpur in 2008, was named Begum Rokeya University to honour the "legendary woman scholar who pioneered and promoted female education in the Indo-Pak-Bangla subcontinent". Remembering her personality, Bangladesh Prime Minister Sheikh

Hasina has said 2021, that if Begum Rokeya had not shown the path, women in present-day Bangladesh would not be working in offices, courts, mills and factories, in fields and farms, and in trade and commerce. It is really a great tribute to Begum Rokeya, Keeping in view of this, It is also a high time to honour this extraordinary feminist in India too. Paradoxically, among the early enlightened women she was one whose name and work is commanded with respect in the whole world especially in the Indian sub-continent.

Sarala Devi Chaudhurani (1872 - 1945)

Sarala Devi Chadhurani was another great feminist leader of the contemporary times. She has worked relentlessly for the education upliftment of women in India and became one of the most renowned feminists of the whole subcontinent. The current generation of people are well aware of the modern times feminists who are playing important role in the women upliftment in various walk of life like Malala Yousafzai, Sharmeen Obaid Chinoy, and Emma Watson etc. Still the present generation is required to know also the name of the Indian women pioneers who played vital role for in feminist movement and contributed in the awareness towards the rights of the women. In the galaxy of such women the name and the work of Sarla Devi Chadhurani is remembered with great respect and held in high esteem. Sarla Devi Chadhurani was born on 9th September 1872, in Calcutta in a renowned bhadrakalok Bengali family. She was the daughter of the eminent congress leader and activist Janaki Nath Ghosal. He was the then secretary of the Bengal Congress. Her mother, Swarna Kumari Devi was a successful and accomplished Bengali writer. The literary environment at home had profound effect on Sarla. She was a successful woman novelist of Bengali literature in her times. Besides she was also related to the prominent Tagore family through her mother's side. Here she was the granddaughter of Debendranath Tagore. In the context of Sarla Devi it can be said that the historical travesties faced by her in her lifetimes were not competent enough to bypass such pioneer like Sarala Devi Chaudhurani. Her work and actions in such a tumultuous time when was not only enormously difficult but almost impossible to think and imagine the women especially from traditional household to raise the voices concerning the gender issues. Sarala Devi Chadhurani was an exceptional woman. She is also best known for being the founder of the first women's organization in India which is known as the Bharat Street Mahananda, at Allahabad. Sarala Devi was also a writer, singer as well as a political activist and leader at the same time. . An eminent feminist, Sarala Devi was a promoter of female education and worked hard to bring recognition to the importance of female education in the country. Sarala Devi had completed her education from the prestigious Calcutta University from where she had passed her B.A. exams in English literature. Her education was exemplary for many as she was among the few women graduates of her time. In those days women education was still a taboo for women.. In her student life, she was an exceptionally brilliant student. In the recognition of her brilliance in academics she was awarded with the Padmavati Gold Medal . This award was given for academic excellence in those days. Sarla Devi in her auto-biography 'Jibaner Jarapat' has revealed many things about her school life which provide us the first-hand information about herself. At the age of seven she was admitted to the famous Bethune school. She completed her secondary school examination from Bethune school. Despite the enormous odds she was determined to pursue her study in physical science but to her dismay this subject was not offered to girls by that time in Bethune. Then she joined the evening classes at Science Association, Calcutta. It was this place where she came in touch with young student activists of congress and was deeply influenced. In course of time her fervor for nationalism increased further and became a true Gandhian.

Sarla Devi's Participation in the Freedom Struggle:

Sarla Devi Chadhurani was brilliant student and had an expertise in different national and international languages like Persian, French, and Sanskrit. She was also keenly interested in literature, music and arts from a very early stage. All these had profound impact on her personality. Sarla Devi's period was a period when nationalism was making its strides and youths and old, men and women alike were joining the ongoing freedom movement. Every conscious Indian in this period was either an active or passive participant. Sarala Devi actively participated as a political leader in the Freedom Struggle Movement as well as the leader of the Anti-British Movement. She entered politics through her interest in music when she started writing and singing songs to encourage the people to stand up against the British Raj. Very few people knew that while Rabindranath Tagore set the tune for the first two lines of Bande Mataram, it was Sarala Devi who put the rest of the verses to music which in course of time became the National Anthem of India. From her early days she was vocal and laud. At the Banaras Congress Session despite the British

Government's ban on her song, she sang the same from the stage. She also had composed many other nationalistic songs that played key roles in the Freedom Movement in the motivation and mobilization. In 1905, at the time Lord Curzon's unjust division of Bengal and thereafter the Swadeshi movement at the age of 33, Sarala Devi married the lawyer and journalist Pandit Rambhuj Dutta Chaudhary, a member of the Indian National Congress. After her marriage, she moved to Punjab and helped her husband with editing an Urdu weekly newspaper named *Hindustan* and with the passage of time, started an English edition of the paper as well. She was also influenced by Arya Samajists but was opposed to the shuddhi movement.

Sarla Devi and foundation of Bharat Stree Mahamandal"

Sarla Devi, from the very beginning involved in politics especially the freedom struggle movements. On 24th of December 1901, at a function she sang *Utho Go Bharat Laxmi*. The song was melodious and was filled with enormous nationalist emotions. Sarla grew up at a time when the whole nation was engulfed in nationalism emotions and Congress was becoming a popular platform for all the countrymen. She also gradually came into contact with the revolutionaries. In 1910, Sarala Devi founded the first woman's organization in India known as the *Bharat Stree Mahamandal* in Allahabad. The main goal of the organization was to promote and improve female education in the country which was not well recognized at the time. The organization believed in the advancement of women by bringing together women of every race, class and party in India. In this organization the membership was obtained through an entry fee of one rupee and was open for any woman regardless of caste, race, or class. The organization established various branches in several cities around the country including Lahore, Hazaribagh, Delhi, Karachi, Kanpur, Calcutta, Hyderabad, Amritsar, Bankura and Midnapur. She was also the founder of *The Bharat Stree Shiksha Sadan*. It was a school for girls in Calcutta. After the Rowlatt Act, which was passed in 1918, nationwide tensions broke out against several government policies which resulted in the Jallianwala Bagh Massacre. Both Sarala Devi and her husband Rambhuj criticized the violent actions of the government in their newspaper. Such a criticism resulted in the arrest of Rambhuj. Govt has planned for the arrest of Sarala Devi's but was not carried out as a woman's arrest at that time could lead to further political complications.

Influence and Relationship with Gandhi:

At the age of 29, Sarala Devi came in contact with Mahatma Gandhi in a gathering. At that time, she was conducting an orchestra, playing a song she had written for the Indian National Congress. From then she remained in touch with Gandhi till the end. But it was not frequent. Although the extent of their close friendship is still debated amongst historians, the fact remains that both became each other's confidantes. Born in 1872, Sarala Devi was three years younger than Gandhi, and died in 1945. In all her 72 years, she knew the Mahatma closely for a little more than 12 months. In 1919-20, when India was pushed to a tipping point by the twin horrors of the Rowlatt Act and Jallianwala Bagh massacre, Gandhi came in contact with Sarala Devi and her husband Rambhuj Dutt Chaudhary, who was called "Panditji" by people. The couple was living in Lahore at the time, far from Sarala Devi's family home in Bengal. Soon after the three met, the couple entrusted Gandhi with the care of their 12-year-old son Dipak, who moved to Sabarmati ashram to live with the Mahatma. Sarala Devi supported Gandhi throughout his political career which often caused a political difference in opinion with her husband. Sarala Devi's only son, Deepak was married to Gandhi's granddaughter, Radha. In recent times Geraldine Forbes's book has been published which attempts to look into the relationship of M.K. Gandhi's with women associates have drawn the attention of many writers. Questions have been raised on occasions about Gandhi's sexuality and an impression has been created that Gandhi failed in his experiments in brahmacharya. Forbes has dealt with such literature directly while analyzing Gandhi's relationship with women. The context is his relationship with Sarala Devi Chaudhurani, a woman ahead of her times. She was a close associate of Gandhi between 1919 and 1921. The most intense interactions between them in person and in correspondence happened in 1920. As the title suggests, Forbes's specific purpose is to bring out the persona of Sarala Devi Chaudhurani in full and examine the political friendship between her and Gandhi. She argues that explorations in feminist history in India have left a gap by not fully studying this personality. She tries to fill this gap as a historian and is successful in her attempt. The writer rightly thinks that many people who worked in public life with Gandhiji have not been given due recognition in the history of India's freedom struggle. This is particularly true in the case

of his women associates who were eclipsed by Gandhi's towering personality. In Forbes's writing, Sarla Devi emerges as a powerful woman who influenced people during her time, especially women in Bengal and in Punjab. Gandhi projected Sarala Devi as potentially India's Shakti: the woman leader he felt the country needed. She already had decades of independent political activism, strong convictions and a powerful personality. Gandhi influenced her for rigorous program to train her for the role of his co-leader in the national movement. She must spin daily, write and speak Hindustani, live simply, cook, do away with all help for housework and personal grooming, dedicate herself body and soul to the nation: necessitating practice of celibacy, and moving ultimately to live the ashram life. Gandhi thus positioned himself in the driving seat of Sarala Devi's future career and life—or so he imagined.

Sarla Devi Chaudhuri in the role of Journalist and the Social Activist-

Sarla Devi Chaudhuri a prolific writer and an effective Social activist. She also had edited enormous volumes of journals including the prestigious journal *Bharati*, founded by her uncle Rabindranath Tagore. The journal included articles and contributions from various authors throughout the country in which social and political issues were given importance. Sarala Devi herself wrote numerous songs and articles for the journal while also expressing her views and ideas encompassing wide ranging issues like social and political. A brief mention of some of her important thoughtful approach towards the journalism were as following-

- One must not be afraid to die as our life is meant for courage, adventure and service to others.
- A person should have a strong and healthy body to lead a worthy life for regular exercise is a necessity.
- If the British insults one, one should take immediate action oneself without waiting for legal justice for it is the peculiarity of the British to respect only those who are able to beat them down in any fair competition.

Sarla Devi was also known for introducing various functionalities for the youngsters to encourage them to serve India in a better and ordered way. Like Bal Ganga Dhar Tilak she also founded the Festival of Heroes, Birashtami Utsav. It was celebrated on the second day of Durga Puja. On this occasion poems with names of heroic men were frequently chanted and flowers were thrown in honors of each. These occasions were responsible for drawing a large gathering. Due to the extensive attention her functions garnered, she introduced many more festivals like them to inspire and motivate the youths of the country. Sarla Devi also actively participated in the Swadeshi Movement. She was of the firm faith that women should begin using swadeshi products. In this regard some of her most important publications, which had a deep taste and clour of Sawdeshi movement are noteworthy which include *NababarsheSvapna*, *BanalirPitradhan* and *JibanerJharapata*. She also wrote a book full of songs called *Satagan* which , literally meant "A Hundred Songs". Beyond any doubt it can be said that Sarala Devi held strong political convictions and was sharply critical of the INC. An accomplished musician with a powerful singing voice, she sang 'Vande Mataram' at the Banaras session of the INC (1905); but observed: "The Congress has never participated in any agitational programs; this has been left entirely to the general public. This was indeed a very categorical statement for the congress. She further added that the Congress has a session for the duration of three days only each year, comes alive only during these three days—like our Durga Puja..." these were indeed harsh and hard comments but actually she wanted direct action and, after the Partition of Bengal, got deeply involved in the Swadeshi movement, becoming "the foremost female political leader of her times ... the first woman leader in our nationalist movement." During her days in Punjab came into contact with Lala Lajpat Rai and even developed linkages with Gadarists. Sarala Devi set up a secret society, *Bharat Mata Sabha*, modeled on the secret revolutionary societies she had initiated in Bengal. In 1917, she was part of the women's delegation led by Sarojini Naidu, which met Montagu and Chelmsford to demand suffrage rights. In 1918, at the INC session in Delhi, she moved the resolution supporting voting rights for women, and made a speech asserting that women had as much right to chart their own destinies as men. The world, she said, had outgrown the idea of the "fanciful division of intellect and emotion being the respective spheres of men and women;" in fact, women's sphere included "comradeship with men in the rough and tumble of life and... politics." Sarala Devi was more than comfortable with

the notion of becoming a national leader, in many ways a logical culmination of her three decades of political experience. Initially she allowed his mentoring, though chafing at some of the rules. His letters can be charming, spontaneous, warm and loving; at the same time, tensions surfaced; she could not have accepted his writing, "Great and good though you are, you are not a complete woman without achieving the ability to do household work" (30 April 1920). This, at a time when she was busily and successfully spreading swadeshi, learning and teaching spinning, had opened khadi distribution outlets and was planning to set up handicraft production centers. Wherever she remained always remained with dignity and very loudly expressed her opinion. She was crystal clear about secularism and never allowed communalism of any community to come on to the fore. She wrote in Bharti that Hindus should not consider themselves exception just on the basis of their numerical strength. Her bravery in the Nationalist movements remained extremely courageous. Like Bal Gangadhar Tilak she also started observing Bari-Ashtami along with Partapditya festival. She used religious symbols and slogans to ensure enthusiasm among the youths of the country. Sarala Devi died just two years before of India's independence, on 18th August 1945 at the age of 72. Sarala Devi was a pioneering feminist who worked for the education of women in India and through her work, became one of the most renowned feminists of the subcontinent. She was a woman of exceptional character and came on the forefront to lead the women of the country. As a woman she has been on occasions compared with many women leaders of the time like Sarojini Naidu, Annie Besant, Sucheta Kripalani, as all these women were associated with Gandhi. Her dream of visualizing women is still inspiring for many women of the country and the subcontinent.

Summary

The tale of the two prominent Bengali women, Sarala Devi Chaudhurani (1872-1945) and Rokeya Sakhawat Hossain (1880-1932), is certainly interesting and inspiring. It is not only important for scholars of gender, colonialism and feminism but for all. Perhaps the most striking feature elicited by this comparative analysis is the vast difference in the formative and everyday experiences of the two women, experiences that diverged because of the relative influence of Hindu and Muslim cultural expectations on their lives, hence shaping different social realities, modes of expression as well as political possibilities. Sarala Devi Chaudhurani and Rokeya Hossain were almost entirely contemporary, living and working in the cities of Calcutta and Dhaka, both spoke and wrote in Bengali, and both were connected to the elite, landowning and new middle classes of colonial Bengal. Yet Chaudhurani's Hindu background, her family's connections as well as her exposure to the mainstream nationalist movement all shaped her very differently from Hossain, whose own experiences led her to constantly foreground the seclusion of Muslim women and to seemingly avoid direct participation in nationalist politics. It is evident that both women were remarkably accomplished and committed to their political ideals. Sarala Devi Chaudhurani founded several organisations aimed at the social and cultural association of women: the first ever all-India women's organization. Rokeya, who too was raised in the midst of the escalation in literary and pedagogic experiments on the construction of ideal womanhood, obviously had to work much harder to elude conservative elements in her family. Shaped as she was through the Muslim gentry's search for a distinctive cultural, linguistic identity, as well as by the heightened domestic and sexual control exerted on women in such historical moments, Rokeya too turned to education and political organization. She started the Urdu medium Shakhawat Memorial School as well as the Calcutta branch of the Anjuman-i-Khawatin-i-Islam (the All India Muslim Women's Conference) in 1916. Interestingly enough, she often clashed with the leading Muslim social reform organisations of the time – the officials of the Aligarh Muslim school system, for reasons such as the practical necessity of retaining purdah for the immediate present. Beyond their institutional innovations, distinctive aspects of Sarala and Rokeya's achievements lay in the manner in which they sought to bring their messages to larger audiences. Sarala's use of Hindu mythology, her conviction about a fortified nationalism and celebration of the heroic masculine body contrasted sharply with Rokeya's distinctly secular and simultaneously searing while obviously feminine works of prose. It is evident too that the former identified colonial rule as the immediate adversary, and launched her struggle by somewhat predictably aiming at a regeneration of Indian masculine and feminine social roles. Rokeya on the other hand believed that social inequity was constituted by various forms of native patriarchy, and that the solution lay in influencing the minds of women and men: it was to the realm of ideas and ideology that Rokeya would repeatedly turn as she articulated her agenda for social transformation. Sarala Chaudhurani invented historical traditions: inaugurating the Birashtami Utsav (festival of heroes), producing a play commemorating the life of Pratapaditya – a Hindu Bengali zamindar whom she celebrated for his resistance to Mughal and Portuguese

incursions, and inventing another festival, Udayaditya Utsav to commemorate another hero who too had fought Mughal power in Bengal. She also formed youth groups and a gymnasium with connections to Bengali revolutionary movements. Sarala's mission was to inculcate physical prowess amongst Bengali men and to correct the perception that they lacked a historical, masculine and martial tradition. While men were to be trained to realize their physical potential, Sarala identified the domestic and maternal as providing the paramount space for women to participate in and realize the goals of Indian nationalism. Their writings and actions established their firm conviction in the gender empowerment without the gender bias and prejudice

Keywords

Feminism-Related to women

Socialism- concerns of society

Parda-veil

Utsav-festival

Patriarchal- Male dominated

Self Assessment

1. Who is the man who put ban on the age old custom of Sati?
 - A. Vidyasagar
 - B. Rammohan Roy
 - C. Sir Syed Ahmed Khan
 - D. None of the above

2. Who helped Pandita Ramabai to set up Arya Mahila Samaj for the general uplift and enlightenment of woman?
 - A. Tilak
 - B. Ramabai Ranade
 - C. Justice Ranade
 - D. Vidyasagar

3. Among which community did the StriZarthosti Mandal emerge?
 - A. Muslim community
 - B. Christian community
 - C. Zoroastrian community
 - D. Parsee community

4. In which year the Women's Indian Association was established ?
 - A. 1917
 - B. 1940
 - C. 1905
 - D. 1920

5. Who became the first President of the Women Indian Association?
 - A. Begum Rokeya
 - B. Sarojini Naidu

- C. Annie Besant
- D. Sister Nivedita

6. In which year Begum Rokeya was born?

- A. 1885
- B. 1880
- C. 1857
- D. 1848

7. From which country did Rokeya's father migrated to India?

- A. Iran
- B. England
- C. Germany
- D. Nepal

8. In which year *Sultana's Dream* was published?

- A. 1905
- B. 1920
- C. 1900
- D. 1908

9. What was the other name for Anjuman-i- Khwaten Islam ?

- A. Calcutta Mohammedan Ladies Association
- B. Indian National Congress
- C. Indian Association
- D. None of the above

10. Who founded the Sakhawat Memorial Girl's School in Calcutta in 1911?

- A. Sister Nivedita
- B. Sarojini Naidu
- C. Begum Rokeya
- D. Sarala Devi

Answers for Assessment

- | | | | | |
|------|------|------|------|-------|
| 1. B | 2. C | 3. D | 4. A | 5. C |
| 6. B | 7. A | 8. D | 9. A | 10. C |

Review Questions

1. What was the Nature, Dynamics and Composition of The feminist movement in modern India?
2. How was the early consciousness in the early half 20 century?
3. Explain about reforms of Begum Rokeya and Sarla devi Chaudrani?

**Further Readings**

Begum Rokeya The Feminist: Views And Visions, Author-Hasna Begum. Publisher-Sucheeptara, 2011

The Scattered leaves of my life, Author- Sarla Devi Chadhurani, Pubisher -Women Unlimited

Lost Letters and Feminist History: (English), Author- Forbes Geraldine, Publisher- Orient Black Swan Pvt. Limited, Delhi

Unit 4: Women's Participation in the National Movements

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Summary

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Further Readings

Objective

After reading this Unit, you will be able to:

- To develop the awareness about the emergence of women leaders
- That the role of women and their participation in the national movement
- describe women's participations in national movement as an important variant of the social movement

Introduction

In this Unit, we will discuss the role of women and their participation in the national movement. Women's role in history is not easy to document. Much has been written about the invisibility of women in mainstream historical accounts. The task of filling in the gaps, of putting women into the narrative, has been an ongoing one for the past few decades. Autobiographies, personal diaries and other writings by women in journals have played a major role in this reconstruction. Any account of women's role in the Indian National Movement too, would have to rely heavily on such sources. For the rest, private papers, published and unpublished, archival records, newspapers also contain references to women's activities. They have to be carefully scrutinized to look for any mention of women's participation and occasionally they have yielded significant results.

4.1 The Emergence of National Movement and women leaders

There is no doubt that women participated in the Indian anti-imperialist struggle in large numbers. If we were to recall the names of women leaders in our national movement, we will find that the list

is a very long one. Starting with Sarojini Naidu, Vijayalakshmi Pandit, Kamaladevi Chattopadhyay and Mridula Sarabhai at the national level, we may go on to provincial level leaders like Annie Mascarene and A.V. Kuttimalamma in Kerala, Durgabai Deshmukh in Madras Presidency, Rameshwari Nehru and Bi Amman in U.P., Satyawati Devi and Subhadra Joshi in Delhi, Hansa Mehta and Usha Mehta in Bombay and several others. In fact, such is the nature of our nationalist movement that it is very difficult to distinguish between regional level and all-India level leaders. Many women began at the local level and went on to become players in the nationalist centre stage. Besides all these Indian women, there were also Irish women like Annie Besant and Margaret Cousins, who brought their own knowledge of the Irish experience of British exploitation to bear on India. The growth of feminism in India and women's participation in the Indian Nationalist Movement were part of the same process. As Geraldine Heng, the Singaporean academic based in the US, has noted: "feminist movements in the Third World have almost always grown out of the same historical soil and at a similar moment, as nationalism." Moreover, as the first wave of feminism swept America and Europe, it had its impact on India too. Women in different parts of the world were asking for the vote for women, and this became the rallying cry in India as well. Irish women like Margaret Cousins helped the Indian women to demand representation in the limited constitutional reforms being provided as early as 1917. That was the year in which the Indian Women's Association was formed, primarily with the intention of sending a delegation to Edwin Montagu, the then Secretary of State for India. The delegation asked for votes for women in the new constitutional reforms which would finally take the shape of the 1919 Government of India Act, popularly known as the Montagu-Chelmsford Reforms. But let us first go back to the beginning of the twentieth century – a very significant period, not just because of the Swadeshi Movement in Bengal with its repercussions in other parts of the country, but also because it was the time when girls' schools and ladies' clubs mushroomed in different parts of the country. In Delhi, the Indraprastha Girls' School was set up at this time on the outskirts of the Jama Masjid, in the haveli of one of the businessmen of Chandni Chowk, Rai Balkrishan Das. In the UP, Sayyid Karamat Husain was busy setting up a whole network of girls' schools from Aligarh to Allahabad. There is a close relationship between women's increased access to education and their nationalist consciousness. As will be shown later, it was on the journey to school and back, or in the classroom, that many women had their first initiation into the nationalist movement. On the other hand, there were several illiterate women who also participated in the movement. In the course of their activity, they closely interacted with educated fellow nationalists, and were able to access education in a whole variety of unconventional ways. Quite often it would be within the confines of the jail barracks. The relationship between education and empowerment was being understood by many women across the length and breadth of the country by the early twentieth century.

4.2 Role of Women's Associations (Mahila Samiti) in the National Movement:

The early twentieth century also witnessed the emergence of many city and town-based women's associations. Unlike the girls' schools mentioned above, these were initiated by women themselves. It was as if there was something in the air at that time which made women want to reach out to each other, to do activities together and to broaden their mental and physical horizons. In the light of the Swadeshi agitation, women's associations like the Mahila Shilpa Samiti and the Lakshmi Bhandar were set up by the nieces of Rabindranath Tagore, Hironmoyee Devi and Sarla Devi. The Hitashini Sabha, a women's group, organized an exhibition of Swadeshi goods in 1907. Alongside with the establishment of these women's organizations, women's journals like the Bharat-Mahila were also becoming extremely popular. Kumudini Mitra wrote in one of the issues that if the Indians rejected British goods in large quantities, then there would be a great upheaval in England and that would force the Viceroy, Lord Curzon, to revoke Partition. Kamaladevi Chattopadhyaya, in her autobiography titled *Inner Recesses, Outer Spaces*, describes how, in her home town, Mangalore, her own mother Girijabai set up a Mahila Sabha around 1911 to bring women together to discuss their problems and seek ways of resolving them. Even earlier, she would visit homes and read out newspapers to women. Slowly, the activities of the Mahila Sabha

expanded – women were encouraged to read books, journals and newspapers from Girijabai's own personal collection. Kamaladevi goes on to add: "the discussions were later lightened by music, vocal or instrumental. Later, outdoor games such as badminton were added..."

Two years before Girijabai set up her Mahila Sabha in Mangalore, Rameshwari Nehru, wife of a cousin of Jawaharlal Nehru, was creating a similar organization in Allahabad. Known as the PrayagMahilaSamiti, it tried to draw the women of Allahabad out of their homes to discuss political issues. VijayalakshmiPandit, sister of Jawaharlal Nehru, has this rather evocative description of one of the meetings of the Samiti in 1917. The issue that was being discussed was the plight of Indians in South Africa:

'The meeting itself was, I imagine, unique for the time. It took consistent and patient efforts for many days to persuade women to leave their homes for one afternoon and go out to hear other women speak. Outings at that time were confined to specific social occasions when one dressed up in one's best and could look forward to a good meal, and this new idea was not appreciated. South Africa was very far away – it was a pity Indians were being discriminated against, but what good could result by some women getting together and talking about it in Allahabad? A packed hall finally rewarded the efforts of the organizers and the meeting was hailed by the newspapers next morning as a great step forward in arousing the social conscience of the women of the Uttar Pradesh! My own part had been confined mostly to serving water and in trying to keep crying babies quiet, but I had a feeling of participation in the cause and felt happy.' (*The Scope of Happiness*, pp. 61-62.)

Rameshwari Nehru had also set up a women's journal at this time: *The StreeDarpan*, which was extremely popular with the Hindi reading public. It had an interesting mix of political coverage of national and international issues, short stories, poems and other prose pieces. By the 1930s, there were several other Hindi journals, such as *Madhuri*, which had also made an appearance. We have given just one example here: if we were to look at other parts of the country, such as Andhra Pradesh, Bengal and Maharashtra, we will see similar processes at work. During the 1920s, the issue of votes for women was debated in the Provincial Legislative Councils and ultimately, by the mid-1920s, all the Legislative Councils, from the more progressive Madras Legislative Council to the more conservative UP Legislative Council, had given their assent to the idea of women's suffrage and women's representation. It is worth noting that the British Government, when petitioned on the matter, had avoided taking a decision (possibly because in England, despite the spirited campaign launched by the Suffragettes, women still did not have the vote) They had suggested that the newly-constituted Legislative Councils, under the 1919 Government of India Act, which had an Indian majority for the first time, should debate the matter and arrive at a decision. Fortunately for the women, these councils voted in their favor.

4.3 The Emergence of Gandhian Movement and Women



While these developments facilitated the growth of the women's movement in India and their active involvement in public life, it was the new direction and focus given to the Indian National Movement by Mahatma Gandhi that enabled them to come out of their homes. VinaMajumdar, the doyen of women's studies in India, has referred to Gandhi's "revolutionary approach to women's role in society and their personal dignity as individuals". MadhuKishwar, another well-known feminist scholar and activist, develops this theme further. She explains that it was in the course of the Gandhian movement that the single woman acquired a sense of dignity and came to be respected for her political work. Women like Mridula Sarabhai, who chose to remain unmarried, could actually make this choice in the context of the Gandhian movement, where giving up one's personal life for the cause and opting out of marriage were seen as noble deeds. Such women were not pitied because they had not found husbands. Their actions in the political sphere were appreciated. Mridula Sarabhai was a trusted lieutenant of Mahatma Gandhi and was often sent out by him to various places to assess the political situation and even control communal riots. AparnaBasu's biographical account of Mridula Sarabhai gives us insights into the life of this remarkable woman. Another example is that of SuchetaKripalani, who actively participated in the movement and was a true Gandhian. In her 'Unfinished Autobiography', she wrote:

"I saw this [women being given political responsibilities] again and again during his historic tour in Noakhali. I remember once he decided to send young Abha out to work alone in a difficult village. I was myself afraid. I pleaded with Gandhiji that she was too young to go to work in such a village where there was intense bitterness between the Hindus and the Muslims. But he was firm in his decision and said: "Abha shall go. Nobody dare touch a hair on her head and she is bound to succeed in her mission." He proved to be correct."

Women were therefore, not mere add-ons to the Gandhian movement, but were an important part of it. In fact, when explaining his strategy of satyagraha and how it worked, Mahatma Gandhi had often expressed the view that he felt women would understand the method better. Satyagraha required a great deal of patience and forbearance, as well as moral courage. Gandhiji felt that most women in India had these qualities. Women's participation in the first major Gandhian movement, the Khilafat and Non-cooperation Movement of 1920-22, was limited but there were some important developments. The Khilafat Movement in the U.P. was marked by the energetic efforts of Bi Amman, the mother of the Ali Brothers, Maulana Mohammad Ali and Shaukat Ali. Bi Amman

was the popular name by which she was known. Her actual name was AbadiBano Begum. A courageous woman who did not allow patriarchy and the *pardah* to come in her way, she took to active politics around 1914, when her sons were in jail, because she felt that the cause must not suffer. Despite her age – she was over sixty by then – she toured the Punjab, Bombay, the U.P. and Bihar during the Khilafat Movement, addressing several meetings and collecting large sums of money for the Movement. She would throw aside her *pardah* and address the gathering, asking women to come forward and participate in the Movement in large numbers. Her presence played a major role in attracting women to the public meetings held on the Khilafat issue.

Another important development was that women went to jail for the first time in the Non-Cooperation Movement. This was bound to happen, though Mahatma Gandhi was at first not at all in favour of women going to jail. But when the wife and sister of Deshbandhu Chittaranjan Das got arrested in Calcutta in 1921, Gandhiji had to revise his stand. He now began addressing women in different parts of the country, exhorting them to go to jail. "A yagna is incomplete without women taking part in it", he told the women of Gujarat. He drew them more actively into the mainstream of politics, asking them to attend the Ahmedabad session of the Indian National Congress, held at the end of 1921, in large numbers. The women of U.P. in particular responded to the appeal, setting forth from their distant homes, travelling third class to Ahmedabad, staying at Sabarmati Ashram and experiencing the rigours and austerities of Ashram life. Attending the Congress session, participating in the discussions and getting more deeply drawn into the spirit of non-co-operation were exhilarating experiences. Krishna Hutheesingh, the younger sister of Jawaharlal Nehru, has given us a rather vivid description of this journey in her autobiography titled "With No Regrets". Besides her, her elder sister, Sarup (later Vijayalakshmi Pandit) and her sister-in-law Kamala Nehru, there were other women like Begum Mohammad Ali, Begum Hasrat Mohani, Mrs. A.M. Khwaja and Uma Nehru attending this session of the Congress. From Punjab came Sarladevi Chaudharani, the niece of Rabindranath Tagore and from Gujarat there was Anusuya Sarabhai. When they returned after the Congress session, their lives had been transformed. The Non-Cooperation Movement was at its peak, most of the leaders had been arrested. The women took upon themselves the responsibility of keeping the movement alive by holding meetings, often in defiance of prohibitory orders, addressing large crowds, usually for the first time in their lives, and if need be, even going to jail. What emerges, then, from the pattern of women's participation in the politics of the 1920s is their being drawn into the movement, not in the first instance, but at one remove, i.e., after the arrest of their men folk. They were not cowed down by this punitive action of the Government. Instead, it strengthened their resolve to keep up the tempo of the movement and prevent it from dying out. The determined spirit of these women left the British authorities rather confused. What were they to do with these women? Should their actions be ignored or should they be arrested? If the latter course of action were to be adopted, would it cause further unrest? Very few women were arrested in the Khilafat- Noncooperation Movement, and if they were, it was only for a very short period. Things were to change during the next mass movement, however. In the course of the peasant movement in Awadh, which accompanied the Non-Co-Operation Movement, women participated actively. Jaggi Devi, the wife of Baba Ramchandra, was an active figure. We also have some other names of peasant women who were part of the large crowds who gathered outside police stations to get their leaders released. The peasant historian, Kapil Kumar, in his article titled "Rural Women in Oudh 1917-1947" refers to women like Musammat Putta and Abhilakhi, who came into the peasant movement on their own and not at the initiative of their husbands. Sumitra Devi, on the other hand, had her husband and mother-in-law in the peasant movement.

4.4 Role of Women in the Civil Disobedience Movement

Women's public activities were more pronounced during Civil Disobedience Movement. Though Gandhi visualized a supportive role for women, but they started getting impatient and demanded more active role. Gandhi appreciated the impatience as "healthy sign" but refused to increase their greater role for he believed that women can play higher role in picketing of liquor and foreign cloth shops. He chose women for these tasks because of their "inherent" capacity for non-violence. He

maintained that the agitation of picketing was to be "initiated and controlled exclusively by women. They may take and should get as much assistance as they need from men, but, the men should be in strict subordination to them." (Young India ,1920:20) Kasturba Gandhi initiated women's participation in the salt satyagrah by leading 37 women volunteers from Sabarmati ashram. Sarojini Naidu and Manilal Gandhi led the raid on Dharsana Salt Works. Kamla Devi led procession of 15,000 to raid the Wadala Salt works. Women thus participated actively in processions, picketing of foreign shops and liquor shops. Women were organized in Bombay, most militant in Bengal and were limited in Madras. In Bengal some women also participated in violent revolutionary movement and unlike Swadeshi Movement where they played a domestic supportive role, now they stood shoulder to shoulder with men with guns and shooting pistols at magistrates and governors. (Bandhopadhyay,2013:241)



The Civil Disobedience Movement of 1930-33 was undoubtedly a major landmark in women's participation in political activity. We begin with the historic Dandi March of Mahatma Gandhi in March 1930. When he set out from his Sabarmati Ashram with his group of 78 volunteers, he declared that no women would be part of the Dandi March. This was extremely disappointing for women like Kamaladevi Chattopadhyay who has given us this account of what she felt:

"As batches for the first Satyagrahis were to be selected, I asked that women be included. I was told that Gandhiji did not want them as he had other programmes reserved for them. I was flabbergasted."

Kamala Devi rushed to Surat and then took a bus to Jambusar, where Gandhiji and his group of volunteers were expected to reach. She impressed upon Gandhiji the need to involve women in direct action during the Civil Disobedience Movement. After listening to her, Gandhiji finally held out a slip of paper on which he had written: "All may regard this as the words from me that all are free and those who are ready are expected to start mass civil disobedience regarding the Salt Law from April 6." Kamala Devi took this as the green signal from Gandhi for women's participation in mass direct action and this made it easier for the women's sections of the Seva Dals (volunteer organizations of the Congress) to issue directions and organize participation of women volunteers in all the programmes of Civil Disobedience. Women's meetings, processions, picketing of shops the making and selling of salt, all became generalized activities in all parts of the country. To quote Kamala Devi Chattopadhyay once again:

"The veil of centuries was torn asunder. Women, young and old, rich and poor came tumbling out in their hundreds and thousands, shaking off the traditional shackles that had held them so long. "Voluntarily they went forward without a trace of fear or embarrassment. They stood at street corners with little packages of salt, crying out: "We have broken the Salt Law and we are free. Who will buy the salt of freedom? Don't you want the salt of freedom? Their cries never went unheeded. Every passerby stopped, slipped a coin into their hands and held out proudly a tiny pinch of salt."

(Kamala Devi Chattopadhyay, "The Struggle for Freedom" in Women of India, Publication Division, 1958, pp. 19-20.)

Quite often these activities took them to jail usually in rather unexpected ways. We have this rather delightful description from Munshi Premchand, the writer, of the arrest of his wife, Shivrani Devi, who was active in the Civil Disobedience Movement in Allahabad: "I saw her yesterday in prison and found her cheerful as ever. She has left us all behind and I now appear smaller in my own eyes. She has gone up a hundred-fold in my esteem. But until she comes and relieves me, I shall have to bear the burden of running the household." (From Amrit Rai, Premchand: A Life (Translated from the Hindi by Harish Trivedi), New Delhi, 1982, pp. 260-61.) These words capture the mood of many a household where the women had gone to jail – pride mixed with dismay at the inconveniences that had to be borne. Manmohini Sahgal Zutshi in her autobiography recounts the story of a woman who found herself in the Lahore Jail. She had been arrested in the course of a meeting and this had infuriated her husband who had threatened not to take her back when she was released from jail. Manmohini and her mother Lado Rani Zutshi, a well-known Congress leader from Lahore, spoke to the husband who explained that what irked him was not the fact of his wife being in jail – in fact he was proud of her for that – he was upset because she had not sought his permission before going to jail! This was a time when gender equations were undergoing change – women were making their choice of husbands; they were even choosing not to marry or to move away from husbands with whom there were compatibility issues. For example, the Bengali Sucheta Majumdar met and married Jivat Kripalani, a Sindhi who was a close follower of Mahatma Gandhi. They not only had to reckon with opposition from their own families but from Mahatma Gandhi himself, who was opposed to the idea of J.B. Kripalani, his right-hand man, getting distracted with household responsibilities. The couple finally convinced Mahatma Gandhi that even though they would marry, they would devote their entire lives to nationalist work and would not raise children. They remained true to their resolve until the very end. Another example was that of Jayaprakash Narayan and his wife Prabhavati. In this case, the marriage was a traditional one, but once again they resolved not to raise children and spent their lives often away from each other, pursuing their own preferred forms of political activity. Prabhavati spent a great deal of her time in the Gandhian ashram at Sevagram, while Jayaprakash was drawn more and more towards Congress Socialism. A third example is that of the Delhi-based Congress leader, Asaf Ali and his wife Aruna Ganguly from Allahabad. Aruna was marrying out of religion, and like Sucheta, had chosen a man who was much older than her. These unconventional marriages gave women a great deal of space and it is not surprising that at least two of the women mentioned above: Sucheta Kripalani and Aruna Asaf Ali, became prominent leaders of the Congress. Both were extremely active in the underground campaign which sustained and gave a sense of direction to the Quit India Movement of 1942. As for women opting out of marriage due to incompatibility, we have Mahadevi Varma, the well-known poetess, who terminated an early marriage and went on to pursue a professional career even while being a staunch nationalist. The Communist leader, Hajra Begum, had been married to her cousin but soon found that she could not adjust to his ways. She left him and pursued her studies in England, in the course of which she met Z.A. Ahmed, whom she later married.

4.5 The Quit India Movement and Women's Participation:

The female activism in Quit India Movement was visible most significantly. The important leaders of congress being behind bars, made it contingent for the women leaders to take upon themselves the responsibility of directing and taking forward the national movement. Sucheta Kriplani: coordinated the non-violent Satyagraha while women also participated in underground revolutionary activities. Aruna Asaf Ali provided leadership for these activities. The movement also witnessed large participation of rural women and also women who had joined the communist movement. Mahila Atmaraksha Samiti or women's self defence, was in 1942 in Bengal by leftist women lads, who mobilized the rural women. For example, the Tebhaga Movement 1946, saw the formation of women and Brigade as Nari Bahinis to fight against colonial policies. Subash Chandra Bose also added a women's regiment to his INA (1943) called the Rani of Jhansi Regiment. He believed in the power of mothers and sisters. Thus, assigning a new role to a passive role of the mythic Sita to a heroic valorous role of the Rani of Jhansi. Among Muslims - Women had more intense, fight in the domestic sphere „Purdah“ was epitome of their culture and any contradiction

to it was considered to be blasphemy. However, the history does record the defiant efforts of Muslim women leaders like Bi Amman, mother of Shaukat and Muhammed Ali, who participated in khilafat Non-Cooperation Movement at a meeting in Punjab. At a meeting in Punjab she lifted her veil saying that one does not need a veil in front of her children, thus giving shape to idea of quaaam. In the case of Muslims, the personal laws too, were less problematic than Hindu social reforms. They did not demand widow immolation and contained no strictures against widow remarriage. The Faraiji reformers of the mid-nineteenth century attributed the prevalence of such norms in Muslim to Hindus and thus encouraged Muslim to popularize widow remarriage. Similarly, with the growth of education, Muslim women, were instigated to eradicate female rites and customs that Muslims shared with Hindus. However soon enough the muslim women activists outran the original intention and they started criticizing absolute female seclusion. By 1930, they also started demanding inheritance rights and by 1939, Muslim women got the right to initiate divorce. Growth of communalism often worked in favor of women creating a competitive mobilization whereby women emerged as a significant constituency. In 1938 Muslim league started a women's sub-committee to engage Muslim women. With the emergence of Pakistan Movement more and More Muslim women got sucked into the political movement. Their participation in these public spaces itself was moment of emancipation and liberating for them.

If women came into their own in the 1930s, the 1942 Quit India Movement was one in which women's participation was even more significant. Interestingly, women understood the complexities of this movement very well. Since the major Congress leaders had been put in jail in a pre-emptive strike by the British government, they realised that what was needed now was to evade arrest and many of them successfully managed to do so until almost the end of the movement. Women also took the initiative in a wide variety of ways - from producing pamphlets, to circulating underground literature, to running a Congress radio. Usha Mehta, along with VithalbhaiJhaveri, BabubhaiKhakar and RammanoharLohia set up the Freedom Radio in Bombay which successfully broadcast from 3rd September 1942 until 12 November of the same year. This was how she explained the background to the setting up of the Congress Radio:

“The leaders had told us to do all we could. We had been given specific instructions regarding the programme. So, each one had to exert his or her own brain to find out the programme that would be suitable, that would be appropriate for the type of struggle that had been launched. There were some friends who thought in terms of violent means also. And there were some sabotage cases in Bombay. Some friends wanted to prepare bombs. There were others who thought in terms of derailments. But our group of friends thought that as far as possible we would try to be non-violent. Not that everyone believed in non-violence as a creed, but in their opinion, as we had accepted the Mahatma's leadership, it was desirable for us to stick to non-violent means as far as possible. However, they did not like the methods which were ordinarily adopted, because they did not seem to be as effective as some of the other means. By studying the freedom movements of other countries, we found that, perhaps, a transmitter was the best way of spreading news regarding the movement, not merely in Bombay but all over India. At a time when the press was gagged and we had no control over the official transmitter (All-India Radio), we thought this would serve the purpose very well and, hence, we set out in search of a technical who could provide us with a transmitter.”

The broadcasts were usually of 20 minutes to half an hour duration and would end with the BandeMataram. They were extremely popular and people used to wait for the broadcasts. Usha Mehta's account of the ways in which they moved from place to place with their transmitters, often narrowly escaping detection, pre-empting the attempts by All India Radio to jam their frequency by jamming the AIR itself make fascinating reading. In the Quit India Movement, there were women's processions even in such unlikely places as Bannu in the North West Frontier Province. Girl students were active in Meerut, parts of Assam, Sagar and Wardha in Madhya Pradesh and different parts of the Madras Presidency. There is an amusing incident of how the women of Mahila Ashram, Wardha, decided to embarrass the District Magistrate. Shortly after the beginning of the Quit India Movement, it was time for the RakshaBandhan festival, when sisters usually tie rakhis around the wrists of their brothers. The Mahila Ashram women decided to call upon the

District Magistrate and tie rakhis on him. The DM fully realized what the consequences of this action could be. It would mean that he would become their brother, and how could a brother arrest his own sisters? On the other hand, it would be extremely awkward for him to refuse their request. What was he to do? When the women arrived at his home, he sent his wife to receive them and ply them with food and sharbat. When the women asked for the DM they were told by the wife that he was getting ready. After they had waited for a long time they suspected that something was wrong. They realized that the DM had managed to escape through the back door, even as the wife was entertaining the women.

4.6 Imprisonment and Women during Movements

Women went to jail in large numbers both during the course of the Quit India Movement and the previous Civil Disobedience Movement. As we have explained earlier, these arrests often threw their domestic lives into disarray. However, for the women themselves, the jail came to signify a new world, the routine of which was quite different from the daily domestic grind. Here, they learnt to spin, sing nationalist songs, educate themselves, learn new languages and interact with women whom they would otherwise never have met in their lives. Many of the middle-class women had their first insights into the lives of 'criminal women' who had been convicted for murder and other serious offences. They learnt to empathize with them and bond with them as women. The 'murders', they realized, had often been committed by way of resisting patriarchal oppression. A drunken husband had been clubbed to death by the wife who had silently endured years of violence and humiliation. Such women in turn reacted to the political prisoners with curiosity and a certain amount of envy. They realized that the political prisoners were there only for a short period of time and would return to their normal lives after a year or two. There would be families waiting to receive them while their own lives were blighted forever. Even if their terms ended, who would accept a woman murderer back into their homes?

4.7 Participation of Women in the Revolutionary and Left Movements:

Until now we have concentrated on the Gandhian movement and women's participation in it. As we know, our nationalist movement had several other ideological strains besides the Gandhian one. From the 1920s, under the auspices of the HRA which later renamed itself as the HSRA, a strong revolutionary tradition developed over large parts of Northern India. This revolutionary movement set itself up as a counter to the non-violent Gandhian movement, which, it felt, would not work in India. It believed that individual assassinations, especially of top officials of the British Government would be more effective because that would paralyze the British Government and make them leave India. These revolutionary groups worked underground and the harsh life that they led made it extremely difficult for women to be part of it. In fact, as women like Prakashvati, the wife of Yashpal, have explained, the men themselves discouraged women from joining their movement. Yet, in Bengal, there were women revolutionary groups who formed physical culture clubs and secretly read banned revolutionary literature. The Chittagong Armoury Raid of 19 April 1930. Greatly excited women like PritilataWadedar and KalpanaDutt who became more actively involved in revolutionary activities.

The late 1920s and thereafter witnessed the emergence of a viable Left alternative within the Indian Nationalist Movement. Many women chose to join the Communist Party, because of its more radical programme which appealed especially to the youth and also because the newly emergent Soviet Russia was making remarkable progress through collectivization of agriculture and the Five-Year Plans. Hajra Begum from Rampur, a small princely state in UP, explained that she was not at all attracted by the Gandhian programme. Her ideological affinity with Communism was further strengthened when she went to England to study and got an opportunity to visit the Soviet Union. The group of students whom she interacted with in London—SajjadZaheer, Z.A. Ahmed, K.M. Ashraf—were also similarly inclined. They all became the first Indian members of the CPGB: The Communist Party of Great Britain. They were instructed to return to India and work within the

Indian National Congress (The Communist Party of India was under a ban at that time). Hajra Begum emerged as a labor leader, organizing the railway coolies on Allahabad railway station. She was also a popular speaker at many student meetings during the 1930s. In the course of the 1940s, the number of women who participated in the various subsidiary organizations of the Left, such as the Progressive Writers' Association and the Indian People's Theatre Association increased manifold. Rasheed Jahan, Ismat Chughtai, Rekha Jain and others made their mark in literature, theatre and music. All these cultural forms were used to mobilize the workers and the peasantry in different parts of India. This, combined with the very active role that women played in the Quit India Movement, indicates the extent to which women were becoming the "movers of history" by the 1940s.

Summary

Women's participation in the Indian Nationalist Movement can be traced back to the Swadeshi Movement. The early decades of the twentieth century saw women's lives being transformed through education, formation of women's associations and increasing participation in political activity. The story of women's participation in India's freedom struggle is the story of making bold choices, finding themselves on the streets, inside jails and in legislatures, all of which empowered them in a whole variety of ways. The non-violent movement that gained India her freedom not only took women along but was dependent for its success on the active participation of women. At the same time, there were several other strands in the anti-imperialist movement, such as that of the revolutionaries, communists and other left groups. While the revolutionary movement offered little scope for women's participation, increasingly in the 1930s and 1940s, many women were being drawn towards socialist and communist ideas.

Self Assessment

1. Indian National Movement Civil Disobedience conducted in the year of:
 - A. 1919 C.E.
 - B. 1929 C.E.
 - C. 1930 C.E.
 - D. 1942 C.E.

2. The partition of Bengal conducted in the year of
 - A. 1907 C.E.
 - B. 1905 C.E.
 - C. 1857 C.E.
 - D. 1916 C.E.

3. The Gandhi Ji started his first Movement from which place-
 - A. Champaran
 - B. Khera
 - C. Ahamdabad
 - D. Sabarmati

4. Who among the following opposed Gandhiji's Satyagraha against the Rowlett Act?
 - A. M.A Jinnah
 - B. Abdulbari
 - C. Annie Besant
 - D. none of them

5. The quit India movement was in the year
 - A. 1943
 - B. 1944
 - C. 1942
 - D. 1941.

6. Tebhagamovement, which was prominently led by women was in the state of:
 - A. Bengal
 - B. Andhra
 - C. Maharashtra
 - D. Gujarat.

7. Who was the leader of Bardoli Satyagraha?
 - A. Mahatma Gandhi
 - B. Sardar Patel
 - C. Rajendra Prasad
 - D. Sarojini Naidu

8. Quit India resolution was passed on
 - A. August 6
 - B. August 9
 - C. August 11
 - D. August 8

9. Who among the following women was related to revolutionary activities:
 - A. Annie Besant
 - B. Durga Bhabhi
 - C. Sarojini Naidu
 - D. Kasturba Gandhi

10. Who among the following women was the president of Indian National Congress in 1917 C.E.
 - A. SuchetaKriplani
 - B. Sarojini Naidu
 - C. Kamala Neharu
 - D. Annie Besant

Answers for SelfAssessment

- | | | | | |
|------|------|------|------|-------|
| 1. C | 2. B | 3. A | 4. C | 5. C |
| 6. A | 7. B | 8. D | 9. B | 10. D |

Review Question

1. Why was Gandhian method of mass mobilization effective in bringing out women to public life?
2. What were the diverse ways in which women contributed to the nationalist movement? Discuss.
3. Discuss the relationship between feminism and growth of national consciousness among women.
4. Write a note on the participation of women in Civil Disobedience movement.
5. What was the role of women in revolutionary and left movements in India?

**Further Readings**

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Objectives

After this chapter, you will be able to:

- Understand the issues faced by Dalit Women;
- Analyze these issues and trace their reasons;
- Understand the role of women in the environmental domain
- Evaluate Chipko movement.

Introduction

Within Indian economic, social, and political history, the Dalit community was marginalized. Gradually, as Dalit consciousness increased, men, the better-positioned gender, began to speak up of the community – tried to communicate their frailties in a masculinist manner. Women were portrayed in written works only as extensions of male protagonists. Even while the traumas experienced by Dalit women as a result of intersectional realities are distinct from those experienced by men, they were unable to appear in early literature as whole beings deserving of recognition as such. The concerns of Dalit women laborers were likewise disregarded by the trade union movements. As the state's plans and regulations are primarily heteronormative and male focused, Dalit women's property rights, lifespan, education, and empowerment issues are currently largely androcentric. The basis for our need for The rationale behind We need to continue referencing the past because history shows that Dalit women's current situation has historical roots, yet despite this, their causes and voices are still marginalized. They represent and convey extensive social experiences.

Chipko movement began in two or three villages of Uttarakhand when the forest department refused permission to the villagers to fell ash trees for making agricultural tools. However, the forest department allotted the same patch of land to a sports manufacturer for commercial use. This enraged the villagers and they protested against the move of the government. The struggle soon spread across many parts of the Uttarakhand region. Larger issues of ecological and economic exploitation of the region were raised. The villagers demanded that no forest-exploiting contracts should be given to outsiders and local communities should have effective control over natural resources like land, water and forests.

5.1 Dalit Women's Issues

The term Dalit literally means broken or scattered. It can be defined as the member of the lowest class in the traditional Hindu social hierarchy having in traditional Hindu belief the quality of defiling by contact a member of a higher caste. Caste discrimination, a long-standing practice that dehumanizes and maintains a severe type of prejudice, is still in use in the twenty-first century. In India, where the practice is pervasive despite laws to stop it, prejudice against 160 million Dalits, 49.96% of whom are women, is still rife. Similar to racial discrimination, Dalit women are treated unfairly and as untouchables because of their ancestry and birth into a certain group, while people of other races are treated differently based on their skin color. Dalit women are declared to be "impure" by the caste system, making them untouchable and hence socially outcasts. Women's human rights have been completely negated and violated by this. We implore this august body to give special consideration to this matter and formulate suggestions to abolish the caste system.

Dalit women experience discrimination on three different levels: they are treated as outcasts and untouchables because of their caste; they are subjected to gender discrimination because they are women; and, finally, they suffer economic hardship because of unequal wage gaps and low or underpaid labor. According to the Hindu caste system, there are four castes: Brahmins (the priestly caste), Kshatriya (the warrior caste), Vaishya (the tradesman caste), and Shudras (menial task workers). There is a further layer, known as the untouchables, below this four tier caste structure (Panchamas). The status of women is further diminished among the untouchables and is intimately related to the idea of purity. This is what the hardline, fundamentalist Hindus support by upholding the Brahminical beliefs that keep the caste system in place. The development of several Hindu religious texts, such as the Manusmriti, Atharva Vedas, Vishnu smriti, and numerous more, as well as the Brahmins (upper priestly Hindu caste), who strictly adhered to them, resulted in a culture in which equality between men and women was hardly ever achieved (Agarwal). The Indian Constitution's architect, Dr. B.R. Ambedkar, makes it abundantly plain in his piece titled "The Rise and Fall of Hindu Woman" that these purportedly Hindu religious texts are the main source of misery for women in India. Books like the Manusmriti encourage inequity between men and women and caste stratification. The Manusmriti claims that women don't have a right to riches, freedom, or education. The following lyrics demonstrate how it not only supports treating dalit women as sex objects and encouraging underage marriage, but also supports a number of horrific atrocities committed against women.



In protest against the Hathras tragedy. Source: [bbc.com](https://www.bbc.com)

Dalit women experience many forms of oppression that violate their economic, political, social, and cultural rights as a result of the caste prejudice they inherit at birth. Dalit women make up the most marginalized group in society since they are the poorest, illiterate, and most vulnerable to sexual harassment. The dominating castes impose caste violence on the women, but they also experience state brutality.

Dalit women make up 16.3% of the total population, with 18% of them living in rural regions. Since the bulk of these women work in the unorganized sector, they are not protected by labor regulations and are forced to undertake demanding domestic work that is not compensated while also working as casual or agricultural laborers in the scorching sun. Due to their inability to

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organize and demand a living wage, they are not even paid the state or national minimum wage. Dalit women perform physical, menial, time-consuming labor for poor remuneration. They make less than one dollar every day.

The process of globalization has affected Dalit women considerably. With the introduction of new farming techniques such as, mechanization for harvesting and transplanting, women have lost their traditional work in the agricultural sector. Food crops have been replaced by Cash crops. Horticulture has been introduced by, big agribusiness corporations for export purposes. This has deprived Dalit women of their land and the common resources in the village. Formerly women used to collect greens, fish, and shells from fields free for their food requirements. This is no longer available to them. The abject poverty condition has driven large numbers of Dalit women into sex trade to earn for their families. The Globalization process has increased the feminization of poverty and this has affected Dalit women in every sphere of their lives. There is also large scale migration from rural areas to the urban centers in search of better livelihood options. Women are left behind to bear the responsibility of the family. This further adds to the existing burden that Dalit women are trying to cope with. More and more female headed households emerge and most of them are Dalit women. Such situations push the women into further situations of impoverishment, making them more and more vulnerable to all forms of discriminations and violations.

A large majority of the illiterate population comprise of Dalit women with 76.24% of Dalit women being illiterate. The girl dropout rate among Dalit families is increasing with girl-children are forced to work as child laborers, More and more girl children from Dalit communities are school drop-outs and working as child laborers. Dalit women are illiterate because they have less access to education which is an inherent part of the caste system. There are not enough secure facilities for education, taking care of small children and they join the adults to add to the income of the family. Dalit girl children are involved mostly in hazardous work like Beedi making, working in match factories and in the fire-works industry. Traditionally dowry, which is not a practice of the Dalits has now become a bane. Due to Sanskritisation by the caste Hindus, the Dalits have begun to emulate the customs and rituals of the hindus. Dowry is one such custom. The Dalit families have succumbed to the societal pressures, added to this the fear of sending the girls to schools which are usually located in distant places deprive them of education.

5.2 Chipko Movement

The modern environmental movements in the West started long after the industrial revolution set in and changed the lives of people into an affluent and consumerist lot. Sheth describes that 'in USA, modern environmental movement passed through different though not entirely unrelated waves'. At first there was a movement for land and wildlife conservation, followed by pollution control measures and third related to lobbying for regulation to minimize industrial wastes. Grassroots green movements followed thus heralding a completely new era of voicing environmental concerns. Unlike the West, India's concern for environment and nature date back to centuries where the concern for natural resources and elements formed a part of the lifestyle of the people. The emphasis has been more on the spiritual and moral dimensions of life rather than materialism and affluence. Thus the care and concern for nature has been inherent since ages in our society.

The post-independent and much later the liberalized economic phase saw many structural changes in the economy thus exposing the nation to materialistic and consumerist lifestyle. The 1970s saw the environmental issues coming to the international fora with the Stockholm Conference being one of the pioneering conventions on this issue. India committed itself to the protection of the natural environment according to the international norms and rules. Around the same time, the Chipko Movement or Andolan has already been in the making, which later inspired subsequent movements on environment. Environmental movements in India have been more or less conducted at the grassroots level and more so not by the educated elite but by simple village folk and tribals depending on the region. These have been initially characterized by protests against the big companies indiscriminately using the forest resources for commercial purposes. Later the movements focused on water issues, flora and fauna, biodiversity, and massive deforestation till the recent river pollution, the prime examples being the Ganga and Yamuna clean-up action plans.

One of the earliest known cases of forest conservation dates back to 1730, where around 300 members of the Bishnoi community in the Rajasthan State, led by a woman called Amrita Devi tried to protect the Khejri trees from felling by clinging to them and sacrificed her life in the process. The natural resource exploitation is said to have started prominently during the British rule, when the enormous forest resources were used for commercial purposes and for the railway network link. The local tribes and communities are especially involved in saving the natural resources not only for sustaining their livelihood needs but also for the nation at large. Chipko Movement is one such pioneering movement in the post-independent India and set an example to be emulated by others.

The Chipko Movement, which is also identified chiefly as a women's movement, originated in the Garhwal Himalayan mountain region of the present Uttarakhand state. The region is known for its fragile ecology, often prone to earthquakes, erosive rivers and steep valleys that are least conducive to agricultural growth. Its vast forest cover and reserves enables the local communities to pick the fodder, fuel and fibers that contribute to their daily sustenance. With no opportunities for viable income, the men folk search for income outside the region while the women are left in the villages often leaving them as the real custodians of the available resources. The region was also prone to massive deforestation as the commercial exploitation of forests took place on a gigantic scale in order to meet the needs of ever growing population and urban settlers. It is important to note that the first forest laws were enacted during the British rule. With more demand for wood for commercial and rail link purposes, 'in Tehri Garhwal State, between 1840 and 1885, the forests were leased out to contractors for exploitation'. 'The forest laws were enacted to safeguard the vested interests of contractors. Power moved from the hands of the local people into those of government forest officials'.

The encroachment by the influential contractors was highly resented by the local population, an encroachment on the resources over which they had traditional rights. With massive felling of trees and deforestation in the hills, and with the trees becoming few and far, the village women, who rely mainly on the forest resources for the sustenance, found it difficult to spend enormous time and energy in collecting the necessary fodder and fuel. They would, sometimes go to distance of at least five kilometers to collect the necessary supplies. With the denuding forests, there was also a danger of devastating floods and landslides submerging the houses, crops, and affecting the movement of people and throwing out of gear the irrigation facilities. It is crucial to note the extensive contribution of Mira Behn (Madelaine Slade), a close associate of Gandhi, who moved to the Himalayan region as early as in 1940s. In order to promote agricultural growth, the cattle are the most important source. To take care of these, Mira Behn started Pashulok (Animal World), a cattle center in the region. She was one of the first to realize the drastic effects of the deforestation and how it triggers the water crisis. Further, she also noted the disappearance of banj trees, replaced by the commercially important pine trees. The basic ecological nature and functions of both the trees are different from each other, with banj being eco-friendlier. Also, Mira Behn spoke in high veneration of the Himalayas. As she says, 'it is not we who are testing the Himalayas, but the Himalayas who are testing us; and by the looks of things we are



A scene of Chipko Movement, one of the strongest movements to conserve forests in India. [Wikipedia](https://en.wikipedia.org/wiki/Chipko_Movement)

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proving unfit. Unless we humble our minds and approach the Sacred Mountains as disciples before a mighty Guru, we cannot expect to win favor'.¹ She warned as early as in 1950 that 'Something is Wrong in the Himalayas' and elaborately explained the demerits associated with deforestation, water-logging and soil erosion; she further regretted over how the private enterprises are exploiting the resources, making it a 'business proposition, carried on by people who have no background of agricultural experience, and who think only in terms of soil exploitation for quick return'. Sunderlal Bahuguna worked closely with Mira Behn and inherited many of her meritorious thoughts and ideas regarding the above mentioned issues. Later, he was instrumental in giving necessary guidelines and direction in the Chipko Struggle.

Sarala Behn (Catherine Mary Heilman) was also a disciple of Gandhi who in 1936, joined Gandhi at his Sevagram ashram to assist in the former's experiments in basic education. She worked in the hills of Kumaon region and 'started an Ashram for girls along Gandhian lines and soon collected a band of dedicated young women social workers around her. She too strove to create environmental awareness. In 1961, she created the 'Uttarakhand Sarvodaya Mandal' to work for the uplift of the population and the protection of the hill environment'. In order to protect the forest region and thereby the livelihood necessities, the women of the region largely combined with the cooperatives and Gandhian organizations like Dasholi Gram Swaraj Sangh (DGSS), Gangotri Gram Swaraj Sangh and so on. Their concerns related to forest reserve conservation and taking care of the needs of the local population. But 'soon, a new separation took place between the local male interests of commercial activity based on forest products, and local women's interests for sustenance activity based on forest protection. Nevertheless, this does not undermine the role of men who actively took part in the Chipko Andolan. As Shiva puts it, 'the significant catalysers of the movement are women like Mira Behn, Sarala Behn, Bimala Behn, Hima Devi, Gauri Devi, Gunga Devi, Bachni Devi, Itwari Devi, Chamun Devi and many others'. Further, 'the philosophical and conceptual articulation of the ecological view of the Himalayan forests has been done by Mira Behn and Bahuguna, the organizational foundation for it being a women's movement was laid by Sarala Behn, Bimala Behn in Garhwal and Radha Bhatt in Kumaon'. The men of the movement like Sunderlal Bahuguna, Chandi Prasad Bhatt, Ghanshyam Shailani and Dhoom Singh Negi were glad to acknowledge themselves as their students, messengers and followers and played crucial role in spreading the movement to different parts of the state. The organizational base of the women in the region at first found its origins in the anti-alcohol movement and later prohibition movement in 1965. It further spread to utilizing the local forest resources by the local people and led to organized protests against the commercial exploitation of the forests. One of the inspiring words against this exploitation was put down by Raturi in his famous poem:

Embrace our trees

Save them from being felled

The property of our hills

Saving it from being looted

One of the key events took place 'in 1973 when around 300 ash trees had been auctioned in Mandal to a manufacturer of sports goods'. With the protest against it by the women of the region led by a 75-year-old Shyama Devi, the contractor withdrew but the focus subsequently shifted to the Alaknanda valley, in the village of Reni. The region was already devastated by the massive floods of the 1970 wherein water inundated 1002 Km of motor roads, washed away 6 metal bridges, 10 kms of motor roads, 24 buses, 366 houses collapsed, 500 acres of paddy crops destroyed. It was attributed to the denuding of the forests for commercial purposes and felling of trees in the region. Large scale auction and plans for felling of trees in the region was planned by the commercial contractors but had to backtrack their activities because of the active role of the women and the villagers who kept constant vigil on the former's activities. On one such occasion, sensing the absence of men from the village, the commercial contractors sent their labor to axe the trees before the villagers get to mobilize and start protecting the trees.

Later, as the women spotted the labor with axes, who came to cut the trees, they protested and vowed to protect the trees. Small groups of women kept constant vigilance and hugged the trees in order to prevent the felling. Led by Gauri (sometimes referred as Gaura) Devi and Gunga Devi, along with their co-workers, the movement was a much successful one. Consequently, the government imposed a ban on the commercial green felling in the region. This incident gave the movement a further momentum to mobilize all the villages in the region to protest against the commercial felling of trees, as it led to the fragile ecology dwindling further. The women trekked

¹KM Gupta, *Mira Behn, Gandhiji's Daughter Disciple*, 1992, p.111

far and wide for about 75 days appealing to their counterparts in the region to join the demonstrations and vehemently protest against the commercial exploitation of the forests.



Google honours Chipko Movement Source: [TOI](#)

The method of hugging the trees to prevent their felling was actually used for the first time by Dhoom Singh Negi in Salet forest near the village of Pipleth in Henwal. Another significant event that took place in 1977 was against the auction and cutting of trees in the Adwani forests, in the Narendernagar district. Bahuguna undertook a fast against this measure but the felling order was not withdrawn. The women, who became the 'front-line soldiers', as pointed out by Weber, gathered and tied sacred threads to the trees as a part of their vow to protect them and constantly guarded the forests. The axe-men returned with armed police to keep the people away from the area but the volunteers already took positions to guard the trees. When questioned by the contractor as to why the women wanted to stop the felling, they sang in chorus thus: What do the forests bear? Soil, water and pure air. Soil, water and pure air Sustain the earth and all she bears. The movement, consequently, was successful and the Adwani Satyagraha, as it is known, gave new directions and strength to women specially to protect their forestry system and instilled in them a new confidence to continue the struggle. In some of the regions, the women even defied their men folk and took part in the movement.

To quote Turner's work, one of the prominent women of the movement, Gaura (Gauri) Devi recalls that 'it was not a question of planned organization of the women for the movement, rather it happened spontaneously. Our men were out of the village so we had to come forward and protect the trees. We have no quarrel with anybody but only we wanted to make the people understand that our existence is tied with the forest'. The Chipko movement was not confined to Reni but spread to Tehri, Kumaon and other areas of the State like Adwani, Amarsar, Chanchnidhar, Dungari, Paintoli and Badiyagarh. The most beneficial outcome of the movement has been the Government's order imposing a ban on the felling of trees in the region apart from the joint forest management mechanisms that followed later. Chipko thus stands out as the most significant movement in the arena of environmental protection. It further highlights the role of women as the torchbearers of similar movements everywhere.

Summary

Dalits in general and Dalit women in particular are prone to victimization at three levels. Socially they are untouchable, educationally backward and economically dependent. After independence, there have been constitutional remedies for the issues of Dalit women, but still at ground level much needs to be done. The Chipko struggle/ movement is precisely a struggle against this concept of development. It was against the commodification of forest resources, and fighting for the conservation of resources useful for the local population and fighting for the rights of subsistence. The women, often the marginalized and the first and the most affected in any negative development trend, had displayed an enormous capability to become 'their own leaders, their own decisionmakers, their own sources of strength'. As Weber points out, 'the Chipko activists have found an effective means of conducting environmental campaigns along non-violent lines. Much can be learned from their experience, and a knowledge of their struggle can bring strength to those fighting a similar battle in other parts of the world'. Thus the movement also demonstrated the resurgence of woman power and their concern for the mother earth and ecology. It brought into light the burning issue of judicious use of 'natural capital', which would, in the long run, benefit the whole humankind, and through it, the recovery of earth's most precious resources.

Keywords

- Intersectionality:** The concept that power is experienced through identities, not through one single axis like gender or race/caste but by the intersections of multiple axis. The result is not a sum total of all axis in a mechanical way but a completely different experience of power itself. Standpoint
- Dalit:** In the traditional Indian caste system) a person who belongs to one of the lowest castes, outside the four main castes in the varna system; a member of the Scheduled Castes.
- Caste:** Each of the hereditary classes of Hindu society, distinguished by relative degrees of ritual purity or pollution and of social status.
- Khejri Tree:** Traditionally important tree in Rajasthan that inspired the Chipko movement back in 18th century CE.

Self Assessment

1. Varna system divides a Hindu society into four sections, the third one is?
 - A. Brahmin
 - B. Kshatriya
 - C. Sudra
 - D. Vaisya

2. Dalit term literally means?
 - A. Broken
 - B. Scattered
 - C. Both A and B
 - D. Neither A nor B

3. The Rise and Fall of Hindu Woman was authored by?
 - A. M.K.Gandhi
 - B. J.L. Nehru
 - C. B.R. Ambedkar
 - D. None of these

4. Dalits are generally considered
 - A. Untouchable
 - B. Tribals
 - C. Pastorals
 - D. None of these

5. Dalit women generally face issues at levels
 - A. 1
 - B. 2
 - C. 3
 - D. 4

6. Dalits belong to which of the following Varna?
 - A. Vaisya
 - B. Sudra

- C. Kshatriya
 - D. None of these
7. Which among the following is considered the biggest dharmasastra responsible for the plight of the low caste and the dalits?
- A. Arthashastra
 - B. Manusmriti
 - C. Medhatithi
 - D. None of these
8. Who among the following was associated with chipko movement??
- A. Sunderlal Bahuguna
 - B. Drishti Devi
 - C. Somya Mlaik
 - D. None of these
9. Who was the main woman leader of Chipko Movement?
- A. Shanti Devi
 - B. Gaura Devi
 - C. Rukmani Devi
 - D. Shikhara Devi
10. Chipko movement depicts the presence of awareness in the people of India.
- A. Environmental
 - B. Natural
 - C. Climatic
 - D. All of these
11. Chipko movement originated in the?
- A. Garhwal
 - B. Shimla
 - C. Srinagar
 - D. None of these
12. Chipko Movement of 1970's had a predecessor movement started by.... of Rjasthan?
- A. Santhals
 - B. Gonds
 - C. Khonds
 - D. Bishnois
13. Who among the following is known as the champion of the Dalit rights?
- A. M.K. Gnadhi
 - B. J.L. Nehru
 - C. B.R. Ambedkar
 - D. R.C. Dutt
14. Gandhiji called the untouchables by which of the following.

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- A. Bhaktjan
 B. Harijan
 C. Lokjan
 D. None of these
15. Which among the following is a book on Chipko movement?
 A. Fall of Third Reich
 B. The Environment
 C. Of Myths and Movements
 D. All of these
16. Untouchable do not fall in the system.
 17. is the name given by Gandhiji to untouchables?
 18. is considered the champion of the Dalits
 19. Chipko movement was started in
 20. Was the main woman leader of the Chipko movement?

Answers for Self Assessment

1. D 2. C 3. C 4. A 5. C
 6. D 7. C 8. A 9. B 10. D
 11. A 12. D 13. C 14. B 15. C
 16. Varna 17. Harijan 18. B.R. Ambedkar 19. Garhwal 20. Gauri Devi

Review Questions

- Write a detailed note on the position of Dalit women in society.
- What is Varna System? How religious texts play a role in deteriorating the condition of the low castes.
- Write a detailed note the Chipko movement in context to the environmental consciousness in Himalayas.
- What are the major issues faced by the Dalit women in post-independence India? Evaluate
- Evaluate Chipko Movement in context to the contemporary climatic issues.
- What is the meaning of the word Dalit?
- What do you understand by Varna system?
- Who was B.R. Ambedkar?
- What do you understand by Chipko movement?
- Who was Gauri Devi?

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Web Links

- <https://egyankosh.ac.in/bitstream/123456789/2918/1/Unit-2.pdf> Dalit/ Feminism

Unit 6: Women's Movement in Post-Independence period in India-II

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6.2 Anti-Arrack Movement

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Objectives

After this chapter, you will be able to:

- Understand Devdasis and the movement launched by them
- Explain the origin of the women's movement against Arrack consumption;
- Describe the socio-economic implications of arrack consumption with reference to women;

Introduction

All over India, there was the practice of dedicating young women exclusively to the service of the temple. They were symbolically married off to the presiding deity of a temple. Their services were in the form of various work related to the functioning of the temple. The main function was to provide music and dance performances as offerings to the deity. Their duties were not restricted only to this function. They had a say in the administration of the temple and had roles in managing the flower arrangements, decorations and the conduct of the festivals.

In Andhra Pradesh, an anti-arrack movement was created which grew out of the awareness brought about by the mass-literacy campaigns of the National Literacy Mission (NLC). It began as a spontaneous movement against alcoholism in a remote village in Dubaganta, supported by the NLC in Nellore and adopted by the other districts of Andhra Pradesh. It is noted that there was no organized leadership to start with in the anti-arrack movement. Most of the groundwork was done with local initiative, with women collectively protesting against arrack in their villages. With the movement gathering momentum, political parties entered at the very last stage. Eventually, the movement resulted in the declaration of total prohibition of liquor in India.

6.1 Devdasi Movements

Devadasi, which means "Servant of God" in Sanskrit, is a term used to describe a woman who devotes her life to serving the patron deity of the main temples in eastern and southern India. The order seems to have existed between the ninth and tenth century. The devadasis, who frequently demanded the king's sexual favors, visited the god by fanning the main image, honoring it with lights (arati), and singing and dancing for the god as well as the king and his inner circle, who often exploited them sexually.



The offspring's of the Devdasis had equal inheritance rights.

With the introduction of western education, there was growth of conscious and change in opinion regarding the Devdasi like system in India and the devadasi system was seen as an abhorrent practice and these women considered to be living in sin. In fact, in 1892, an appeal was made to the Viceroy and Governor General of India and to the Governor of Madras, where for the first time Devdasis were mentioned as such:

There exists in the Indian community a class of women community commonly known as nautch-girls. And that these women are invariably prostitutes.

Apparently the appeal was made by an organization called the "Hindu Social Reforms Associations" and was a part of a so-called reform called the Anti-nautch Movement. And while the Governor of Mysore along with the Viceroy vehemently denied to be a part of such a revolution, the demeaning process continued till finally thanks to the political and economic change, Devdasis - once a revered member of the society - were brought down to become the nautch girl, and a prostitute eventually.

In an era where women were cloistered and restrictions placed upon their movement, public appearance and education, these women who performed in public, had agency in owning and disposing of property and were free in their choice of life partners caused no end of consternation to the English-educated public.

In fact, it was customary in those days to invite Devdasis to every festivity in well-to-do families for singing devotional songs and for dancing. Old Sangam literature and Kalinga panjis (old ledgers) often referred them as auspicious members of the society, who had mastered the art of controlling the five senses and hence called Mahari in a few places.

It was a common tradition to have a bead from Devdasis's necklace for the mangalsutra of any bride. The bead was a symbol of fertility and understanding in a relationship. And while it is true that they were called upon to dance at religious functions and festive occasions, Devdasis, at least till the Chalukyas, were never members who had to depend on the society for their well-being.

In India, the beginning of Devadasi can be traced to inscriptions found in temples in South India, notably in Tamil Nadu. The word "*Emperumandiyar*" in the Vaishnavite or Vishnu temple dating back to A.D 966, refers to the dancing girls and are of great importance to history and mythology. According to the dated Indian caste system, these talented women belonged to a lower section in the caste hierarchy. The Devadasi women, were sophisticated, knowledgeable and respected in the community, as they represented culture and the arts, while being 'married to the Gods' They were not under pressure to marry a mortal being, instead the Devadasi had sexual freedom in choosing their partners. As per the Devadasi tradition, families offered young girls to temples as a way to appease the resident God. They dedicated their lives to the temple, their chosen art form - in the case of temples of South India - to music, to dance forms such as Bharatanatyam, to early forms of street performances called "Koothu", which were renditions of folklores performed by troupes on the streets, dance, music, story-telling, and improvised dramas.

The courtesan lifestyle was also practiced by the Mughals. The emperors referred to the Devdasis as Tawaifs. These "women of substance" were empowered by the heavenly position conferred upon them, which came with the freedom, privileges, patronage, wealth, and influence. They were released from the patriarchal chains that linked them to males. They held performances at the courts as well as in their residences, known as Kothas and Gharanas, and were trained in the arts, performing in dance styles like Kathak and classical music genres like Ghazals. They lived a life of leisure and luxury thanks to the patronage and protection provided by the King's courts, which

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allowed them to focus on their art, dance, and music. Along the ages, these women unleashed creative forces to nurture to the civilizations they lived in, thus influencing every aspect of life - politics, governance, arts, architecture, music, law - to name a few. They were nuanced in their approach and heavily influential women.



Devdasi, Painting source Scroll.in

In colonial India in the nineteenth century, there was a lot of reform action involving women. In the twentieth century, issues like sati, widow remarriage, and the Age of Consent had a significant role in the formation of nations. The status of Devadasis in South Indian culture has always been a little murky, and reform groups that formed in reaction to colonial criticisms of Hindu social and religious traditions questioned their anomalous status, particularly the non-conjugal sexual interactions they had with males. Indian "reformers" started a social purity movement in the 1890s, which drove the devadasi out of her social circle and recast her as a morally deficient, ill, and fallen lady. The anti-nautch campaign was a protest against devadasi practices. An English translation of the Hindi word nach, nautch simply means "dancing." Devadasi dance was occasionally referred to as "Tanjore Nautch," and over time, the name "nautch" came to refer to any style of female public dancing. The "anti-nautch" movement gets its start in South India with a middle-class push to put all women in the service of the family and the country.



Devdasis Source: wikipedia

The limiting of women's lifestyle options to Victorian sexual conventions struck a particularly sensitive chord with the native Brahmanic patriarchy. When the anti-nautch campaign peaked in the 1920s, many devadasis were ejected from their houses and placed in urban rehabilitation centers where they were attempted to be "domesticated." By this time, the Madras Legislative Assembly, led by the English-educated Dr. S. Muthulakshmi Reddy, who was born to a Brahmin father and a devadasi mother, had already begun the process of criminalizing devadasi lifestyles. The Madras Devadasis (Prevention of Dedication) Act of 1947 was passed by the new country the same year India gained independence, making it illegal for women to marry deities and for devadasis to perform dance in public.

Symbols, artefacts, and individuals that might symbolise the various cultural facets of the newly emerging nation were also required by anti-colonial nationalism. Nationalist reclamations of the devadasi art had already started in the 1930s, in large part as a result of the influence of Western dancers and the Theosophical society. Upper-caste women started learning the dance, primarily from nattuvanars, like Rukmini Devi Arundale (1904–1986). Particularly Rukmini Devi reinvented the aesthetics of the dance, from developing "dance-dramas" based on religious stories in Sanskrit and local vernacular to constructing a new outfit influenced by temple sculptures with the support of European designers. The dance was given the Sanskrit name "Bharatanatyam" to symbolize its place within a new notion of Indian women that combined nationalist zeal and upper-class religion. In the context of India's performing arts' regeneration in the middle of the 20th century, naming is in fact a crucial issue. "Bharatanatyam" was one of the several titles used by the indigenous community of the dance's hereditary practitioners, but it was also the name that Indian elites, who stole the dance starting in the 1930s, used to highlight the dance only in certain contexts. Sadir, *chinnamelam*, *dasiyattam*, *mejuvani*, and *kelikkai* were other names for the dance that were neither Sanskrit or phrases from the common language.

By simultaneously referencing both the concept of the nation (Bharata in Sanskrit) and the mythical author of the Sanskrit text known as the Science of Drama (Natyashastra), the name "Bharatanatyam" allowed these reimagined performance techniques to become national (and eventually international) phenomena. These reclamations also entailed changing the dance's technique and literary substance. Bharatanatyam's content was heavily influenced by the court repertoire created by the Thanjavur Brothers, but this new style of dance positioned itself as a "temple art," which gave it credibility and separated it from the devadasi society. The non-dualistic Hindu philosophy's rhetoric either eliminated or reworked the erotic elements of the devadasi repertory (advaita vedanta). Bharatanatyam is still referred to as the "Sacred Dance of India" today and is still deeply associated with national identity and modern interpretations of Hinduism. In the context of globalized modernity, this form of art was created and packaged for consumption outside.

6.2 Anti-Arrack Movement

The anti-Arrack Movement was started by the poor womenfolk of Andhra Pradesh in a small village [Doobaguta](#) of Nellore District. It reflects the impact of the mass literacy campaign on women. It is an example of the struggle of the womenfolk for emancipation from social forces which degrades them and reinforces their subordinate status. The anti-Arrack movement attracted women from all corners of the country because the problem itself was of a universal nature. Though all sections of women participated in the movement, it was mainly the women belonging to the exploited classes and rural areas who played the active and leading role. Several organizations and institutions lent support and strength to the movement. Women were able to use space within democratic structures to actualize their will and make an impact upon the political process. The anti-Arrack Movement in Andhra Pradesh emerged from the literacy initiatives. Women in Andhra Pradesh were not merely attending literacy classes but the literacy centers provided the space and opportunity for them to come together and critically analyses their life situation as a collective. By 1990-91, Andhra Pradesh had occupied the first rank in the country in Arrack consumption. In general arrack is consumed by the poor families, most of whom are agriculturallaborers. The increase in the price of arrack along with the ever-increasing consumption by poor men caused a drain on the household economies. Women had to bear the subsistence burden and face the abuse and beating of the drunken male. It is in this context that the women's movement in Nellore district acquired a spontaneity and spread all over the state.



Source: [India Today](#)

The movement was started by a small incident that took place in Doobaguta village in Nellore district where two men died after drinking. Women of this area got together and stopped the vending of arrack. Even before the incident, men and women were discussing the acute social problems caused by excessive drinking. Men drank away their earning while women bore the economic burden of the family. There was both anger and awareness amongst the women, simmering beneath the surface. The incident in Doobaguta provided the spark. The Doobaguta episode was described in a lesson in the post-literacy primer. The lesson spoke of the women's sufferings at the hands of drunken husbands, how they organized themselves to take collective action, and the success they achieved. The lesson had an electrifying impact on women when read at the post-literacy centers. In several villages women's committees were formed. And the agitation against the sale of arrack began.

The women started pressurizing the arrack shop owners to close their shops. Some shop owners consented, other were forced. A round the clock vigil was maintained by the women squads to ensure that no arrack entered the village. By August, 1992, the anti-arrack agitation had spread like wildfire through-out Nellore district. Auctions for arrack licenses are held by the government in August. The government earns significant revenue from these license auctions. The women were determined to stop these auctions. On the scheduled date of the auction there was a major demonstration at the collector's office. The auction had to be postponed. Each subsequent announcement of the auction brought on a massive mobilization of women and further postponement. Gradually all opposition parties, women's groups, NGOs and civil liberties



Anti-Arrack Movement Source: [FeminismInIndia](#)

organizations joined the agitation. By November 1992, the anti-arrack agitation had spread to a large number of districts in Andhra Pradesh. The government was in a fix. On the one hand, the District Collectors were active partner: in the literacy movement and on the other hand they were supposed to carry on with the auction of arrack contracts. The government tried to use strong arm tactics, but did not succeed. Ultimately both the ruling party and the opposition were forced to support the ban on sale of arrack. Banning the sale of arrack became a major election issue. The Telugu Desam party built its entire campaign on banning the sale of arrack in the 1990s. This was a major victory, especially for the women of Andhra Pradesh, and generally for the women's movement in India. A women's issue had become a major political issue. The anti-arrack agitation thus began by addressing the specific issue but as the agitation gained momentum, it had the potential of addressing 'strategic gender interests' or 'position' of women

Summary

Devdasis were the female servants of the god. The practice was common in the southern India and Eastern India. With the coming of education, the awareness developed and the devadasi system also became a target of the reformers. Anti-Arrack movement was a movement against the liquor in Andhra Pradesh. It was started by the poor women who often became the victim of the liquor curse from social as well as economic perspective. In this regard, district administration and sensitization of the government officials is important. There is a close link between literacy and anti-arrack movement. Where literacy is strong the movement is also strong. Literacy campaign is not only a platform of articulation of basic problems facing women but has a network of communication through which information is spread rapidly, Also, effective media coverage is important.

Keywords

Devadasi—Literally meaning the servant of the God.

Arrack -An alcoholic spirit made in Eastern countries from the sap of the coco palm or from rice.

Bharatnatyam - Literally meaning Bharathanatyam meaning: Bha meaning emotion (Bhava), Ra meaning music (Raaga), Ta meaning rhythm (Taal) and Natyam meaning dance.

Self Assessment

1. In the word Devdasi, dasi means?
 - A. Servant
 - B. Soldier
 - C. Wife
 - D. Son

2. Mostly the devdasis belonged to?
 - A. Low caste
 - B. Upper caste
 - C. Slaves
 - D. None of these

3. Devdasis were prominent in which part of India?
 - A. Northern India
 - B. Western India
 - C. Southern India
 - D. None of these

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4. What was the status of the Devadasis generally in the society??
 - A. High
 - B. Low
 - C. Highest
 - D. None of these

5. Which of the following temple is in Eastern India?
 - A. Jaganath
 - B. Kedarnath
 - C. Amarnath
 - D. None of these

6. Devdasis were prone to
 - A. Prostitution
 - B. Sexual exploitation
 - C. Both A and B
 - D. Neither A nor B

7. Arrack means
 - A. Cannabis
 - B. Liquor
 - C. Opium
 - D. None of these

8. Anti-Arrack movement belongs to which of the following region?
 - A. Uttar Pradesh
 - B. Madhya Pradesh
 - C. Andhra Pradesh
 - D. None of these

9. Bharatnatyam originated in?
 - A. Tamil Nadu
 - B. Odisha
 - C. West Bengal
 - D. None of these

10. Bharatnatyam is an example of
 - A. Pop
 - B. Classical
 - C. Hip Hop
 - D. None of these

11. Which among the following is an example of Indian street dance?
 - A. Roul
 - B. Saaz
 - C. Koothu
 - D. None of these

12. Old Sangam literature and Kalinga panjis (old ledgers) often referred them as auspicious members of the society. Them here means?
- A. Devdasis
B. Brahmins
C. Kshatriyas
D. None of these
13. In which of the following period, Tawaif term was used for Devdasi?
- A. Chola
B. Chera
C. Mughal
D. Selcuk
14. Science of Drama is the name of which of the following Sanskrit work.
- A. Kamasutra
B. Vikramankadeva Carita
C. Natyashastra
D. None of these
15. Natyashastra is the work of?
- A. Samudragupta
B. Vatsayayana
C. Bharata
D. Varuna
16. Devdasis were the ----- of God.
17. Arrack is the name for
18. Bharatnatyam is an example of Dance.
19. Natyashastra is a work on
20. During Mughal period, term used for devdasis was

Answers for Self Assessment

- | | | | | |
|--------------|-------------|---------------|-----------|------------|
| 1. A | 2. A | 3. C | 4. D | 5. A |
| 6. C | 7. B | 8. C | 9. A | 10. B |
| 11. C | 12. A | 13. C | 14. C | 15. C |
| 16. servants | 17. alcohol | 18. classical | 19. Drama | 20. Tawaif |

Review Questions

- Write a detailed note on the devdasi system in India tracing its historical background and the contemporary status.
- Evaluate the changing position of devdasis in India with reference to nationalist movements.
- What do you mean by Arrack? Discuss the various issues caused by arrack.

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4. Evaluate Anti-Arrack movement in terms of feminist movements in India.
5. What were the consequences of Anti-Arrack movement? Discuss.
6. What does the term Devdasi mean?
7. Write a brief note on the position of devdasis in the initial period?
8. What do you mean by Arrack?
9. In which state of the India Anti-Arrack movement was started?
10. What do you mean by Bharatnatyam?



Further Readings

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Web Links

- <https://egyankosh.ac.in/bitstream/123456789/25694/1/Unit-4.pdf> Anti-Arrack movement
- <https://egyankosh.ac.in/bitstream/123456789/40679/1/Unit-1.pdf> Devdasis

Unit 7: Partition and Women-I

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Objective

After reading this Unit, you will able to:

- Explore the voices of women and men in the history of partition;
- Discuss the narratives of women that show us the control of women's sexuality;
- Explains how communities have tried to claim its identity through 'body/ bodies' of women; and
- Engaged with the Abducted persons (Recovery and Restoration) Act, 1949 in post partition India.

Introduction

In this Unit, we will focus on the tumultuous and tragic events that accompanied the creation of two countries India and Pakistan in 1947. The partition of India was witness to large violence and emotional upheaval and devastation that ultimately led to the formation of two new nation states. Many feminist writers have tried to recover the history of partition through recording personal accounts and oral narratives of those who survived in the violence and trauma of partition. This has offered a different perspective on the history of partition. Thus, this Unit will focus on the feminist recovery of the history of partition which tries to look at how 'ordinary' women and men have experienced the partition, the way the state and the community tried to control the sexuality of women and the nature of sexual violence that women experienced.

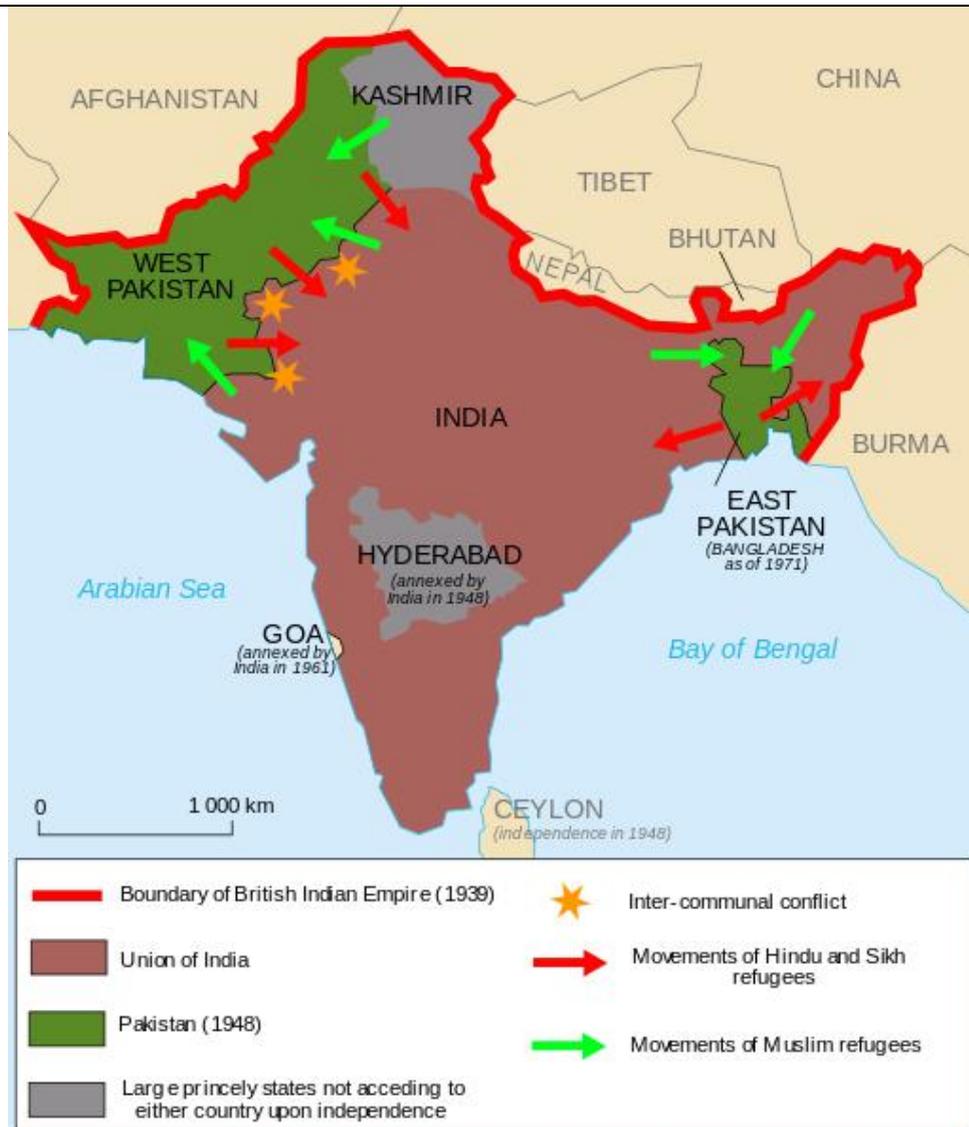
7.1 Backdrop

Partition was an event which is marked by violence. Although more than six decades have passed since 1947, it continues to have traumatic significance for the history of the sub-continent and retains its significance in the contemporary period. Gyanendra Pandey (2001) argues that the experience of violence helps 'making of the community' as well as the 'subject of history'. The feeling of mixed euphoria of becoming an independent nation and the discomfort of partition and violence that accompanied in the decision. This particular event of partition has a peculiar importance in the life of both the nations. The study of the formation of the Indian nation state and

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the political economy of the post independent India needs to start with the critical event of partition. There is no dearth of literature on the issue of partition; this has become a field of inquiry for many. While looking at the history of partition, we try to understand the partition that happened in 1947. On the one hand, the books on political history of partition gives us details regarding the debate between different political groups and leaders like the Congress and Muslim League or the role of the British in the division of this sub-continent. On the other hand, one finds the records of violence, displacement and mass migration. However, as underlined by Veena Das (1995), Urvashi Butalia (1998), Ritu Menon (1999) and others point out that the millions of people who have been given barely any space in the discourse of partition were the separated families, whose anxious anticipation of return of a lost member form the basis of tragedy that supplanted the violence of bereavement. How they rebuilt their lives were never evident in the 'written history of partition'. Hence, the feminist historians have questioned the experience of the people who suffered in the process of partition and articulate their writings as historiography of the partition. Ritu Menon and Kamala Bhasin (1998) state that in 'political histories of partition', it is rare to find out the 'feminist historiography of the partition'. The feminist historiography is significant because it helps us understand the unheard voices of women. It also recognizes how nation, family and community try to construct 'their' identity through 'their' possession of the female body. Further, it helps us to rewrite the gendered history of partition. Partition related literature consists of official records, parliament debates, private papers, literary writings, treaties, political histories, memoirs and analytical writings. The critical look at these works helps us understand the complexity of the event. The literary, autobiographical text, oral historical and other sources are noted as important sources to know the partition, offering us a different account other than the official one. The narratives which were collected by feminist writers have underlined that no story was complete or comprehensive (Bhasin and Menon 1998). The extensive interviews of women who were 'victims' of partition points out that it would be difficult to express the 'singular experience' of partition because they experienced a 'multifaceted experience' bound by tragedy. Their narratives highlight the entanglement of women, nation and community.

Let us now study some historical facts regarding partition. Partition of the Sub-continent the planning of the 'partition of India' was declared on June 3, 1947 without stating the boundaries. The Boundary Commission decided later to draw the boundary. First, the discussion on the partition and the official announcement of it forced many families to migrate from one place to another. In November 1946 after the Noakhali riots, there was a discussion on how to manage the migration by setting up some mechanism for safe transit and control of violence against the minority community. Violence broke in different parts of the continent which further pushed people to migrate. Those who were migrating were mostly doing it in groups with a feeling of being trapped. Significantly, many women and children were kidnapped/ killed or remain orphaned. It was estimated that eight to ten million people had crossed over from Punjab and Bengal. The violence was rampant. Yet, was very organized and systematic. Allegations were made by both the parties about the active involvement of political leaders from the Muslim League and the Jamaat as well as the Hindu Mahasabha or the RashtriyaSwayamSevakSangh. Violence was justified in the interest of self-defense. However, in such an anarchic situation, economic factors too played an important role.



7.2 The Instigator: Honor of the Family, Community and Nation:

Narratives recorded by historians of the memories of people who experienced partition were full of violence. In this section, we will focus on the violence done on women by men of the 'other community' and by 'their own family members'. The violence that accompanied partition was characterized by murder, destruction of religious places, houses of the other community and profaning everything that was held sacred. The magnitude of sexual violence experienced by women during the partition remains unparalleled. Sexual violence is considered as not only an assault on that particular woman but against her family / community and above all honor of the community. A woman is seen as the representative of her family, community and nation's honor and her identity is intrinsically linked with her body and her being. Her protection is not so much about the protection of the individual woman's autonomy and dignity as it is about her family, community and nation's identity and autonomy.

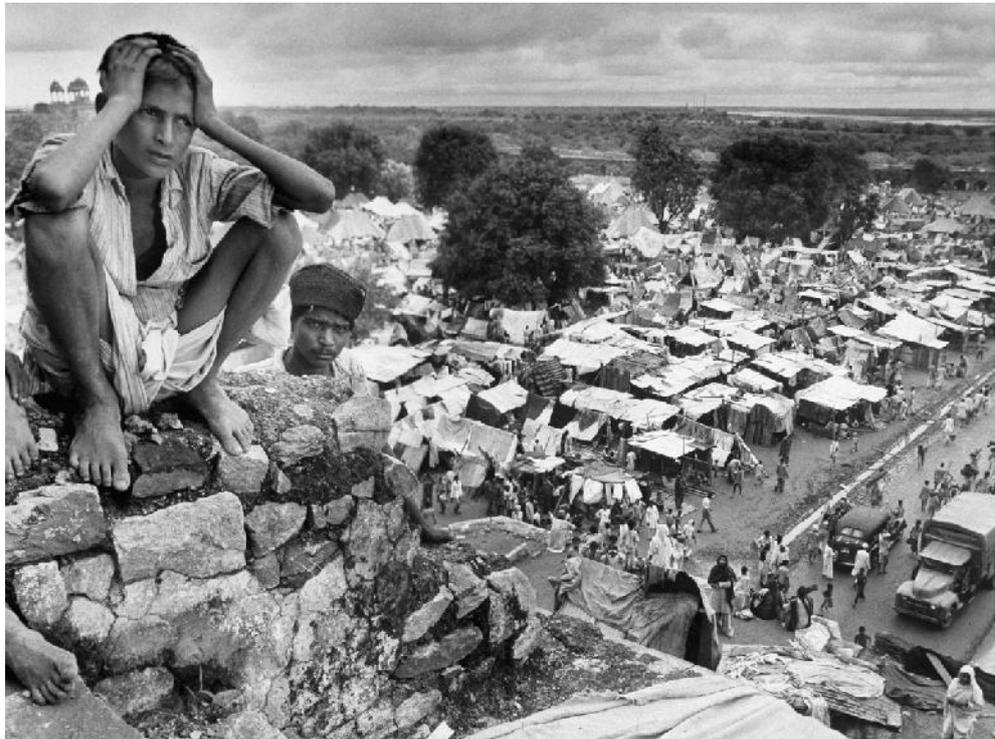
Thus, there was overall anxiety about how to protect women from within the own family / community in order to protect the honor of the family. It was known that women were mainly victims of violence by men of the other community. However, as recorded by different works on women and partition, in their journey of relooking partition history, they were introduced to the fact of how women were forced to end their lives or were killed by their own kinship male members. This was never recorded as something odd or unwelcome instead was legitimized and remembered as a 'willing sacrifice' by the family and by women themselves (Menon and Bhasin, 1998). This was accepted because there was a fear of rape, conversion or forced marriage outside of

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the community which itself amounted to social death and a violation of the honor of the family, community and nation. The surviving male and female members of the partition of violence told stories of how they had lived under constant threat of rape and humiliation. The ways these women had adopted to be 'honorably dead', some had committed suicide/ set themselves on fire along with their children or consumed poison. The feminist historians questioned how one would interpret 'suicides' and 'murders'. Butalia in her book, 'Other Side of Silence'(1998) raises the question of why women's existence was perceived as a threat to the dignity and honor of the community and in a strange twist of circumstances men taking lives of women were looked upto as saviors of both honor of the community and the honor of women. Pushing women to death was chosen as better alternative not only by men but also by the women themselves. The narratives of women who had survived the violence or men who had witnessed or executed killings highlight the fact that the major threat or anxiety wasn't just violence which could have been countered but the fear of conversion that couldn't be countered (Butalia 1998).

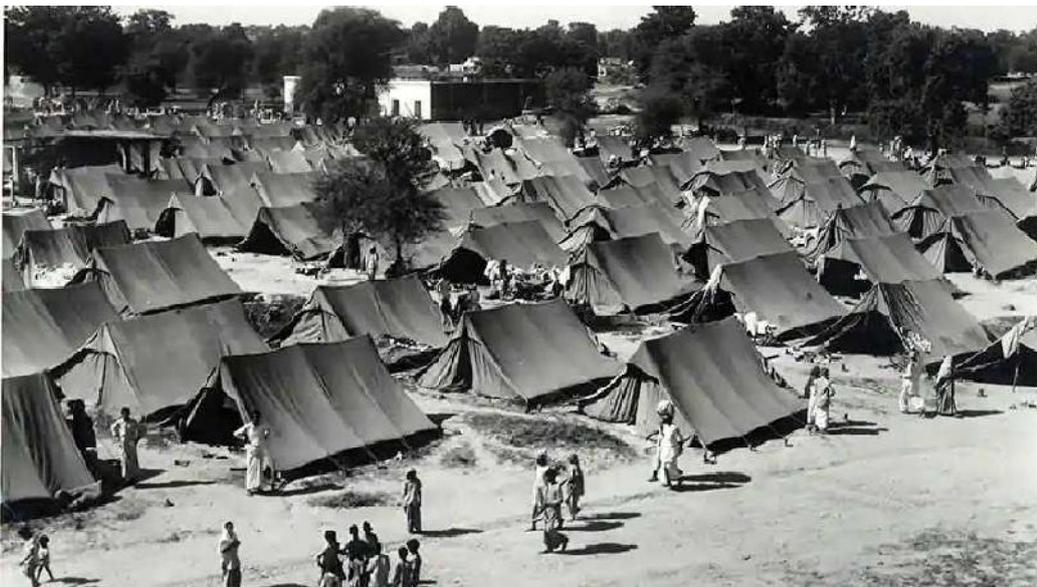
The scale of violence and the forcible conversion on both sides generated the fear. Men sensed an assault on their masculinity as their ability to honor and safeguard the virtue of 'their' women as seriously challenged and limited. Regulation of women's sexuality and fertility is understood to be a crucial task of masculinity and in the event of their inability to do so, men preferred to kill 'their' women rather than have their masculinity assaulted and challenged. Women who died for the sake of 'honor' of their family /community/ nation in the face of a threat of rape or conversion have been celebrated and honored as martyrs. Women were subjected to being stripped, paraded naked, mutilated and disfigured. Their breasts were branded and their bodies and genitalia were tattooed with triumphal slogans or religious symbols. Atrocities like amputating breasts, knifing open the womb, raping and killing fetuses point out to the brutality and cruelty of the violence inflicted on women; but are also stark expressions of how masculinity is constructed as the ability to stamp an imprint on 'women', their bodies and sexualities. Communities construct their notion of honor and identity around women, to be precise the sexuality of 'their' women. Menon and Bhasin (1998) argue that the sexual nature of violence further consolidates the patriarchal assumption that reputation and control of women's sexuality constitutes manhood.

7.3 Recovery, Restoration, and Resettlement of Abducted Women:



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In this section we will review the Act known as Abducted Persons (Recovery and Restoration) Act, 1949. This Act was passed in 1949 and remained in force until 31 October 1951. This section will concentrate on how this particular Act came into existence and then to understand the place of the 'woman question' when both the nation states were claiming its legitimate position. The need to frame and pass such a law has to be understood as underlined by Veena Das (1995), in the context of how in South Asia, the process of decolonization was accompanied by the creation of the nation state. It was also accompanied by unprecedented collective violence. The Government of India based on reports from liaison officers of the Military Evacuation Organization underlined that more than 2,00,000 people had lost their life, and around 1,00,000 women were abducted and raped during the partition. There were conflicting claims by both India and Pakistan about the number of abducted women. In Constituent Assembly, India had claimed that 33,000 Indian women were abducted by Muslims and the Pakistan government claimed that 50,000 Muslim women had been abducted by Hindu or Sikh men. An important demand was put forth by the people/ citizens in front of the government for the recovery of women. A similar demand was placed before the official agreements and also by the various administrative mechanisms for the recovery of women. Against this background, the recovery operation was initiated by both India and Pakistan. This operation was never imagined as only correctional move or an effort to bring back normalcy. As Veena Das emphasized (1995) that it became a matter of national honor. On 3 September 1947, the inter-Dominion Agreement was signed and in 1949 the law was passed. This Bill was debated in the Legislative Assembly specially to set out the terms of the recovery, defining who can be termed as abducted and the process of recovery and powers to be given to those who were officially employed to recover people. This Act gave tremendous powers to police. There was a fundamental suspension of democratic and fundamental rights of the women and children who were identified as 'abducted person'. The main anxiety expressed in the debate was twofold in nature mainly – how to recover these abducted individuals and suspicions about the intentions of Pakistan. The Indian parliament expressed great faith in non-communal and spirited social workers as well as its moral obligation to recover these abducted women and children. However, implicit in the expression of faith was an attempt to highlight Pakistan as immoral and their representatives as less trust worthy. Minister GopalswamiAyyangar was pressurized by the members of Assembly to put constant pressure on Pakistan for the implementation of this Act. Immediately after the agreement was signed between the two countries parts of Kashmir were raided and women were abducted by large groups supported by the Pakistan government. This led to a discussion in the Indian parliament on whether Pakistan could be trusted with the recovery operation.



The debate between Pandit Thakur Das Bhargava and Minister GopalswamiAyyangar on India's stand about abducted Muslim women from Pakistan establishes that, from the beginning India wanted to represent itself as protective and responsible towards its citizens in comparison to Pakistan. In the debate Pandit Thakur Das Bhargava raised doubts about the 'morality' of Pakistan, doubted the sincerity in implementing the recovery operation and reminded everyone about the

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betrayal by Pakistan in case of Kashmir or canal waters. By reviewing these incidences, he further argued that India should retain recovered Muslim women as hostages till Pakistan returned 'our' women. As a rebuttal, Minister Gopalaswami Ayyangar argued that making recoveries was part of the responsibility of a civilized government and also underlined that if India kept Muslim women as hostages then India wouldn't be any different than Pakistan. In this context, the tradition of the Ramayana and the Mahabharat was also invoked to reiterate that Indian civilization has always been respectful to women. The suggestive implications of othering and demonizing Pakistan cannot be removed from contemporary readings of this debate, while Indians/ Hindus/ Sikhs were venerated, Pakistanis/ Muslims were vilified. Menon (1999) argues that in the debate of partition the two things were attempted, one was to establish the image of a newly formed government as responsible, secular democratic. Secondly, it is based on ancient civilization codes of conduct and at the same time invoked an ancient Hindu tradition of chivalry toward women and their protection and honour. Many feminist scholars on the Bill in the Parliament shows the concern and anxiety about women who were abducted, the preoccupation with the issue of conversion and the loss of control over women's sexuality which resulted in a collective humiliation of the community and the nation. Nonetheless, even with all its shortcomings the Act was passed. The interviews taken by Bhasin and Menon (1998) of the social workers have pointed out that the operation of recovering abducted women was carried out with extraordinary zeal and zest. Social workers went out of their way to search for those who were listed as abducted/missing by their families. Some women were left behind to secure the safety of the other members of the family, or were separated from their families while travelling, some were sold, some became the second or third wives, got converted, married. Feminist historians have critiqued the description of every woman living or located in the house of the 'other community' as abducted and hence in need of being recovered. In many instances the women and their new families resisted recovery. New families and new attachments had been created, attempted recovery, created anger, hurt and resistance. The state however remained unmoved in its resolve to recover abducted women and settle them with their 'real' family. For instance, Das (1995) shows in her writing how resistances were silenced by applying best interest theory. The state worked in collusion with the social workers not in the interest of these women but in the interest of national and communal honor.

7.4 On the Margins: Children and Women:

The children born to abducted women remain yet another tragic aspect of history. Both India and Pakistan were not interested in addressing the issues of children born in troubled times. According to the Bill (Recovery of Abducted Women and Children) of recovery of women and children abducted at the time of partition, a child born to a woman after 1 March 1947 was considered as born out of 'wrong' sexual unions and thus illegitimate. These marriages of abducted women were declared null and void by the law. However, after declaring these children as illegitimate, the question that who should be responsible for these children became crucial.



Thakur Das Bhargava invoked the 'ancient Hindu logic' of the man's seed being the basis of life thus granting more rights to the man over the woman as far as the child was concerned. There were many other voices that tried to nuance this complex issue and draw attention to the essentially constructed and constituted nature of the ideas of illegitimacy etc. However, none of were paid any heed to and a universally applicable law that was passed came into force (Das, 1995). The State's standardized definition rendered the status of the children born to 'abducted' women vulnerable and complicated. These children were made undesirable by the State's proclamation. Most of the families agreed to take 'their' 'abducted' women back on the condition that they would leave the children born out of 'illegal' sexual relations. Children and women whose families never claim them remained under the guardianship of the State. (Menon and Bhasin, 1998). Many children that were left behind in refugee camps were sent to orphanages and many pregnant women were coerced into abortion wherever possible. This shameful history of silence and violence indicates the anxiety produced by sexual violence against 'our' women and children born out of such unions. The State acted like the quintessential patriarchal family – guarding and regulating the woman's sexuality and fertility.

The universalization of all women found within families of 'other' religious communities as abducted women glossed over specific variations such as inter-community marriages arranged by the villagers in order to safeguard and protect the women of the village. Communities have faced crisis, evolved flexible kinship practices. However, when the State assumed the role of the protector and tried to create abstract and rigid notions of honor and legitimacy that completely disregarded the flexibility inherent in kinship practices when faced with a crisis. Families and communities evolved many creative responses to the crisis—from inter-community marriages (with property being left behind as a guarantee for good care) to of course killing of the daughters. Feminist historians have highlighted that after sometime neither state nor families were interested in restoring these women to their 'real families' so many of the recovered' women remained permanently as refugees. The state had also divided these women into widows and abducted. Women were claimed as unattached, poor, dislocated widows or as abducted. Both categories did not have family structure or male kin, so the state had to support them. The major anxiety was of guarding their sexuality. However, the response of the state was different to them. There was an effort on part of the state to re-assimilate the widows into the economic or social mainstream. However, in case of abducted women, political and civil rights were denied to them as their identities conflicted with the rights of the community (Menon 2002), and they always remained at on the mercy of the state.

Summary

This Unit attempt to understand the history of partition through a gendered lens. It tells us the history of formation of the nation-states of India and Pakistan. The partition was bureaucratically

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imagined and executed with very little consideration for the impact on the lives and livelihoods of ordinary men and women on either side of the new borders. Thus, the Unit points out and reiterates the questions asked by feminists, why historians neglected the history of partition. Is this then historiographical neglect or refusal to cover up the trauma (Butalia 1998), or do women have a country (Menon 2002). The Unit 'recovered' an account of women who have suffered forms of violence carried out by both, their own community and by the other community. How threat of violence and the possibility that they will bring shame to the family forced women to kill themselves. The feminist scrutiny of the legislative debate on recovery act points out the collusion of the patriarchal interests of the family, community and the nation. Complete neglect of children and apathy about restoring them to their parents' points out larger issues of legitimacy and illegitimacy.

SelfAssessment

1. The direct-action day of Muslim league was:
 - A. 16 August 1946
 - B. 16 August 1940
 - C. 16 August 1936
 - D. None of these.

2. Mount batten plan is also known as:
 - A. Contingency plan.
 - B. July 14th plan
 - C. August 15th plan
 - D. June 3rd plan

3. Who was in charge of the integration of princely states?
 - A. Sardar Patel
 - B. V.P Menon
 - C. Syamaprasad
 - D. None of these

4. Pinjar, a partition novel, was written by:
 - A. R. K. Narayan
 - B. Amitav Ghosh
 - C. C Amrita pritam
 - D. Attia Hussein

5. Which among the following given the two-nation theory?
 - A. Jawahar Lal Nehru
 - B. Mohamad Ali Jinah
 - C. Abdul Gaffar Khan
 - D. Shaukat Ali

6. The event of partition of India was conducted on:
 - A. 8 August 1946
 - B. 15 August 1947
 - C. 14 August 1946
 - D. 14 August 1947

7. Who was the British Governor General during the partition of India?
- Lord Mountbatten
 - Lord Curzon
 - Lord Dalhousie
 - William Bentinck
8. Who coined the name Pakistan?
- Sikandar Hayat Khan
 - Mohammad Ali Jinnah
 - Chaudhary Rehamt Ali
 - None of these correct
9. The famous work on women and children survivor of Partition 'The Other Side of Silence' written by:
- Maulana Azad
 - Jawaharlal Nehru
 - Prakash Tandon
 - Urvashi Butalia
10. Which of the following statements is incorrect regarding the Partition of India?
- People were rendered homeless
 - People lost all of their immovable and movable assets
 - Boundary dispute was the main issue of this Partition and
 - Women were mistreated.

Answers for Self Assessment

1. A 2. D 3. A 4. C 5. B
6. D 7. A 8. C 9. D 10. C

Review Questions

- Discuss 'The Recovery operation' initiated by the state. Do you think it was patriarchal in nature?
- Explain the role of family and community in regulating the woman's sexuality and fertility during the process of partition.
- Describe the interconnection between sexual violence on women and the question of honor?
- Critically debate on how women who were killed or had committed suicide at the time of the partition were celebrated as 'honorably dead'.



Further Reading

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Unit 08: Partition and Women II

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8.2 The abducted and Widowed women

8.3 Plight of Women during Partition Riots of 1947

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Objectives

After completing this Unit, you shall be able to:

1. Explore the voices of women and men in the history of partition;
2. Discuss the narratives of women that show us the control of women's sexuality;
3. Explains how communities have tried to claim its identity through 'body/ bodies' of women; and
4. Engaged with the Abducted persons (Recovery and Restoration) Act, 1949 in post partition India.

Introduction

Many feminist writers have tried to recover the history of partition through recording personal accounts and oral narratives of those who survived in the violence and trauma of partition. This has offered a different perspective on the history of partition. Thus, this Unit will focus on the feminist recovery of the history of partition which tries to look at how 'ordinary' women and men have experienced the partition, the way the state and the community tried to control the sexuality of women and the nature of sexual violence that women experienced.

Communal Violence has been a bitter reality in the history of India. The partition of India was followed by communal riots and large scale migration in which women and children were the main sufferers. But most of the mainstream studies on the subject have ignored the gendered nature of the violence and have focused on the stories of the male victims. The officials did not pay attention to these women refugees or their stories. Feminist scholars, on the other hand have questioned this negligent attitude towards the women and made them make these women the subject of their studies. Here we focus on the women in the partition of India by taking them as the main victims of the communal riots and examine, through their narratives, how their victimization was related to the constructions of women and the female body both in the community and in society

8.1 Victimization of Women during Partition

BACKGROUND

Partition was an event which is marked by violence. Although more than six decades have passed since 1947, it continues to have traumatic significance for the history of the sub-continent and

retains its significance in the contemporary period. Gyanendra Pandey (2001) argues that the experience of violence helps 'making of the community' as well as the 'subject of history'. The feeling of mixed euphoria of becoming an independent nation and the discomfort of partition and violence that accompanied in the decision. This particular event of partition has a peculiar importance in the life of both the nations. The study of the formation of the Indian nation state and the political economy of the post independent India needs to start with the critical event of partition.

There is no dearth of literature on the issue of partition; this has become a field of inquiry for many. While looking at the history of partition, we try to understand the partition that happened in 1947. On the one hand, the books on political history of partition gives us details regarding the debate between different political groups and leaders like the Congress and Muslim League or the role of the British in the division of this sub-continent. On the other hand, one finds the records of violence, displacement and mass migration. However, as underlined by Veena Das (1995), Urvashi Butalia (1998), Ritu Menon (1999) and others point out that the millions of people who have been given barely any space in the discourse of partition were the separated families, whose anxious anticipation of return of a lost member form the basis of tragedy that supplanted the violence of bereavement. How they rebuilt their lives were never evident in the 'written history of partition'. Hence, the feminist historians have questioned the experience of the people who suffered in the process of partition and articulate their writings as historiography of the partition.

Ritu Menon and Kamala Bhasin (1998) state that in 'political histories of partition', it is rare to find out the 'feminist historiography of the partition'. The feminist historiography is significant because it helps us understand the unheard voices of women. It also recognizes how nation, family and community try to construct 'their' identity through 'their' possession of the female body. Further, it helps us to rewrite the gendered history of partition. Partition related literature consists of official records, parliament debates, private papers, literary writings, treaties, political histories, memoirs and analytical writings. The critical look at these works helps us understand the complexity of the event. The literary, autobiographical text, oral historical and other sources are noted as important sources to know the partition, offering us a different account other than the official one. The narratives which were collected by feminist writers have underlined that no story was complete or comprehensive (Bhasin and Menon 1998). The extensive interviews of women who were 'victims' of partition points out that it would be difficult to express the 'singular experience' of partition because they experienced a 'multifaceted experience' bound by tragedy. Their narratives highlight the entanglement of women, nation and community. Let us now study some historical facts regarding partition.

Partition of the Sub-Continent

The planning of the 'partition of India' was declared on June 3, 1947 without stating the boundaries. The Boundary Commission decided later to draw the boundary. First, the discussion on the partition and the official announcement of it forced many families to migrate from one place to another. In November 1946 after the Noakhali riots, there was a discussion on how to manage the migration by setting up some mechanism for safe transit and control of violence against the minority community. Violence broke in different parts of the continent which further pushed people to migrate. Those who were migrating were mostly doing it in groups with a feeling of being trapped.

Significantly, many women and children were kidnapped/ killed or remain orphaned. It was estimated that eight to ten million people had crossed over from Punjab and Bengal. The violence was rampant. Yet, was very organized and systematic. Allegations were made by both the parties about the active involvement of political leaders from the Muslim League and the Jamaat as well as the Hindu Mahasabha or the Rashtriya Swayam Sevak Sangh. Violence was justified in the interest of self-defense. However, in such an anarchic situation, economic factors too played an important role.

Various Discursions on the Partition of India and Riots

There are various opinions regarding the partition of India. Urvashi Butalia argues that the partition is not a closed chapter of history but it is a brutal political geography that divides us still. The partition of India is perceived by the nationalist historian as an unfortunate outcome of sectarian and separate politics. She points out that the neighbors killed each other not for any apparent reason but for their religious difference. (Butalia 1996, 4-5). Nonica Dutta argues that the aggressive territorial nationalism succumbed to the social and political forces leading to Partition. (Dutta, 2005, 3001). Gyanendra Pande insists "Independence' was never part of this inheritance, rather it was in the bloodshed of Partition, that the meaning of Independence was constructed by

many 'ordinary people. "Periodic riots mimic partition riots and the separation of Pakistan from India continues to reverberate through Indian society" (Pande, 2001, 125) The following narrative of a victim of Partition gives us some insight into the experience of violence.

““Debating whether to vote for Congress or for the Muslim League. At the time people did not understand what that would mean. There was a lot of propaganda and hate spreading against communities and religions. India was divided. Nobody knows exactly how many people died, but it was in the millions. Nobody was brought to justice. It was not the people who did it. It was the politicians who did it. People left their homes because they were afraid for their lives and they were driven into the camps. We were in a camp at Seleempur for two and a half months waiting to move to Pakistan. We never had any problem with our food or our animals' food because it was being brought by people who were not Muslims. They were Sikhs and Hindus - my father's friends, who looked after us while we were in camp. I have seen the children; I have seen the elders living on grass. That's terrible - children suffering and refusing to eat that stuff. But you have to live on something. They were terrible times. The time came for that camp to move to Pakistan. We were told by the army that was guarding us that this was a temporary arrangement because nobody wanted to go. We moved 12-15 miles a day and then camped again for the night. People were so weak by staying in camp when they didn't have much food as well... It was difficult for them to move and walk. Amongst us, there were certain people who had lost most of their family, who were murdered. I remember one woman who had two small babies with her. After moving the third time, some 45 miles, her feet were swollen and she had no proper shoes on either but she had two babies to carry. After the third day, she could not carry the babies. One day she left one baby on the roadside because she could only carry one. This happened to many other women and children because they could not walk and their parents were not strong enough to carry them. If you were slow, you were more likely to be killed. We settled in a village. Eventually, the government allotted us some land which was vacated by Hindus and Sikhs. That happened in 1947. My father died in 1958. He was still waiting to move back to his own house.”

Honor of the Family, Community and Nation

Narratives recorded by historians of the memories of people who experienced partition were full of violence. In this section, we will focus on the violence done on women by men of the 'other community' and by 'their own family members'. The violence that accompanied partition was characterized by murder, destruction of religious places, houses of the other community and profaning everything that was held sacred. The magnitude of sexual violence experienced by women during the partition remains unparalleled.

Sexual violence is considered as not only an assault on that particular woman but against her family / community and above all honor of the community. A woman is seen as the representative of her family, community and nation's honor and her identity is intrinsically linked with her body and her being. Her protection is not so much about the protection of the individual woman's autonomy and dignity as it is about her family, community and nation's identity and autonomy.

Thus, there was overall anxiety about how to protect women from within the own family / community in order to protect the honor of the family. It was known that women were mainly victims of violence by men of the other community. However, as recorded by different works on women and partition, in their journey of relooking partition history, they were introduced to the fact of how women were forced to end their lives or were killed by their own kinship male members. This was never recorded as something odd or unwelcome instead was legitimized and remembered as a 'willing sacrifice' by the family and by women themselves (Menonand Bhasin, 1998). This was accepted because there was a fear of rape, conversion or forced marriage outside of the community which itself amounted to social death and a violation of the honor of the family, community and nation. The surviving male and female members of the partition of violence told stories of how they had lived under constant threat of rape and humiliation. The ways these women had adopted to be 'honorably dead', some had committed suicide/ set themselves on fire along with their children or consumed poison.

The feminist historians questioned how one would interpret 'suicides' and 'murders'. Butalia in her book, 'Other Side of Silence' (1998) raises the question of why women's existence was perceived as a threat to the dignity and honour of the community and in a strange twist of circumstances men taking lives of women were looked upto as saviors of both honour of the community and the honour of women. Pushing women to death was chosen as better alternative not only by men but also by the women themselves. The narratives of women who had survived the violence or men who had witnessed or executed killings highlight the fact that the major threat or anxiety wasn't just violence which could have been countered but the fear of conversion that couldn't be countered

(Butalia 1998). The scale of violence and the forcible conversion on both sides generated the fear. Men sensed an assault on their masculinity as their ability to honour and safeguard the virtue of 'their' women as seriously challenged and limited.

Regulation of women's sexuality and fertility is understood to be a crucial task of masculinity and in the event of their inability to do so, men preferred to kill 'their' women rather than have their masculinity assaulted and challenged. Women who died for the sake of 'honour' of their family / community/ nation in the face of a threat of rape or conversion have been celebrated and honoured as martyrs. Women were subjected to being stripped, paraded naked, mutilated and disfigured. Their breasts were branded and their bodies and genitalia were tattooed with triumphal slogans or religious symbols. Atrocities like amputating breasts, knifing open the womb, raping and killing fetuses point out to the brutality and cruelty of the violence inflicted on women; but are also stark expressions of how masculinity is constructed as the ability to stamp an imprint on 'women', their bodies and sexualities.

Communities construct their notion of honour and identity around women, to be precise the sexuality of 'their' women. Menon and Bhasin (1998) argue that the sexual nature of violence further consolidates the patriarchal assumption that reputation and control of women's sexuality constitutes manhood.

8.2 The abducted and Widowed women

Various transit camps, relief centers, rehabilitation homes, vocational training centers were set up for rehabilitating the women victims of the Partition. A 'Women's Section' under the guidance of prominent women social workers was set up by the Ministry of Relief and Rehabilitation. Most of these women found stitching as an employment for their survival. Cooperative societies were set up and loans granted to these women. (Anjali Baradwaj,77-82) Menon and Bhasin described the new role of women in their families after the Partition and the riots. Most of them were widows and became the bread winners of their households. In fact, the post-partition scenario facilitated their entry into the economic mainstream and into dignified selfhood. (Menon and Bhasin,1999, 162) On the other hand, Anjali Bhardwaj Datta argues that Partition extended women's duties as the caring and self-sacrificing sex.

Many Years after the Partition and riots, the rehabilitation process still places these women at the center of the ideology of the nation state. Many feminist scholars argued that these rehabilitation processes became a burden to these women. Most of them adjusted to the circumstances and settled in a new life. Some of them were married and had children and found a new life in the new place. But they were uprooted again in the name of rehabilitation from their new homes and returned to their old places where they did not have any assurance about their place and security. They were compelled to leave without their children. The two nations did not show any interest in welcoming the children who were born to a Pakistani mother and an Indian father and vice versa. These children were considered the living memorials of humiliation and the ravaged/polluted female bodies.

Abducted Persons(Recovery and Restoration) Act was passed in 1949 and remained in force until 31 October 1951. The need to frame and pass such a law has to be understood as underlined by Veena Das (1995), in the context of how in South Asia, the process of decolonization was accompanied by the creation of the nation state. It was also accompanied by unprecedented collective violence. The Government of India based on reports from liaison officers of the Military Evacuation Organization underlined that more than 2,00,000 people had lost their life, and around 1,00,000 women were abducted and raped during the partition. There were conflicting claims by both India and Pakistan about the number of abducted women. In Constituent Assembly, India had claimed that 33,000 Indian women were abducted by Muslims and the Pakistan government claimed that 50,000 Muslim women had been abducted by Hindu or Sikh men. An important demand was put forth by the people/ citizens in front of the government for the recovery of women. A similar demand was placed before the official agreements and also by the various administrative mechanisms for the recovery of women. Against this background, the recovery operation was initiated by both India and Pakistan.

This operation was never imagined as only correctional move or an effort to bring back normalcy. As Veena Das emphasized (1995) that it became a matter of national honour. On 3 September 1947, the inter-Dominion Agreement was signed and in 1949 the law was passed. This Bill was debated in the Legislative Assembly specially to set out the terms of the recovery, defining who can be termed as abducted and the process of recovery and powers to be given to those who were officially

employed to recover people. This Act gave tremendous powers to police. There was a fundamental suspension of democratic and fundamental rights of the women and children who were identified as 'abducted person'. The main anxiety expressed in the debate was twofold in nature mainly – how to recover these abducted individuals and suspicions about the intentions of Pakistan. The Indian parliament expressed great faith in non-communal and spirited social workers as well as its moral obligation to recover these abducted women and children. However, implicit in the expression of faith was an attempt to highlight Pakistan as immoral and their representatives as less trust worthy. Minister Gopalswami Ayyangar was pressurized by the members of Assembly to put constant pressure on Pakistan for the implementation of this Act.

Immediately after the agreement was signed between the two countries parts of Kashmir were raided and women were abducted by large groups supported by the Pakistan government. This led to a discussion in the Indian parliament on whether Pakistan could be trusted with the recovery operation. The debate between Pandit Thakur Das Bhargava and Minister Gopalswami Ayyangar on India's stand about abducted Muslim women from Pakistan establishes that, from the beginning India wanted to represent itself as protective and responsible towards its citizens in comparison to Pakistan. In the debate Pandit Thakur Das Bhargava raised doubts about the 'morality' of Pakistan, doubted the sincerity in implementing the recovery operation and reminded everyone about the betrayal by Pakistan in case of Kashmir or canal waters.

By reviewing these incidences, he further argued that India should retain recovered Muslim women as hostages till Pakistan returned 'our' women. As a rebuttal, Minister Gopalswami Ayyangar argued that making recoveries was part of the responsibility of a civilized government and also underlined that if India kept Muslim women as hostages, then India wouldn't be any different than Pakistan. In this context, the tradition of the Ramayana and the Mahabharat was also invoked to reiterate that Indian civilization has always been respectful to women. The suggestive implications of othering and demonizing Pakistan cannot be removed from contemporary readings of this debate, while Indians/ Hindus/ Sikhs were venerated, Pakistanis/ Muslims were vilified.

Menon (1999) argues that in the debate of partition the two things were attempted, one was to establish the image of a newly formed government as responsible, secular democratic. Secondly, it is based on ancient civilization codes of conduct and at the same time invoked an ancient Hindu tradition of chivalry toward women and their protection and honour. Many feminist scholars on the Bill in the Parliament shows the concern and anxiety about women who were abducted, the preoccupation with the issue of conversion and the loss of control over women's sexuality which resulted in a collective humiliation of the community and the nation. Nonetheless, even with all its shortcomings the Act was passed. The interviews taken by Bhasin and Menon (1998) of the social workers have pointed out that the operation of recovering abducted women was carried out with extraordinary zeal and zest. Social workers went out of their way to search for those who were listed as abducted/missing by their families. Some women were left behind to secure the safety of the other members of the family, or were separated from their families while travelling, some were sold, some became the second or third wives, got converted, married.

Feminist historians have critiqued the description of every woman living or located in the house of the 'other community' as abducted and hence in need of being recovered. In many instances the women and their new families resisted recovery. New families and new attachments had been created, attempted recovery, created anger, hurt and resistance. The state however remained unmoved in its resolve to recover abducted women and settle them with their 'real' family. For instance, Das (1995) shows in her writing how resistances were silenced by applying best interest theory. The state worked in collusion with the social workers not in the interest of these women but in the interest of national and communal honor.

Oral Histories and Construction of Women's Memories

Feminist historians point out the invisibility of women's accounts in history and argue that history cannot be complete without the inclusion of women as subjects for recording the past. They understand the importance of the oral narratives of the experiences of women and the need to write history from women's point of view to eliminate the androcentric views in academics. "The feminist embrace of oral history emerged from a recognition that traditional sources have often neglected the lives of women, and that oral history offered a means of integrating women into historical scholarship, even contesting the reigning definitions of social, economic and political importance that obscured women's lives" (Sangster, 1998, 87). Oral history has had an important role in recording the history of marginal sections of society. Women is absent as a subject in mainstream history and their voices are often unheard. The unrecorded experience of women in written form forced researchers to depend on the oral narratives to study and record their past. The

Oral history method became a popular method in feminist methodology. Oral history offers the women's interpretations and their views to the scholar. Urvasi Butalia underlined the importance of the memories to construct the history of violence. Violence is always remembered by the victims and influences perceptions about their future.

8.3 Plight of Women during Partition Riots of 1947

Women in India's Partition

Communal violence during 1946 to 1947 in India has been studied from different points of view by historians but the gender dimension of Partition has not been given adequate attention. The scale of the communal violence that followed the division of the country was a bloody period in history of India. It led to the uprooting and dislocation of lakhs of people and witnessed the rape, abduction and widowhood of thousands of women on both sides of the newly formed borders. While men belonging to the other community were killed, women were not let off in a show of compassion; instead, they were either abducted or raped.

The voices from these women were different from men on the Indian partition. (Low, 2000, 22). Bedde Schott point out that during the 1947 partition of India, an estimated 75,000 to 100,000 women were abducted by the members of other religious communities to be raped and murdered, sold into prostitution, or forced into marriage. The narrative of the women about Partition deal with topics such as violence, abduction and recovery, widowhood, women's rehabilitation, rebuilding and belonging.

Violence was perpetrated on the female body in a major way during the partition of India when bloody conflicts between communal forces were played out. Urvasi Butalia points out the failure of historians at large to factor in the experiences of women as the most affected victims in the communal violence, as victims and survivors of Partition, in their studies. Menon and Bhasin write about the particular violence against women: public parading of nude women, amputation of breasts, tattooing with religious symbols, rape. (Menon and Bhasin, 1993,43) Bhutlia point out that 75,000 women are thought to have been abducted and raped by men of religions different from their own (and indeed, sometimes by men of their own religion). The partition stories are about loot, arson, abduction and rape. (Bhuthalia, 2007, 43). She reports the incidents when fathers forced their daughters to jump into wells-to kill themselves to avoid rape and abduction.

The children born to abducted women remain yet another tragic aspect of history. Both India and Pakistan were not interested in addressing the issues of children born in troubled times. According to the Bill (Recovery of Abducted Women and Children) of recovery of women and children abducted at the time of partition, a child born to a woman after 1 March 1947 was considered as born out of 'wrong' sexual unions and thus illegitimate. These marriages of abducted women were declared null and void by the law. However, after declaring these children as illegitimate, the question that who should be responsible for these children became crucial. Thakur Das Bhargava invoked the 'ancient Hindu logic' of the man's seed being the basis of life thus granting more rights to the man over the woman as far as the child was concerned. There were many other voices that tried to nuance this complex issue and draw attention to the essentially constructed and constituted nature of the ideas of illegitimacy etc. However, none of were paid any heed to and a universally applicable law that was passed came into force (Das, 1995).

The State's standardized definition rendered the status of the children born to 'abducted' women vulnerable and complicated. These children were made undesirable by the State's proclamation. Most of the families agreed to take 'their' 'abducted' women back on the condition that they would leave the children born out of 'illegal' sexual relations. Children and women whose families never claim them remained under the guardianship of the State. (Menon and Bhasin, 1998). Many children that were left behind in refugee camps were sent to orphanages and many pregnant women were coerced into abortion wherever possible.

This shameful history of silence and violence indicates the anxiety produced by sexual violence against 'our' women and children born out of such unions. The State acted like the quintessential patriarchal family – guarding and regulating the woman's sexuality and fertility.

The universalization of all women found within families of 'other' religious communities as abducted women glossed over specific variations such as inter-community marriages arranged by the villagers in order to safeguard and protect the women of the village. Communities have faced crisis, evolved flexible kinship practices. However, when the State assumed the role of the protector and tried to create abstract and rigid notions of honor and legitimacy that completely disregarded

the flexibility inherent in kinship practices when faced with a crisis. Families and communities evolved many creative responses to the crisis—from inter-community marriages (with property being left behind as a guarantee for good care) to of course killing of the daughters.

Feminist historians have highlighted that after sometime neither state nor families were interested in restoring these women to their 'real families' so many of the 'recovered' women remained permanently as refugees. The state had also divided these women into widows and abducted. Women were claimed as unattached, poor, dislocated widows or as abducted. Both categories did not have family structure or male kin, so the state had to support them. The major anxiety was of guarding their sexuality. However, the response of the state was different to them. There was an effort on part of the state to re-assimilate the widows into the economic or social mainstream. However, in case of abducted women, political and civil rights were denied to them as their identities conflicted with the rights of the community (Menon 2002), and they always remained at on the mercy of the state.

Summary

The partition was bureaucratically imagined and executed with very little consideration for the impact on the lives and livelihoods of ordinary men and women on either side of the new borders. Thus the Unit points out and reiterates the questions asked by feminists, why historians neglected the history of partition. Is this then historiographical neglect or refusal to cover up the trauma (Butalia 1998), or do women have a country (Menon 2002). The Unit 'recovered' an account of women who have suffered forms of violence carried out by both, their own community and by the other community. How threat of violence and the possibility that they will bring shame to the family forced women to kill themselves. The feminist scrutiny of the legislative debate on recovery act points out the collusion of the patriarchal interests of the family, community and the nation. Complete neglect of children and apathy about restoring them to their parents' points out larger issues of legitimacy and illegitimacy.

Keywords

1. Recovery-getting back something that was stolen, lost or missing
2. Abducted -to take hold of someone/ something
3. Violence – behavior which harms or damages somebody/something physically
4. Rape- sexual assault

Self Assessment

1. Who wrote the book, 'Other Side of Silence'(1998)?
 - A. Urvashi Butalia
 - B. Gyanendra Pandey
 - C. Thakur Das Bhargava
 - D. Veena Das

2. Who argued "argues that the experience of violence helps 'making of the community' as well as the 'subject of history'"?
 - A. Gyanendra Pandey
 - B. Thakur Das Bhargava
 - C. Urvashi Butalia
 - D. Veena Das

3. Whom invoked the 'ancient Hindu logic' of the man's seed being the basis of life thus granting more rights to the man over the woman as far as the child was concerned?
 - A. Thakur Das Bhargava

- B. Urvashi Butalia
 - C. Anjali Tripathi
 - D. Veena Das
4. Partition literature consists of _____.
- A. official records
 - B. parliament debates
 - C. private papers
 - D. all of the above
5. Who wrote, 'History is a woman's body: A study of some partition narratives.'?
- A. Urvashi Butalia
 - B. Veena Das
 - C. Anjali Tripathi
 - D. Thakur Das Bhargava
6. The feminist historiography is significant because _____.
- A. it helps us understand the unheard voices of women
 - B. it helps us to record the tragic incident
 - C. it examines the state of women history
 - D. it explores the women and their state.
7. Who stated, "Independence' was never part of this inheritance, rather it was in the bloodshed of Partition, that the meaning of Independence was constructed by many 'ordinary people. "Periodic riots mimic partition riots and the separation of Pakistan from India continues to reverberate through Indian society"?
- A. Ritu Menon
 - B. Gyanendra Pandey
 - C. Veena Das
 - D. Urvashi Butalia
8. A 'Women's Section' under the guidance of prominent women social workers was set up by the _____.
- A. Ministry of Relief and Rehabilitation
 - B. Ministry of Relief
 - C. Ministry of Rehabilitation
 - D. Ministry of Refugee
9. In which year Abducted Persons (Recovery and Restoration) Act was passed?
- A. 1947
 - B. 1948
 - C. 1949
 - D. 1950
10. Who have questioned the experience of the people who suffered in the process of partition and articulate their writings as historiography of the partition?
- A. feminist historians

- B. social historians
 C. economic historians
 D. Marxists historians
11. _____ has had an important role in recording the history of marginal sections of society.
 A. archives
 B. oral history
 C. questionnaires
 D. none of the above
12. Where severe riots broke out in Bengal in 1946?
 A. Noakhali riots
 B. Dacca
 C. Midnapore
 D. Chittagong
13. Which factor had played important role in anarchic situation of?
 A. social
 B. cultural
 C. economic
 D. political
14. What measures were taken by the government for providing opportunities for the displaced people?
 A. Granting loans
 B. Land grants through cooperative societies
 C. Monetary help for traders and merchants
 D. All of the above
15. Who reported to the Governor-General that, "the differences were so wide that "the agreed solution of the boundary problem was not to be obtained."?
 A. Lord Mountbatten
 B. Clement Atlee
 C. Cyril Radcliff
 D. Lord Wavell

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. A | 2. A | 3. A | 4. D | 5. C |
| 6. A | 7. B | 8. A | 9. C | 10. A |
| 11. B | 12. A | 13. C | 14. D | 15. B |

Review Questions

1. Discuss 'The Recovery operation' initiated by the state. Do you think it was patriarchal in nature?
2. Explain the role of family and community in regulating the woman's sexuality and fertility during the process of partition.
3. Describe the interconnection between sexual violence on women and the question of honor?
4. Critically debate on how women who were killed or had committed suicide at the time of the partition were celebrated as 'honorably dead'.

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Objectives

After this lecture you would be able to:

- state the purposes of Women's Commission and its activities; and
- mention some important policies for women empowerment in our country.

Introduction

Women constitute about half the population of the world, as also of any country. Yet nowhere do they find equal place with men in terms of status, power, property, rights or representation in different spheres of life. With the advent of democracy, political and legal systems in most countries in the world have undergone significant changes. Women have won equal legal rights and found representation in many spheres such as education, jobs etc. However, politics is an arena where women still continue to be under-represented, a fact that has affected their position and place in other spheres too. Politics is considered as 'men's domain' and patriarchal mindsets often hold women as 'unsuitable' or 'incapable' to handle it. Needless to say, such mindset derives from age-old stereotypes that only reflect male domination as a norm.

It is not that women got political rights automatically. Women had to win the right to vote and contest through relentless struggles and mobilization, even in England, the mother of parliamentary democracy. It was not until about 80 years ago that women were allowed for the first time to contest elections.

In our own country also, women had to engage in long struggles for political rights. Under foreign rule, there was no system of universal franchise, i.e., voting rights for all. After the constitution of national and provincial assemblies under British rule, qualifications were introduced as to who could vote and contest elections such as possession of some definite amount of property and income. Women, quite naturally, were left out of this right. The situation changed gradually until independence when we adopted our Constitution that guarantees franchise rights to all adult citizens irrespective of gender, caste, religion or any other criteria.

Unfortunately, political rights granted to women have not been able to empower them fully. Though their participation as voters have increased, their presence in decision-making bodies is

quite low at all levels - centre, state and grassroot level. This has become a matter of concern because unless women are politically empowered, their socio-economic status would not improve.

9.1 Political Empowerment of Women

Reservation for Women: The History, the Context and the Background

The merits of providing women with quotas or reservations in representative bodies have been debated seven to eight decades ago in India. During the early years of the 20th century, when the freedom movement was taking shape, the main struggle was for male and female adult franchise, but the demand for quota of seats for women also made itself heard. Many committees and commissions visited India at the behest of the British Government to elicit Indian views on the subject of franchise as well as on eligibility for entry into the provincial assemblies. One of the committees that visited India called the Franchise Committee (1918), returned with the impression that women of India did not need the franchise, as it would be out of harmony with the conservative feeling in the country. The 1919 Government of India Act did not therefore, provide the right of franchise to women, while for men, certain conditions were placed on the eligibility for exercising franchise, such as possession of property and educational qualifications. When the Simon Commission visited India (1928), a group of women appeared before it and asked for reservation of seats for women in the legislative assemblies in order to encourage women and to represent women's interests in subjects such as education and social welfare. But this demand did not reflect the opinion of the majority of members of national women's organizations. They felt that to ask for special treatment was to dilute the ideal of equality between men and women. Women's organizations, which disapproved of reservations or special quotas for women included the All India Women's Conference and the National Council for Women in India. They demanded equality with men for franchise rights, but did not want special treatment as women. To them it was a retrograde step. Leaders like Sarojini Naidu and Aruna Asaf Ali held very strong views on this subject. At the same time, there was a general lament on the lack of women members in the assemblies, especially when issues such as child marriage were being discussed. However, in the Government of India Act of 1935, seats were reserved for women in the legislatures on communal basis to a very small extent of 5%. Franchise was made subject to wifehood qualifications. The national women's organizations continued with their protests not only against the reservations but also against the Government's failure to grant universal franchise to women.

After Independence, women did not participate in large numbers in the elections. They had miniscule representation in the legislatures at the center and in the states, though the new Constitution provided universal adult franchise and full equality before the law between men and women. This poor representation of women in the House of People (Lok Sabha) and the State Assemblies was a disappointing picture after the spirited struggle put up by the women freedom fighters for equality with men and its acceptance by the Government. In the Lok Sabha, the first elections witnessed a total of 43 women who contested, out of which 14 were elected, whereas the total strength of the House was 489. There is no clear explanation of this contrast between the ferment, the mobilization and the energy of women in the freedom struggle prior to independence and the stagnation and quiet that characterized 'women's participation in public life afterwards. The percentage of women contesting the Lok Sabha elections from the 1952 elections to the 1996 election's averaged a low 3.2%.

Women's Struggle for Political Rights

In India, growth of political consciousness among women cannot be seen in isolation from the freedom struggle. Freedom struggle awakened the spirit of women to move away from their traditional roles as housewives and caretakers of domestic affairs. It provided them a public space and socio-political platform to participate in the national movement. Following the call of Mahatma Gandhi, the huge participation of women and women leaders gave the freedom struggle the nature of a mass movement.

However, there are views that their taking part in the national movement also diverted their attention from perceiving and analyzing their own position and making efforts to promote their own rights. It is because of the fact that their recognition as equal political actors as men was not recognized by British government. The women leaders of that time were divided over the issue of whether to struggle for women's rights or struggle for India's independence.

When the colonial govt. started electoral reforms in India for the formation of legislative bodies through elections following long demands from the Indian National Congress and other political

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organizations, women found themselves left out of it. They neither had voting rights nor rights to contest elections. There was some provision for nomination of a few women members into the legislature. The leading women's organizations of that time - Women's Indian Association (WIA), National Council of Indian Women (NCIW) and All India Women's Conference (AIWC) took exception to this and started campaign for franchise rights. In 1917, they submitted a memorandum to Montague (the reform was known as the Montague-Chelmsford Reform) in this regard. That was the first step towards women's fight for political equality.

One of our pioneer freedom fighters, Smt. Sarojini Naidu was among the first to speak for women's political right in equal terms with men. She opposed any kind of preferential treatment such as 'nominations' or 'reservations' of some seats for women in the provincial and national assembly of that time as it amounted to admitting women's 'inferiority' to men (John 2000). The demand for women's right to vote and contest elections was supported by almost all women's organizations and political organizations like the Congress, Muslim League and Home Rule League. Still British rulers refused to give these rights saying, "vote to women would be premature in a society which continued to enforce purdah and prohibition against women's education" (Kanango 1996). In 1921, however, franchise was extended to women in two provinces - Bombay and Madras - on the same terms as men with property and income criteria.

A Franchise Committee had come to visit India in 1932 to collect opinions for holding elections. The three women's organizations submitted a memorandum for universal adult franchise - voting rights to all irrespective of gender, property or literacy qualifications and with no method of nomination or reservation of seats. The demands were not met. The British government held the same kind of view mentioned in the previous paragraph that majority of Indian women were 'not ready' and that implementing the franchise across the country would be impractical. The women's organizations had to settle for a compromise in extending franchise to women in urban areas.

As a result of the Government of India of 1935, forty-one seats were reserved for women among different communities. In the 1937 elections, out of 56 women members of the legislatures, only 10 were from unreserved seats, the rest five being nominations (John 2000). When the constituent assembly was formed to discuss the Constitution, 11 women members were nominated into it.

Only with the coming of independence and adoption of our Constitution, universal adult franchise was extended to all adults - irrespective of gender, religion, caste or any other consideration.

9.2 Participation in the Political Process After Independence

Elections occupy the central place in any modern political system because they are key to the processes of decision-making (Kaushik 2000). Hence, women's participation in elections - as voters, contestants and elected representatives - are crucial for their empowerment.

As voters, women's turnout has increased from the first Lok Sabha elections in 1952 to the latest 13th Lok Sabha elections. Women from all categories, including the scheduled tribes and dalit castes, are coming out to vote in large number. But as contestants the picture is not at all encouraging. Although the number of women candidates has increased, it has not been much above five per cent of total male candidates. Till now, the percentage of women members in the Lok Sabha has never been above 10 per cent of the total strength of the House (Sinha 2000).

This has given rise to opinions that fairly good turnout of women voters is not due to their political consciousness but due to mobilization by political parties. Parties have devised various methods to win women's votes but have shown a lack of interest in fielding them as candidates. Barring the 7th Lok Sabha elections when the Congress (I) gave 13.69 per cent of its tickets to women, in all other elections, no party has given more than 10 per cent of its tickets to women.

Looking at the low participation of women in politics, a committee was constituted in 1974 to look into the possibility of reservation of seats for them. This was known as Committee on the Status of Women in India (CSWI). It debated the idea of reservation once again but, like most women leaders did before independence, it rejected the idea as no solution. It noted that inadequate attention to education and mobilization by political parties and women's organization are responsible for their poor situation. The CSWI disapproved of reservation as a 'retrograde step from the equality conferred by our Constitution' and also disapproved of representation of women in local self-governing structures through reservations. As a more meaningful way, this Committee prescribed establishment of Statutory Women's Panchayats at the village level to ensure greater participation of women.

The Ashok Mehta committee in 1978 laid emphasis on Panchayati Raj Institutions (PRI) as instrumental to local development, but it did not mention anything specifically with relation to women as raised by CSWI. Yet women's issues had begun to be addressed by many states. Karnataka was the first state to introduce 25 per cent reservation for women at the zilla and mandal panchayat levels. West Bengal and Andhra Pradesh also had adopted the principle of reservation for women. Later, in 1988, a National Perspective Plan for Women (NPPW) came up to discuss political participation and under representation of women. It recommended 30 per cent reservation in local self-government. In 1989, a Bill was introduced (the Constitution Amendment Bill) in Parliament calling for a Constitution Amendment to provide 30 per cent reservation to women in local bodies (Sharma 1998). However, it could not be passed.

9.3 Panchayats and Women: Some Observations

Panchayats are not a new thing in India. From ancient times, villages, caste groups, tribes and communities had their panchayat (meaning, a body of five men) to decide disputes and other issues of concern. But, by panchayats we mean institutions of self-governance at local level, which operate below the authority of a central administration but with sufficient power, autonomy, and functions of their own. Mahatma Gandhi was the pioneer in calling for self-governance of villages and decentralization of power. Our Constitution notes the importance of decentralized power structure and declares in Article 40 "the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". This formed a part of the Directive Principles of State Policy.

But even after four decades of independence had passed many states did not pay adequate attention to developing decentralized democratic system by bringing up panchayati raj institutions (PRI). This was realized later as the key obstructions to development: In the late 80s, demands grew for revival of PRI and give them constitutional status so that it becomes mandatory for the state governments to hold elections and form PRI. This step was taken in as late as 1992 through the 73rd and 74th Amendments of Constitution.

The Panchayati Raj system had also envisaged that rural women should not only become the beneficiaries of development but also contribute to it and participate in the process. In 1952, Community Development (CD) Programme was launched in the country to develop village leadership and community participation. However, due to lack of women's effective participation among other factors, the desired goals remained unfulfilled. In 1957, Balwantrai Mehta Committee was set up to review the working of CD programmes. It recommended for women's participation in rural political institutions and suggested co-optation of two women members at the village panchayat and samiti levels. However, the CSWI report in 1974 (about which you read in section 6.2.2) spoke against this co-optation principle on the ground that it is based on the assumption that women were incapable in contesting elections. It was also of the view that it would serve only the rural elites who would not allow common women from coming to positions in panchayats. Hence, CSWI recommended setting up Statutory Women's Panchayats.

Besides the Ashok Mehta Committee in 1978 a number of committees such as G. V. K. Rao Committee in 1985, L. M. Singhvi Committee in 1986, Thungon Parliamentary sub-committee were set up from time to time to discuss working of panchayats. Though the 64th Amendment Bill (for 30 per cent reservation of women in panchayat in local bodies) could not be passed, during this period, women's organisations, committees and many political and other bodies had started demanding giving women their share in the democratic governance through adequate representation in the local self-government. It began to be reiterated that unless they are involved in decision-making from the bottom level of the political and power structure, their broad participation and leadership are not going to come up. Besides, it is detrimental to the functioning and strengthening of democracy in the country if half of the population are left out of the process at the grassroot level.

9.4 Reservation for Women: 73rd and 74th Amendment

The 73rd and 74th Constitution amendments have now become a historic example in giving women their rightful share in decision-making through reservation. Though enacted at the local level, they have opened up a possibility for more and more women to come to political process.

The 73rd and 74th Amendment Bill was introduced in Lok Sabha on 22 December 1992 during Narasimha Rao govt. The aim was to assign Constitutional status to PRI, bring structural change by

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decentralising power and redressing gender imbalance in the institutions of self-governance (Sharma 1998). The Bill was concerned with PRI but is best known for providing one-third representation of women in systems of rural and urban local governance (panchayats and municipalities) by Article 243 D. It was passed to become an Act and was ratified by all States by 24th April 1993 coming into effect from that date. The main features of the Act are: three-tier system of panchayat in all states at the village, intermediate and district level to which direct election is to be held; five-year term of panchayats; reservation of seats for disadvantaged sections like SC and ST; and reservation of one-third seats for women, among others.

The enactment of 73rd Amendment now provides for reservation in PRI in two ways: as members and as chairpersons. Under clause (2) and (3) of Article 243 D, not less than one-third of the seats meant for direct election of members at each tier of panchayat are to be reserved for women.

Two things have to be taken note of here. Firstly, that reservation applies to direct elections and not to ex officio membership. Two, in case where it is not possible to get a round figure for 1/3rd of the total seats, the nearest whole number to the higher side of 1/3rd is to be taken for reservation. For example, if the panchayat has 10 seats, then by definition, 1/3rd reservation is reserving 3.33 seats, which is not possible. Hence, 4 seats are to be reserved. The clause provides for 'not less than one-third' reservation and therefore the percentage of reservation in actual practice might go higher. Similarly, as far as reservation for the post of chairperson is concerned, one-third of the total number of chairpersons of panchayats at each level are reserved for women.

The provision for reservation was extended to urban self-governance institutions such as municipalities too with the same rules applying.

Problems that Women Face in Joining Electoral Process

Since our main concern is with women's participation, we shall limit our discussion to how it affected the political status of women in the grassroot democracy. Women's participation in local self-governance is in the form of involvement as voters, candidates, elected representatives and members of Mahila Mandals and other organizations. As voters their participation has been encouraging, although it has still remained below males turnout. The 73rd Amendment Act gave them an enabling role to emerge as leaders and occupy decision-making positions. Though Karnataka and West Bengal had some system of reservation for women prior the Act, it is for the first time that around eight lakh women in all states of the country came into the positions of panchayats (Mishra 1997). It is not a mean achievement since it has far reaching effects in women's turn out for elections, strength to contest and taking decisions in issues involving the interests of women. There are many reports of women representatives doing outstandingly better work than male counterparts even without formal training or equal educational attainment.

However, doubts have also been cast in many sections, if women can actually contribute to developmental goals and governance through reservations. They still lack equal status with men in households, political party structure, and executive bodies, and in terms of education and health, which you have read about in previous Units. Added to this they have to fight patriarchy in their day-to-day life to come to equal terms with men.

Women have been assigned political power but lack the strength to be able to assert it and use this space further. They are still not seen as political actors. Their stereotypical image as 'ever dependent on men' has not gone away. This has several reasons. Politics is seen as a domain of men; this age-old idea cannot fade away immediately. Again, politics, and more so elections as you know, is not considered a clean and fair game. The day-to-day political reality is such that one has to take recourse to various methods such as wider contacts, clouts, money, influence in government machinery, manipulation abilities etc. to survive in it. These are considered qualities that men possess. Women have to overcome so many odds - family and social responsibility, illiteracy, health problems, powerlessness, discriminatory attitude, unequal social status and lack of sources of income etc.

Politics is increasingly becoming criminalized which manifest during elections. Women politicians who contest elections in some cases face physical assault, verbal harassment and in most cases, character assassination by male opponents. Elections demand huge financial expenditure that few women can afford. Although reservation has made it easier for women as they now have to contest among themselves, the general political ethos remains the same. Women members getting elected often face non-cooperation from male members in the panchayats, government functionaries etc. among other obstacles. They have to work under the guidance of males - husband, family elders and party functionaries. Due to these reasons, not many

women come forward to take part in contesting elections. Still, gradually the situation is changing and a positive environment would be created to make it conducive for women to participate as contestants and elected members.

9.5 Women's Reservation Bill: A Short History

When the experience of 73rd Amendment Act was sought to be extended to make similar provisions in Parliament and state legislatures, controversy began. To give a fair share to women in representation in Parliament and state legislatures, the 81st Constitution Amendment Bill was introduced in Lok Sabha in September 1996 during the United Front government. The bill came to be known as the Women's Reservation Bill (WRB), or simply Women's Bill. It sought to reserve one-third of seats for women in Parliament and state legislatures by virtue of which the number of women members of parliament in Lok Sabha would increase to 181. The modalities of reservation would be such that before every election, the seats to be reserved are to be selected by means of lottery, which would be done by rotation for each election. But unlike the 73rd Amendment, this Bill could not be passed and was referred to a Joint Select Committee of Parliament. In 1998, the Bill was again introduced by the BJP govt. but met with strong opposition and could not be passed. WRB was once again tabled in Lok Sabha in 1999 as the 85th Constitution Bill, but no consensus could emerge on the issue.

9.6 Women's Commission

There have been some other initiatives outside the electoral structure to empower women by setting up women's bodies to protect and promote the interests of women and to safeguard them from exploitation. The premiere body is the National Commission for Women (NCW) that is simply called Women's Commission or Mahila Commission.

The National Commission for Women (NCW) is a statutory body constituted under the National Commission for Women Act 1990 to protect and promote the interest, and safeguard the rights of women and-

- a. to review the Constitutional and legal safeguards for women,
- b. recommend remedial legislative measures,
- c. facilitate redress of grievances, and
- d. advise the Government on all policy matters affecting women.

The Committee on the Status of Women in India (CSWI) in 1974 recommended for setting up of National Commission for women to fulfil the surveillance functions to facilitate redress of grievances and to accelerate the socio-economic development of women. Successive Committees, Commissions and Plans including the NPPW (1988-2000) recommended the constitution of an apex body for women. During 1990, the central government held consultations with NGOs, social workers and experts regarding the structure, function, and power of the proposed Commission. In May 1990, the Bill was introduced in the Lok Sabha. In July 1990, the Human Resource Development Ministry organized a national level conference to elicit suggestions regarding the Bill. In August 1990 the government moved several amendments and introduced new provisions to vest the Commission with the power of a civil court., The Bill was passed and received consent of the President on 30th August 1990 and became an Act.

The Commission consists of a Chairperson and five members who are nominated by the Central government from amongst persons of ability, integrity and standing who have had experience in law or legislation, trade union, management of an industry, women's voluntary organizations, administration, economic development, health, education or social welfare. At least one member is from the Scheduled Castes and one from Scheduled Tribes. In addition, the Govt. also nominates a Member-Secretary to see the day-to-day administration of the Commission.

During these years, the Commission has continued to pursue its mandated role and activities. The most prominent of those being reviewing of laws pertaining to interests of women, looking into specific cases of atrocities, harassment, denial of rights and exploitation of women. It has also taken remedial action to restore their legitimate rights. The NCW has various cells such as the Complaint and Counselling Cell, which is the core unit of the Commission. It processes complaints received by the Commission either orally or in writing or taken cognizance by the Commission suo motto under Section 10 of the NCW Act, 1990. The Commission has been holding meetings with public

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sector undertakings, public sector banks, educational institutions, hospitals, and hotel industry etc. to implement strict norms against sexual harassment of women at workplaces.

In addition, the NCW publishes newsletters, books and reports too to create gender awareness in society. It publishes a monthly newsletter called Rashtra Mahila in Hindi as well as in English. It has published various materials such as Course Curriculum on Gender Sensitization meant for administrative personnel, police officers, judicial personnel, and media personnel, among numerous other publications on issues concerning women and their empowerment.

The strategies women's commission has adopted to seek its goals are: economic empowerment through building up skills and securing access to gainful employment; political empowerment through awareness, training and mobilization for equitable representation in all fora; prevention of violence and discrimination against women inside and outside the home through legal reform and sensitive enforcement.

Besides the NCW at the centre, nineteen states have their State Women's Commissions. State commissions have been created as autonomous bodies by acts of the legislature to enable them to function as watchdogs of the rights and interests of women. Banning Tamil Nadu and Haryana, at present all other states have vested their Commissions with statutory power. Tamil Nadu has been under criticism by the NCW for having not vested statutory power on the commission.

Summary

The question of empowerment has to be addressed politically for equal share of power and space in the decision making process at all levels - from Panchayats to Parliament. In this Unit, we have tried to present before you some of the milestones in empowerment of women taken up in the political system of our country.

In the beginning we have placed a picture of women's fight for political equality with men before independence. We have noted that reservation remained a contentious issue even during British rule and many women leaders felt it against empowerment. But after independence, we saw how the failure of women to take advantage of their franchise rights to come up to the representative bodies prompted the question of reservation again. And consequently, after much demand, Panchayati raj institutions were re-established having seats reserved for them. But women still face a lot of obstacles in entering politics 'freely even at the lower level.

Keywords

1. Panchayat- local governing body
2. NCW- National Commission of Women

Self Assessment

1. Who was among the first to speak for women's political right in equal terms with men?
 - A. Vijayalaxmi Pandit
 - B. Sarojini Naidu
 - C. Sarla Devi Chaudhrani
 - D. None of these

2. Which article states "the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". This formed a part of the Directive Principles of State Policy.?"
 - A. 38
 - B. 39
 - C. 40
 - D. 41

3. Which state first reserve 50 per cent of seats for Women?
 - A. Andhra Pradesh
 - B. Madhya Pradesh
 - C. Uttar Pradesh
 - D. Bihar

4. In which year the Rajasthan Panchayat Act was enacted?
 - A. 1949
 - B. 1953
 - C. 1956
 - D. 1959

5. The National Panchayati Diwas is celebrated on –
 - A. 10th April
 - B. 14th April
 - C. 24th April
 - D. 25th April

6. Which of the following system is established on the basis of direct election?
 - A. Gram Panchayat
 - B. Block Committee
 - C. Zila Parishad
 - D. Both b and c

7. Which of the following statements is not correct?
 - A. Panchayati Raj was established in India by Jawahar Lal Nehru.
 - B. Madhya Pradesh was the first state which implemented the Panchayati Raj system in India
(c) 73rd
 - C. Constitutional amendment was implemented in 1992
 - D. Tamil Nadu has adopted bicameral method

8. The Ashok Mehta Committee laid greater emphasis on _____.
 - A. Gram Sabha
 - B. Zilla Parishad
 - C. Taluka Panchayat Samiti
 - D. Mandal Panchayat

9. Which of the following Article is related to Panchayati Raj?
 - A. Article 243
 - B. Article 324
 - C. Article 124
 - D. Article 73

10. Which schedule was added to the Constitution by the 73rd Constitutional Amendment?
 - A. 6th
 - B. 7th

- C. 9th
D. 11th
11. In which five-year plan, the Panchayati Raj System was introduced in India for the first time?
A. 1st
B. 2nd
C. 5th
D. 6th
12. The Three tier system of Panchayati Raj was adopted by which State for the first time?
A. Rajasthan
B. Andhra Pradesh
C. Bihar
D. Karnataka
13. Which among the following Committee was appointed by Government of India in 1977 to recommend for improving efficiency of Panchayati Raj institution?
A. Ashok Mehta Committee
B. Sarkaria Commission
C. Tarkunde Committee
D. Balwantrai committee
14. Which of the following States in India is exempted from reservation for Scheduled Castes in Panchayati Raj institutions?
A. Rajasthan
B. Assam
C. Arunachal Pradesh
D. Sikkim
15. Which of the following Committees had recommended the Panchayat Raj Finance Corporation?
A. Balwantrai Mehta Committee (1957)
B. K. Santhanam Committee (1963)
C. Ashok Mehta Committee (1978)
D. G.V.K. Rao Committee (1985)

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. B | 2. C | 3. D | 4. B | 5. C |
| 6. A | 7. B | 8. D | 9. A | 10. B |
| 11. B | 12. A | 13. A | 14. C | 15. B |

Review Questions

1. Explain the history of inclusion of women into Panchayati raj institutions.
2. Discuss the role of appointed committees in the formation of seats for women in panchayats.
3. Examine the factors that hamper the inclusion of women into Panchayati raj institutions.
4. Write a note on Women Commission
5. Explain the reservation of seats for women in 73rd and 74th Amendments of Indian Constitution.



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Unit 10: Women in Panchayati Raj Institutions

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Objectives

After this lecture you would be able to -

1. Acquaint with the women's participation in PRI
2. Explain the role played by the 73rd and 74th Amendments in providing political rights to women in India.

Introduction

Village government through Panchayats is an ideal that is enunciated in one of the Directive Principles of State Policy in the Constitution. Till the 73rd Constitutional Amendment, women did not get a secure foothold in village governments. The village government itself was a very weak and ineffective structure, except for the fact that the dominant and exploitative sections of rural society have been able to get control over these bodies and use them for their own ends.

We begin by a discussion of village government and how the entry of women into these bodies through the introduction of new provisions in law, have given women a chance to get involved in political processes, public action and decision making.

We then present a brief description of the three-tier panchayati raj set up in the states and the opportunities presented for women's involvement in the functioning of the panchayats at the three levels. There, we place emphasis on the legal framework provided for decentralizing the functions of Government from the Central and the state levels to the panchayat level. We emphasize the identity of Panchayats as units of institutions of self-government. We explain the advantages of participatory local government over centralized, top-down government functioning and how women find it easier to deal with and take part in the former. We discuss the threats that exist in the external environment to the healthy growth and development of Panchayats. We discuss women's experiences with panchayat elections.

Women are represented as one of the 'weaker' sections. Others covered under this category are the members of scheduled castes, scheduled tribes and other backward classes. The women who belong to these groups are doubly vulnerable. Reservation in panchayats are provided for members of all these categories. With the help of true life stories, we look at the attitudes towards elected women as a reflection of societal biases and how women's involvement in panchayats is affected by these prejudices at various stages. We discuss the various forms of resistance that women have to confront, as well as the gender-based handicaps they have to cope with. We also provide examples

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of how several women have found it possible to overcome these barriers and have emerged stronger in the process.

We conclude by stressing the advantages of elected women getting support from other bodies of local women, such as Mahila Mandals, to strengthen the collectivity and agency of women. We explain the concept of women's agency and how; in feminist terms, it builds up solidarity. The relationships of elected women with other groups, such as women extension workers, are also discussed.

10.1 Women in Panchayati Raj Institutions: With special reference to the 73rd Constitutional Amendment, Women in Urban Local Bodies (With reference to the 74th Constitutional Amendment)

Panchayat

Panchayat literally means a council of five village elders who have authority to take decisions and manage the affairs of the community. It need not mean an 'elected' body; it could be based on castes, on wealth or kinship or other factors. In its specific sense in which it is used, it means an elected body. Article 40 of the Constitution says, "The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". Being a Directive Principle and not a Fundamental Right, this Article did not cast a duty on the Government to implement the same.

Mahatma Gandhi reposed great confidence in the ability of villages to govern themselves. It was an article of faith with him that an ideal society "should place the destiny of the masses, as it were in their own hands". But Gandhi also believed that to be viable, the village republic should be "built on the solid foundation of economic equality" because his ideal of democracy is one where "the weakest should have the same opportunity as the strongest". For him, decentralized government enables people to become part of a cooperative and participatory community, which is an enabling condition for people to take charge of their own lives.

In the four decades following the adoption of the Constitution, no unified or concrete steps were taken to implement the provisions of Article 40 within the democratic framework. There were some states where action was taken to organise panchayats, but there was no sustained effort to hold regular elections. A small number of women were brought in through nomination, or cooption in case none was returned by election. These panchayats did not enjoy Constitutional status but were governed by Acts passed by the various State legislatures. There was no unifying national policy in place regarding decentralized governance. During Rajiv Gandhi's tenure as Prime Minister, the first steps were taken to draft far reaching amendments to the Constitution. These became law in April 1993 that defined "Panchayat" as "an institution for self-government".

73rd Amendment to the Constitution

The most important provisions of these amendments are as follows:

- a. Constitutional stature for the institution of panchayats throughout the country.
- b. Provision for a three tier panchayat structure at district, intermediate and village level, with a life of five years.
- c. Five-year tenures fixed for the elected bodies, elections to be held at regular intervals.
- d. Seats to be reserved, by rotation, for members of scheduled castes and scheduled tribes to the extent of the proportion that their population bears to the total population of the area.
- e. One third of the seats reserved for members of the scheduled castes and scheduled tribes will be reserved for women from these classes.
- f. One third of the seats of chairpersons of the panchayats at all three levels will be reserved for members of the scheduled castes and scheduled tribes.
- g. Out of the number of seats of chairpersons reserved for members of scheduled castes and tribes, one third will be reserved for women belonging to these communities.
- h. One third of the total number of seats to be reserved for women, counting those reserved for women belonging to scheduled castes and tribes.

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- i. One third of the offices of chairpersons of the panchayats at all three levels will be reserved for women.
- j. If state governments so wish, seats could be reserved for backward classes. a States having population less than two lakhs shall not have the intermediary tier of panchayats. a State Governments have the power to endow the panchayats with powers and authority to enable them to function as institutions of self-government,
- k. Women in Panchayati Raj a State Governments can devolve powers and responsibilities to the panchayats for carrying out activities in economic development and social justice including those listed in the Eleventh Schedule of the Constitution.
- l. The legislature of a State can authorize panchayats to impose taxes and can also assign to panchayats any taxes that have been levied and collected by the State Government.

Reservation for Women: The History, the Context and the Background

The merits of providing women with quotas or reservations in representative bodies have been debated seven to eight decades ago in India. During the early years of the 20th century, when the freedom movement was taking shape, the main struggle was for male and female adult franchise, but the demand for quota of seats for women also made itself heard. Many committees and commissions visited India at the behest of the British Government to elicit Indian views on the subject of franchise as well as on eligibility for entry into the provincial assemblies. One of the committees that visited India called the Franchise Committee (1918), returned with the impression that women of India did not need the franchise, as it would be out of harmony with the conservative feeling in the country. The 1919 Government of India Act did not therefore, provide the right of franchise to women, while for men, certain conditions were placed on the eligibility for exercising franchise, such as possession of property and educational qualifications. When the Simon Commission visited India (1928), a group of women appeared before it and asked for reservation of seats for women in the legislative assemblies in order to encourage women and to represent women's interests in subjects such as education and social welfare. But this demand did not reflect the opinion of the majority of members of national women's organisations. They felt that to ask for special treatment was to dilute the ideal of equality between men and women. Women's organisations, which disapproved of reservations or special quotas for women included the All India Women's Conference and the National Council for Women in India. They demanded equality with men for franchise rights, but did not want special treatment as women. To them it was a retrograde step. Leaders like Sarojini Naidu and Aruna Asaf Ali held very strong views on this subject. At the same time, there was a general lament on the lack of women members in the assemblies, especially when issues such as child marriage were being discussed. However, in the Government of India Act of 1935, seats were reserved for women in the legislatures on communal basis to a very small extent of 5%. Franchise was made subject to wifehood qualifications. The national women's organisations continued with their protests not only against the reservations but also against the Government's failure to grant universal franchise to women.

After Independence, women did not participate in large numbers in the elections. They had miniscule representation in the legislatures at the centre and in the states, though the new Constitution provided universal adult franchise and full equality before the law between men and women. This poor representation of women in the House of People (Lok Sabha) and the State Assemblies was a disappointing picture after the spirited struggle put up by the women freedom fighters for equality with men and its acceptance by the Government. In the Lok Sabha, the first elections witnessed a total of 43 women who contested, out of which 14 were elected, whereas the total strength of the House was 489. There is no clear explanation of this contrast between the ferment, the mobilization and the energy of women in the freedom struggle prior to independence and the stagnation and quiet that characterized 'women's participation in public life afterwards. The percentage of women contesting the Lok Sabha elections from the 1952 elections to the 1996 election's averaged a low 3.2%.

The Committee on the Status of Women in India, which was set up and commissioned by the Government of India, to look at the progress achieved by the women of the country in realizing the rights and promises that had been bestowed on them by the Constitution, examined afresh the issue of representation of women in legislative bodies in the framework of India's functioning democratic norms. One was based on various submissions and pleas made to the Committee during their visits to the field, from junior cadres of women political activists. The women were

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facing tremendous difficulties in the absence of adequate numbers of spokespersons, who would present their problems before the legislatures. The political parties would only pay lip service to the cause of increasing opportunities for women's political advancement. Therefore, some system of proportion of seats reserved for women seemed to be necessary if the continuing decline in women's membership of legislatures was to be arrested. Such a system of reservation, if put into place, would encourage women to shed their inhibitions and build confidence in themselves. It would also give an incentive to the political parties to give tickets to more women candidates. This point of view was backed by a group of social scientists that had been engaged by the Committee to examine the question. On the other hand, the majority of members of the Committee, dominated by women in public life opposed the suggestion to reserve seats for women on the same reasoning used by the national women's organisations and the women leaders of the freedom movement fifty years ago. To them, it would be a retrograde step, one that would "reinforce the separate identity of women rather than promote their representation and integration with the rest of society", in the words of one of the members. The majority view prevailed and the two members, who did not agree, recorded their note of dissent.

The Committee has made recommendations for all - women statutory panchayats at the village level to ensure greater participation by women in the political process. These were envisaged as integral parts of the panchayati raj structures and not parallel organisations. The Committee had recommended that the Chairman and the Secretary of the Gram Panchayat would be ex-officio members of the Women's Panchayats and vice-versa, so as to have a viable relationship. Separate all-women panchayats were considered necessary to make a clean break with the prevailing culture of "tokenism" for women. This measure would help women to gain the confidence to speak out and to manage their own affairs. They would be able to effect better field level coordination in programme related to women and the social sector. The Government did not accept this suggestion of the Committee as it was found to be impractical and also involve the formation of a parallel structure.

The draft of National Perspective Plan (1988) suggested a 30% reservation for women through elections, failing which by nomination. The women's groups felt that women should come into the panchayats only through the mode of election and strongly objected to this recommendation in the draft NPP. The final Plan dropped the suggestion to nominate women and confined the method of selection to elections only. The Government then incorporated this provision into the Constitutional amendments. The reservations are therefore a compensatory measure or an affirmative action, put into place so as to make up for the declining number of women and the stagnation in political participation, which in turn is caused by the unwillingness of political parties to give tickets to women. Affirmative action is intended to make preferential treatment legitimate, as the group for whom this is being done cannot enjoy equality in the absence of preferential treatment. But preferential treatment is not discriminatory of the equality clauses when it is in favour of a group of people who have always suffered discrimination at the hands of more powerful forces in society. The women political leaders on many occasions expressed their objection to being clubbed with weaker sections, such as the socially depressed classes. They wanted women to be seen as strong and autonomous beings, able to battle with societal challenges on their own terms.

Reservation: An Instance of Positive Discrimination

The Constitution of India pronounces that men and women are equal in the eyes of laws. Neither is superior to the other before a judge. Laws shall apply equally to both men and women. Further, it says that the State shall not discriminate against any citizen on the grounds of sex. In other words; men cannot be discriminated against by giving women a better deal, as that would violate the fundamental right to equality between the sexes. Yet, the Constitution has also enunciated in Article 15(3) that the State shall make special provisions for women and children. What does this mean?

The framers of the Constitution believed that abstract declaration of equality between men and women would not suffice to remove the accumulated weight of disabilities that women are burdened with over many generations. To equip women to get over these handicaps, the State has to adopt a positive and pro-active role in helping women. Women may have to be treated differently in order to ensure equality status. This kind of a complex proposition had to be safeguarded by a law as not being violative of the fundamental right to equality. Article 15(3) legitimizes action on the part of the Government to take special measures for women. This type of action is termed affirmative action or positive discrimination. Courts have upheld reservations for women in local bodies and educational institutions as not violating the fundamental right of

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equality between the sexes. Reservations for women in panchayats fall under this category of positive discrimination, covered under the 'special provision' clause of Article 15(3).

Women in Panchayats: An Overview

There are now approximately 1 million elected women in the panchayats in the country, at three levels of the structure. This signifies a dramatic change in the nature of women's involvement in political activity and in the nature of politics itself. Earlier, the device of cooption or nomination of women had meant that a very few women would become members of panchayats, and that their presence counted very little. Now, the position is quite different. The entry of such a large number of women into the panchayats has very significant implications for the working of these institutions as well as for the women themselves.

A comprehensive database does not exist which can give an overall picture of the profiles of these elected women at the national or even state level. It is essential that such a record is built up and maintained by each state government. In the absence of authentic information, it would not be correct for us to generalize on any aspect of their background, their qualification, landownership, number of children, etc. However, from the available information collected through surveys by various organisations, we can get a rough idea of these women. Some of the surveys done cover more than one state whereas others are more localized.

Many of the women surveyed are illiterate or barely literate; the majority of the women belong to the dominant and the middle castes. In many samples, we see that the women are young, i.e., in the age group of 25 years to 45 years and are housewives without any paid employment. Many women are in the higher age group going up to 50 or 55 years. There are comparatively fewer women above this age level. The literacy levels of elected women are much higher when we look at the samples in a state like Kerala. The literacy levels are also higher when we look at the two higher tiers of the panchayat, i.e., the intermediary level and the District or Zila level panchayats. Many of the women members at the gram panchayat level are agricultural labourers and unpaid family workers. The office bearers, such as the Pradhans, are usually more literate in comparison with the members. These women who are elected as office bearers, generally belong to the better-off sections of their community. Women belonging to the minority communities also figure amongst the elected women, though they do not have any specific quota or reservations in their favor, except that in some states, these communities may be classified amongst the other backward classes or even amongst the scheduled castes. Thus we see that women from a very wide range of socio-economic, educational and religious backgrounds are elected to the panchayats at the three levels.

The Impediments

The presence of lakhs of elected women in the panchayats has triggered a negative response from many of the vested interests (largely male), who were earlier playing the part of power brokers themselves. The negative responses have led to an orchestrated campaign against the women in which many wrong notions, misleading ideas and false myths are being propagated about these women. These include the following:

- That elected women are only proxies for their male relatives.
- That elected women have no time or interest to attend to their work as elected members.
- That elected women are illiterate and therefore incapable of understanding the work involved.
- That elected women have no interest in political work.

Most of the surveys carried out by women's groups reveal a more realistic picture. It is true that many women, especially in the first set of elections conducted after the amendments to the Constitution, have stood for elections on the strength of the male relatives or political connections. That this will also continue for some time into the future cannot also be ruled out. But most women are also realizing their own power as elected women. One of them said, "It is true that we came through our men the first time and are often proxies for them, but we know what it is about and will come on our own next time". The information from the field also shows that women have been conscientious about attending the meetings and their record of attendance is as good if not better than their male counterparts. It is also seen from these surveys that women do not let their lack of formal education or literacy prevent them from learning about their work. They turn to their own household members or to women's groups who are willing to help them. The newly elected women

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are aware of their shortcomings and lack of experience in handling panchayat work, especially the office bearers, who have more responsibilities to discharge. One woman, who was Vice President in a Zila Panchayat, said her strategy was to keep quiet initially, when sitting in all the meetings of the Zila Panchayat and just listen to all that was going on. Once she got the hang of things after listening to the male members and the officials, she got enough confidence to speak up. Another woman who was an office bearer in a gram panchayat, who was semi-literate, insisted on her husband reading out each paper to her and she would sign only after she understood the meaning of what she was going to do. As one elected woman Sarpanch put it, "It is not the education that matters so much here. It is the grit and determination, which a woman has in plenty". At the same time, women come to understand the value of knowledge and skills, including literacy and are anxious to access these resources. A group of elected women in a remote village, the majority of whom were barely literate, learnt to keep accounts from the local school teachers and the gram sewaks.

Stories of elected women's engagement and involvement in social and political campaigns from many parts of the country are similar in many respects. They take up issues such as child labour, girls' education, dowry, violence against women, etc. As one elected woman sarpanch puts it, "Whenever there is any tension in the villages, they come to me and I have learnt how to sort out the problem. Many people have realized that it is a waste of time to make a complaint to the police station". The elected women are determined to fight the hostile campaigns mounted against them by the conservative sections of the community. In the words, of one of the elected women, belonging to the dalit community, "The men have always ridiculed us and perceived us as incapable of the management of public affairs. We now make up one third of the councils. This adds to our sense of strength. We must be 50% or more. We must over power them with our numbers".

The Gains of the Elected Women

- Personal transformation: Elected women have developed a sense of self-worth, increased their levels of self-confidence and an affirmation of their identity as women. Individual women, who have taken active part in panchayat meetings, moved resolutions, helped the villagers and brought about improvements in the quality of life in the area, have expanded their horizons to embrace public life.
- Collective transformation: Elected women have realized that their strength lies in numbers. They are now aware and can challenge the institutions, the power relations and the structures of power. They know that they can make their voice heard and have access to people. Some elected women, especially those who have played key roles in the panchayat, as Pradhans etc. have become role models for the other elected women.
- Greater understanding of political processes: Elected women have realized that women are now important to political parties and the party functionaries would deal positively with them so as not to jeopardize their chances of winning in the elections. Women from the scheduled castes and scheduled tribes are especially conscious of their special status and their better chances of getting through the elections as contrasted with the earlier decades, when deprived groups such as theirs could never have aspired to gain a foothold in political life.
- Identity as women, as a lobby, which is above castes, community or party: This understanding is beginning to dawn on women. The common problems that elected women face in the hostile and male-dominated environment of local politics and their shared experiences of coping with these barriers very often contribute to the effacing of the divisions between high caste and low caste women, rich and poor women, educated and illiterate women and other differences in backgrounds. In the words of an elected woman, "When we meet, we work together as women, for our lobby. We don't notice party identities". The creation of such a gender-based identity is also, unconsciously, helped by the attitudes of men from all communities and classes towards women, which tends to be

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similar. The women are seen primarily in terms of their gender and only then in terms of their party affiliation, or caste or community.

- Also, the elected women have made a difference to the institution of Panchayati Raj: Elected women bring in new priorities and new values to the working of the panchayats. This is an aspect that goes beyond the factor of numerical strength of women in panchayats. Their concerns are a reflection of the priorities that the masses of village women identify for themselves. Elected women, as the spokespersons of the greater numbers of village women, give top priority to certain basic and survival needs and to the well being of families. Thus, we find items such as clean water, access to fodder, fuel, education of their daughters, freedom from violence, alcohol abuse etc. being given the highest precedence by women. Social infrastructure of immediate value to the neighborhood, such as village sanitation, village roads, etc. also figure high in their lists, but not construction of large infrastructure, which are more favored by men. As the women of the hills of Uttar Pradesh told a visiting team, "We have been ruined by liquor. We are being ruined day after day. The day's wages are drunk by the men-folk. There is no money for groceries, hence no cooking". 90% women from 400 villages in the hills projected lack of water as their topmost concern. Another quote from village women in Maharashtra, "Once we acquired some position and power, we will fight it out. We know that it is not going to be easy But the fact that panchayats will have minimum number of women, we will use that strength for mobilizing women at large and keep liquor out as a priority". Elected women have also been successful in bringing domestic violence (hitherto a taboo subject for public discussion) on the panchayat agenda.
- Elected women find it easier to challenge established structures or institutions of the state that are not performing. As village women, they have been at the receiving end of a delivery system that does not perform, of schools where teachers are absent, of a health system that is indifferent to the needs of the poor, social services that are largely absent, and above all, of a system that is not accountable to the villagers. But they did not have any power to challenge the establishment. Now, with the new dispensation of decentralized development, women find it easier to voice their unhappiness and mobilize the community for bringing about effective changes. The following quote will illustrate, "We want education for our children. There are schools and teachers who draw their salaries regularly. They mark the attendance of nonexistent students in their registers. But they scarcely come to schools. With this sorry state of affairs, how can we have education for our children? We are going to tell, those teachers: either teach or go".
- Women are interested in getting services on their doorstep. Traditionally, women have had to trudge miles for getting their daily needs like water or fuel. For other services, they have had to visit courts and offices, which are located far away, in unfamiliar towns or cities. Now, with the new dispensation of local government, they are interested in increasing the proximity of these services, bringing them closer to where the villagers live. Thus, we hear of the Uttara Khand Mahila Manch demanding that they should be allowed to serve on the board of the Nyaya Panchayats ' in Uttarakhand, when the demand for the creation of new a Hill state was going on. The women know that if judicial powers are given to the panchayats or family courts are set up in the villages, this will bring quick dispensation of justice closer to the women. These are the ways in which panchayats can come closer to the people and become accountable to them.
- There is some indication that elected women are less corrupt than elected men. Though it is too early to make such a sweeping generalization, observations from the field tend to support this. Women appear to choose less corrupt practices. A panchayat secretary, who is a government official, working in the panchayat office, observes, "The men I had worked under formerly, passed on their expenses in cigarettes and paan to the panchayat. But the didis (sister) here are not only clean on this score, they are more dedicated".

The Obstacles for Women in Panchayats

There are innumerable hindrances that are placed in the way of women's emerging leadership in panchayati raj. They mainly fall under the categories of bureaucratic political resistance and patriarchal resistance. Very often these two forms of resistance are compounded. They are actually, two sides of the same coin, because the politic-bureaucratic structure, being male-dominated, is also highly patriarchal. Added to these external obstacles are a host of subjective factors, which relate to women's condition and situation in society. The latter set of constraints cover women's illiteracy, knowledge of and familiarity with the public sphere, their poor self-esteem and sense of self-worth, the triple burden of work, poverty and social bases.

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1. External resistance often takes institutional forms, for example, there are certain punitive provisions in the panchayat statute and rules that are used as instruments against elected women. The most blatant misuse in that of the legal provision of the no-confidence motion that is contained in most of the state acts on panchayati raj. This gives the power to the panchayat to pass a majority resolution against any member, expressing their lack of confidence in his or her and can lead to the member's removal. The provision has been included in the statute so as to enable to the panchayat to proceed against elected members who are guilty of corruption or misconduct. But this provision has been misused by unscrupulous elements to settle scores in the panchayats. Women form a large percentage of those who have been removed from the membership of the panchayats with the help of this provision and of these, dalit, adivasi and OBC women constitute a large percentage. Many of these women who were removed were office bearers. The political careers of many of these women have been cut short by the unprincipled use of this provision. One case is that of a Sarpanch from Ratnagiri District in Maharashtra, who had put prohibition high on her agenda and had mobilised women for this purpose. She was ousted from her office though she was guilty of no corruption or misconduct. The only recourse left with her was to approach the courts for justice, which she did. Another similar story is of an Adivasi woman from the same state, who was also leading a crusade against the sale of alcohol. She was also removed using the same provision. However there are also stories of how women were able to fight against such motivated acts. One woman (again from Maharashtra) when faced with removal on absolutely flimsy grounds, (her performance as Sarpanch was very good, but the excuse to remove her was that she misused the water pipe line) decided to talk to the villagers herself. She hired a rickshaw and went from door to door, explaining the situation in her own words. The villagers told her that her removal was a pre-mediated act by some persons and that they were told to raise their hands at a particular point in the meeting, without being told what it meant. The villagers said they had no intention to remove her. Though the harm done could not be undone in spite of the villagers' best efforts, she stood for election next time and won. In a jansunwai (public hearing) held in Ajmer, in Rajasthan, in which many women sarpanches participated, stories were recounted of the agony suffered by them because of the threat and the actual use of the non-confidence provisions against them, only because they had tried to use their power effectively. One of the most horrifying stories comes from Karnataka, where a dalit woman member was elected as the sarpanch with the help of a particular political party, who expected her to reciprocate by being a mere figure head Sarpanch. She was an agricultural labourer and also earned money cleaning the toilets at the police station. However, as Sarpanch, she played an active role in the removal of encroachments, in simplifying ration card procedures, etc. which angered her supporters in the party. She was removed from her office as sarpanch. The reason was that she cleaned the toilet. Other reasons, include minor administrative lapses. The women very often are unfamiliar with the procedures of panchayat working and hence they may slip up here and there. There are cases where women office bearers have been removed after no-confidence motions for such technical acts of omission and commission, which do not constitute misconduct or even misdemeanour. Examples are, failure to put up certain papers before the panchayat, not calling meetings regularly, not spending the full budgeted amount within the deadline, not giving accounts properly, not implementing the resolutions passed by the panchayats, etc. These lapses generally do not justify the extreme penalty of no-confidence, but the hidden reasons behind this are another matter. The reasons formally quoted in the panchayat meetings are only an excuse. This is taken advantage of by the opposing factions.
2. Forms of patriarchical and organisational resistance against elected women in panchayats reveal themselves in the refusal of the local bureaucracy to help the women. Such behaviour may include refusal or unwillingness to show the record of the panchayat office to the elected women when they demand it, failure to explain accounts or matters of finance properly to the women, concealing information, noncooperative behaviour, etc. The Secretaries of the Panchayats, especially at the gram panchayat level, are generally quite indifferent to the information needs of the elected women. The elected women, especially the office bearers, find it very difficult to learn about the working of the panchayat and the procedures in this atmosphere. Most of the studies in fact, bring out that the elected women find the local bureaucracy the biggest hurdle in their development and progress. In contrast, the women are able to get much more cooperation and help from their husbands, relatives and from the community in general than from the government departments. Linked to the resistance that women face is the problem of violence, which is an extreme form of resistance that many women have to put up with. One of the well-known cases is that of Gundiabai, which received much media attention. A dalit women sarpanch from Madhya

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Pradesh, she hoisted the national flag on Independence Day. This infuriated the villagers, who waylaid her on her way back from the celebrations and thrashed her soundly. The next year, however, amends were made. The media exposure resulted in her being able to hoist the national flag at the next Independence Day celebrations, with to the intervention of the Chief Minister.

3. The subjective factors that militate against effective functioning by elected women relate to the private sphere of women's lives. They relate to their gendered situation within the household. The burden of household work and familial responsibilities is a major reasons. The gender-based division of labour, which draws a distinction between men's work and women's work, does not encourage men to partake in the domestic work and childcare. These activities are not deemed appropriate for men. Yet we see in many instances that men do wish to extend some support to women. But such cases are very few. Conventionally, women are supposed to adjust to their double and triple work burden by re-ordering their time allocation, so as to ensure that the home life is not thrown out of gear and the other family members are not inconvenienced. By doing this, it is always the women who suffer in the process, along with their unmarried daughters who step in to help the mother. Stories heard from elected village women in Himachal describe their having to plan their daily routine painstakingly so that there is no slip. When she receives visitors, as an elected member of office bearer, she not only has to listen to them, she has to make them cups of tea and later on, wash them out. Sometimes she remains in the kitchen for doing this and the male folk in the family talk to the visitors. Mother-in-law, however supportive initially, begin to grudge the extra work that having an elected panchayat member necessitates. If the children are small, the problem becomes more acute. In many rural areas, the woman is also doing work on the farms or with animals or engaged in other household production. The involvement with panchayat activities therefore affects the woman in many ways. In a literate state like Kerela, where the educational levels of elected women in panchayats are often higher than those of the elected men, a survey found that the women had to spend a minimum of 4 hours a day on panchayat work and another 2 hours for other related public functions and activities. Since two thirds of the elected women in Kerela, as per this survey, also have paid jobs, which take them out of the house for about six hours, very little time is left to them to attend to personal needs, leisure and rest.

On the other hand, women with no or little literacy feel the lack of education, skills, awareness and information. Women without these resources feel ill equipped and at a disadvantage to deal with the intricacies of panchayat work. They express the need for programmes that will provide these inputs to them. Yet another problem many elected women face in their lives is the scandal and the whispering campaigns that are started by actions within the area of the working of the panchayat. Here again, it is the existing gender relations that affect women's situation. The slightest breath of scandal will affect the reputation of women, especially if she has no family support to fight those who abuse her name. The younger women are more vulnerable. The Kerala study showed that 44% of the women surveyed had to face slandering, mainly from opposition parties, contractors and the public.

10.2 Challenges Facing Decentralized Planning And Development Through Panchayats

The intention of the 73rd Amendment to the Constitution is to empower the panchayats to handle local planning and development in their capacity of 'institutions of self-government'. The intention is not that panchayats are treated as extension agencies or delivery mechanisms of the state government or local administrative agencies. It means that there would be three layers of government in the country the Central government at the National level, the State governments at the state level and the third layer would consist of the three-tier structure of the panchayats at the district, intermediary and village levels. Each layer of government would have its own functions, powers, responsibilities and resources. There would be coordination and integration between the different layers so that the system works smoothly. Each layer would know what its role is and how it would carry out its activities. The village panchayats and the gram sabhas being the nearest to the people, are in the best situation to initiate the planning process from down below. It can prepare the plans at the village level based on local resources and needs and then pass them on to the intermediary level panchayat, which would then pass on their plan to the district panchayat, the district planning committee and so on. There would be an aggregation of plans at each successive higher level. The panchayats at the intermediary level would aggregate all the panchayat plans received by them and the same process would take place at the district level. The creation of the panchayati raj structure visualizes this pattern of decentralized planning. The two - that is, the

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structure and the process- go together and are part of the same institutional sequence of local self-government. It is not functional to have the institutional set up of the panchayati raj structure in place without the accompanying devolution of powers and decentralization of planning.

It was in this model of decentralized planning and development the women's involvement was envisaged through the quota system of reservations in all three tiers of the panchayats. There were other special mechanisms for involving elected women in decision-making, the panchayats. In many of the state panchayat acts, there was provision for standing committees, social justice committees and other small groups, who dealt with particular items of work on behalf of the panchayat body. These committees had women members. Some states had mandatory provisions in the Act and the Rules providing for women's membership. But many of them did not. For example, in some states, dalit women had to be included in the social justice committee as it was these communities that suffered the atrocities at the hands of the higher caste communities. The usual convention followed in most states was to include the elected women in the standing committees (or by whatever name they were called in particular states) in charge of women and child development. This was done because there was an unconscious identification of women with these subjects and it was assumed that women had interest only in these issues. There were several other panchayat committees on subjects such as finance or production or even infrastructure, but women would rarely be made members of these.

However, the model of panchayati raj and decentralized planning and development is very different from the actual reality that exists. The bare structures of the panchayati raj are in position and elections are being held fairly regularly in most of the states, but the actual process of devolution of powers, functions and resources to the panchayats has not taken off in a comprehensive or complete sense. Half-hearted and piecemeal action is being taken in most of the states. Panchayats have still not been given the resources, both human and financial, to carry out the activities which they are expected to do in terms of the Constitutional Amendment of 1993 and their own state legislations. A few functions have been transferred to panchayats in some states, but these fall far short of what is contained in the Eleventh Schedule to the Constitution. Even where functions have been transferred, the resources have not. The necessary government orders, notifications, guidelines, manuals, regulations, etc. dealing with subsidiary with implementation, with accounts management, etc. by the panchayats, have not been prepared or issued. There seems to be an in-built resistance from the political and bureaucratic establishment to delay the process of devolution and to raise barriers in the way of smooth transfer.

Whatever the internal dynamics, as long as the system does not become functional, there is more frustration and helplessness amongst the elected members including the women members. In such a situation, it becomes extremely difficult for the elected members to carry out their activities in an integrated and holistic manner. This is true especially for women. For elected women to realize their full potential for contribution to national development through grass-roots political participation, the panchayats themselves must become functional. This is in women's own interest as well as in the interest of healthy self-government. Women's interests should be viewed in the total context of the panchayats. The efforts of both elected men and women should be to restore the rights and authority of the panchayats. The dysfunctional nature of the panchayats today is a real crisis that is facing the country.

Women And Panchayat Elections

Panchayat elections have touched the lives of not only the women who have stood for and won the elections, but also those who stood and lost, those who tried for nominations but did not succeed, those women who campaigned for the women candidates, the women relatives and friends of the women candidates who extended all types of help and lastly, women voters who voted in the elections. Thus, the panchayat elections have become a means of familiarization, by a wide range of women, with politics and its practice.

A single, discrete involvement with electoral process profoundly changes the perspective of many women towards their future. Though the majority of women have stood for elections from constituencies reserved for women and most of them admit that they would never have stood for elections were it not for the reserved seats, many women get inspiration to try their candidatures for seats which are not reserved for women. Many women, after completing one term in office, feel encouraged to stand for higher positions, as for example, from gram panchayat elections to panchayat samiti elections. Sometimes the women want to aspire for assembly elections and even for Parliament seats. Thus, the familiarization process with the electoral process has been very positive for women in terms of their aspirations for public life in politics. Many women after completing one term, want to continue their involvement with panchayats and community life. Even if they do not

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stand for elections second time, their experience and skills are being used by organisations to help women who are coming into the electoral fray for the first time.

But many women who want to stand for elections a second time are not certain of their chances. The roster system of rotation of reserved vacancies leads to lot of uncertainty. In most states women are not at all sure whether they can get nominated next time even if they are willing to stand against a general seat, given the situation of the political parties. The elections to the intermediary and district levels, being fought along party lines, pose greater uncertainties to the women. This is more accentuated in those states where there are cadre-based political parties. The freedom of elected women to act and work independently is also dependent on the strength of the party hierarchy. Some women are disillusioned with this set up and complain that the political party values women as potential candidates only for their obedience and mildness. An articulate and independent woman may not be in good position to get party nomination. In panchayat law, only the intermediate and district level elections can be fought on party symbols. The gram panchayat elections have to be fought on non-party basis. In spite of this stipulation, we find that nominations of women in gram panchayat elections are also often taken on the basis of political backgrounds of the women, or on the willingness of the women to align themselves with the local party units or individuals. Most women fighting elections or trying for nominations have had to face a lot of problems in this area. This is the greatest constraint to women emerging as a separate power group on their own, with their own political alliances, philosophies and statements, which could be based on the gender ideology, on the shared experiences of women across various divides of community, castes and political affiliation.

The introduction of the rotating roster system has created other distortions in the elections. There is a common misperception that since certain seats are reserved for women, the other seats are reserved for men. From Karnataka comes a report that the political parties openly encourage this kind of misrepresentation, and that government has also not taken any corrective action. The principle of the system of rotation is that the reservation of points (wards) for women is meant to give opportunity to only women to contest the elections because of their traditionally low representation in political bodies. But it does not mean that women from any category (including dalits, tribals or OBC's) cannot contest against men in the case of general seat, nor that dalits, women cannot contest against dalit men in the case of seats that are reserved for dalits as a community. The same position would hold with the tribal and the other backward classes. Tribal women and tribal men can both stand for election against seats that are reserved for the tribal community. To say that seats not reserved for women are reserved for men is a travesty of law. This kind of biased interpretations in the name of law and its tacit support by the government's inaction will hamper women's aspiration to graduate from contesting against Women's Empowerment reserved seats to contesting against the open seats. This situation is not restricted to one state only. The same biased approach is being reported from several other states. A vigilant campaign will have to be mounted against such interference with women's fundamental rights enshrined in law.

Linking Elected Women with the Other Village Women

The MahilaSamakhya program in Karnataka has been able to build a mechanism that provides the elected women with a broad base of support by the village women on a sustained basis. The MahilaSamakhya (Karnataka) is a project of the Government of India, Department of Education, the main objective of which is the empowerment of rural women through education for women's equality. The programme reaches out to the poorest women in the villages, with a major focus on the dalits and other weaker sections. The women form sanghas, or collectives, in the villages, which undergo a common process of reflection, analysis and action. Training is a very important part of the programme. The training is geared towards changing the structures and attitudes that have suppressed and oppressed women so far, on making women articulate and capable of understanding how to deal with their individual and collective oppression.

MahilaSamakhya, in its own words, acts as a nursery for women contesting elections. Many of the sangha women, after receiving the training and also improving their access to resources for basic needs, feel motivated to stand for election, mostly at the panchayat level. The successful women do not sever their connections with MahilaSamakhya after they occupy the election office. The sangha women continue to provide them support. They receive de-briefing from the election women on the activities in the panchayats and all important matters arising from the panchayat process. In turn, the sangha women advise the elected women on critical issues to be taken up by them in the panchayats. This arrangement enables the elected women to have a stable support and accountability structure, a smaller constituency with the larger area of the ward, which can validate

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their actions and their proposals. This strengthens their position in the panchayat. It helps them to challenge corruption in the panchayat working, to break false myths and stereotypes of women that prevail in the larger community. Above all, the relationship of the sanghas with the elected women helps the latter to remain accountable to the interests of poor women in the villages in Karnataka.

Such an arrangement is not conventionally available in the villages of India, in the absence of a planned intervention to build grass-roots women's organisations. The elected women in most villages are therefore left on their own, unless there is a strong mahila mandal in the village, which is committed to the women's cause. There are few other programmes, initiated by women's groups or NGO's, in some areas of the country, which carry out a somewhat similar activity of linking up elected women with the village women. Examples of such programmes are SUTRA (Social Uplift Through Rural Action) in Himachal Pradesh and SSP (Swayam ShikshanPrayog) in Maharashtra. SUTRA has worked for more than two decades with mahila mandals and has helped them to break the isolation of village women in the sparsely populated areas of this hilly and mountainous state. SUTRA training has helped the women to become articulate in expression and sharp in the analysis of women's situation both in the household and outside. These groups function as a very effective watchdog mechanism. After the 73rd Amendment, SUTRA has linked up the elected women with the panchayats in the training and education programmes. SSP works with self-help groups in the Latur area of Maharashtra and follow the same strategy of providing a common forum for the elected women and the village women to combine, interact with each other and establish a solidarity network. This strategy of combining the strengths of elected panchayat women with the collectivity of village women through training, information and education needs to be taken up across the country.

Summary

Panchayats has been an instrument of empowerment, using positive discrimination as a means of giving women a chance to enter the public and political sphere of decision making. The panchayats have still not come up on their own, to their full strength, in term of authority, resources. devolution of responsibilities and powers. 'There seems to be tremendous politico-bureaucratic resistance to panchayats playing their mandated role as institutions of self-government in the rural areas. In this situation, where only the formal structures are in position and the decentralization and devolution processes are not complete, it is equally difficult for both elected men and women to contribute their best to panchayati raj. In spite of this, elected women are struggling to find themselves an identity.

A combination of politics, patriarchy and bureaucratic opposition constitute an important features of this. In addition, women have to battle against their subjective negativities, such as illiteracy, lack of confidence, gender relations within the household, triple burden of work, etc. In spite of these barriers, elected women are eager to learn, to work and expand their consciousness and contribute to the local development. Elected women have their own strategies to overcome hurdles, their own ways of learning and doing. There is an urgent need to build up strong and cohesive grass-roots women's collectives in the village, using innovative methods of mobilization being used in many projects across the country. These women's groups can be a sustainable support for the elected women.

Keywords

Governance: The act of carrying out the regular activities of the state.

Franchise: Right of Vote

SelfAssessment

Q.1.Which state first started the Panchayat Raj System in India?

- A. Rajasthan
- B. Bihar
- C. Madhya Pradesh
- D. Andhra Pradesh

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- Q.2. Which state first reserve 50 per cent of seats for Women?
- A. Andhra Pradesh
 - B. Madhya Pradesh
 - C. Uttar Pradesh
 - D. Bihar
- Q.3. In which year the Rajasthan Panchayat Act was enacted?
- A. 1949
 - B. 1953
 - C. 1956
 - D. 1959
- Q.4. According to 73rd amendment, the tenure of panchayats is _____.
- A. 3 years
 - B. 4 years
 - C. 5 years
 - D. 6 years
- Q.5. _____ of seats are reserved for women in local self-governing institution as per 73rd and 74th amendment.
- A. 34%
 - B. 21%
 - C. 31%
 - D. 33%
- Q.6. In Maharashtra _____ seats are reserved for women in local self-governing institutions.
- A. 40%
 - B. 30%
 - C. 45%
 - D. 50%
- Q.7. The Ashok Mehta Committee laid greater emphasis on _____
- A. Gram Sabha
 - B. Zilla Parishad
 - C. Taluka Panchayat Samiti
 - D. Mandal Panchayat
- Q.8. Which of the following Article is related to Panchayati Raj?
- A. Article 243
 - B. Article 324
 - C. Article 124
 - D. Article 73
- Q.9. Which schedule was added to the Constitution by the 73rd Constitutional Amendment?
- A. 6th
 - B. 7th
 - C. 9th
 - D. 11th
- Q.10. Consider the following statements:

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1. According to Article 243D, one-third of the seats are reserved for the Scheduled Castes and Scheduled Tribes in every Panchayat.
2. Not less than one-third of the total number of seats reserved for the SCs and STs in every Panchayat are reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled Tribes.
3. Not less than one-third of the total number of offices of chairpersons in Panchayats at each level are reserved for women.

Which of the statements given above are correct?

- A. 1, 2 and 3
- B. 2 and 3
- C. 2 only
- D. 1 and 3

Q.11. Special representation in Panchayati Raj Institutions is given to _____

- A. women
- B. co-operative societies
- C. backward classes
- D. All of the above

Q.12. 74th amendment is related with _____

- A. rural
- B. urban
- C. town
- D. countryside

Q.13. 73rd amendment is focused on _____

- A. rural
- B. urban
- C. town
- D. countryside

Q.14. 33% of seat of Chairperson is reserved in PRI's for women.

- A. True
- B. False

Q.15. Choose the correct option-

1. Constitutional stature for the institution of panchayats throughout the country.
2. Provision for a three tier panchayat structure at district, intermediate and village level, with a life of five years.
3. Five-year tenures fixed for the elected bodies, elections to be held at regular intervals.
4. Seats to be reserved, by rotation, for members of scheduled castes and scheduled tribes to the extent of the proportion that their population bears to the total population of the area.

- A. 1, 2 and 3
- B. 2 and 3
- C. 1, 2, 3 and 4
- D. 3 and 4

Answers for Self Assessment

1. A 2. D 3. B 4. C 5. D

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6. D	7. D	8. A	9. D	10. B
11. D	12. B	13. A	14. A	15. C

Review Questions

- Q.1. Explain the changes introduced by 73rd amendment in PRIs.
- Q.2. Write a note on Panchayat system in India
- Q.3. Examine the regional variations in women's political participation.
- Q.4. Discuss in detail 74th Constitutional amendment.
- Q.5 Give suggestions to improve women's political participation.

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Unit 11: Contemporary Issues taken up by Women's Movement in India I

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Objectives

After this lecture you would be able to –

- explain different elements within the act of human trafficking that makes it an organized crime; and
- explain how networks and syndicates function in the whole organized crime of human trafficking.
- Understand the aspects of honour killing in India.

Introduction

The genesis of the new women's liberation movement lay in the radicalization of Indian politics in the late sixties. The rebellious mood of the youth, poor peasants, marginal farmers, educated dalit and tribal men and women, industrial working classes found its expression in the formation of innumerable special interest groups addressing themselves to the needs and demands of the local masses. Macro political processes were also finding major shifts in their rhetoric as the protest movements of the subaltern masses had taken militant paths guided by different political ideologies.

11.1 Trafficking of Women

Women are one of the major groups considered most vulnerable to human trafficking. For purposes of sexual or commercial exploitation, women and girls are kidnapped, sold, and coerced by slavers in nearly every country in the world. Though many human rights and governmental organizations agree that trafficking in women is a serious violation of human rights that needs to be fought, the complex and widespread operations of human trafficking make prosecution and punishment of traffickers nearly impossible in many cases. Trafficking in women is an ancient enterprise that dates back nearly to the beginnings of civilizations. Female slaves were often highly valued in the ancient nations for use as prostitutes, concubines, or to breed more slaves.

One of the most common reasons for trafficking in women today is to fuel the prostitution trade. Traffickers often recruit or buy women from destitute areas, promising to smuggle them to a new country and find them work as domestic servants. In truth, the women are often raped and abused by their recruiters, and then sent to brothels or underground prostitution rings where they are

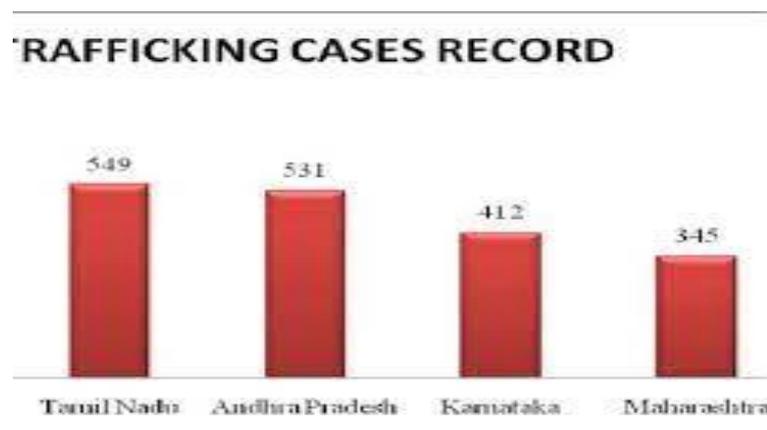
sometimes literally held under lock and key. Many are told that they will have to work in the sex industry until the debt for their transport has been paid off, which may effectively be for the rest of their lives. Health officials insist that trafficking in women causes significant health risks to the general public, especially in terms of sexually transmitted diseases. Women sold into prostitution are often discouraged or forbidden from using contraceptives such as condoms, and thus become high-risk candidates for the spread of diseases. Since these women are usually tightly controlled, they also have limited access to any type of health care, and are thus far more likely to suffer from illnesses of all kinds.

Trafficking in persons is “a serious crime and a grave violation of human rights. Every year, thousands of men, women and children fall into the hands of traffickers, in their own countries and abroad. Almost every country in the world is affected by trafficking, whether as a country of origin, transit or destination for victims”.

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines “trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

India is also a destination for women and girls from Nepal and Bangladesh trafficked for the purpose of commercial sexual exploitation. Nepali children are also trafficked to India for forced labour in circus shows. Indian women are trafficked to the Middle East for commercial sexual exploitation. Indian migrants who migrate willingly every year to the Middle East and Europe for work as domestic servants and low-skilled labourers may also end up part of the human-trafficking industry. In such cases, workers may have been 'recruited' by way of fraudulent recruitment practices that lead them directly into situations of forced labour, including debt bondage; in other cases, high debts incurred to pay recruitment fees leave them vulnerable to exploitation by unscrupulous employers in the destination countries, where some are subjected to conditions of involuntary servitude, including non-payment of wages, restrictions on movement, unlawful withholding of passports, and physical or sexual abuse. In a recent survey in India, prostituted women cited the following reasons for their remaining in the trade, reasons that have been echoed in all concerned countries. In descending order of significance, they are: poverty and unemployment; lack of proper reintegration services, lack of options; stigma and adverse social attitudes; family expectations and pressure; resignation and acclimatization to the lifestyle. The two principal Indian laws that address trafficking and prostitution in particular are:

- The Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA) and
- The Immoral Traffic (Prevention) Act of 1986 (ITPA), colloquially called PITA, an amendment to SITA.



Neither law prohibits prostitution per se, but both forbid commercialized vice and soliciting. Aside from lack of enforcement, SITA is problematic in several ways. One of its drawbacks is that the prescribed penalties discriminate on the basis of sex: a prostitute, defined under SITA as always a woman, who is arrested for soliciting under SITA could be imprisoned for up to a year, but a pimp faces only three months. SITA allowed prosecution of persons other than the prostitutes only if the

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persons involved "knowingly" or "willingly" made women engage in prostitution. Accordingly, pimps, brothel owners, madams, and procurers could feign ignorance of prostitution and escape punishment. The client, moreover, was not viewed as an offender and could not be sanctioned under SITA. Finally, SITA only addressed street prostitution; prostitution behind closed doors was left alone -- a loophole that actually promoted the establishment of brothels.

According to a recent survey women are bought and sold with impunity and trafficked at will to other countries from different parts of India. These girls and women are sourced from Dindigul, Madurai, Tiruchirapalli, and Chengalpattu in TamilNadu, Gaya, Kishanganj, Patna, Katihar, Purnea, Araria and Madhubani from Bihar, Murshidabad and 24 Parganas in West Bengal, Maharajgunj from UP, Dholpur, Alwar, Tonk from Rajasthan, Mangalore, and Gulbarga and Raichur from Karnataka. These women and girls are supplied to Thailand, Kenya, South Africa and Middle East countries like Bahrain, Dubai, Oman, Britain, South Korea and Philippines.

They are forced to work as sex workers undergoing severe exploitation and abuse. These women are the most vulnerable group in contracting HIV infection. Due to unrelenting poverty and lack of unemployment opportunities there is an increase in the voluntary entry of women into sex work. Trafficking both for commercial sexual exploitation and for non-sex based exploitation is a transnational and complex challenge as it is an organized criminal activity, an extreme form of human rights violation and an issue of economic empowerment and social justice.

The trafficking of women and children causes untold miseries as it violates the rights and dignity of the individual in several ways. It violates the individual's rights to life, dignity, security, privacy, health, education and redressal of grievances.

The following are the reasons for increasing for women and young girl trafficking in India. They are-

- **Forced marriage:** Girls and women are not only trafficked for prostitution but also bought and sold like commodity in many regions of India where female ratio is less as compared to male due to female infanticide. These are then forced to marry.
- **Bonded labour:** Though debt labour is not known much but it is illegal in India and prevalent in our society. According to the International Labour Organization there are more than 11.7 million people working as a forced labour in the Asia-Pacific region. People running out of cash generally sell their kids as debt labour in exchange for cash. Both boys and girls are sold for this purpose and generally not paid for years. Victims of human trafficking have great chances of suffering from issues like mental disorders, depression and anxiety. Women forced into sexual trafficking have at higher risk of getting affected from HIV and other STDs.
- **Action against guilty:** Under the Immoral Trafficking Prevention Act (ITPA) trafficking for commercial sexual exploitation is penalized. The punishment ranges from seven years' to life imprisonment. The Bonded Labor Abolition Act, the Child Labor Act, and the Juvenile Justice Act prohibit the bonded and forced labor in India. Because of the brutal gang rape of December 2012, government has passed a bill in which laws related to sexual violence and making sex trafficking have been amended. But still there is a huge gap between enactment and enforcement of these laws.

Piloting Good Practices

In order to ensure effective implementation of the existing law there is a need for sensitization of all concerned in the criminal justice system, including judicial officers, prosecutors, medical experts, Police officers. Moreover there should be partnership with the NGOs so as to ensure law enforcement, rescue, prevention, counseling, rehabilitation, reintegration, social empowerment etc. The piloting good practices are:

- Compulsory Registration of birth with special focus in vulnerable areas
- More than 70% of victims belong to SC and backward castes.

- Devise a system to monitor missing persons across district and state borders.
- Creating a database on trafficking • Drawing up specific guidelines for investigation and prosecution of trafficking
- Identifying areas for law reforms in the area of trafficking.
- Coordination among different state police departments working in this field
- Permanently closing brothels known for repeated offences
- Improvements in victim care at government run facilities.
- Victim Compensation Fund to be created so as to provide vocational trainings, give loans etc.
- Formation of Community Vigilant groups in vulnerable areas
- Drop in centers and night care services for children in red light areas

Action/Initiatives By The (MWCD)

The Ministry of Women and Child Development (MWCD) in an attempt to stop the trafficking of women and children has undertaken a number of initiatives.

- National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children 1998, was formulated with the aim of mainstreaming and reintegrating victims of trafficking.
- Central Advisory Committee (CAB) was constituted to advice on methods and tactic to address the problem.
- Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation protocol was published as guidelines for all stakeholders.
- Ministry of Home Affairs has set up of a dedicated nodal Cell with responsible for providing state governments with the necessary research, studies and information.
- Training to all stake holders such as police, government officials, etc. to better understand the situation and hence respond properly to a suspicious activity or person.
- The MWCD runs Shelter based homes Short Stay Homes, Swadhar Homes for women in difficult circumstances
- With the Ministry of External Affairs, MWCD has endeavoured to create special task forces to combat cross border trafficking.

Suggestions and Strategies for Preventing the Women and Girl Child Trafficking

The UN's Protocol contains a number of provisions aimed at preventing trafficking. State parties are required to establish policies, programmes and other measures aimed at preventing trafficking and protecting trafficked persons from re-victimization. The existence of vulnerable situations of inequality and injustice coupled with the exploitation of the victim's circumstances by the traffickers and others cause untold harm to the trafficked victim who faces a multiplicity of rights violations. Therefore policies, programmes and strategies that address prevention have to be unique with a focus on and an orientation towards all these issues.

- At the micro level the prevention of trafficking in the source areas requires a working partnership between the police and NGOs. Public awareness campaigns and community participation is the key to prevention programmes. Prevention is best achieved by community policing.
- Creating legal awareness is one of the most important functions of any social action programme. Legal awareness empowers people by making them aware of their rights, and

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can work towards strengthening them to develop zero tolerance towards abuse and exploitation.

- Gender discrimination and patriarchal mindset are important constituents and catalysts of the vulnerability of women and girl children. This manifests itself in several serious violations of women's rights such as high incidence of female feticide and infanticide and the discrimination against women in healthcare, education and employment. Since these are vulnerability factors that trigger trafficking prevention strategies need to be oriented accordingly.
- Help lines and help booths are very important for providing timely help to any person in distress. The Ministry of Social Justice and Empowerment is considering collaboration between government agencies and NGOs for setting up help lines and help booths that can provide timely assistance to child victims. It will be appropriate if the Child lines all over India, NGOs working on child rights, missing person bureaus and police help lines are linked together as a formidable tool against trafficking.
- Immigration officials at the borders need to be sensitized so that they can network with the police as well as with NGOs working on preventing trafficking.
- Natural calamities and manmade disturbances do exacerbate the vulnerability situation. Therefore relief and aftercare programmes need to have specific components focused on the rights of women and children.
- Political will is an essential requirement to combat trafficking.
- The best method of prevention is its integration it with prosecution and protection. Prosecution includes several tasks like the identification of the traffickers bringing them to the book, confiscating their illegal assets. Protection of the trafficked victim includes all steps towards the redressal of their grievances thus helping the victim survive, rehabilitate and establish herself/himself. Thus prosecution and protection contribute to prevention.
- The strategies should address the issues of livelihood options and opportunities by focusing on efforts to eradicate poverty, illiteracy etc. There should be special packages for women and children in those communities where entry into CSE may be perceived as the only available option. Education and other services should be oriented towards capacity building and the consequent empowerment of vulnerable groups.

11.2 Honour killings and Khap Panchayats

Khap panchayat is the traditional local judicial body active in north-western states like Haryana, northern Rajasthan, rural belt of Delhi and western Uttar Pradesh. These panchayats are a part of the rural social set-up and have their roots intruded deep into the past, expected to be in the existence since fourteenth century. The four strong pillars of a rural society are Unity, Honor, Community and Brotherhood, any incursion of unfavorable practices into it creates an adverse environment, on the basis of this concept the emergence of such traditional judicial institutions could be conceived. The main work of traditional panchayats revolves around issues threatening the peace of villages, disputes over property and inheritance and sexual/marital transgressions.

The punishments that traditional panchayats hand out for transgressions are archaic. These punishments could be fines (nominal or substantial) to be deposited in a common fund of the panchayat, ritual expiation, public humiliation (ranging from blackening of the face, to rubbing the victim's nose into the dust, shaving of the head and dipping the victim's nose in human urine), forcing him or her to host a feast, subjecting the victim to a beating, forcing him or her to visit the elders in the village and give a public assurance not to err in future.

If we typically talk about khap panchayats, it is a traditional, non-constitutional and wholly illegal body, can be explained as the union of several villages, have their existence extensively in the rural regions of Haryana state and western UP state. They perform mainly three types of functions,

adjudicative, legislative and executive. They are like “self proclaimed courts” managed by the elderly people of dominant caste societies which are famous for “self-styled decision making” and sometimes are also called as social dictators.

The khap panchayats generally consist powerful persons of the society, majorly of dominant caste. The members of these panchayats are being the retired senior citizens who are considered to be the upholders of village norms, custodians of rural culture and guardians of public morality. These are elements of undemocratic parallel system which do not have any compatibility with the laws of Constitution of India. They are mainly in dominating states in the regions only where communities of Jats and Gurjars are in majority.

Political Structure of Khap Panchayats

The political structure of khap panchayat is not very much complex, they have 2 tier system, one is Khap Panchayat comprising of some villages and another Sarv-khap Panchayat which comprises all khap panchayats falling in its adjudicative domain.

1. Khap Panchayat at Villages level:- The khap panchayat at village level is the smaller body giving quick, unilateral and incontestable decisions on multiple and varied issues like social transgressions, marriage, offences, property rights, inheritance, or regarding situations threatening tranquility in the village. The members of this union being mostly the elder people of particular dominant castes especially of Jat community who are experienced and considered as the saviors of rural cultures, norms and as the best juries.

The members don't be democratically elected candidates with some legitimate eligibility, but they owe to their political status and societal endowments. They have their influence over this whole so called traditional judicial system. This panchayat gives harsh and humiliating punishments even on small mistakes; and the actions by villagers against the societal cultures, traditions and norms are like putting the hands in honeycomb. It is really the sad misfortune of the youth of these areas who are forced to blindly follow the age old rules or else perish at the hands of their own natures. The inter-caste marriages, intra-caste marriages and even intra-village marriages (sometimes not only one village which called village exogamy but the several villages which also called territorial exogamy in technical term) are taboos in these territories, the abolition of these diktats ordered by autocratic khap panchayats by young couples mostly result into their cold-blooded murders.

Beside as of adjudicative body, these panchayats also come into action as an executive one while the matters of implementation of its diktats and orders come. They appoint some members of the village community for this purpose to look deep into the matter of implementations.

2. Sarv-Khap Panchayat:- Sarv-khap panchayat is the collective body of many khap panchayats, they collectively form like a federal system. The matters related with two or more than two khaps, or any appealed matter after a khap panchayat by any victim are raised in this larger body in its general meetings.

The membership system of this council is voluntary, but it was not the same scenario during the medieval period at which all khap panchayats were under the jurisdiction of sarv-khap compulsively. Now only those khapsor castes which attend those meetings of the sarv-khap panchayat and agree with the decisions and resolutions passed by it are bound by them. It does not have hereditary pattern of choosing the head of the council to convene the meetings or gatherings, the president of the council is being elected by the members of different khaps at each meeting.

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Its executive powers are also limited in that they can only be exercised with the consent of those khaps which have agreed to implement its decisions within their clan areas. In its informal meetings, the sarv-khap mostly functions as an adjudicative body, and the implementation of the decisions is either left to the khaps concerned or to a committee of influential persons constituted with the consent of the khaps to see to their implementation.

Generally, the meeting of sarv-khap is convened once in five years but it can also be held before if the matter is of great importance. To convene a meeting of sarvkhap, five or six khaps together decide the venue and date for the same and one of the khap can play as a host for meeting. Then a working committee including important leaders from many khaps is formed which sends invitation to president and leaders of various khaps to have a participation in the meeting, make proper arrangements for food and accommodation and look for other facilities for leaders and for meeting. A different committee is also formed to decide agenda and make a note of the topics to be discussed in the meeting and passing of resolutions. The first formal meeting of the council held in the year 1950 after a gap period of about 100 years.

Peculiar Resolutions of Such Khap Panchayats

Initially the panchayats were working with good political ideologies keeping its eyes on establishing a value in the society and contributing something to the country. If we look towards the resolutions took by the sarv-khap panchayat bounding to all khaps falling in its judicial domain during its new inception periods, we will find that the resolutions were mostly confined to social and political areas and were easy to accept by the people in the area, like -

- People will donate to national defense fund in the wake of the Chinese aggression, help the government in forming a village volunteer force and urge farmers to grow more food.
- The panchayat should strive to eliminate the distinctions and barriers among different castes.
- For better educational facilities and management, the panchayat should try to raise funds. It will also promote the establishment of girl's college (But they had made a controversial point by urging to not promote co-education in schools and colleges).
- The slaughtering of Cows should be banned, production of milk and ghee in villages should be increased.
- The people should be made aware to the history of sarv-khap and khaps so that they could become able to know the role and importance of this organization in their lives and to make them follow its resolutions.
- Opening of military colleges.

But in contrary, the views of khaps have been unilateral towards customs and practices in marriages from their very inception. They take their daughters' marriage as a burden, try to evolve out from that in so what way and they try to spend as less money as they can do.

The resolutions that had been framed by the working committee to present it in general meeting of sarv-khap in 1950 exactly put its emphasis on those upper mentioned aspects -

- People should not incur heavy expenditure on daughters' marriages, particularly on extending hospitality to the grooms' parties.
- Display of ornaments by groom's father at the time of "the ceremony of welcome" held at the bride's house should stop.
- Not more than five persons should accompany a marriage party.

- No relations should be invited by bride's father at the time of her marriage, except her maternal uncle (mother's brother), for this custom entails heavy expenditure which the bride's father can ill-afford.
- The feast of mandha (final feast before the departure of the marriage party) should be discontinued.
- The engagement ceremony should be performed only with one rupee and the old custom of incurring heavy expenditure on this ceremony should be discontinued.
- The groom's father should not present more than 3 tolas of gold and 50 tolas of silver ornaments to the bride. The bride's father should not give more than 1 tola of gold and 25 tolas of silver ornaments.
- Only 5 items of clothes and 5 of kitchen ware should be given in dowry.
- The boy and the girl should be fully satisfied with each other before the marriage takes place. After the marriage, the husband should not leave his wife.
- The marriageable age for a boy should be 25 years and for a girl 16 years. Child marriages should be stopped.
- The custom of sending presents to daughter's husband's place on every festival after marriage should be discontinued.
- In the ceremony of gauna (when the bride goes to her husband's place for the second time after marriage), only five items of cloth and one set of wedding should be given by the girl's father. All other presents in cash or kind should be stopped.
- Other practices now prevalent in marriage ceremonies should also stop; and the money thus saved should be spent on education of boys and girls and for religious causes.

Beside to that from a decade from now, the khaps started intervening in the matters of marriages in a family coming in its jurisdiction territory too. This situation has resulted into a great chaos and has made the environment full of miseries and discouragement. The khaps have come with certain norms and regulations for marriages or other affairs –

- Inter caste marriages are strictly taboo, no one is allowed to marry outside their castes.
- A boy belonging to a particular clan is not allowed to marry a girl of his same clan (Intra clan marriages).
- The boy and girl of same village cannot marry even they have same clans.

The families denying to follow the irrational diktats and barbaric decisions suffer harsh punishments, the boy and girl can be banished out from the village and their families could be banish from the caste. In several recent cases, it has been seen that in cases of violation of marriage norms the panchayats even give diktats to do brutal murders of those boy and girl getting married or have married without notifying panchayat. The khaps oppose marriages between those who belong to same gotra because they believe all males and females belonging to same gotra are brothers and sisters.

The term "Honor Killings" is not very old in context of our country but is in light from a decade only. Honor killing is the murder of a family or clan member by one or more members of the family for imputing stain on the honor of family or clan. The reason of murder could be like refusal to do arranged marriage, committing adultery or being in a relationship with someone from another caste and many more. The number of such crimes is increasing constantly in country especially in khap areas. Such crimes also violate Articles 14, 15 (1) & (3), 19, 21 and 39 (f). In Indian Penal Code, the sections 299-304, 307, 308, 120A and B, 107-116, 34, 35 deal with the matters of honor crimes and have strong provisions for punishments.

To live in a rural Haryanavi society, one has to follow the typical feudal, old customs and norms, having compatibility with the ideology of so called custodians of rural culture and guardians of public morality means khap panchayat. If the subject of women comes these male dominated societal organizations leave no spaces to them to live freely. They put various types of restrictions on even their normal daily activities, seize their fundamental and human rights and use them on the name of old and ridiculous customs as they want to.

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Some panchayats had also issued ridiculous regulations regarding girls, like, to not carry mobile phones and to not wear jeans pants. They treat women like a resource and do not involve them in any important thing of society.

Honor killings in possibly many aspects seem to be the result of the egos of panchayat and their fear to lose girls of their community (or clans). The cases of honor killings can be heard through every part of our country, no part is exception, but the areas like of Haryana and western UP have large number of cases. The cold blooded murders of young couples have been done on the autocratic diktats of khap panchayats because these khaps consider inter-caste, intra-clan and inter-village marriages against their culture. To the khap it does not matter that the parents of boy and girl may have arranged the marriage, a child may have already born of the marriage and that in the eyes of the law they have done no wrong.

Summary

Women trafficking and its consequences are not only far away and other people's problem. It is a problem of our daily life and happens right here in Winnipeg as well as in almost every other "civilized" city all over the world. Poverty and illiteracy are the main elements constituting the substratum for trafficking. The number of non-governmental organisations working in the field has increased enormously during the last few years. However, the vast majority of them are located in urban centres and very few have grassroots connections. Women trafficking touch every country and countless industries worldwide, and while there are many individuals and organisations working globally to combat this problem, it may take time before it is fully realised just how huge this issue is. The situation in the country presents a picture of lack of cohesion and coordination. Whether it is intra-state trafficking, inter-state trafficking or trans-border trafficking, the agencies involved in rescue do not seem to have any coordination with the agencies concerned with rehabilitation. The issue of missing women and children has been seen in isolation and was never seen in correlation with trafficking. There is no common platform linking up prevention strategies between source and destination areas. The absence of a national coordinating/monitoring agency has been a serious impediment in justice delivery and protection of human rights. Therefore, in order to ensure the best interests of the victims, to bring about effective coordination at the national level and to coordinate preventive strategies, programmes and policies, there is also a need for a national nodal agency to combat trafficking.

Keywords

Indian Penal Code: Indian body of law that lays down categories of offenses and stipulates punishment

Trafficking: Buying and selling or trading of girls and women for sexual purposes.

SelfAssessment

Q.1. Human trafficking is _____.

- A. slavery
- B. prostitution
- C. freedom
- D. honour

Q.2. What methods are used by traffickers to press victims?

- A. force
- B. fraud
- C. coercion
- D. love and affection

Q.3. Select the correct option-

'Article 23(1) of the Indian Constitution prohibits Trafficking, Begar and forced labour'.

- A. False
- B. True
- C. Both
- D. None of the above

Q.4. Which two principal Indian laws that address trafficking and prostitution in particular?

- A. The Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA)
- B. The Immoral Traffic (Prevention) Act of 1986 (ITPA), colloquially called PITA, an amendment to SITA.
- C. Both a and b
- D. None of the above

Q.5. What are the reasons for increasing for women and young girl trafficking in India?

- A. forced marriage
- B. Action against guilty
- C. bonded labour
- D. all of the above

Q.6. ITPA is _____.

- A. Immoral Trafficking Prevention Act
- B. Indecent Tracking Prevention Act
- C. Immoral Tracking Prevention Act
- D. Indecent Trafficking Prevention Act

Q.7. What is done by the government to stop the trafficking of women and children has undertaken initiatives?

1. Shelter based homes Short Stay Homes, Swadhar Homes for women in difficult circumstances
2. Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation protocol was published as guidelines for all stakeholders.
3. Ministry of Home Affairs has set up of a dedicated nodal Cell with responsible for providing state governments with the necessary research, studies and information.
4. Training to all stake holders such as police, government officials, etc. to better understand the situation and hence respond properly to a suspicious activity or person.

- A. 2 and 4
- B. 1, 2, 3 and 4
- C. 3 and 4
- D. 2, 3 and 4

Q.8. Khap panchayat is the _____.

- A. traditional local judicial body

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- B. local body
- C. local police system
- D. none of the above

Q.9. Honour Killings stems from _____ system.

- A. political
- B. cultural
- C. Social
- D. economic

Q.10. According to the immoral traffic (prevention) act of 1956, on first offence, what is the punishment for allowing your premises to be used for prostitution -

- A. One to Three years imprisonment and fine
- B. Up to Two years imprisonment and fine
- C. Two to Five years imprisonment and fine
- D. No imprisonment but only fine

Q.11. According to the immoral traffic (prevention) act of 1956, what is the punishment for procuring, inducing or taking a child for the sake of prostitution -

- A. One to Three years imprisonment and fine
- B. Rigorous imprisonment for Seven years to life and fine
- C. Seven to Twelve years rigorous imprisonment and fine
- D. none of the above

Q.12. Under immoral traffic (prevention) act 1956, a trafficking police officer can -

- A. arrest a suspect only with an arrest warrant
- B. search premises of the accused her/himself, with a search warrant
- C. search premises of the accused without any search warrant, but with two respectable witnesses
- D. remove any person found during the search from the premises of the accused, only after permission from the accused

Q.13. NCW stands for _____.

- A. National Council for Women
- B. National Committee for Women
- C. National Commission for Women
- D. National Congress for Women

Q.14. Honour Killing Violates which rights under Indian Constitution?

- A. Article 14
- B. Article 21
- C. Article 19

D. All of the above

Q.15. Choose the correct option-

1. Honour Killing is a crime in the name of 'honour' is one of a range of violent or abusive acts. This includes emotional, physical and sexual abuse and other coercive acts. In each of these cases, the family of the girl who has chosen to exercise her choice to marry is implicated.
 2. Sarv-khap panchayat is the collective body of many khap panchayats, they collectively form like a federal system.
 3. The khap panchayats generally consist powerful persons of the society, majorly of dominant caste.
 4. The members of these panchayats are being the retired senior citizens who are considered to be the upholders of village norms, custodians of rural culture and guardians of public morality.
- A. 1 and 2
 B. 2 and 3
 C. 1, 2, and 3
 D. 1, 2, 3 and 4

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. A | 2. D | 3. B | 4. C | 5. D |
| 6. A | 7. B | 8. A | 9. C | 10. B |
| 11. B | 12. C | 13. C | 14. D | 15. D |

Review Questions

- Q.1. Describe the causes of trafficking in India?
- Q.2. What is Honour Killing?
- Q.3. Analyse the role of Khap Panchayats in Honour Killing?
- Q.4. What are the constitutional rights in India to save women from immoral trafficking?
- Q.5. Discuss the Immoral Traffic (Prevention) Act of 1986?



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Weekly)

Unit 12: Contemporary Issues Taken Up by Women's Movement in India II: Violence against Women, NRI Marriages

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Objectives

The meaning of violence against women and the crimes often committed against women;

1. Various forms of violence against women;
2. To contextualize violence against women in the wider social, economic and political arena of power relations in the society; and
3. The legislative measures available to get protection from crime against women.

Introduction

Crime against women arises as a direct result of violence against them. The issue of violence against women has been the most important issue of women's movement in India since 1974-75. First it was the ever-increasing number of 'dowry deaths'. Then, from 1980, different rape cases foregrounded rape as a major issue. This was followed by the revival of the ancient custom of Sati. The limelight next shifted to female infanticide as well as female foeticide. There was the advent of ultra-modern medical forms of violence against females through bio medical practices, such as amniocentesis. Domestic violence, sexual harassment at work place are also forms of violence against women.

Crimes against women, like all other acts of violence and crimes, have to be seen in the social, economic and political contexts of power relations. It occurs within class and caste because of patriarchal social relations under which male power dominates. A narrow view of crime and violence sees it merely an act of illegal, criminal use of physical force. But a broader view includes exploitation, discrimination, upholding of unequal economic and social structures, the creation of an atmosphere of terror, threat or reprisal and all forms of religio-cultural and political violence.

United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". This encompasses, inter alia, "physical, sexual and psychological violence occurring in the family and in the community, including battering, sexual abuse of children, dowry-related violence, rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence perpetrated or condoned by the state".

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Violence is used to control women and it takes many forms, from rape and murder to female genital mutilation. Women-specific violence has the function of keeping women where they are, that is, within the house in a powerless position. Women become instruments through which the social system reproduces itself and through which systemic inequality is maintained. This is achieved through women's resourcelessness and economic and emotional dependence.

In India, women are guaranteed the rights to equality, freedom, opportunity and protection by the Constitution and several legislations. Despite all this, they continue to be victims of various forms of violence because of the male dominated society, media representation of violence, the increasing crime in society as a result of poverty, illiteracy and ignorance, poor enforcement of legal provisions, increasing consumerism and traditional values. Over the past decades, crime against women has been on increase. Alongwith this, there has been a growing awareness about this and the registration of crimes has also increased and the awareness of legal provisions of women's rights has also gone up. In India, three major Acts govern legal trials, which are:

- The Indian Penal Code (IPC)
- The Criminal Procedural Code (CrPC)
- The Indian Evidence Act (IEA)

Crimes, in which women alone are the victims, come under the category of 'Violence against Women' and special laws are made to tackle them.

Crimes Identified Under the Indian Penal Code

The following forms of violence against women are identified as crimes under the Indian Penal Code.

- Rape (Section 376 IPC)
- Kidnapping and Abduction for different purposes (Section 363-373 IPC)
- Homicide for Dowry, Dowry Deaths or their attempts (Section 302/304-B IPC)
- Torture, both mental and physical (Section 498-A IPC)
- Molestation (Section 354 IPC)
- Sexual Harassment (Section 509 IPC)
- Importation of Girls (up to 21 years of age) (Section 366 B IPC)

There are specific offences identified which are committed under the garb of social practices and which are punishable under special social enactments to safeguard women and their interest. These offences like sati, dowry demand, indecent representations of women, female foeticide, domestic and other forms of violence have been the issues of agitation by social activists, and the government of India has responded by enacting new laws or amending existing ones providing for stringent punishments. Sati, the custom of burning widows on the funeral pyre of their husbands was banned through legislation in 1829. RoopKanwar's Sati case in 1987 raised this issue again. There was large protest by women's organizations all over the country against Sati and its glorification. As a consequence, in December 1987, Parliament passed Commission of Sati (Prevention) Act 1987. But this had some shortcomings like it accepted Sati as suicide. The Act does not notice that the women usually do not have a choice.

The Dowry (Prohibition) Act, 1961 made demanding and accepting dowry from the bride's family a criminal offence. Later amendments to the Act made punishment for offenses more stringent and shifted the burden of proof (that there was no demand for dowry) to the person who is alleged to have taken or abetted the taking of dowry. Any advertisement that relates to the offering of any share of property in consideration of marriage has also been made punishable.

In case of advertisements and portrayal of the image of women in media, the Indecent Representation of Women (Prohibition) Act, 1986, prohibits the indecent representation of women through advertisements, books, pamphlets, etc. One of the worst crimes against women emanating from the misuse of the advances in science and technology in modern times has been the increasing use of technology to determine the sex of the foetus with a view to abort the foetus if it is female. This crime against the unborn girl child is sought to be tackled through banning sex selection under Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994. Foeticide is an offence under the Indian Penal Code and infanticide is tantamount to murder.

The practice of flesh trade or trafficking in women is another crime committed against women. In order to control this the Immoral Traffic (Prevention) Act, 1986 was enacted. This Act covers all those persons who are sexually exploited for commercial purposes.

12.1 Violence against Women

The problem of violence against women remains a pervasive issue in all societies. Unfortunately, this violence takes many forms and occurs across national, cultural, racial, and religious borders. Violence against women takes various forms. It includes: domestic violence, rape, trafficking in women and girls, forced prostitution, and violence in armed conflict, such as murder, systematic rape, sexual slavery and forced pregnancy. It also includes honor killings, dowry-related violence, female infanticide and prenatal sex selection in favor of male babies, female genital mutilation, and other harmful practices and traditions.

A. Domestic Violence

One of the most heinous crimes against women is the sexual, physical and psychological violence that they experience at home and in most cases is committed by someone the women know and are intimate with. In 48 population-based surveys around the world, between 10 to 90 percent of women reported being physically assaulted by an intimate partner at some point in their lives. In some countries one in four women report sexual violence by an intimate partner, and up to a third of girls report forced sexual initiation.

Sexual violence crosses race, class and religious divides. In the U.S. a woman is beaten in every 18 minutes. Domestic violence is the leading cause of injury among women of reproductive age. In Paris, 70 per cent of all crimes reported to the police involve women beaten by their husbands. The practice of 'honor killings' – where relatives kill a woman for alleged adultery or sexual misconduct – are still common in many societies. In Bangladesh and India women are killed or burnt with acid for not bringing enough dowry into the husband's family when they marry.

Domestic violence is manifested in the form of wife battering in most of the cases. One of the important outcomes of the anti-rape and anti-dowry campaigns in India was the realization that violence in many forms may exist for a long time before it is recognized. Wife battering is invisible because it is hidden in the many intimate, intricate and complex layers of the relationship between husband and wife with overtones of romanticism, sexuality and patriarchy. However, the apprehension of treading into a very personal, private territory is quickly dissipated when the nature and extent of this violence is investigated, although there is no hard data to go by in case of domestic violence as the police does not register what they consider to be a 'private matter'. The law does not recognize wife beating except under the general category of manhandling or assault.

Wife battering does not even have social cognizance. By and large neighbors do not interfere even when they hear screams for help. However, one of the main reasons for the invisibility of wife battering is the acceptance and attitude of women themselves to this violence. Most of the women feel they must have failed as good wives. In that they seek to explain their husband's violence or alcoholism or unemployment or sorrow or evil habits acquired from friends.

Only 45 countries have legislation protecting women against domestic violence and many of these laws are not regularly enforced. In India, to deal with cases of domestic violence, the Indian Penal Code has been amended to provide punishment against cruelty to wife by her husband or relatives (any willful conduct) which is likely to drive the women to commit suicide or to cause grave injury or damage to life, limb or health (whether mental or physical) of the women or harassment of a women with a view to coercing her or her relatives to meet any unlawful demand for property or valuable security, which has been made punishable with imprisonment up to three years and fine. Recently, a new legislation titled Domestic Violence (Prevention) Bill, which was drafted by the National Commission for Women had been introduced in Parliament to curb domestic violence against women. This could be possible after a great need was highlighted and felt for a law on domestic violence. The Domestic Violence Bill, which had been pending before the Lok Sabha for many years has finally been passed and the legislation Protection of Women from Domestic Violence Act came into force in 2005.

B. Dowry Related Crime

In India, the Dowry Prohibition Act, 1961, defines dowry as "any property or valuable security given or agreed to be given either directly or indirectly a) by any party to a marriage to the other party; or b) by the parents of either party to a marriage or by any other person to either party to the marriage or the other person, at or before or after the marriage".

The Act says that any person who gives or takes or who abets the giving or taking of dowry shall be punished with a jail term which may extend to six months or with fine or with both. It is also an

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offence to demand, directly or indirectly from the parents or guardians of a bride any dowry and shall be similarly punished. However, presents in the form of cash, ornaments, clothes and other articles are excluded by the Act from its purview. As already mentioned, this Act was later amended to shift the burden of proof.

Unfortunately, despite this Act and other efforts against dowry, dowry deaths and other dowry related crimes have continued to increase over the years. In 1995, though in the country dowry deaths recorded a marginal increase in rate (0.6), the situation was worse in many states. Delhi had a high rate of 1.5, U.P. of 1.3 and Haryana 1.3 in 1995. Some of the measures which can reduce this crime include increase in literacy, employment and awareness regarding legal provisions, stringent laws, their effective implementations, intense social movement and strengthening women's property rights.

C. Rape

Rape is the most frequently occurring crime against women cutting across caste, class and religion. It is the most heinous crime that takes place in the society. Rapes are mostly committed by acquaintances, not strangers as is commonly believed. It is not a random but a premeditated act on the part of men. Neighbors pick out the most vulnerable woman who will not be able to complain or fight back, or men as a group may decide to demoralize another set of men of another caste or religion by dishonoring family izzat (honor) through the act of rape. Rapes that take place by family members are almost never reported. The extreme vulnerability of women, the sexual nature of the crime, societal attitudes regarding chastity, the indifference of the police and judicial procedures interact with each other to reverse the roles of the victim and violator.

The Indian Penal Code considers rape as a severe crime, cognisable, non-bailable and liable for stringent punishment. Section 375 of the IPC considers that rape is committed when a man has sexual intercourse with a woman against her will or without her consent or with her consent obtained through coercion, deception, unsoundness of mind or intoxication. However, it is very difficult to prove that consent was not given by the victim, this being the main criterion in proving rape cases. But now the rape law has been amended wherein the onus of proving herself innocent shall not lie with the victim but the rapist will have to prove this for himself. Before this latest amendment, the rape law was amended twice in 1980 and 1983 after a sustained campaign against this law took place after the Supreme Court judgement in Mathura Case.

Another problematic issue with a rape case is that of witnesses, which is very difficult as rape is not usually committed in the presence of others. Society itself creates a lot of problem by making the victim feel guilty. Rape is related to dishonor and shame. The number of victims, their silence, an unsure strategy of action, common myths and a lack of sensitivity towards the issue of rape demands a rethinking and better implementation of law.

D. Prostitution and Trafficking in Women

The practice of prostitution (now referred to as sex work) and trafficking in women is also one of the most agonizing crimes against women. Despite various legal and constitutional provisions for gender equality, crime against women goes on without any check.

The Suppression of Immoral Traffic in Women and Girls Act (SITA) 1956 was the first sustained legal effort to curb this practice. It was passed with the basic objective to punish brothel keepers, procurers and pimps and prevent prostitution in or outside the vicinity of public places. The Act is applicable to both men and women. The main purpose of the Act was to abolish or reduce commercialized vice, and traffic in women and girls. There were, however, certain loopholes in the Act as it put certain restrictions on the sex workers, which forced them to live in unhealthy and degrading environment. Section 7(1) of SITA operated against the interest of sex workers while the partner could get away easily. This Act also led to a lot of police harassment.

The Act was amended in 1978 and again in 1986 and now is called 'The Immoral Traffic (Prevention) Act. Its objective was to do away with the shortcomings of the previous Act. This Amended Act also did not declare prostitution illegal. Section 2 of this Act makes the definition of brothel to include any place used for the purpose of sexual exploitation or abuse. Life imprisonment is the maximum punishment ordained when the offence is committed against minors and children.

There were some efforts to make prostitution legalized in India. In 1997, an international conference of sex workers was organized in Kolkata where efforts were made in this direction. Declaring sex work as legalized can solve some of this problem but it can also lead to institutionalization of prostitution thus increasing the complexity of the problem.

E. Sexual Harassment

Irrespective of the age, class or dress, women are harassed on the streets, while travelling in buses or trains, or at their workplace. Harassment can range from verbal lampooning and abuse with suggestive sexual overtones or physical manhandling, and fingering to 'accidental' jostling against women. This is probably one of the few crimes, which is committed in the broad daylight and is among the many crimes perpetrated on women which are completely ignored by the police and the public. Colleges are important site of sexual harassment with a lot of ragging and verbal teasing taking place on campuses. Terms like eve teasing and a general attitude of 'boys will be boys' makes sexual harassment out to be an innocent and frivolous activity. What this perverted pleasure actually means and does to women is seldom considered. In order to be out on the streets, women have to take precautions, be wary and constantly on guard. Sexual harassment is designed to create an environment of fear.

Just as women's sexual and physical autonomy and dignity is at stake on the street, so is it at work. Sexual harassment at workplace should be considered even more seriously because it often spells demoralization, loss of professional self-confidence and even unemployment. All women are potential targets but young, unmarried ones seem to be especially victimized. Women are made the targets of unnecessary physical contact, deliberate verbal abuse or, in no uncertain words, asked for sexual favors.

The situations in which sexual harassment takes place might differ but the effect it has on women is quite similar. Women who are harassed begin to doubt their definition as workers and human beings, are overwhelmed by feelings of frustration and powerlessness and turn defensive, fearful and, work-wise, inefficient. Sexual harassment has often been called 'psychological rape'.

There are three sections of the IPC, 509, 294 and 554, which deal with sexual harassment but most of the times the cases are not reported so the legal provisions cannot be utilized. For dealing the cases of sexual harassment at workplace there is no protective legislation passed till date (though it is under the consideration of the central government); only guidelines are there given by the Supreme Court in the judgement of the case *Vishaka v/s the State of Rajasthan* (August, 1997) prohibiting sexual harassment at workplace.

F. Female Foeticide

It is not uncommon in India to kill newborn females by feeding them opium, poisonous berry extract, dipping them in milk or simply suffocating them. The new technology has added another dimension and a sense of legitimacy to the age-old practice of female infanticide. Female babies are now being eliminated even before they are born. An ultrasound test is performed by the doctors and once the sex of the foetus is known, the female foetus is killed by abortions. 'Better Rs 500 now than Rs 5 lakh later' says an advertisement for the amniocentesis test. This test has been banned in Government hospitals but private clinics and mobile vans continue to perform this test. Although there is a legislation against this test entitled 'Pre-natal Diagnostic Techniques (PNDT) Act, 1994', there are problems in detecting such cases and clinics and no complaints are lodged against the offenders. The Act has loopholes like it does not state the specific disorders and conditions under which the test would be permitted.

12.2 NRI Marriages

The full form of the NRI is nonresident Indian that itself speaks its meaning. The word NRI was not defined anywhere in Indian laws directly, it was explained by other ways in income tax act and Fema act. The general meaning for the NRI, non-resident Indian is a person who holds Indian passport and emigrate to other countries for the purpose of study or employment.

The dictionary meaning for marriage is: the legally or formally recognized union of two people as partners in a personal relationship (historically and in some jurisdictions specifically a union between a man and a woman). Therefore, we can simply say its partnership of man and woman to negotiate with life that is why they will be called as life partner. The parents of middle or High-class Indian girls are searching for NRI bridegrooms whenever they thought about performing marriage of girl, by presuming that they are earning a lot in abroad. If they perform marriage of their daughter with them, their daughter will lead happy life, but it turns a mirage and their life became nightmare because of the bridegroom or his family member's greediness towards money. The parents of bride also offering hefty amounts as dowry since he is an NRI and earning a lot, but missing a point or logic when he is earning a lot why they are demanding more dowry, there is no

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point in asking more. At the time of marriages, the parents also taking it as prestigious issue, and claiming it as great deed. Neither the parents nor the bride looking it as an offence till it became an issue. When it becomes an issue, they start pillar to post, by then their life's turns miserable.

The following laws governs the NRI's in respect of marriage, divorce, maintenance and custody of the children's -

- The Hindu Marriage Act, 1955,
- The Special Marriage Act, 1954,
- The Foreign Marriage Act, 1969
- The J&K Hindu Marriage Act, 1980
- Goa, Daman and Diu Laws
- Quaranic Laws of Muslims
- Parsi Marriage and Divorce Act, 1936
- The Indian Christian Marriage Act, 1872
- The Indian Divorce Act, 1869
- Hindu Adoption and Maintenance Act, 1956,
- The dissolution of Muslim Marriages Act 1939
- The divorce Act 1869
- The Marriage Laws (Amendment) Act, 2003 (Act No. 50 of 2003)

So all the laws that were in existence in India will be applicable to the NRI's, If both the spouses belongs to same religion, they will be governed by the law that covers the said religion, If they belongs to different religions they will be governed by the Special Marriage Act. Irrespective of caste or religion, one can follow Special Marriage Act. Section 5 of Hindu Marriage Act prescribes conditions of valid Hindu marriage, section 2 explanation specifies that Buddhists, Jains and Sikhs are Hindus. Section 4 of special marriage act prescribes conditions for solemnization of marriage, similarly Section 4 of foreign marriage Act. As per Section 4 of Christian marriage act, it has to be solemnized according to act. As per Section 10 it shall be performed in between 6 Am and 7 Pm. As per section 11 it has to be performed in church only unless there is no church within five miles. Section 3 of Parsi marriages and divorce act contemplates requisites of valid Parsi marriage. The uniformity of all the laws are that there should not be living spouse by the date of marriage, they must attain majority and not within the degree of prohibited relationship.

Issues of NRI Marriages

The issues that arose out of marrying NRI bridegroom are in addition to the issues that are being faced by Indian woman. We need not elaborate the issues that are being faced by the Indian women on this soil. These issues were culled out from the cases reported and decided by the courts.

1. Their NRI husbands were abandoning the brides after their short honeymoon. Sometimes due to their short cohabitation by then they became pregnant too. There were instances where the brides were left at airports by going to bring car.
2. Even if they were taken to abroad they were using like a maid servant arrested in a room and subjecting them to physical and mental harassment brutally assaulting them for money.
3. The NRI husbands providing false information in respect of their employments and social status and other particulars.
4. The bridegrooms taking advantage of legal provisions of western countries, which are liberal in granting Divorce, obtaining ex-parte divorce, they can get divorce within days of marriage. Where as in Indian system after marriage at least one and half years' time requires to take divorce on mutual consent 13 B of Hindu marriage act. If it's on contest we can imagine time requires to get divorce. There are 2001 HMOP's pending on the files of trial courts.
5. The Indian woman who were taken on abroad facing much hard ship without knowing the language and legal remedies available for them in the said country. Even they were not in possession to survive and feed their children.

6. They have to fight for maintenance of them as well as their child on the foreign soil. They have to fight for custody of child. It is well known fact the legal services are so expansive in the western countries.
7. The husbands obtaining divorce under foreign law, on that ground trying to evade maintenance.

Legal issues involved in NRI Marriages

Conflict of Laws

The Indian laws are more stringent than the western countries in respect of divorce. The husbands who are residing western countries are take advantage of the laws where they are residing to avoid the Indian laws and obtain divorce decree. A question would arise about the validity of the divorce obtained from foreign countries, when the marriage was performed on Indian soil and as per the provisions of Hindu marriage act. In *Anubha v Vikas Aggarwal*. Where in the plaintiff, the young wife, was seeking decree of declaration that she was entitled to live separately from her NRI husband, the defendant. She also sought for a decree for maintenance in her favor besides the pendent lite expenses as she had been deserted and abandoned by him very soon after the marriage, after being subjected to cruelty. During the pendency of the suit when the wife learnt of divorce petition having been filed by the husband in the USA, she also approached the court to restrain that action from proceeding in the USA. Whereupon the Court passed the order restraining the defendant from proceeding further in the Court in the State of Connecticut, USA for a period of thirty days. However, in spite of the order the husband proceeded with the "No Fault Divorce Petition" proceedings in the US. When this fact was brought to the notice of the Court in India, the Indian Court passed an order asking the defendant for recording of the statement under Order X of the CPC and on his failure to appear, his defense was struck off and contempt proceedings were initiated. After the husband obtained the decree of divorce despite all these, the question that arose foremost for determination was whether the decree of divorce obtained from the Court at Connecticut in the USA during the pendency of the proceedings of the case in India in the given facts and circumstances was enforceable in law or not. The Court held that the ground on which the marriage of the defendant was dissolved is not available in the Hindu Marriage Act. The parties were Hindus, their marriage was solemnized according to the Hindu rites. Their matrimonial dispute or relationship was, therefore, governable by the provisions of Hindu Marriage Act. Since the plaintiff did not submit to the jurisdiction of the USA Court nor did she consent for the grant of divorce in the US Court the decree obtained by the defendant from the Connecticut Court of USA was held to be neither recognizable nor enforceable in India. Therefore, even the NRI husbands approach the courts where they residing and obtained divorce it will not bind if the grounds on which they obtained is not available in Indian laws.

In *DipakBannerjee v SudiptaBannerjee* (AIR 1987 Cal 491) the husband questioned the jurisdiction of Indian court to entertain and try proceedings initiated by wife under Section 125 for maintenance, contending that no Court in India had jurisdiction in international sense to try such proceeding as he claimed to be citizen of United States of America and his wife's domicile also followed his domicile. The Court held that where there is conflict of laws every case must be decided in accordance with Indian Law and the rules of private international law applied in other countries may not be adopted mechanically by Indian courts. The Court felt that keeping in view the object and social purpose of Sections 125 and 126, the objection raised by husband was not tenable and the jurisdiction of Indian Court was upheld as it was the court within whose jurisdiction she ordinarily resided.

Therefore, when there was conflict of laws the Indian laws prevail over foreign laws. The efforts of NRI's to go away from the Indian laws are only futile exercise.

Maintenance and child custody

Section 125 of CRPC, Section 24, 25 of Hindu Marriage Act and Section 20 of Domestic violence Act, Section 18 and 20 of Hindu adoption and maintenance Act contemplates the maintenance to the wife and children. Under section 125 of CRPC the wife can seek maintenance if she resides in India by the time of filing of the case, if she is unable to maintain herself. She can also seek maintenance for her minor child. As per section 24 of HMAAct interim maintenance and pendent lite expenditure can be sought. Under S 25 of HMAAct she can sought permanent alimony. In *Harmeeta Singh v RajatTaneja* 102 (2003) DLT 822 the wife was deserted by her husband within 6 months of marriage as she was compelled to leave the matrimonial home within 3 months of joining her husband in the US. When she filed a suit for maintenance under the Hindu Adoptions and Maintenance Act in

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India, the High Court disposed of the interim application in the suit by passing an order of restraint against the husband from continuing with the proceedings in the US court in the divorce petition filed by the husband there and also asking him to place a copy of the order of the High Court before the US court. The Court made some other observations while passing this order, mainly that even if the husband succeeded in obtaining a divorce decree in the US, that decree would be unlikely to receive recognition in India as the Indian court had jurisdiction in the matter and the jurisdiction of the US courts would have to be established under Section 13, CPC. The Court then said that till the US decree was recognized in India, he would be held guilty of committing bigamy in India and would be liable to face criminal action for that. The court also said that since the wife's stay in the US was very transient, temporary and casual, and she may not be financially capable of prosecuting the litigation in the US court, the Delhi courts would be the forum of convenience in the matter.

Summary

Violence against women is an obstacle to the achievement of equality, development and peace. Violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms. There is a long-standing failure both of the national and international community to protect and promote those rights and freedoms in the case of violence against women. Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. The violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.

There are many issues which pop up when an NRI marriage takes place. Granted that not all of them become nullities, but a majority of them are nothing but sham marriages, thought out and designed to cheat the unsuspecting and often oblivious spouse. This leads to the complete breakdown of both the marriage, and the spouse so cheated. These marriages often happen out of frivolous and ulterior considerations – luxury, wealth and greed. Marital responsibilities are non-existent for the spouse who is so inclined. The only way to lessen instances of sham NRI marriages is to first spread awareness amongst the gullible public about the positive and negative outcomes of such a marriage. They need to be made aware of their rights, and that's where the first suggestion comes in. The Indian Constitution provides for a Fundamental Right which allows women to gain the benefits of special laws made for them under Article 15 (3). But it is not that only women are made targets in NRI marriages. Some men too suffer under the burden of malicious suits filed against them by women, which is detrimental to marital harmony. The second suggestion regarding the creation of suitable legislations within the realm of Private International Law is viable only if India, as a signatory country to international conventions such as CEDAW, UDHR, ICCPR and ICESCR, adapts the vision embodied in these conventions and does so while keeping a balance between pro-women and patriarchal tendencies. Tilting towards the extremes of either is not something which is desirable, as it will surely hinder the making of a neutral legislation on Private International Law, and NRI marriages as a consequence. Scattered bits and pieces of relevant law only complicate matters of jurisdiction and applicability. Codification of laws related to Private International Law is of the essence. The only challenge to all of these possible solutions is the unrelenting, patriarchal mindset of our society, which, until the time it is made to yield to reason, will not allow awareness to spread and change to occur with respect to NRI marriages and the laws which, perhaps inadequately, govern it.

Keywords

1. Amniocentesis: Test to detect the condition of health and any abnormality of the foetus. In India it is done to detect the sex of the unborn child.
2. Criminal Procedure Code: The Code that lays down the procedural rules for investigation and trial.
3. Cognisable: Judicial or Legal, Liable for punishment
4. Domestic violence: Violence taking place within home, especially 'wife beating'
5. Female Foeticide: An act of killing or destroying a female foetus or unborn girl child through abortion.

6. Indian Penal Code: Indian body of law that lays down categories of offenses and stipulates punishment
7. Trafficking: Buying and selling or trading of girls and women for sexual purposes.

Self Assessment

1. Which of the following is not the duty of the protection officer according to the Protection of Women from Domestic Violence Act, 2005?
 - A. Ensure that the aggrieved person is provided legal aid under the legal services authorities Act, 1987.
 - B. Make a report on domestic incidence
 - C. Assist the Magistrate in the discharge of their functions under the Act.
 - D. Coordinate between the services provided by concerned ministries and NGOs

2. When Domestic Violence Act, was introduced?
 - A. 2003
 - B. 2004
 - C. 2005
 - D. 2006

3. Domestic Violence is under Section 3 of the Act cover the following kinds of abuses?
 1. Physical abuse,
 2. Sexual abuse
 3. Verbal and emotional abuse
 4. Economic abuse
 - A. 1 and 2
 - B. 2 and 3
 - C. 2,3, and 4
 - D. 1, 2, 3, and 4

4. Which among the following IPC deals with rape?
 - A. 375
 - B. B. 380
 - C. 450
 - D. 477

5. Which among the following is not included within the conviction of 'Indecent Representation Act, 1986'?
 - A. Representation in Monuments and Sculpture
 - B. Idols represented in Temples
 - C. any film within the provisions of Part II of the Cinematograph Act, 1952
 - D. Book and pamphlets

6. Which category of women can register complaint against the domestic violence?
 - A. Married
 - B. Adopted

- C. Women in Live-in relationship
D. All of the above
7. Read the statements and choose the incorrect option with regard to the Dowry in Ancient India-
- a. Women in ancient India had freedom to choose their spouse/counterpart.
 - b. In ancient India, kanyadaan was not considered complete unless varadakshina was given.
 - c. Dowry was given in cash/kind by the brides family to groom along with the bride.
 - d. The ancient texts allowed women unquestionable control over stridhana.
- A. a and b
B. a,b,c and d
C. c and d
D. a and c
8. Which of the following statements are correct-?
- a. The punishment for giving and taking dowry or abetting the give and take of dowry was earlier punishable by imprisonment up to 6-10 years of imprisonment, or a fine up to Rs. 10,000.
 - b. There is a ban on any advertisement on dowry.
 - c. Illumination, food and arrangement for serving the foods to the members of marriage party and expenses come under the Dowry Prohibition Act, 1861.
 - d. Valuable Security denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguish or release, or whereby any person acknowledges that he lies under legal liability, or has not a certain right.
 - e. appointment of Dowry Prohibition Officer by the State Government.
- A. a and b
B. a, b and c
C. a, b, c, d and e
D. a, d and e
9. Discrimination in Reproductive health shall not be done on the grounds of-
- A. Caste
 - B. expression of a particular gender identity
 - C. Person with disabilities
 - D. All of the above
10. Which provisions are related with women healthcare in Indian Constitution?
- a. Article 21
 - b. Article 39
 - c. Article 47
 - d. Part III of Indian Constitutions
- A. a, b, c
B. B,c, d
C. C and d

- D. A, b, c and d
11. Which among the following acts are related with
- A. The Hindu Marriage Act, 1955
 - B. The Special Marriage Act, 1954
 - C. The Foreign Marriage Act, 1969
 - D. Domestic Violence Act, 2005
12. Which incident led the the Rajasthan Government to issue ordinance to prevent Sati in 1987?
- A. Shah Banu Case
 - B. AnjanaMisra Case
 - C. Roop Kanwar Case
 - D. ArunaShanbaug Case
13. Does the marriage between Indian women and NRI taken place in India can be annulled?
- A. True
 - B. False
 - C. None of the above
 - D. Both a and b
14. Choose the correct option-
- 1. The Indian Constitution provides for a Fundamental Right which allows women to gain the benefits of special laws made for them under Article 15.
 - 2. Section 125 of CRPC , Section 24 ,25 of Hindu marriage Act and Section 20 of Domestic violence Act, Section 18 and 20 of Hindu adoption and maintenance Act contemplates the maintenance to the wife and children.
 - 3. Under section 125 of CRPC the wife can seek maintenance if she resides in India by the time of filing of the case, if she is unable to maintain herself. She can also seek maintenance for her minor child.
- A. 1 only
 - B. a and b
 - C. a, b and c
 - D. c only
15. Choose the correct option with regard to issues in NRI marraiges-
- 1. a. Woman married to an NRI who is abandoned even before being taken by her husband to the foreign country of his residence.
 - 2. Woman brutally battered, assaulted, abused both mentally and physically, malnourished, confined and illtreated and made to escape or was forcibly sent back.
 - 3. A fast engagement, followed by a huge wedding, an enormous dowry and a honeymoon, after which the NRI husband flies out of India while the wife waits for her visa.
 - 4. NRI husband was already married within the other country to a different woman.
- A. 1 and 2
 - B. 2, 3 and 4
 - C. 3 and 4

D. 1, 2, 3 and 4

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. D | 2. C | 3. D | 4. A | 5. B |
| 6. D | 7. B | 8. C | 9. D | 10. D |
| 11. D | 12. C | 13. A | 14. C | 15. D |

Review Questions

1. Discuss the impact of NRI marriages on Indian women?
2. Why women in society are subjected to violence?
3. What is Rape? What are legal and constitutional provisions for the rape?
4. Examine the judicial and constitutional provisions with regard to NRI marriages in India?
5. Write a note on Domestic Violence Act, 2005.



Further Readings

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Unit 13: Crime against Women and Laws in India I

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Objectives

After completing this Unit, you shall be able to:

- Understand various laws for protection of women.
- Examine various legal aids for women for securing her dignity.
- Analyze the impact of various acts on women and their life

Introduction

“Significant numbers of the world’s population are routinely subject to torture, starvation, terrorism, humiliation, mutilation and even murder simply because they are female. Crimes such as these against any other group be recognized as a civil and political emergency”.

United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. This encompasses, inter alia, “physical, sexual and psychological violence occurring in the family and in the community, including battering, sexual abuse of children, dowry-related violence, rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence perpetrated or condoned by the state”.

Violence is used to control women and it takes many forms, from rape and murder to female genital mutilation. Women-specific violence has the function of keeping women where they are, that is, within the house in a powerless position. Women become instruments through which the social system reproduces itself and through which systemic inequality is maintained. This is achieved through women’s resource lessness and economic and emotional dependence.

In India, women are guaranteed the rights to equality, freedom, opportunity and protection by the Constitution and several legislations. Despite all this, they continue to be victims of various forms of violence because of the male dominated society, media representation of violence, the increasing crime in society as a result of poverty, illiteracy and ignorance, poor enforcement of legal provisions, increasing consumerism and traditional values. Over the past decades, crime against women has been on increase. Along with this, there has been a growing awareness about this and the registration of crimes has also increased and the awareness of legal provisions of women’s rights has also gone up. In India, three major Acts govern legal trials, which are:

- The Indian Penal Code (IPC)

- The Criminal Procedural Code (CrPC)
- The Indian Evidence Act (IEA)

Crimes, in which women alone are the victims, come under the category of 'Violence against Women' and special laws are made to tackle them.

There are specific offences identified which are committed under the garb of social practices and which are punishable under special social enactments to safeguard women and their interest. These offences like sati, dowry demand, indecent representations of women, female foeticide, domestic and other forms of violence have been the issues of agitation by social activists, and the government of India has responded by enacting new laws or amending existing ones providing for stringent punishments. Sati, the custom of burning widows on the funeral pyre of their husbands was banned through legislation in 1829. Roop Kanwar's Sati case in 1987 raised this issue again. There was large protest by women's organisations all over the country against Sati and its glorification. As a consequence in December 1987, Parliament passed Commission of Sati (Prevention) Act 1987. But this had some shortcomings like it accepted Sati as suicide. The Act does not notice that the women usually do not have a choice.

8.1 Rape Laws (reference to Sec 375 IPC)

Rape is the most frequently occurring crime against women cutting across caste, class and religion. It is the most heinous crime that takes place in the society. Rapes are mostly committed by acquaintances, not strangers as is commonly believed. It is not a random but a premeditated act on the part of men. Neighbours pick out the most vulnerable woman who will not be able to complain or fight back, or men as a group may decide to demoralize another set of men of another caste or religion by dishonoring family izzat (honour) through the act of rape. Rapes that take place by family members are almost never reported. The extreme vulnerability of women, the sexual nature of the crime, societal attitudes regarding chastity, the indifference of the police and judicial procedures interact with each other to reverse the roles of the victim and violator.

The Indian Penal Code considers rape as a severe crime, cognizable, non-bailable and liable for stringent punishment. Section 375 of the IPC considers that rape is committed when a man has sexual intercourse with a woman against her will or without her consent or with her consent obtained through coercion, deception, unsoundness of mind or intoxication. However it is very difficult to prove that consent was not given by the victim, this being the main criterion in proving rape cases. But now the rape law has been amended wherein the onus of proving herself innocent shall not lie with the victim but the rapist will have to prove this for himself. Before this latest amendment, the rape law was amended twice in 1980 and 1983 after a sustained campaign against this law took place after the Supreme Court judgement in Mathura Case.

Rape under the sexual offences act, 2003

Rape is defined under Section 1 of the Sexual Offences Act, 2003. It reads as follows -

"A person (A) commits an offence if -

1. he intentionally penetrates the vagina, anus or mouth of another person (B) with his penis,
2. B does not consent to the penetration, and
3. A does not reasonably believe that B consents."

The term 'vagina' mentioned in the definition included 'surgically constructed vagina'. In this sense, the Act has widened its scope by expanding its powers to the 'male to female transsexual people. Whereas in India, under the Indian Penal Code, 1860, section 375 defines the term rape, and the definition restricts itself victims who are women, transsexual people do not find a place in the definition.

The Act also defines the important term 'consent' under section 74 as 'For the purposes of this Part, a person consents if he/she agrees by choice, and has the freedom and capacity to make that choice.' "The issue of consent is central to the offence of rape and the three other principal offences in England and specifically involving non-consensual sexual activity, namely - (1) assault by penetration; (2) sexual assault; (3) causing a person to engage in sexual activity without consent." [12] Section 75 of the Act introduced a number of 'Evidence-based presumptions' for consent. It described conditions in which it was assumed that approval was not provided. Section 76 also provided requirements for 'conclusive consent presumptions,' including the deceit of the 'nature or intent of the appropriate law' or the impersonation of an individual earlier known to the complainant. [13]

In India, under the IPC, section 375, consent means “an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates a willingness to participate in the specific sexual act.” [14] Once the victim alleges that there is no consent, the charge is on the accused, and the statutory presumption raised against him must be dissipated. There is no other burden on the victim to determine the lack of permission. Under the Evidence Act, there is a presumption on the consent element favouring the victim.

8.2 Dowry Prohibition Act, 1961 (as amended in 1984 and 1986)

The object of this Act is to prohibit the evil practice of giving and taking dowry. Since the problem is basically a social one, the government has tried to tackle it by conferring improved property rights on the women by Hindu Succession Act, 1956. However, need for a law was felt to make the practice punishable and, at the same time, ensure that if any dowry is given, then its benefit goes to the women. This Act also aimed at educating the public and eradicating the evil.

In India, the Dowry Prohibition Act, 1961, defines dowry as “any property or valuable security given or agreed to be given either directly or indirectly a) by any party to a marriage to the other party; or b) by the parents of either party to a marriage or by any other person to either party to the marriage or the other person, at or before or after the marriage”. Therefore, dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to the marriage to the other party or by the parents of either party to a marriage or by any other person to either party to the marriage or to any other person at or before or any time after the marriage and in connection with the marriage of the parties. It does not include dower or mahr of Muslims. It is either cash or jewelry or valuables, given at the time or before or after the marriage to one of the parties to the marriage, generally to the bride, by the parents or relations of the bride, in connection with the marriage.

The Act says that any person who gives or takes or who abets the giving or taking of dowry shall be punished with a jail term which may extend to six months or with fine or with both. It is also an offence to demand, directly or indirectly from the parents or guardians of a bride any dowry and shall be similarly punished. However, presents in the form of cash, ornaments, clothes and other articles are excluded by the Act from its purview. As already mentioned, this Act was later amended to shift the burden of proof.

The Central Government staff has been barred from giving or accepting dowry. The following rule prohibiting the taking or giving of dowry was incorporated in February, 1976, in the Central Civil Services. Unfortunately, despite this Act and other efforts against dowry, dowry deaths and other dowry related crimes have continued to increase over the years. In 1995, though in the country dowry deaths recorded a marginal increase in rate (0.6), the situation was worse in many states. Delhi had a high rate of 1.5, U.P. of 1.3 and Haryana 1.3 in 1995. Some of the measures which can reduce this crime include increase in literacy, employment and awareness regarding legal provisions, stringent laws, their effective implementations, intense social movement and strengthening women’s property rights.

If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride, as the case may be, any dowry, he shall be punishable with imprisonment for a term, which shall not be less than six months, but which may extend to two years and with fine, which may extend to ten thousand rupees.

If any person offers, through any advertisement in any newspaper, periodical, journal or through any other media, any share in his property or of any money or both or a share in any business or other interest as consideration for the marriage of his son or daughter or any other relative, he shall be punishable with imprisonment for a term, which shall not be less than six months, but which may extend to five years, or with fine, which may extend to fifteen thousand rupees. Section 5 of the DPA declares any agreement for the giving or taking of dowry to be void.

Section 6 states that dowry is given for the benefit of the wife or her heirs: Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman:

- a) if the dowry was received before the marriage, within three months after the date of the marriage; or
- b) if the dowry was received at the time of or after the marriage, within three months after the date of its receipt; or

c) if the dowry was received when the woman was a minor, it must be given to her within three months after she becomes eighteen years old, and pending such transfer, shall hold it in trust for the benefit of the woman.

These are following punishments-

- 1) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefore or as required by sub-section (3), he shall be punished with imprisonment for a term, which shall not be less than six months, but which may extend to two years or with fine, which shall not be less than five thousand rupees, but which may extend to ten thousand rupees or with both.

When the woman is entitled to Dowry property under sub-section:

1) When she dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being. Provided that where such woman dies within seven years of her marriage, such property shall---

- a) if she has no children, be transferred to her parents, or
- b) if she has children, be transferred to such children and pending such transfer, be held in trust for such children.

The Act also provides for the appointment of Dowry Prohibition officers, lays down their jurisdiction and their duties and the power of the Central Government to make rules for the purpose of carrying out this Act. Most of the States have made their own amendments to this Central Act to effectively face the local situation. All of them have made the provisions more stringent. However, the incidents of harassment, torture, abetted suicide and dowry deaths continue unabated. Lack of education and economic dependence of women have encouraged the greedy perpetrators of the dowry crime. The Dowry Prohibition Act of 1961 has been amended from time to time, but this piece of social legislation does not appear to have served much of the purpose, as dowry seekers are hardly brought to book and the convictions are rather few.

The subject failure of the Dowry Prohibition Act to eradicate or even to curtail the evil prompted our legislature to enact The Criminal Law (Second Amendment) Act, 1983. In order to deal effectively not only with cases of dowry death, but also with cases of cruelty to married women by their in-laws, amendments were made in the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act.

Dowry killing is also a crime of its own kind. It becomes an immediate necessity for the husband and his family members to make the groom available in the marriage market. Thus, inconvenient brides have to be eliminated if they cannot feed the greed and avarice of their in-laws. A death can either be natural, accidental, suicidal or homicidal. It is for the court to conclude whether the death was homicidal on the basis of the facts on record.

In cases of bride burning, it has become the normal practice to involve every member of the family of the in-laws of the girl even if they are not in any way connected to the offence. However, the court is not expected to be swayed by the sentiments of the complainant family and try to rope in the innocent. It is the duty of the court to sift the evidence justifying the involvement of the real culprit.

Section 304-B was inserted in the IPC by dowry Prohibition (Amendment) Act, 1986 with effect from November 19, 1986. It is a special provision inserted to deal with dowry deaths. Practically, the presumption under Section 113-B of the Evidence Act has been incorporated into Section 304-B IPC also. Thus, if a woman dies within seven years of her marriage, and it is caused by any burns or bodily injury or occurs otherwise than under normal circumstances, and it is shown that before her death, she was subjected to cruelty or harassment by her husband, or any of his relatives for securing any property or valuable security from her or her relatives, it would come under dowry death, provided it is in connection with any demand for dowry. Whether such person is directly responsible for the death of the deceased or not by virtue of presumption, he is deemed to have committed the dowry death, if there was such cruelty or harassment, and the unnatural death occurred within seven years of the marriage. If there is proof of the person having intentionally caused her death, then it would attract section 302 IPC, which deals with murder.

Section 304-B of the Indian Penal Code reads as under:

Where the death of a woman is caused by burns or bodily injury, or occurs otherwise than under normal circumstances, within seven years of her marriage, and it is shown that, soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death" and such husband or relative shall be deemed to have caused her death.

Since the crimes of dowry deaths are generally committed in the privacy of residential homes and in secrecy, independent and direct evidence is not easy to collect. This is the reason why the Parliament introduced sections 113-A (Presumption as to abetment of suicide by a married woman) and 113-B (Presumption of dowry death) in the Evidence Act to strengthen the prosecution by permitting presumption to be raised if certain basic facts are established and the said death took place within seven years of the marriage.

8.3 Domestic Violence Act 2005

One of the most heinous crimes against women is the sexual, physical and psychological violence that they experience at home and in most cases is committed by someone the women know and are intimate with. In 48 population-based surveys around the world, between 10 to 90 percent of women reported being physically assaulted by an intimate partner at some point in their lives. In some countries one in four women report sexual violence by an intimate partner, and up to a third of girls report forced sexual initiation.

Sexual violence crosses race, class and religious divides. In the U.S. a woman is beaten in every 18 minutes. Domestic violence is the leading cause of injury among women of reproductive age. In Paris, 70 per cent of all crimes reported to the police involve women beaten by their husbands. The practice of 'honour killings' – where relatives kill a women for alleged adultery or sexual misconduct – are still common in many societies. In Bangladesh and India women are killed or burnt with acid for not bringing enough dowry into the husband's family when they marry.

Domestic violence is manifested in the form of wife battering in most of the cases. One of the important outcomes of the anti-rape and anti-dowry campaigns in India was the realization that violence in many forms may exist for a long time before it is recognized. Wife battering is invisible because it is hidden in the many intimate, intricate and complex layers of the relationship between husband and wife with overtones of romanticism, sexuality and patriarchy. However, the apprehension of treading into a very personal, private territory is quickly dissipated when the nature and extent of this violence is investigated, although there is no hard data to go by in case of domestic violence as the police does not register what they consider to be a 'private matter'. The law does not recognize wife beating except under the general category of manhandling or assault.

Wife battering does not even have social cognizance. By and large neighbours do not interfere even when they hear screams for help. However, one of the main reasons for the invisibility of wife battering is the acceptance and attitude of women themselves to this violence. Most of the women feel they must have failed as good wives. In that they seek to explain their husband's violence or alcoholism or unemployment or sorrow or evil habits acquired from friends.

Only 45 countries have legislation protecting women against domestic violence and many of these laws are not regularly enforced. In India, to deal with cases of domestic violence, the Indian Penal Code has been amended to provide punishment against cruelty to wife by her husband or relatives (any willful conduct) which is likely to drive the women to commit suicide or to cause grave injury or damage to life, limb or health (whether mental or physical) of the women or harassment of a women with a view to coercing her or her relatives to meet any unlawful demand for property or valuable security, which has been made punishable with imprisonment up to three years and fine. Recently, a new legislation titled Domestic Violence (Prevention) Bill, which was drafted by the National Commission for Women had been introduced in Parliament to curb domestic violence against women. This could be possible after a great need was highlighted and felt for a law on domestic violence. The Domestic Violence Bill, which had been pending before the Lok Sabha for many years has finally been passed and the legislation Protection of Women From Domestic Violence Act came into force in 2005.

In India, the Dowry Prohibition Act, 1961, defines dowry as "any property or valuable security given or agreed to be given either directly or indirectly a) by any party to a marriage to the other

party; or b) by the parents of either party to a marriage or by any other person to either party to the marriage or the other person, at or before or after the marriage”.

The Act says that any person who gives or takes or who abets the giving or taking of dowry shall be punished with a jail term which may extend to six months or with fine or with both. It is also an offence to demand, directly or indirectly from the parents or guardians of a bride any dowry and shall be similarly punished. However, presents in the form of cash, ornaments, clothes and other articles are excluded by the Act from its purview. As already mentioned, this Act was later amended to shift the burden of proof.

Unfortunately, despite this Act and other efforts against dowry, dowry deaths and other dowry related crimes have continued to increase over the years. In 1995, though in the country dowry deaths recorded a marginal increase in rate (0.6), the situation was worse in many states. Delhi had a high rate of 1.5, U.P. of 1.3 and Haryana 1.3 in 1995. Some of the measures which can reduce this crime include increase in literacy, employment and awareness regarding legal provisions, stringent laws, their effective implementations, intense social movement and strengthening women's property rights.

The objectives of the Act include the following.

- i) The act is intended to protect the women and make the legislation effective in real sense.
- ii) The act does not apply anything done to a woman elsewhere outside than the domestic environment. The act assures protection for women against deprivation of her right to life by the male members of the family and not females except in case where such woman is married woman.
- iii) Domestic violence is undoubtedly a human right issue. The state acts through this legislation to protect women against violence of any kind that takes place within the family.
- iv) It is intended to protect and promote gender equality within the meaning of Articles 14, 15, 21 of the Indian Constitution and to provide for a remedy to women under the civil law from being victims of domestic violence in the family.
- v) It extends to those women who are in living relationship with the abusers where both the parties have lived together in shared house-hold and are related by consanguinity marriage. The relationships with family members living together as a joint family are also included.
- vi) It gives the exhaustive definition of the word 'Domestic Violence' and ensures the right of the residence or securing the house-holds to the woman. Protection of Women from Domestic Violence Act, 2005
- vii) It empowers the Magistrate to pass protection orders in favour of the aggrieved women, besides providing for the appointment of Protection Officers and Service Providers involving the Non-Governmental organizations.

A Police Officer, Protection Officer, Service Provider or Magistrate who has received a complaint of domestic violence or is otherwise present at the place of an incident of domestic violence or when the incident of domestic violence is reported to him, shall inform the aggrieved person.

If an aggrieved person or on her behalf a Protection Officer or a Service Provider requests the person in charge of a shelter home to provide shelter to her, such person in charge of the shelter home shall provide shelter to the aggrieved person in the shelter home.

If an aggrieved person or, on her behalf a Protection Officer or a Service Provider requests the person in charge of a medical facility to provide any medical aid to her, such person in charge of the medical facility shall provide medical aid to the aggrieved person.

The State Government shall, by notification, appoint such number of Protection Officers in each district as it may consider necessary and shall also notify the area or areas within which a Protection Officer shall exercise the powers and perform the duties conferred on him by or under this Act. If any Protection Officer fails or refuses to discharge his duties as directed by the Magistrate in the protection order without any sufficient cause, he shall be punished with

imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both.

The Dowry Prohibition Act was an effort by our legislature to put an end to this social evil, but it did not succeed, as women were seen as economic liabilities. Parents of girls considered them to be burden to be got off from their backs at any cost. The unnecessary expenses on the occasion of marriages are considered as a prestige issue for the bride's family. The groom's family insists on a lavish party and the number of persons to be invited keeps increasing. If any gifts are given voluntarily to the bride or the groom, the same are welcome. However, as soon as there is an element of compulsion, it becomes anti-social and illegal. The Dowry Prohibition Act provides various punishments for demanding, giving or taking dowry. It clearly states who the beneficiaries should be in case there is voluntary dowry given to the bride. This has been an absolute failure as social sanctions did not accompany the provisions of law.

Keywords

1. **Protection Officer**- officer appointed by State to check the dowry cases.
2. **Dowry**- any property or valuable security given or agreed to be given either directly or indirectly by one party to the marriage to the other party
3. **Domestic violence**- mental, physical, sexual, verbal abuse within four walls.
4. **Abuse**- insult or humiliation
5. **Rape**- sexual assault

SelfAssessment

- Q.1. Which of the following laws created a favourable environment for women to secure freedom and self-development?
- A. Right to Information Act
 - B. Dowry Prohibition Act
 - C. Food Security Act
 - D. None of the above
- Q.2. As per the Dowry Prohibition Act 1961, when any person is prosecuted for taking or abetting the taking of dowry then the burden of proving that he/she has not committed the offence lies with
- A. everyone associated with the person who is being prosecuted
 - B. the person who is being prosecuted
 - C. the local councillor
 - D. the marriage registrar
- Q.3. Which of the following is NOT relevant as far as the Protection of Women from Domestic Violence Act is concerned
- A. Workplace
 - B. Monetary relief
 - C. Protection order
 - D. Physical abuse
- Q.4. According to the Dowry Prohibition Act 1961, what is the punishment for giving or taking or demanding or accepting dowry?

- A. Up to 5 thousand rupees fine
- B. Up to six months imprisonment and / or up to 5 thousand rupees fine
- C. Up to three months punishment and/or up to one thousand rupees fine
- D. Up to one year punishment and/or up to ten thousand rupees fine

Q.5. According to section 304B of IPC, if a woman dies under abnormal circumstances within _____ years of her marriage then it can be termed a dowry death, provided _____ is

- A. 5 years
- B. 6 years
- C. 7 years
- D. 8 years

Q.6. According to section 498A of IPC any cruelty for dowry to a woman by the husband or his relatives is -

- A. a non-bailable offence with up to three years jail and fine
- B. a bailable offence with up to three years jail and fine
- C. an offence with fine up to 5 thousand rupees
- D. a non bailable offence with up to seven years jail and fine

Q.7. Which of the following will not qualify as an act of rape?

- A. the penis attempts to but does not penetrate the vagina
- B. one has sex with a woman incapable of giving consent
- C. one has sex with wife with or without her consent
- D. one has sex with a woman of age less than 18 years

Q.8. What are the minimum and maximum punishments for a person convicted of raping a woman who has never been his wife?

- A. minimum seven years imprisonment; maximum death sentence
- B. minimum five year imprisonment; maximum ten year imprisonment
- C. minimum three year imprisonment; maximum death sentence
- D. minimum seven year imprisonment; maximum life imprisonment

Q.9. Read the statements and choose the incorrect option with regard to the Dowry in Ancient India-

- 1. Women in ancient India had freedom to choose their spouse/counterpart.
 - 2. In ancient India, kanyadaan was not considered complete unless varadakshina was given.
 - 3. Dowry was given in cash/kind by the brides family to groom along with the bride.
 - 4. The ancient texts allowed women unquestionable control over stridhana.
- A. 1 and 2
 - B. 1, 2, 3 and 4
 - C. 2 and 4
 - D. 1, 3 and 4

Q.10. Dowry is-

- A. property that a woman or her family gives to husband upon marriage.
- B. Any valuable security or property given or agreed to be given either directly or indirectly by the parents
- C. It is a consideration given by girl's family for marrying their daughter.
- D. All of the above.

Q.11. Which of the following statements are correct-

- 1. The punishment for giving and taking dowry or abetting the give and take of dowry was earlier punishable by imprisonment up to 6-10 years of imprisonment, or a fine up to Rs. 10,000.
- 2. There is a ban on any advertisement on dowry.
- 3. Illumination, food and arrangement for serving the foods to the members of marriage party and expenses come under the Dowry Prohibition Act, 1861.
- 4. Valuable Security denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguish or release, or whereby any person acknowledges that he lies under legal liability, or has not a certain right.
- 5. appointment of Dowry Prohibition Officer by the State Government.

- A. 1 and 2
- B. 1, 2 and 3
- C. 1, 2, 3, 4 and 5
- D. 2, 4 and 5

Q.12. Which of the following is not a type of abuse in Domestic Violence cases?

- A. Verbal
- B. Economic
- C. Sexual
- D. Physical
- E. Social

Q.13. What rights can be given to a women under Domestic Violence Act?

- 1. Apply for a protection order, an order for monetary relief, a custody order, a residence order, and/or a compensation order;
- 2. Free legal services under the Legal Services Authorities Act, 1987
- 3. File a complaint under section 498A of the Indian Penal Code.

- A. 1 only
- B. 2 and 3
- C. 1,2 and 3
- D. 3 only

Q.14. Against whom complaint can be filed in under Domestic Violence Act?

- A. Any adult male member who has been in a domestic relationship with the woman

- B. Relatives of the husband or the male partner
- C. Includes both male and female relatives of the male partner
- D. all of the above

Q.15. Does under Domestic Violence Act women other than married are included?

- A. True
- B. False

Answers for SelfAssessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. B | 2. B | 3. A | 4. B | 5. C |
| 6. A | 7. C | 8. A | 9. B | 10. D |
| 11. C | 12. E | 13. C | 14. D | 15. A |

Review Questions

- Q.1. What are the objectives of Dowry Prohibition Act, 1961?
- Q.2. Throw light on Rape laws.
- Q.3. What are the duties and functions of Protection officers under Dowry Prohibition Act, 1961?
- Q.4. What is Dowry Deaths?
- Q.5. Explain the legislative efforts to curtail dowry?



Further Readings

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Objectives

After completing this Unit, you shall be able to:

- Learn the laws that protects reproductive rights of women.
- Understand the intervention of legal aid to women through Constitution.

Introduction

Crime against women arises as a direct result of violence against them. The issue of violence against women has been the most important issue of women's movement in India since 1974-75. First it was the ever-increasing number of 'dowry deaths'. Then, from 1980, different rape cases foregrounded rape as a major issue. This was followed by the revival of the ancient custom of Sati. The limelight next shifted to female infanticide as well as female foeticide. There was the advent of ultra modern medical forms of violence against females through bio medical practices, such as amniocentesis. Domestic violence, sexual harassment at work place are also forms of violence against women.

Crimes against women, like all other acts of violence and crimes, have to be seen in the social, economic and political contexts of power relations. It occurs within class and caste because of patriarchal social relations under which male power dominates. A narrow view of crime and violence sees it merely an act of illegal, criminal use of physical force. But a broader view includes exploitation, discrimination, upholding of unequal economic and social structures, the creation of an atmosphere of terror, threat or reprisal and all forms of religio-cultural and political violence.

"Significant numbers of the world's population are routinely subject to torture, starvation, terrorism, humiliation, mutilation and even murder simply because they are female. Crimes such as these against any other group be recognized as a civil and political emergency" (Bunch and Carillo). United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". This encompasses, inter alia, "physical, sexual and psychological violence occurring in the family and in the community, including battering, sexual abuse of children, dowry-related violence, rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence perpetrated or condoned by the state"

Violence is used to control women and it takes many forms, from rape and murder to female genital mutilation. Women-specific violence has the function of keeping women where they are, that is, within the house in a powerless position. Women become instruments through which the social system reproduces itself and through which systemic inequality is maintained. This is achieved through women's resourcelessness and economic and emotional dependence.

14.1 Termination of Pregnancy Act 1971

THE MEDICAL TERMINATION OF PREGNANCY ACT, 1971 (hereinafter referred to as the MTPA) is considered by many to be one of the significant marks of India's social legislation. Its supporters have described key, opening the doors for reform and social change. More empiricists point to the gap between other social statutes, such as Abolition of Dowry Act, 1961, and reality, while some critics describe MTPA as a tool for encouraging immorality in society.

According to the Medical Termination of Pregnancy Act of 1971, only specific pregnancies will be permitted to be ended by licensed medical professionals. The primary objectives of the Act are also to reduce the death rate of women from unsafe and illegal abortions and to optimize the maternal health of Indian women. Only after this legislation were women entitled to have safe abortions, but only under specific circumstances.

Conditions

According to Section 3 of the Medical Termination of Pregnancy Act, 1971

"When pregnancies may be terminated by the registered medical practitioners."

- A licensed health professional who terminates a pregnancy in accordance with the law should not be held in violation of any crime listed in the Indian Penal Code, 1860, or any other legislation at the time of the medical procedure.
- Where the gestational period has not lasted longer than 12 weeks.
- Where the length and duration of the pregnancy has exceeded 12 weeks but not 20 weeks. The same should be decided on a case-to-case basis by the authentic assessments of the two doctors.
- When there is a probability that the unborn child will have poor physiological and mental health and may also be disabled.
- It is crucial to keep in mind that any girl under the age of 18 who is insane or of unsound mind cannot have her pregnancy terminated without her guardian's or parent's written authorization.
- A woman's bodily or mental health will be in great danger if the pregnancy is allowed to continue.

Hence, these are some of the conditions where medical termination of pregnancy is allowed. However, not all women have the privilege to opt for the termination of pregnancy as a matter of right. In India, all women are not allowed to medically terminate their pregnancies. As per the Medical Termination of Pregnancy Act of 1971, only married women and rape victims are allowed to terminate their pregnancies. Unmarried women, widows, as well as divorced women, are deprived of their right to terminate their pregnancies. So, these women have two options - either to continue their pregnancy or to opt for illegal methods of termination of pregnancy. Even married women do not have a fully qualified right to abort as they are supposed to prove the failure of contraceptives to avail themselves of the facility of medically terminating the pregnancy. This violates the fundamental right to privacy.

14.2 Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation and Prevention) Act, 1994 as amended in 2004,

The census data since 1981, mainly from 1901 to 2011 shows a steep and consistent decline in the sex ratio of the Indian population. According to studies by demographers sex differentials can be attributed to mortality rate, migration, sex ratio at birth and at times the undercounting of women

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at the time of population enumeration. Sex ratio in Punjab, Haryana and Rajasthan has been consistently low which has contributed to the overall deterioration in sex ratio of the country. In Rajasthan, the sex ratio kept fluctuating in a narrow band and always remained at a low level. Haryana, Andhra Pradesh and Karnataka are the States where the sex ratio has remained more or less stagnant. In West Bengal the sex ratio declined sharply from 1901 to 1941 and then made a gradual turnaround on an upward path to reach 934 in 2011.

Considering the magnitude of abortion seekers and the threat to their health due to lack of safe and legally verified services, the government of India passed the Medical Termination of Pregnancy Act in 1971. The Act specified the conditions under which women could seek abortion, the place and the provider who could provide abortions as per the framework of the law. In spite of the Act being passed since 1971, large numbers of women in India are unable to access to safe abortion services. The most vulnerable, i.e. women in rural areas, young women, unmarried women, uneducated and poor women are the worst affected.

The advent of new reproductive techniques brought sex detections tests into India. An otherwise patriarchal society which is ridden with son preference and daughter aversion appropriated the sex detection techniques to their advantage and used it liberally to eliminate unwanted girl children. The civil society organisations took serious note of this and campaigned against it. The most significant achievement was public awareness against sex-selection and the law banning the same. However, the civil society action to prevent sex-selection and the government's efforts to implement the law had a negative impact on women's access to abortion. In the enthusiasm to combat sex selective abortions, all abortions are under scrutiny. This has affected the already limited access women had to abortion facilities.

Abortion has always been a matter of debate and contention. Issues emanating from the socio-political scenario, in which abortion is discussed, contribute to the debate. The most vocal and long standing has been the pro-choice and anti-choice division within the abortion discourse. The pro-choice movement generally supports access to abortion and regards it as morally permissible, whereas the pro-life-movement opposes access to abortion and regards it as morally wrong. The pro-life movements and the pro-choice group's arguments against abortion focus around the following issues: when does life begin, is the foetus alive, is it human, is it a person, does it have human rights, is it physically independent, is abortion murder etc.

In the Indian context abortion is legally available till 20 weeks of pregnancy but only under certain conditions (MTP Act, 1971). According to the second view "right to abortion is an absolute right" and should be allowed at any time and without any conditions. Another issue which has surfaced after the PC-PNDT Act has come in to being is that of use of Prenatal Diagnostic Techniques for eliminating disabled fetuses. A closer look at the PCPNDT Act shows that while selection on the grounds of sex is banned as per the Act, but there is an affirmation towards selection on grounds of disability.

While there is a large amount of literature focusing on the issue of declining sex ratio and the need for legislative provision to combat that, literature on the implementation of the PCPNDT Act is not easily available. Most of the literature is from micro-studies and program implementation data from NGOs working on the ground. The section below summarizes the literature available on the origin of the Act, main provisions of the Act and the implementation process.

Four decades after Independence, as pre-natal diagnostic facilities became easily available, sex selective abortions contributed to low sex ratio, the Government issued a directive in 1978 banning the misuse of amniocentesis in Government hospitals/laboratories. Owing to the demands made by Forum against Sex Determination and Sex Pre-Selection, the government enacted a legislation to prevent sex determination tests – the Maharashtra Regulation of Pre-Natal Diagnostic Techniques Act, 1988. However, the sex selection technologies continued to be misused in other parts of India and the sex ratio declined further. Several groups across India debated the issue and demanded for urgent action. As a result in 1994, the Parliament enacted the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act on September 20, 1994. The Act, which came into operation from January 1, 1996, provided for the regulation of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital mal-formations or sex linked disorders; and the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide. The Act laid down a authority responsible for implementation of the Act and a detailed structure for aiding and advising the implementation process. It elaborates on the penalties for various offences and lays down who is to take cognizance of complaints – and how this is to be done. The Act of 1994 had several limitations and poor record of implementation. By then the

technology had also advanced and pre-conception selection techniques were available. As a response towards that, CEHAT, MASUM and Sabu George, filed a PIL demanding for an amendment to the Act. The Act was amended with effect from February 14, 2003 with a view to make it more comprehensive and renamed as Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PC-PNDT Act). It brought within its domain the techniques of pre-conception sex selection to pre-empt the misuse of such technologies. Clear provisions for the use, regulation and monitoring of ultrasound machines were included in the Act. The Act prohibits determination and disclosure of the sex of foetus, as well as any form of advertising about facilities of pre-natal determination of sex. It also lays down the punishments for infringement of its provisions – imprisonment up to five years and a fine up to Rs.1,00,000.

The PCPNDT (Prohibition of Sex Selection) Act of September 20, 1994, aims to prohibit sex selection before or after conception; regulate pre-natal diagnostic techniques for detecting genetic abnormalities, metabolic disorders, chromosomal abnormalities, congenital malformations or sex-linked disorders; and prevent the misuse of pre-natal diagnostic techniques for sex determination leading to 'female foeticide'. (The Act uses this term, but it has since been debated among rights groups; the preferred term is 'sex-selective abortion'.)

The Act stipulates that no genetic counselling centre, laboratory or clinic shall conduct or facilitate the use of any pre-natal diagnostic technique to determine the sex of a foetus. It states that no person shall cause or allow sex selection before or after conception.

The Act defines 'pre-natal diagnostic techniques' as all pre-natal diagnostic procedures and tests. 'Pre-natal diagnostic procedures' are all gynaecological, obstetrical or medical procedures for conducting any type of analysis or pre-natal diagnostic test for sex-selection before or after conception – including ultrasonography, foetoscopy, and taking samples of amniotic fluid, chorionic villi, embryo, blood or any other tissue or fluid of a man or woman before or after conception to be sent to a genetic laboratory or clinic. 'Pre-natal diagnostic test' refers to ultrasonography or any test or analysis of the amniotic fluid, chorionic villi, blood or any tissue or fluid of a pregnant woman to detect genetic or metabolic disorders, chromosomal abnormalities, congenital anomalies, haemoglobinopathies or sex-linked (genetic) diseases.

Only those genetic counselling centres, laboratories or clinics that are registered under this Act shall conduct, associate with, or facilitate activities related to pre-natal diagnostic techniques. Such entities shall not employ or take services from anyone who does not possess the qualifications prescribed by this Act. No medical geneticist, gynaecologist, paediatrician, registered medical practitioner or any other person shall conduct, cause to be conducted, or aid in conducting any pre-natal diagnostic techniques at a venue other than those registered under this Act. No person – including an infertility specialist or a team of specialists – shall conduct, cause to be conducted, or aid in conducting sex selection on a woman, man or both, or on any tissue, embryo, fluid, gametes or any product of conception derived from either or both of them. No person shall sell any ultrasound machine, imaging machine, scanner or any other equipment capable of detecting the sex of a foetus to any genetic counselling centre, laboratory or clinic, or any person who is not registered under the Act.

The Act mandates that pre-natal diagnostic techniques shall only be conducted for detecting abnormalities that include genetic metabolic diseases, haemoglobinopathies, sex-linked genetic diseases, congenital anomalies, chromosomal abnormalities, or any other abnormalities or diseases specified by the Central Supervisory Board. The Act stipulates that the central government constitute a such a board with the minister in charge of the Ministry or Department of Family Welfare, government of India, as its chairperson.

The Board shall advise the central government on matters relating to the use and misuse of pre-natal diagnostic techniques and sex selection techniques; monitor the implementation of the Act and recommend changes; create public awareness against sex selection and the pre-natal determination of the sex of a foetus; prescribe rules for genetic counselling centres, laboratories and clinics; and execute any other functions prescribed by the Act. The Act stipulates that a person qualified to conduct pre-natal diagnostic techniques shall only do so if the pregnant woman is above 35 years; or has undergone two or more abortions or 'foetal loss'; or has been exposed to potentially 'teratogenic' agents such as drugs, radiation, infection or chemicals; or she or her spouse

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has a family history of 'mental retardation' or physical deformities; or any other condition as may be specified by the Central Supervisory Board. Any deficiency or inaccuracy found in the ultrasonography records shall amount to contravention of the provisions of the Act, unless the person conducting the procedure proves otherwise. No person – including the husband or any relative of a woman – shall seek or encourage any sex selection technique on her or him or both. The Act stipulates that a person qualified to conduct pre-natal diagnostic techniques shall explain all known side effects of the procedure to the pregnant woman. The person shall obtain her written consent to undergo such procedures in a language which she understands, and provide her with a copy of the same.

The Act states that no person shall communicate the sex of the foetus – by words, signs, or in any other manner – to the pregnant woman, her relatives, or any other person.

No person or organisation that has the technology to determine the sex of a foetus shall issue, publish, distribute or communicate any advertisement of its facilities in any form, or facilitate the same. Any person or entity that contravenes the provisions of this Act shall be punishable with imprisonment for up to three years and with a fine of up to Rs. 10,000. On any subsequent conviction under this Act, they can be imprisoned for up to five years and fined up to Rs. 50,000. Anyone who seeks the aid of a genetic counselling centre, laboratory or clinic, a registered practitioner or any other person who can conduct pre-natal diagnostic techniques for purposes other than those specified in this Act shall be punishable with imprisonment for a term of up to three years and a fine of up to Rs. 50,000. On any subsequent conviction under this Act, such persons can be imprisoned for up to five years and fined up to Rs. 1 lakh. These provisions shall not apply to a woman who is compelled to undergo such diagnostic techniques or selection.

The PCPNDT (Prohibition of Sex Selection) 2003 was sanctioned on 20 September 1994 to forbid pre-birth demonstrative procedures for assurance of the sex of the unborn child, prompting female foeticide. In other words, the prime objective was to put a mind to female foeticide. Scrutiny of the Act demonstrates that it is a draconic demonstration from the purpose of its impact on radiologists. The Act doesn't offer an escape to the failing radiologist and yet it is exceptionally easy to satisfy and maintain the orders of the Act.

A glance at the essential prerequisites of the Act shows the straightforwardness, yet rebelliousness of the Act. The Act punishes all the errands, either engaged with sex assurance or non-support of records. It is enacted in a way that it ought to be an obstacle for those obtaining the goal of gender equality. The sad decrease in the male-female sex proportion has rendered the need to adopt strict measures such as the suspension of enrollment with the medical council, documenting criminal cases, and fixing of machinery for checking the same. Plus, the criminal indictment will likewise get suspension and dropping of enrollment allowed by the State Medical Council.

The Preconception and Prenatal Diagnostics Techniques (Prohibition of Sex Determination) Act 2003, with Rules made thereunder, is a demonstration to protect women. The Courts have, at all material occasions, and in every single imaginable way, conveyed decisions demonstrating that the PC-PNDT Act is a whip to punish those guaranteed gender equality and to fill in as an obstacle to other people. Listed below are the aims that the Act is supposed to reach:

- To ensure the implementation of all promotional schemes for girl children at the district level.
- Monitoring and evaluation of the implementation of the PNDT Act through community participation.
- Ensure accountability of implementing agencies through monitoring implementation of the Act through community participation.
- Tracking pregnancies, MTPs, and birth registration with the help of Anganwadi workers, ASHAs.
- Identifying violators of the Act through conducting detailed audits of form 'F' filled in for the pregnant women in the clinics.
- Develop a national, state, and district annual Plan.

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Listed below are the few exceptions where pre-natal diagnostic techniques shall be conducted for detection of the following abnormalities:

- chromosomal abnormalities
- genetic metabolic diseases
- Family history of diseases
- sex-linked genetic diseases
- congenital anomalies
- any other abnormalities or diseases as may be specified by the Central supervisory board

No pre-natal diagnostic techniques shall be used or conducted unless the person qualified to do so is satisfied that all of the following conditions are fulfilled, which are:

- age of the pregnant woman is above thirty-five years
- the pregnant woman has undergone two or more spontaneous abortions or fetal loss
- the pregnant woman had been exposed to potentially teratogenic agents such as drugs, radiation, infection, or chemicals
- the pregnant woman has a family history of mental retardation or physical deformities such as spasticity or any other genetic disease
- any other condition as may be specified by the Central Supervisory Board

no person, being a relative or the husband of the pregnant woman shall seek or encourage the conduct of any pre-natal diagnostic techniques on her except for the purpose specified in Section 5(2) of the PC-PNDT Act.

In the Indian context, abortion is wrongfully out there until twenty weeks of maternity however solely underneath bound conditions (Medical Termination of Pregnancy Act, 1971). Abortions within the trimester of maternity, although ridden with ethical positions, a square measure typically out there to women. The abortions that square measure wanted the primary trimester square measure usually treated as contentious problems. The trimester abortions square measure subjected to contention on the bottom that they're sex-selective abortions.

In Asian countries and most of South Asia, it's likely that almost all trimester abortions square measure sex-selective abortions (Gupte, Bandewar and Pisal 1997). Since the sex quantitative relation has been apace declining, policy manufacturers, service suppliers, and therefore the society at giant square measure gazing abortions with heap suspicion. during this case, the controversy has 3 angles: One version spoke communication that "Right to abortion doesn't embrace the right to sex-selective abortion".

The opposite version says "Right to abortion includes sex-selective abortions as well". The third read appearance at this whole discussion through a gender discrimination lens. The primary read is not anti-abortion.

It believes that among the larger procreative health framework, women have the correct to safe and legal abortion. however considering the very fact that the sex quantitative relation within the country is massively declining, no discussion on abortion is feasible while not considering the problem of sex-selective abortion (George and Dhaiya. 1998). For no matter reason, in the Asian nation, there's Associate in Nursing exaggerated consolidation of the read that sex-selective abortions square measure virtuously and ethically unacceptable and it has to be combated in most imperative terms. consistent with this perception dominant sex-selective abortions square measure a priority and everyone steps towards ought to be taken to combat the menace.

The most offensive and misguided feature of the law is its penalization for women to act as a deterrent for them. Such a clause can solely increase the misery of women in a context where the social system leaves very little space for women to make autonomous decisions and women are forced to create 'choices'. Penalization of women can solely facilitate the protection of the interests of those liable for providing such a facility.

Future technologies being developed for sex-determination, like testing of craniate cells in maternal blood, subtle techniques for sex-pre-selection, like electrolysis, Ericsson's methodology, etc are presently not coated underneath the law. Unless future technologies bring at intervals the scope of the law, it'll shortly become digressive to the terrible problems that are to be self-addressed by it.

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Effective implementation of the law appears close to impossibility. Preventing info concerning the sex of the craniate from being communicated, isn't sensible, given the very fact that those obtaining the sex of the fetus, can have an interest in knowing the results. By making a typical interest among the suppliers and users of the ability to evade detection, the task of checking the application has become tougher.

There is no provision for the creation of native vigilance committees which might contribute to effective implementation, and solely central and state-level bodies are nominal. Punishment for the offenders is nominal, and can not act as a deterrent given the super-profits generated during this business.

Thus, initiatives taken to control or regulate the functioning of the non-public medical sector through associate degree isolated legislation might not be the foremost acceptable manner. The opposite issue that emerges is that implementation of this Act needs a lot of general involvement of the State, and the enactment of legislation is merely the primary step in this direction. The State machinery, in this case, the health department, has got to play a lot of crucial roles, a task that is usually not recognized as core health performance.

14.3 Sexual Harassment at the Workplace and Judicial attitude

The Constitution of India ensures and guarantees every individual the right "to practice any profession, or to carry on any occupation, trade or business" as enshrined under Article 19(1) (g). Every woman has a constitutional right to participate in public employment and this right is denied in the process of sexual harassment, which compels her to keep away from such employment. Sexual harassment of woman at the place of work exposes her to a big risk and hazard which places her at an inequitable position vis-à-vis other employees and this adversely affects her ability to realize her constitutionally guaranteed right under Article 19(1) (g).

Sexual harassment of women at workplace is also a violation of the right to life and personal liberty as mentioned in Article 21 that no person shall be deprived of his life or personal liberty. Right to livelihood is an integral facet of the right to life.¹²⁷ Sexual harassment is the violation of the right to livelihood. For the meaningful enjoyment of life under Article 21 of the Constitution of India, every woman is entitled to the elimination of obstacles and of discrimination based on gender. Since the 'Right to Work' depends on the availability of a safe working environment and the right to life with dignity, the hazards posed by sexual harassment need to be removed for these rights to have a meaning.

The preamble of the Constitution of India contemplates that it will secure to all its citizens - "Equality of status and opportunity." Sexual harassment vitiates this basic motive of the framers of the constitution.

The concept of gender equality embodied in our Constitution would be an exercise in ineffectiveness if a woman's right to privacy is not regarded as her right to protection of life and liberty guaranteed by Article 21 of the Constitution of India. In view of the fact that sexual harassment of women at the workplace violates their sense of dignity and the right to earn a living with dignity, it is absolutely against their fundamental rights and their basic human rights.

Development of Law on Sexual Harassment in India

Workplace sexual harassment in India, was for the very first time recognized by the Supreme Court of India in its landmark judgment of *Vishaka & Ors vs State Of Rajasthan & Ors* 129 . Vishaka and other women groups filed Public Interest Litigation against State of Rajasthan and Union of India to enforce the fundamental rights of working women under Articles 14, 19 and 21 of the Constitution of India. The petition was filed after Bhanwari Devi, a social worker in Rajasthan was brutally gang raped for stopping a child marriage. The Supreme Court of India created legally binding guidelines basing it on the right to equality and dignity accorded under the Indian Constitution as well as by the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Effective from April 23, 2013; the Act is applicable to the 'whole of India'. As per the POSH Act, an 'aggrieved woman' in relation to a workplace, is a woman of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment.

The POSH Act applies to both the organized and unorganized sectors in India. It inter alia, applies to government bodies, private and public sector organizations, non-governmental organizations,

organizations carrying out commercial, vocational, educational, entertainment, industrial, financial activities, hospitals and nursing homes, educational institutes, sports institutions and stadiums used for training individuals and also applies to a dwelling place or a house.

Committees for complaints

An important feature of the POSH Act is that it envisages the setting up of a grievance redressal forum. The POSH Act requires an employer to set up an 'internal complaints committee' (ICC) at each office or branch, of an organization employing 10 or more employees, to hear and redress grievances pertaining to sexual harassment. The ICC will be a 4-member committee under the Chairpersonship of a senior woman employee and will include 2 members from amongst the employees preferably committed to the cause of women or has experience in social work/legal knowledge and includes a third party member (NGO etc.) as well.

At the district level, the Government is required to set up a 'local complaints committee' (LCC) to investigate and redress complaints of sexual harassment from the unorganized sector or from establishments where the ICC has not been constituted on account of the establishment having less than 10 employees or if the complaint is against the employer. The LCC has special relevance in cases of sexual harassment of domestic workers or where the complaint is against the employer himself or a third party who is not an employee. A District Officer notified under the Act will constitute LCC. LCC will be a five member committee comprising of a chairperson to be nominated from amongst eminent women in the field of social work or committed to the cause of women, one member from amongst women working in block/taluka/tehsil/municipality in the district, two members of whom at least one shall be a woman to be nominated from NGOs committed to the cause of women or a person familiar with the issues related to sexual harassment provided that at least one of the nominees should preferably have a background in law or legal knowledge. The concerned officer dealing with the social welfare or women and child development shall be an ex officio member.

Punishments

The POSH Act prescribes the following punishments that may be imposed by an employer on an employee for indulging in an act of sexual harassment:

- i. punishment prescribed under the service rules of the organization;
- ii. if the organization does not have service rules, disciplinary action including written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service; and
- iii. deduction of compensation payable to the aggrieved woman from the wages of the respondent.

The POSH Act also envisages payment of compensation to the aggrieved woman. The compensation payable shall be determined based on:

- i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved employee;
- ii. the loss in career opportunity due to the incident of sexual harassment;
- iii. medical expenses incurred by the victim for physical/ psychiatric treatment;
- iv. the income and status of the alleged perpetrator; and
- v. feasibility of such payment in lump sum or in instalments. In the event that the respondent fails to pay the aforesaid sum, ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

Employer's Duties and Obligations

In addition to ensuring compliance with the other provisions stipulated, the Sexual Harassment Act casts certain obligations upon the employer to, inter alia,

- i. provide a safe working environment

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- ii. display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the Internal Complaints Committee
- iii. organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organizing orientation programmes for members of the Internal Complaints Committee
- iv. iv. treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.

The employer is also required to monitor the timely submission of reports by the ICC. If an employer fails to constitute an Internal Complaints Committee or does not comply with any provisions contained therein, the Sexual Harassment Act prescribes a monetary penalty of up to INR 50,000 (approx. US\$1,000). A repetition of the same offence could result in the punishment being doubled and / or de-registration of the entity or revocation of any statutory business licenses.

Summary

India is rapidly advancing in its developmental goals and more and more women are joining the work force. The recognition of the right to protection against sexual harassment is an intrinsic component of the protection of the women's human rights. It is all a step towards providing women independence, equality of opportunity and the right at work with dignity. Sexual harassment at the workplace is a social challenge that needs to be addressed. It is important to enhance the awareness of employers and employees on the existence of forms of sexual harassment at the workplace, preventive measures, and legal framework on preventing and addressing sexual harassment. Dissemination and awareness raising activities should be regularly conducted and evaluated in order to improve best practice on how to address sexual harassment in the workplace, and also to forewarn and inform of forms of sexual harassment to enable potential victims to avoid them. Enhancing training courses on sexual harassment and providing documentation or a handbook on the prevention of sexual harassment at the workplace can help in combating it.

"While a murder destroys the physical frame of the victim, sexual harassment degrades and defiles the soul of a helpless woman."

Keywords

Amniocentesis : Test to detect the condition of health and any abnormality of the foetus. In India it is done to detect the sex of the unborn child.

Criminal Procedure Code : The Code that lays down the procedural rules for investigation and trial.

Cognisable : Judicial or Legal, Liable for punishment Domestic violence : Violence taking place within home, especially 'wife beating'

Female Foeticide : An act of killing or destroying a female foetus or unborn girl child through abortion.

Indian Penal Code : Indian body of law that lays down categories of offenses and stipulates punishment Trafficking : Buying and selling or trading of girls and women for sexual purposes.

Self Assessment

Q.1. MTP is _____.

- A. Menstrual Termination of Pregnancy
- B. Medical Test for Pregnancy
- C. Menstrual Test of Pregnancy
- D. Medical Termination of Pregnancy

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Q.2. What is the other term for MTP?

- A. Induced abortion
- B. Forced death
- C. Pregnancy-induced sterilization
- D. Unwanted pregnancy

Q.3. What restriction has been posed by Government of India on the use of MTP?

- A. Illegal female foeticide
- B. Illegal male foeticide
- C. Illegal drug smuggling
- D. Illegal use of narcotics

Q.4. For the medical termination of pregnancy (MTP) of an adult woman in sound health, whose consent is mandatory among the following?

- A. Only the woman concerned
- B. The woman and the father of the unborn
- C. The woman, her parents and the father of the unborn
- D. The woman and her in-laws

Q.5. In India pre-natal sex determination of an unborn child is legally _____.

- A. allowed when the woman already has two girl children
- B. allowed when the woman is expecting twin children
- C. allowed when foetal abnormalities and genetic defects are suspected
- D. not allowed at all

Q.6. Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 applies to _____

- A. women
- B. men
- C. both men and women
- D. none of the above

Q.7. Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 applies to _____

- A. Only organized sector
- B. Only unorganized sector
- C. Both organized and unorganized sectors
- D. none of the above

Q.8. Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 mandates every organization to have a committee to redress sexual harassment complaints filed by women employees. The committee is called _____

- A. Women's Cell
- B. Internal Complaints Committee

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- C. Local Complaints Committee
- D. none of the above

Q.9. Which of the following can provide redressal in case a female domestic worker files a sexual harassment complaint against her employer?

- A. Women's Cell
- B. Internal Complaints Committee
- C. Local Complaints Committee
- D. none of the above

Q.10. Which among the following constitutes "sexual harassment" according to the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013?

- A. Unwelcome physical contact and advances, or unwelcome sexually colored remarks
- B. Trafficking
- C. Acid attack
- D. Domestic Violence

Q.11. Can any person with information about a sexual harassment incident file a complaint to the Complaints Committee?

- A. Yes, only with written consent of the complainant
- B. Yes, even without written consent of the complainant
- C. No
- D. Not mentioned

Q.12. Medical termination of pregnancy (MTP), when there is no medical emergency, can happen-

- A. at any place where a registered medical practitioner is present.
- B. at a place authorized by Indian Medical Association
- C. at a place authorized by any registered medical practitioner having more than 20 years of experience.
- D. at a place authorized by district level committee constituted by the Government

Q.13. Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 applies to

- A. the whole of India
- B. the whole of India except Jammu and Kashmir
- C. the whole of India except north-eastern states
- D. the whole of India except union territories

Q.14. If the pregnancy of a woman is beyond 12 weeks and up to 20 weeks, for medical termination of pregnancy (MTP)

- A. opinion of one doctor is necessary
- B. opinions of two doctors are necessary

- C. opinion of a medical board with more than two doctors is necessary
- D. permission from the local civil court is necessary

Q.15. The information on whether a specific woman underwent medical termination of pregnancy (MTP) in a hospital in the past can be obtained -

- A. by visiting the hospital and checking the hospital records
- B. by filing an RTI to the hospital by the current husband
- C. by submitting an application from the in-laws' family and paying the necessary fees to the hospital
- D. no one can access the information

Answers for Self Assessment

- | | | | | |
|-------|-------|-------|-------|-------|
| 1. A | 2. A | 3. A | 4. A | 5. D |
| 6. A | 7. C | 8. B | 9. C | 10. A |
| 11. A | 12. D | 13. A | 14. B | 15. D |

Review Questions

- Q.1. Examine the features of Termination of Pregnancy Act 1971.
- Q.2. Write the provisions of Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation and Prevention) Act, 1994?
- Q.3. Discuss the various ways in which Conception and Pre-Natal Diagnostic Techniques (Regulation and Prevention) Act, 1994 checks the revealing sex of foetus.
- Q.4. Write a note on Sexual Harassment at the Workplace and attitude of judiciary.
- Q.5. Discuss the various provisions in Indian Constitution for ensuring reproductive rights of women?



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