



PUBLIC SERVICE BROADCASTING TRUST  
PRESENTS

SHIFTING PROPHECY  
by Merajur Rahman Baruah

RESOURCE KIT

## **ABOUT THE FILM**

A film on the struggle of Muslim women, in particular Daud Sharifa Khanam, to fight the sexist rulings of the conventional Jamaat (a group of Islamic male elders who decide on issues of marriage, dowry, divorce, etc.) and the patriarchal social order in Tamil Nadu.

## **ABOUT THE FILMMAKER**

Merajur Rahman Baruah has been involved in the making of documentaries and television programmes in various capacities on a plethora of issues ranging from art and sculptures, sexuality, conflict, human rights, communalism and environment. Many of the documentary films he was associated with have received wide appreciation and won many awards.

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## WHAT IS GENDER?

- Gender is the social classification and definition of people as men and women, a description of their differentiated roles and behaviour and their relationships between and amongst each other.
- It is based on the **'biological' distinction** between the male and the female sexes, which becomes the foundation upon which different gender roles, norms, attributes, identities and rights are ascribed to men and women. Any digression of these codes is considered unnatural and an aberration.

## ARE MEN AND WOMEN NOT 'NATURALLY' DIFFERENT...?

- The different anatomies of men and women have long been used to create, justify and sustain the inequality between them as natural and hence ahistorical and unalterable. **Biology is meant to be destiny**, that is, women's bodies and their role as child bearers is seen to translate into natural 'inferiority' which restricts their sphere of activity and confers upon them a weaker social position. Social inequality is seen as merely mirroring pre-existing 'natural' inequalities.

## SO IS GENDER NOT NATURAL?

- Gender is a **social construction**, that is, not the result of any natural process, but rather the result of processes created by the social structure. Gender roles differ across various societies and time and thus, gender identities are neither stable nor unchanging. They are dynamic and are produced and sustained as a result of the constant interaction of a number of factors - social, political, sexual, economic and historical. At the root of this gendered classification is the **sexual division of labour** whereby men and women are defined on the basis of what is appropriate labour for them, derived from their supposed 'natural' characteristics. The biological 'dispositions' of women and men are said to obviate their social roles. Women are associated with the home and hearth while men with the outside world; **women with nature and men with culture**; women with private and men with the public. **Culturally constructed masculinity and femininity** have operated historically to naturalise and sustain gendered and unequal power relations.
- A limited role is accorded to women that stems and revolves around their biological experience. Although this has changed historically due to complex changes in the socio-political and economic context and women's movements, the **hegemonic patriarchal ideology** that guides social behaviour and imagination remains strong and adapts to structural and social changes in order to accommodate and incorporate them.

### HOW DO WE LEARN GENDER?

- The perpetuation of gender is based on its continuous **performance**. Gender identities are reinforced and reiterated through processes of socialisation and are part of formal and informal structures that normalise and reiterate socially defined roles and patterns of behaviour.
- Socially imposed norms of gender appropriateness are regulated by public, legal and social discourses and affect both men and women. These identities are reinforced in the way we deal with people, the way we behave, our legal status, our dressing, our language, the choices we make, the professions we choose, etc.
- The dominant ideology of any society or state defines the socio-economic organisation such that the same patterns of domination and control are replicated in the economy, the workplace, the home, school, etc. **Cultural imagery** and language also perpetuate roles, behaviour, images, models and symbols ascribed to men and women.

### GENDER AS POWER AND POLITICS...

- Power is the ability to influence, direct and control another individual/ group of individuals or phenomenon despite resistance from him/ her/ it. It operates not only through formal institutionalised structures but also relationships and other social interactions. Difference in power and social position is a significant basis of organisation and regulation.
- **Gender and sexuality are constructed and produced by effects of power.** Norms and practices function as socially and historically constructed rules designating **what is, what is not and what should or should not be**. Individuals internalise these norms and rules of behaviour through various processes, their conformity to which controls them. They are hence controlled not only by way of legally and institutionally defined norms but also as self-regulating, socially abiding individuals.
- Gender as an identity and as an experience affects both men and women negatively. Its impact is subjective and different people negotiate gender differently depending on their relationship with their ascriptive gender and the extent to which they want to and can challenge their gendered construction in their respective context.

### DOES GENDER MEAN THE SAME THING TO MEN AND WOMEN?

- Men are also negatively affected by **socially imposed masculinity**. Men and boys who do not conform to masculine gender stereotypes are also severely persecuted. However, gender affects men and women differentially and is more oppressive and restrictive of women since it is appropriated by patriarchy to justify male privilege and control over women. Rigid gender roles created in particular patriarchal contexts pre-suppose a discriminatory gender-based hierarchy wherein women are treated as weaker and inferior and their efforts remain unrecognised.
- Growing up is an entirely different experience for boys and girls, especially in the context of traditional conventions and beliefs that define morality, socio-sexual conduct and behaviour. The irony of **gender socialisation produces dissimilar girls and boys**.

- Possessing a certain body, being of a certain gender – privileged over all other forms of existence and identities – results in a greater share of power and resources. Since power is exercised in every sphere of human existence and interaction, the privilege accorded on the basis of gender translates and pervades other institutions and systems which reinforce and preserve this dominant order: family and kinship systems, legal framework, social and economic organisation, knowledge and property systems.
- Power is not always absolute. Its boundaries keep shifting. Someone who is powerful in a particular context may not be equally powerful or powerful at all in another context. For instance, lower caste men may be considered powerful in relation to the women in their community, but the same men may be thoroughly disempowered in relation to the privileged Hindu upper caste men and women.

### WHAT IS PATRIARCHY?

- There are **cross-cultural and time variant definitions of manhood and womanhood** which serve purposes of social and sexual control at particular historical junctures. Patriarchy stands for an unequal system wherein the relationships and systems of power are in favour of men; where women are accorded an inferior status and subordinate position and hence restricted access to power, resources and privileges.
- The 'natural' distinction between masculinity and femininity is appropriated by patriarchy to justify an inegalitarian social system which is inherently hierarchical, non-inclusive, regulatory and exploitative. This differential power translates into **institutionalised male domination**, discrimination against women with regard to access to and control of resources, their bodies, sexuality, rights, decision making capacity, negotiating violence, identity and freedom of movement. Gender differences in power have real consequences for women and limit their agency and experience as human beings.
- Patriarchy is not the same across culture and time. Like all other systems of power and domination, its nature, extent and experience are subjective and vary. **Some cultures are more patriarchal than others.** Family, religion, state, education system, marriage, legal framework of the country, economy, all become the various sites in which patriarchy operates to create and sustain asymmetrical gender relations and privilege men over all others.

### WOMEN AND SEXUALITY REGULATION

- **Control and regulation of female sexuality** is a critical and primary element of patriarchal control. It sanctions male privileges over the female body and denies women the ownership of their physical and sexual selves.
- Women are considered reproductive beings whose '**uncontrolled**' **sexuality** is a grievous threat to 'culture' and families and their purity, not only from their own vagaries but **undesired male attention of 'others'** who might target them in order to destroy community and family 'honour'. Women's sexual and reproductive capacities are controlled by way of traditions and customs that define **good and bad women** and the ideals that women should follow. There is a strict regulation of who can access the body and who cannot, while the will of women is of no consequence.

### ARE THERE ANY UNEQUAL FAMILIES...

- The family as the primary and immediate unit of society is the first agent and experience of people with inclusion, exclusion, gender, rights, behaviour and violence. The family is a very effective system through which unequal traditions and relationships are established and inherited.
- Crucial to the relegation of different realms to men and women are notions of the inherent characteristics of men and women. Men embody logic, rationality, thought, objectivity, individuality, independence and progress while women embody feeling, emotions, dependence, fickleness, subjectivity, possessiveness and feebleness.
- Such a classification **dehistoricises and naturalises unequal traditions**, customs and institutions like the family such that they are beyond any critical enquiry or interrogation.
- While the public realm has been the domain of the male, the women belong to private realm as wives, daughters, mothers and sisters wherein they are responsible for the passing down of traditions and the orderly upbringing of the next generation in consonance with rules defined by men and traditions, whose expectations they must meet.

### IS THE NATION STATE PATRIARCHAL?

- Every state perpetuates and duplicates patterns of social, economic and sexual oppression that are part of its social structure. Being part of a patriarchal culture, the state justifies and legitimises the suppression of not only women, but of other categories of people as well who do not conform to ideal images. There is a clear separation of the domestic sphere from that of social production even though they are intimately related. Women are believed to be by nature unsuited for political and economic activities and thus excluded from them and those who are a part of these processes are considered deviants or surrogates at best.
- Women's lives are meant to be centered around their families more than those of men, especially in Asian countries. Patriarchy, religion, custom and culture are inextricably linked and work in conjunction to bind people to the roles assigned to them. The state upholds a patriarchal vision of the **ideal 'Indian woman'** that real women must live up to. The load of this symbolic assertion is borne by women and any defaulter is likely to be punished and stigmatised by society and law alike.
- While citizenship and the Constitution have made women equal to men in the formal statutes of law, in reality, this legal equality has not been able to translate into any real autonomy for women in socio-political, sexual and political spheres.

### RELIGION, WOMEN'S ROLES, RIGHTS AND SUPPRESSION...

- Every culture, society and tradition has its own subjective ways of defining men and women and the norms, regulations, practices, codes of conduct, dressing, professions, language, symbols and practices that regulate behaviour. Religion is the most commonly used instrument to maintain male domination and power and to deny women social, sexual and economic freedom. Most religious practices are based upon the **interpretation of religious texts** which were written in particular historical, socio-political and economic contexts. Religious interpretations which govern social relations are conveniently utilised for the preservation of patriarchal domination over women, reinterpreted with each passing generation to incorporate the structural changes in the socio-economic context.

- **Religion is protective of patriarchal relations.** Since religion informs and strictly governs norms of marriage, divorce, property, rights, and legitimacy, religious customs and understanding, in conjunction with law, severely limit the rights and causes of women.
- **Women are the deemed guardians of community and family morality and honour.** They are symbols and modes of cultural and religious identity and it is on their bodies and sexualities that these codes are inscribed.
- Communities and families are defined through the bodies and identities of women and women are defined through the identities of these communities. The control of women's bodies and sexualities, amongst other processes, is a very significant component of the control, domination and suppression of women in order to preserve the dominant male order. Women's bodies are intrinsically linked to questions of family and community honour and any encroachment of these bodies by other than those deemed legitimate, is a threat to the honour of the family and the community.
- This strict regime of sexual and social vigilance is not confined to any particular religion. Most religions tend to be patriarchal due to the patriarchal societies and culture that they are part of and shaped by. What differs is their degree and the forms patriarchal control takes.

### THE PATRIARCHAL IDEOLOGY

- Patriarchy is a system which works not only through tangible structures and actions, but also at the level of ideology. The **patriarchal ideology** is highly hegemonic and pervades every sphere of human interaction in a patriarchal culture and society. It informs and regulates our social and political understanding, imagination and interaction.
- Institutions such as the family, religion and the legal discourse regulate the lives of citizens and work to reinforce this hegemonic understanding of community and gender identities and ensure conformity to them.

### HOW DOES MARRIAGE INCOPORATE GENDER?

- Marriage is a form sanctified by tradition and religion, an indissoluble sacrament, considered to be an essential and mandatory function, especially for women. As an institution it is a historical bastion of male power and patriarchal authority. It is traditionally associated with the practice of **'giving away'** of the 'responsibility' of the **'virginal' daughter** by the father to the groom. It assumes women to be dependent beings. What changes is the male who bears their burden.
- Marriage is a deeply unequal institution which forfeits any legal action in the name of **'personal matters'**. It is based on an **unequal division of labour** whereby women's unpaid labour goes unrecognised. This labour is invisibilised and remains unrecognised first, since it is considered to be the woman's duty, having pledged and exchanged it for the maintenance the husband provides her and second, because the state regards it as economically 'unproductive'.
- Feminists have pointed out how the **marriage contract** is a unique contract, different from a regular contract since it is made binding by the force of religion, is followed by sexual intercourse, is presumed to be life long and is terminable on grounds approved by the state embodying the strictures of religion.

## HOW DOES LAW AFFECT GENDER?

- While a common criminal code governs the citizens of India, different **Personal Laws** of religions govern and regulate each community by its own laws and customs with regard to marriage, property, divorce, inheritance, custody of children and other 'private' matters. This demarcation of 'private' matters has historically been at the heart of the discrimination women face. It creates a **veil of privacy** behind which the harshest of treatment is meted out to women in the name of religion and family as private affairs, including violence, while the state has no right to interfere in these matters in the name of preserving the privacy of the home and non-interference with matters governed by personal laws. Such an understanding is completely bereft of the interrelationship between the **personal and the political** and the intricate relationship between the public and the private.
- The Indian legal discourse is not free from patriarchal biases and reinforces the same inequalities. This inequality is compounded by the fact that most interpretations of laws are informed by the patriarchal biases of judges, invariably male, who bring to their judgements, their own moral and sexual predilections and understandings.
- Since law involves the codification and **uniformisation of cultural and social practices** and customs, often of the dominant majority, it tends to not only codify existent inequalities, but also foil any plurality of religious and cultural practices, making it even more difficult for women to transcend them and negotiate their status and position.
- Even though there are multiple forms of families possible, the law recognises only a particular concept of the family (the **patrilineal-patrilocal joint or nuclear family**) and ways in which it can/ must be constituted. Whether such families exist or not, this **familial ideology** is the dominant ideology through which particular set of gender and social relationships are naturalised, normalised, universalised and enforced. It forms the social, legal and imaginary yardstick against which real families and relationships are judged, evaluated, illegalised and penalised.

## WOMEN'S RIGHTS IN PRE-COLONIAL INDIA

- There were various practices prevalent in pre-colonial India with regard to legal principles, marriage, divorce and family, which drew upon varied sources endorsed by the respective communities. There were different socio-sexual practices and relationships across communities and castes, interlinked with systems and structures of land ownership, the economy and family.
- There was great interaction amongst various communities and religious groups, especially the lower strata of Hindus and Muslims whereby intermingling led to the creation of common customs and rituals, a lot of them inspired by the ideas of the Bhakti movement and those of equality and pluralism.

- The Brahmanical customs followed by the upper castes of North India exercised strict control and regulation over women, their bodies and sexuality. The status of women of these castes was lower than those belonging to other castes and communities, due to relatively lesser control over them. The main aim was (and is) the maintenance of caste purity and hence a very strict code of sexual morality which was in conjunction with the definition of the domestic sphere as the sphere of women, in order to minimise interactions with the outer world, where their sexuality could be threatened. There were also numerous practices prevalent in parts of southern India, which were relatively flexible and negotiable.

### RIGHTS OF WOMEN UNDER ISLAM

- The Shari'at is considered to be the ultimate guide to ethics and the Quran the highest source of divine revelation on legal principles and relationships among persons under Islam. **Islam was the first legal system to grant women the right to inheritance.** Although a woman's right in the property is lesser than that of her male counterpart, she is entitled to half the share.
- While the Shari'at endorses a patrilineal and patriarchal family structure, the nature of marriage it proposes is relatively more egalitarian and pro-women than under Hindu or other religious laws. Unlike Hindu marriage which is considered a sacrament, the Muslim marriage is a contract and the principles governing marriage are similar to those of trading contracts.
- The principles of a contractual marriage provide greater scope for defining and negotiating women's rights and status. Mehr or bride price, fixed at the time of marriage, was established as a custom for securing the married woman's financial future.
- Marriage is a civil and dissoluble contract. There is also a right to a pre-marriage agreement for a separate residence for the wife in case the husband has a second marriage and if the husband does not provide so, the wife is entitled to divorce without the intervention of the court.

### WOMEN, LAW AND THE COLONIAL GOVERNMENT

- The multiplicity of uncodified Hindu and Islamic (and indeed other) practices posed a serious administrative problem for the colonial government. Increasingly, civil and criminal disputes were resolved by relying on Hindu priests and Muslim Quazis, which led to the **Brahmanisation and Islamisation** of laws and the practices under their ambit, across various communities, which was antithetical to the existent plurality in the various practices of the communities.
- The plurality of customs and interpretation of religious texts were not uniformly anti-women and did provide space for negotiating the subjective rights of women. Under the British Crown however, the **codification of laws** was initiated.
- In order to arbitrate, the British administration relied on translations of ancient texts which became the basis of **Anglo-Hindu** and **Anglo-Mohammedan Law** in India. Such translations and their interpretations were geared towards easing administration and hence altered the existent customs, making them definite, binding, uniform and rigid.

- English principles of jurisprudence gradually influenced and impacted the workings and interpretations of uncodified Hindu and Muslim personal laws and were remoulded accordingly. The anti-woman bias and Victorian ideas of morality hence became entrenched as the legal principles of Indian Personal law which continue to guide and regulate lives till today. There was a clear distinction made between the 'public' and 'private' realms and so while laws concerning public matters were codified, personal laws were largely left uncodified.
- Matters considered religious were left out of the purview of colonial law making and 'personal matters were deemed religious'. Over a period there was **conflation of the personal and the religious** and they were considered to be synonymous and hence pledged the non-involvement of the state.
- **The Shari'at Act of 1937** drew the boundaries of the 'Muslim' identity and community, although earlier, various customary practices were followed. The Act declared and laid down that notwithstanding any customs or usage to the contrary regarding intestate succession, special property of females, including personal property, marriage, dissolution of marriage, maintenance, etc. (save questions relating to agricultural land) the rule of decision will be the Muslim Personal Law i.e. the Shari'at. The Act enhanced the rights of most Muslim women, since the prevailing customs across most communities were highly discriminatory and under the Act women could not be excluded from inheriting property even though their share would always be lower than that of men. It brought various Muslim communities under one common law and was accepted since it was considered to be within the stipulations of Islam.

### THE MUSLIM WOMAN'S DOUBLE BURDEN

- The rights and status of women are deeply entrenched in multiple identities and it is women's collective experiences of these various identities that determine their status and capacities. These multiple roles and identities are operative simultaneously and concurrently in defining women's lives, experiences and rights.
- Thus, **mutually constituted and interrelated categories** of gender, sex, religion, caste and class together need to be analysed and addressed in order to evaluate the way power works in these intermingled systems and impacts women's status. Muslim women in India hence face a double burden of discrimination on account of both gender and religion in being **minorities within minorities** which restricts their access to resources, legal recourse and rights. Each of these features is important for both understanding inequality and attempting change.

### POST INDEPENDENCE INDIA: CODIFYING INEQUALITY

- Equality before law and universal adult franchise that were incorporated as part of the Constitution of India were the most significant steps taken by independent India to confer equality upon all citizens, including women. The provision was a major step towards enshrining **constitutional equality**, in contrast to many other countries.

- Post independence, state-initiated religious law reform became a crucial part of nation building. Rather than a genuine effort at addressing women's status and rights, the idea behind the reform was the cohesion of the nation state and application of **uniform and homogenous law** across the communities to achieve an integrated and consolidated nation. Although the reforms were ostensibly projected as aiming at women's empowerment, they did not incorporate any pro-women measures.
- **The Hindu Code Bills** were the first of these '**reforms**' to be initiated. The Bills, passed in 1955 and 1956, did not concretely reform Hindu personal laws, but rather codified them in a way that brought them in conformity with north Indian, upper caste practices to safeguard patriarchal power relations by denying women property and sexual equality and making them dependent on fathers, brothers and husbands. While the Acts did bring in the right to divorce under certain conditions and rights in intestate property for women, several existent practices, especially among the lower castes and southern regions, which were pro-women, were erased for the sake of uniformity and the pluralities were not incorporated into the new codes. The norms for dissolution of marriage were made more stringent, restricting women's rights to take decisions with regard to marriage; seven circumambulations around the fire (Saptapadi) was established as the only legitimate form of marriage, delegitimising the contractual forms of marriage practiced by certain communities; patrilineal inheritance was recognised as the only form of legitimate inheritance depriving matrilineal communities their own system of inheritance.
- At the time of independence, women's rights under Muslim law were far superior to those under Hindu or Christian laws. However, since then, a lot of these provisions have been subverted and diluted due to the changing socio-economic and political context and patriarchal interpretations of the law. Mehr has almost ceased to be a safeguard and the dowry given at the time of the wedding is far more than the mehr provided to women. Brahmanical practices such as dowry and child marriage have found a comfortable assimilation in the customs of various Muslim communities.
- The famous **Shah Bano case** or controversy as it came to be known turned out to be a major landmark in the history of Muslim personal law and rights of women in India. Under Section 125 of the Criminal Procedure Code of India, divorced women irrespective of class, caste and religion are entitled to claim maintenance from their husbands. In 1985, Shah Bano, a 60-year old Muslim woman, went to court demanding maintenance from her ex-husband and the Court ruled in her favour. This decision led to a huge furore by Muslim orthodoxy who accused the government of interference with religion. The matter took a communal turn and Muslims were defined as the 'other', who in turn felt threatened by the Indian state. The popular perception of Islam as a rigid, unequal and discriminatory religion was resultantly strengthened.
- It is at this time that the question of religious identity was pitched against the rights of women and the terrain of legal religious reform became complicated. Succumbing to the pressure, the then government under Rajiv Gandhi in 1986 introduced **The Muslim Women (Protection of Rights on Divorce) Bill** to exclude divorced women from the purview of Section 125, CrPC, stating that they would be governed by Muslim Personal Law. Despite agitation from the women's movement and other progressive groups, the Bill was passed as an Act in 1986 as the **Muslim Women's Act** which was an effort to appease and placate the orthodox Muslim sentiment with complete disregard to the anti-women stance of its provisions.

- Although there were occasions thereafter wherein the Act was liberally interpreted to grant Muslim women maintenance rights, Muslim men were increasingly advised to not pay maintenance since their religion did not provide so. Further, the Act restricted the provision of maintenance for the Iddat period only (the period of three menstrual cycles).
- While the Act came to signify a major defeat for the principles and movement for women's empowerment and gender justice, the controversy further communalised the context in which gender, women's rights and religious identity were located and negotiated. The general anti-Muslim bias of the legal and court procedures also impacted the interpretation of the Act for the progress of women's rights.

### THE UNIFORM CIVIL CODE DEBATE...

- The administration of a **Uniform Civil Code** is a **Directive Principle** in the Indian Constitution which envisages administering the same set of secular civil laws to govern different people belonging to different religions and regions with regard to marriage, divorce, adoption, property, etc. The women's movements had long been demanding the application of a gender-just UCC. However, it was in the above context that the UCC issue caught the imagination of the media and public discourse, not as a feminist issue but as a conflict between national integrity and religious pluralism.
- The media and the legal discourse looked upon the plurality of legal systems (read minority religious personal laws) as a threat to the integration of the country while community leaders considered a common code a threat to their cultural identity, guaranteed by the Constitution.
- It was at this time that the women's movements' demands got radically altered. The UCC debate became a political quagmire and the stances of progressive groups demanding a UCC have since changed, due to the appropriation of the demand for UCC by the Hindu Right.
- While the feminist demand for a UCC was based on the need to evolve a just and fair code that could be accessed by women from all communities, communal overtones were highly visible in the demand for UCC being made by the Hindu Right, in a generally communalised atmosphere in the country. The demand became little more than a tool with which to attack the continuation of Muslim Personal Law in India.
- An aggressive anti-minority and anti-Muslim campaign is disguised behind the principle of **formal equality**, wherein uniformity of law and treatment is the principle with no reference to the differences in the status, position and contexts of the socio-legal subjects. **Formal equality has no regard for the social differentiation that exists amongst people.** The idea of the 'unified Hindu(tva) nation' forms the basis of such demands, where every other religious community must be subservient and follow principles endorsed and followed by the majority Hindu community.
- The ideology of Hindutva is based on the assumption that appeasement of the minority communities, in particular the Muslims, which confers special treatment and provisions, leads to discrimination against the Hindus and is unfair and inequalitarian for a secular state. The concepts of secularism and equality are formal ones resting on a premise that entails that all religions be treated the same in law. Any special treatment or law is opposed as pseudo-secular and unequal. The norms of the Hindu majority are to be considered neutral and applied to all communities.

## THE PRESENT...

- The issue of women's rights has been subordinated to the imperatives of **identity politics** and negotiation between **nation and community identity**. Feminist demands have refocused attention to reform within personal law and an overall national framework for a more just and egalitarian legal discourse. There is discussion of an optional code that women can choose to be governed by.
- There are ways in which there is an attempt to address the question of law and women's rights by employing multiple tools. The effort is to create a pool of civil-legal procedures such that dependence on the personal laws is reduced and women can rely on them for justice instead of personal laws.
- The debate and context of religious reform is complicated by the role of the judiciary wherein very often judges in their interpretation have lamented over the existent 'inequalities' and 'rigidities' in the Muslim Personal Law to the complete neglect of ways in which all personal laws intrinsically discriminate against women. The focus of the debate instead of being discrimination within communities became the differences and inequalities between various communities.
- Personal laws are inherently flawed and problematic in that they pose community rights and identities as superior to women's rights as autonomous beings who must have unrestricted access to their bodies, sexualities and lives.

## SELF RESPECT MOVEMENT...INITIATING AND EMBODYING CHANGE

- Women's rights, family law reform and minority rights are inextricably linked together, both in the denial and achievement of gender equality. Sexual control is exercised by denying women the right to own property. There are strict codes regulating their interaction with other people, between husband and wives, punishment for sexual improprieties, rituals for marriage, divorce and death. These norms and values are transferred from one generation to another in the course of which they get reinterpreted. These strict systems of control check any action or behaviour which may subvert it. Any act of non-conformity poses a threat to the edifice of patriarchy and is stringently guarded against.
- There has been limited success with regard to reform in personal laws due to the deeply entrenched institutional and patriarchal power of religious leaders. This is not to say that efforts have not been made or have been largely unsuccessful. Efforts by women like **Daud Sharifa Khanam** and groups like the **Tamil Nadu Muslim Women's Jamaat Committee** are highly subversive and strike at the roots of both patriarchy and religious discrimination. Efforts from within the community are part of the wider struggle for progressive political change which form inspirations for similar movements in other places. There are many groups of women and progressives who are fighting in their own capacities to address inequalities and demand democratic rights. For instance, the **Muslim Women's Rights Network** has prepared its own model **Nikahnama** and has already used it in several marriages.

- Daud Sharifa Khanam heads the STEPS Women's Development Organisation in Pudukkottai, Tamil Nadu. The **Self Respect Movement** initiated by STEPS has three chief demands: Abolition of triple talaq; abolition of dowry and equal representation in Jamaats. These concerns are at the heart of Muslim women's subordination, especially with regard to marriage.
- Muslim men issue arbitrary talaqs through e-mails, letters and telegrams which are upheld by the Jamaats. There also innumerable cases of dowry harassment, domestic violence, cheating, child abuse and sexual harassment. The women find neither a voice nor justice at the hands of the patriarchal Jamaats, which do not even let women represent their own cases.
- The Tamil Nadu Muslim Women's Jamaat Committee was formed in February 2004 and has had major achievements despite severe opposition. Women have historically been excluded from theoretical and interpretive roles in theology and religion although they have the greatest impact on women's lives, rights and experiences. It is this exclusion that Sharifa Khanam and many women are challenging.

### QUESTIONING TRADITION IS NOT BLASPHEMY

- Tradition, religion, faith, customs are all historical and socio-political entities which are created at particular junctures to meet the needs of a particular group or community, very often the dominant and powerful ones. In that human beings must have absolutely non-negotiable access to resources and rights, every religion and custom needs to be evaluated, questioned, challenged, changed and problematised with regard to the position it accords to women or any group of people.
- The efforts of Sharifa and STEPS are aimed at dealing and negotiating directly with religious law, without being antithetical to the religion or the Jamaat. Their struggles are based on negotiation of democratic spaces within the folds of faith and religion and are destabilising not of religion, but patriarchy, inequality and exclusion.
- The indoctrination of gender and religion is too deep to be thwarted or challenged by superficial changes that do not address the existing institutionalised discrimination. It is these inequalities and frameworks that women leaders like Sharifa are radically questioning and relocating their status and rights as individuals and citizens with regard to religion, home, family, marriage, community and the nation.

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## **RELATED PSBT TITLES**

### **BLOOD ON MY HANDS** by Surabhi Saral, Manak Matiyani and Anandana Kapur

The film looks at how a woman's menstrual cycle is altered from being a marker of her fertility to something that renders her untouchable and hence subject to multiple taboos and regulations. As an individual, a woman or young girl is isolated in her struggle to come to terms with the transformations in her body.

### **GIRL SONG** by Vasudha Joshi

A look at the life of Anjum Katyal, a Kolkata blues singer, drawing on her poems and songs. In her interactions with her mother and her daughter, we see how a cultural identity proudly woven from many strands is increasingly under threat from narrow and exclusionist definitions of identity.

### **KANYASHALA** by Ganga Mukhi

Students from Kanya Vidyalaya, an all girls' school at Vajreshwari, share poignant stories of how they joined the school and their dreams for the future. Along the way, the film looks at how a segregated all-girls' space is an extension of existing social norms, enabling certain modes of becoming while seeking to restrict others.

### **LAYING JANAKI TO REST** by Madhureeta Anand

The film explores the symbolic relationship of Sita, a goddess from the epic Ramayana with the image of women in India.

### **MIRROR MIRROR ON THE WALL –“WHO AM I AFTER ALL?”** by Naina Kapur and Smita Bharti

The film traces the engagement of students of the Uttam School for girls, Ghaziabad, with their dilemmas about sexuality, along with their parents and teachers. Gradually through the process, they move towards enabling questions, responsible choices and healthy sexuality.

### **SHAZIA** by Arvind Sinha

An inspirational story of a girl from a slum in Kolkata who is educating herself while earning a living and running her family.

### **PRERANA** by Mallika Sarabhai

Prerna traces the remarkable journeys of six apparently ordinary women, from being housewives to becoming breadwinners in unexpected professions. These are women who dared to think out of the box, who would not let gender roles define their lives, who dared to be different, to take new challenges head on.

### **PRIDE OF PATHA** by Gopi Desai

Set in Patha – a rocky plateau in the south-east corner of Uttar Pradesh – the film revolves around the lives of two women from the Kol tribe, working independently in the region and taking up issues connected to the Kol's daily struggle for survival.

### **REHANA: A QUEST FOR FREEDOM** by Gargi Sen and Priyanka Mukherjee

This film presents the life and work of Rehana Adib who works with women from marginalised communities in Muzzafarnagar, Uttar Pradesh. A woman from a minority community, a mother of six, a challenger of traditions, a crusader for social change – the film tries to understand the genesis of the emergence of a leader.