



# Newsletter

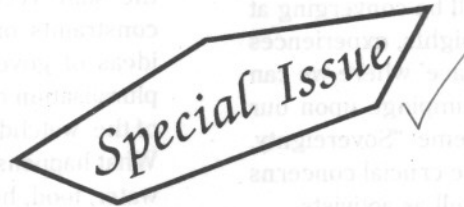
April 2005

## IAWS

**Indian Association  
of Women's Studies**

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## **Gender, Sovereignty and Citizenship**

### **Editor's Desk**

Dear Friends,

This special issue of the Newsletter seeks to outline some of the themes in engendering sovereignty and citizenship. We are grateful to our contributors who despite the piles of term-end evaluation and year end accounting work made time to write for this issue. A special thanks is due to Dr. Medha Kotwal who took over the guest editorship of this issue at very short notice.

The cancellation of licenses of all dance bars in Maharashtra, except those in Mumbai has generated a controversy. We thank Pravin & Preeti Patkar for granting us permission to translate their article on the issue. We hope that this will generate a debate on sexualisation of female labour.

14th April 2005 marked the 114<sup>th</sup> birth anniversary of Dr. Babasaheb Ambedkar; an occasion celebrated across different states by organising month - long lecture series on reading the life and works of Dr. Ambedkar. This issue brings an article on a feminist reading of Dr. Ambedkar towards understanding capitalist, patriarchal Brahmanism.

This issue goes to press, with the welcome news about the HRD Ministry's decision to constitute a new Standing Committee to look into the course and direction of Women's Studies Centres. For all of us who came together to oppose the Right-wing agenda of collapsing women's studies into family studies this is a moment to grasp. We are sure that the plenary and workshop on women's studies organised at the Goa conference will strengthen our dialogue on the crucial issues involved in researching and teaching Women's Studies in India.

**Sharmila Rege**

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Medha Kotwal Lele

With the eleventh national conference on women's studies round the corner, excitement and enthusiasm is in the air. The fact that hundreds of women activists and scholars from across the country will be converging at Goa to deliberate and share their insights, experiences is of great significance. This is a 'space' where we can address issues that we feel deeply impinge upon our very existence. And this year's theme "Sovereignty, Citizenship and Gender" is one of the crucial concerns currently of feminists- scholars as well as activists.

The theme brings out the hidden inter-connectedness of nationhood, citizenship and gender. Citizenship is taken for granted by most people as something that transcends gender or sexual differences and all other social and natural differences. However, feminist scholars have shown us how even citizenship (which presumes that there is equality because the notion of citizenship is neutral) is in reality not equal but marked by biases of gender as well as those of class, caste, religion or colour. In short, social status determines your ability to enjoy your rights as 'citizens'.

How do we understand sovereignty today when the onslaught of globalisation has undermined our abilities to determine our own agendas of development? The overwhelming processes of globalisation have affected not only our economies but also our governance policies and agendas. World capital, backed by banks and their agendas which needed the assurance that their capital was being handled 'efficiently', have pushed for greater democracy. Democracy is essential for human development, so argue top economists, but one suspects they mean capital. Therefore, government and administration, as we understand it now, have begun to talk a different language-pluralisation, multi-stake-holders, marketisation, civil-society associations, NGOs, etc. In short, the state is no longer the only entity involved in administration/governance. The de-centering of the state and pluralisation of the state is welcome as it means less bureaucratic constraints and more accountability, efficiency and transparency. The experience of social movements for the right to information, like the one led by the MKSS in Rajasthan, convinced many others of what the power of the people can do to bring about transparency and accountability.

However, the agenda of de-centralisation and panchayati raj which came in the 90s must be studied in the light

of similar agendas of globalisation. The passing of many responsibilities to the local panchayati raj bodies without the necessary infrastructure seems more like the abdication of responsibility than decentralisation of power and authority, as is claimed by the government.

The state was till now the locus of power and authority. Democratic citizenship was dependent on the state and the state recognised the rights of citizens as moral constraints on its own power. Now, with these new ideas of governance where there is more and more pluralisation of the government, who will play the role of the watchdog and hold the government accountable? What happens to the rights of citizens, their right to life, water, food, health and education? With the withdrawal of the state from essential sectors and the privatisation of resources like water we can imagine what will become of the rights of citizens! Women, especially those from marginalized sections of the community and backward castes who are always at the bottom of the opportunities and resources hierarchy, are seen to be the most affected. What will be the meaning of citizenship for them? Reservations have brought them to power, but where is the ability to assert their rightful places in these elected bodies of governance or their rights to natural resources, which can bring about some change?

Several new bills that are on the anvil address some of these issues, will be debated threadbare at the conference. The insights that will emerge will surely inform the law-makers.

This issue of the IAWS newsletter has several articles by scholars and activists that cover a large canvas — from gendered access to water and land, to the refugee status of women, dalit and religious identities, modernity and citizenship in women's writings. In short, there is a lot to mull over before the forthcoming conference.

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# Gendering Sovereignty and Citizenship

Nivedita Menon

The theme this year enables us to engage with knotty issues in several areas of feminist scholarship and activism. To begin with, the idea that citizenship needs to be gendered. The emergence of the modern “citizen” in place of the feudal “subject” about 400 years ago in Europe, and gradually all over the globe is understood to have been an emancipatory development precisely because this identity was unmarked by status. However, feminist scholarship, and radical scholarship in general, has demonstrated how the erasure of women, working class men, and non-whites was constitutive of this “unmarked” identity. It might appear that the political struggles of these groups were a demand to inscribe an unmarked identity with difference, but in fact, the supposedly unmarked identity was already marked as “white propertied male”. The demand for representation then, must be seen as one that exposes the hidden difference within a supposedly abstract identity.

This puts the question within an old feminist problematic, that of equality-versus-difference. Equality in citizenship could obscure structural disadvantages faced by women because of the operation of patriarchy at every level, and particularly because of the sexual division of labour. But recognition of difference could disadvantage women in the public sphere, stigmatise them as inferior, needing protection etc. The recent decision to legalize night-shifts for women and the debate that arises around it is a classic example of the equality/difference dilemma. The ban on night work for women restricted their employment opportunities, but the re-introduction is primarily dictated by the needs of employers, who get a larger labour pool to keep wages down. At the same time, it is argued by some feminists that without guarantees on safety at work and travel, and without any social/state/employer responsibility for child-care, this change only places a heavier burden on women workers.

Debates around affirmative action such as reservations for women in representative institutions also reflect this dilemma. In addition we have come to recognize that “difference” is not only produced by gender but by race, class, caste and other identities. Thus, the identity of “woman” is not a pure and always clearly identifiable identity – the debate over the Uniform Civil Code reveals the axis of Nation/Community, and the reservations debate that of caste. It is difficult if not impossible, to arrive at a simply “feminist” position on either of these issues.

The gendering of citizenship requires us also to question and to challenge the fact that the relationship of women to citizenship is mediated by the patriarchal family. While the fact that community/caste identity is reproduced through patriarchy has been extensively documented by feminist scholarship, it is still a knotty issue. During the civil war in the former Yugoslavia, feminists termed the rape and forced pregnancies of Bosnian women by Serbian men, as “ethnocide”. It is true that the Serbian rapists intended ethnocide through the forced bearing of “Serbian” children by Bosnian women, but for feminists to accept the term is to render unquestioned the assumption that children bear only their fathers’ identity. The rapes and forced pregnancies were a gross violation of the sexual and bodily integrity of the women, but was it ethnocide? Should feminists term it as such?

We need to recognize too, that the quintessentially modern identity of citizenship is as much produced by the patriarchal family as those of community or caste. The recent Supreme Court judgement that a child inherits her father’s caste is illustrative of this point. The case involved the question of availing of caste-based reservations, and the effect of the judgement was to deprive the “illegitimate” daughter of an upper-caste man who had abandoned her mother, of the benefit of reservation policy.

Another instance is the recently defeated J&K Bill that sought to deny Kashmiri women the right to permanent citizenship of Jammu and Kashmir if they married outside the state. A J&K minister defended the Bill against the charge of being anti-women with the argument that since non-Kashmiri women who marry Kashmiri men would get citizenship rights in the state, the loss of rights of one set of women would be balanced by the gain of another set. On the whole therefore, women as such would not lose out. That this argument can make any sense at all has to do with the way in which the rules governing the institution of the patriarchal family are assumed to be natural, eternal, part of the human condition. This is why it seems perfectly reasonable to say that since all women will acquire (some) rights once they get married, through their husbands, unmarried women need not be given rights separately. But the most important point here is that the J&K Bill is no anomaly – it simply gives formal recognition to the actually existing status of women and the meaning of marriage in the rest of India.

We need to go further and engage with the implications of recognizing that a challenge to the patriarchal family needs to include a challenge to compulsory

heterosexuality. To gender citizenship is thus also to recognize both the instability of gender itself, which is kept in place by a range of controls, as well as the repressiveness of the social and legal codes that make the world appear to be filled with people who are naturally and unambiguously either men or women, who experience desire only for the "opposite" sex. This renders invisible for instance, trans-gendered people and reflects the anxiety about non-procreative sex, a proliferation of which could bring down the strictly and violently policed institution of the patriarchal, heterosexual family. The family as it exists, the only form in which it is allowed to exist – the heterosexual patriarchal family – is key to maintaining both nation and community. Caste, race and community identity are produced through birth. But so too, is the quintessentially modern identity of citizenship. The purity of these identities, of these social formations and of existing regime of property relations is protected by the strict policing and controlling of sexuality, particularly the sexuality of women.

The term "sovereignty" in the title is more ambiguous. Does it refer to national sovereignty, as it appears to because of its link to citizenship? In that case, my response is that I question whether feminists can be nationalist. That national sovereignty cannot in fact be gendered - that task is akin to an attempt to "gender" the armed forces. Our response in India, to the charge that feminism is "western", has been too often in nationalist terms. But really, feminism has no alternative but to adopt a post-nationalist stance – the nation-state can only ever be oppressive in the construction of identity. This is very obvious in the case of xenophobic and exclusive nationalisms like Hindutva and Nazi ideology, but even the *secular* project of "nation-building" involves the homogenizing of identity, through for instance, producing something called a national language and a national culture. It involves the overwhelming power of the "national interest", which pronounces as "anti-national" any voice that questions the commonality of that interest – the Narmada Bachao Andolan, the anti-Hindi agitation in southern states, and of course, irredeemably, the Muslim.

The post-nationalism I urge is neither the post-nationalism of corporate globalization (from above), and nor is it the post-nationalism of large international NGOs trying to establish "global civil society" with values and codes presented as universal, but which have in fact been produced by the particular history and culture of western civilization. Rather, the post-nationalism that feminists must adopt must be both *below* the level of the

nation and *across* national borders – the solidarities of political movements of women, non-heterosexual identities, migrant workers. Indeed, migration has historically posed a challenge to citizenship, and it is something feminist scholarship has recently begin to study very seriously. Such movements have existed before of course, but in this post-nationalist era, we will have to live with heterogeneity and continually negotiate, not attempt to eliminate, difference *within* ourselves.

What would citizenship mean within a post-national politics? This I think is the question we need to explore in all its dimensions.

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## Rendering of Modernity & Citizenship : Reading Kamal Desai

Dr. Vidyut Bhagwat

When I heard and read about the theme of XIth National Conference on Women's Studies as 'Sovereignty, Citizenship and Gender', I could think nothing else but Kamal Desai's three short stories written in the decade of 1980s, published in Ranga 2 (1998)

Kamal Desai has written once every two years short stories, short novels since 1955 in Marathi. Though the body of her work is hardly voluminous she is known for her specific approach towards modernity that was experienced by her living in small town around Mumbai as a single working woman. Kamal Desai alongwith other contemporary writers like Gauri Deshpande, Kiran Nagarkar was also trying to understand the complexity within which an individual (man/ woman) in the post independent India was living, suffering or being constructed. But her strength was in her resolute denial to celebrate the modernity uncritically. These three stories are written in the shadow of the memory of independence struggle of India and general degraded life experienced by common people after that.

"Andhar Yadnya" (Ritual/ Sacrifice in Darkness) appears in the context of the text of a diary written by a committed freedom fighter man called D.S. His observation that in independent India common Indian citizen is extremely scared of becoming 'human' comes alongwith noting the opportunism of some grabbing lands, housing, free education for children and pension as freedom fighters. The suffocation of not being able to reach the next generation and revelation, demystification of 'independence' of the post colonial nation states and the claim of 'nonviolence' of the struggle... all of this raise three basic questions.

- a) How and why the generation of freedom fighters had blinkered vision of those 'enchanted days' about the reality of two world wars and the changing world scenario?
- b) How the first generation of educated in the independent India with all its cynicism towards sacrifices and ideals of earlier generation found it hard to face challenges of everyday life?
- c) Why the middle class was enmeshed in searching for its happiness through consumerism without interrogating the policy makers of India?

The Second Story "Atma Vikne Ahe" (A Soul to be Sold) is a comment on how a common citizen, as an embodied self of the nation state newly independent but a part of world politics gets trapped.

The story is about a worker who has sold his/her soul to the owner and is suddenly thrown out of work. The worker has to now to bear a burden of his/her 'returned' soul. The imagery of a soul as a silken cloth to be worn by those who can afford it and a hard working body does not really need it is telling. The language of eternity of a soul and rebirth is rejected by this worker by not giving up the potentials of 'dreaming'. By accepting pain of life, by seeing through the concepts of the glitziness of god any way hyped up by the mass media and Satan's language of exchange which ultimately refused to buy the worker's soul- all this leads to an annihilation of the existence of soul itself by 'becoming' resisting individual.

Khara- Khota (Truth/ Falsity or Reality/ Mirage) What is truth an eternal question is raised in this story through Sadanand. This man who calls himself a Gandhian activist collapses under his own falsity when 'the public' of his own city rejects him totally.

Women's Studies Scholars have long debated the 'lull' in the women's movement in the immediate post independence period. Literary texts such as Kamal Desai's provide important insights into the construction of the 'public' word and citizenship in the immediate post independence period. These texts suggest the different ways in which men and women engaged with this 'new modernity' giving us clues into the gendered character of 'Indian modernity'.

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## **Gender Concerns in the Water Sector : Need for addressing gender assumptions that shape water policies**

**Seema Kulkarni**

The relationship between women and water has long been seen as a special one, with women being recognised as the true custodians of the resource. They are seen as the main users of water in the domestic arena. Women's key roles are seen in terms of users and collectors of water for domestic use. There are descriptive narratives of women's work in the arena of water- collecting water from long distances, washing clothes, vessels, drawing water from dried wells and more. These images then become pointers for the policy makers who create a division of 'male water use' and 'female water use' giving little regard to what might be a diverse set of needs for women. In fact what we witness today is a clear division of the domestic water sector being seen as the female domain and the irrigation sector as the male domain. Creation of a separate niche in the new policy environment has given more visibility to women in the water sector, but has in fact perpetuated the existing gender division of labour. This is not to argue against seeking women's participation in the domestic sphere but rather to argue for policy interventions that extend beyond addressing women's needs in their current contexts. These prescriptive roles in policies and programmes for women in the water sector are largely based on certain assumptions about both women and their needs in the water sector. This paper argues for a need to reconceptualise the notions around women and their water needs as a first step in developing a conceptual framework for a gendered approach to water sector. Without going into the issues in the water sector as a whole the paper looks at some of the dominant assumptions around women that have shaped policies in the water sector.

This portrayal has in a way helped both the policy makers as well as a few sections within the gender theorists to create a niche for women in the water sector. For policy makers it has been convenient to make women more visible through their gender components.

### **Assumptions that shape policy :**

#### **Household as the unit of planning**

Access to water and land, two scarce productive resources-rights over which translate into security and

better bargaining power both within the household as well as outside, is an area of conflict between men of same social groups as well as different ones. Extending this right to women is seen as extending the conflict from between men to between men and women. Establishing women's claims over water is seen as further increasing the competition of a rapidly depleting scarce resource.

Despite a large amount of evidence pointing to gender biases in intra-household differences in incomes, access to productive resources and health care, the household is still treated as the coherent unit with the male head representing the common interest of all. In the case of water or as in the case of other resources it is expected that the rights to resources could be obtained by the women through the male head.

Scarcity of the resource and the notion of household as a coherent unit both contribute to resistance to independent water rights for women. The nature of the resource adds to the problem and that is the very reason why most of the arguments that apply to land cannot easily apply to water.

#### **Women- a homogenous category**

The other assumption is the grouping of women as a homogenous category. It is important to understand that women are not an abstract homogenous category and come with large differences across class, caste and tribe in the Indian context. Women from oppressed castes and tribes face a dual oppression both as women as well as of caste/tribe to which they belong (Joy& Paranjape, 2001; Kulkarni & Rao, 2003;). This has been borne by movements of women from different caste, class and ethnic groups across the world. These differences in social relations amongst women undermine any notion of groups formed through homogeneity of common interest as women. The notion of homogeneity has its relevance in the broader context of addressing patriarchy however various experiences point that grouping them as a category in their relationship to the water or other natural resources has only been counterproductive. It is often argued that this sort of a position could lead to fragmentation and may in fact be counterproductive to the broader struggle against patriarchy. But experiences show that insensitivity to the differences between women have in fact fragmented the movement rather than strengthened it.

Once this difference is understood we see that water needs vary across caste, class and tribe. For the dalit women social taboos prevent gaining access to drinking

water. The needs of women farm owners are considerably different from those of women wage labourers or those from landowning households deriving water rights through their husbands. For non land owning dalit and adivasi women water needs could revolve around water based enterprises like fishing or share-cropping. Addressing these divergent needs therefore calls for a diverse understanding of women themselves.

### **Unchanging roles and unchanging needs**

The third assumption is around women's roles and tasks. It is assumed that these will remain unchanged and hence large amount of policy effort goes in meeting the present needs of women. For eg. until recently much of gender planning around natural resources has been placed in the context of women's current tasks of collecting fuel, fodder, water and related survival tasks. Gender planning done through these conceptual frameworks have largely focussed on reducing the time spent by women in these survival tasks. In the water sector women are thus seen as those who spend hours collecting and utilizing water for domestic use. This static notion of women's roles in survival tasks has translated into policy prescriptions that in fact perpetuate the existing gender roles. Much of policy thinking then revolves around how women's needs of access to drinking and domestic water could be met. In terms of actions it means seeking their participation in deciding location of water points or ensuring that there are sufficient bathing and washing spaces in the irrigation systems while ignoring their ideas in sustainable use and distributional issues. Although women's needs cannot be wished away what is important is to introduce certain policy changes that create an enabling environment for making a transition from current to potential roles. For eg. if women had access to land their water needs would change considerably. Conversely if women are given rights over water for production perhaps they would lease in land to use it for meeting their livelihood needs. In fact some studies show that wherever women have had access to water for irrigation they have used it productively (Zwartveen, 1997).

The focus then shifts from current survival roles of women to a visualisation of changing roles in a more egalitarian society where men and women have equal opportunities in access to productive resources and decision-making around it. Such a policy thrust has an inherent potential to challenge both the gender division of labour as well as the gender access to productive resources.

### **Creation of 'domestic' and 'productive' spheres**

A natural fall out of the above assumption leads to a

separation of two spheres- the domestic and the productive the first represents women and the second representing men. Policy prescriptions have emerged based on this conception where men are seen in the domain of productive water use and women in the sphere of domestic water use (Zwartveen, 1997, Von Koppen). This neat categorisation has led to a non threatening policy agenda making it convenient for the policy makers to pacify women advocates seeking visibility of women in the domestic water sector without having to address the deep rooted gender inequities in access to productive resources and decisions around it.

The problem of separate spheres also emerges from, the non integrationist perspective dominating the water sector. Planning around water has been fragmented into several compartments across uses and sources of drinking water and sanitation, groundwater and surface water.

Any alternative strategies would therefore have to address these assumptions that have plagued both the gender equity issues as well as issues in the water sector.

### **The new policy environment in the water sector**

The new policy approach perceives the problem in the water sector as primarily a scarcity problem- scarcity of finances and of water resources. What follows as a logical outcome of this is the emergence of policies towards managing demand rather than extending supply. A new set of directives that treat water as an economic good, which has to through its use recover costs incurred on its development and management.

This new thinking has its roots in the early nineties when economic stagnation in most of the countries was prevalent and there was a general reconsideration of the role of the state in the economy. It was also the time therefore when most countries were in the process of introducing the structural reform agenda.

In the water sector a natural fall out of this thinking was the changing role of the government from a provider to that of a promoter and facilitator, the involvement of the private sector, NGOs, communities as service providers and the need for strong institutions, (van Koppen, 1999). It was hoped that the new policy environment would be more responsive to addressing gender equity as it looks at institutional reform where decentralized management had a central role.

However if water is increasingly recognised as a commodity to be priced then women's access to water

for non-marketable produce or survival tasks may be jeopardised- as increasingly men see greater advantage in either selling or using available water to generate cash incomes (Green, Baden 1995). In such a scenario it is usually the 'paying' crops that get preference over the 'non-paying' food crops largely cultivated by women. Water also has other social and cultural dimensions and given this nature of the resource and the socio cultural value that it commands, treating it purely as an economic good may not really become a very viable option. In the domestic water scenario treating water purely from an economic point of view actually undermines the public health benefits which cannot be valued.

Often pricing of water to recover costs has meant increased voluntary labour for women. In fact evidence in most irrigation schemes has shown that capital costs are often recovered through shramdan or voluntary labour of women.

Decentralisation often does bring in a promise of improved participation of women and other resource poor groups, however decentralised planning does not guarantee that women would be allowed membership to WUAs a role in the decision making processes. Decentralisation almost always translates into community participation, but the notion of community as a homogenous unit often ignores the social and economic differentiations within. Thus unless conscious efforts are made to recognise these differences and involve women, dalits and other resource poor groups there is little likelihood that such institutional reforms would guarantee rights to women or for that matter the other resource poor groups.

The changed policy scenario therefore offers little to address the questions of gender equity and neither does it address issues of sustainability of the water sector itself.

#### **Elements for gendered approach to water sector reform**

Gender advocates working in the water sector are grappling with a range of these challenges facing both the water sector as a whole and within those addressing issues of gender equity. Responses have ranged from arguing for gender participation on grounds of equity, poverty, efficiency and welfare (Razavi, 1997; Agarwal, 1994; Jackson, 1993). Many of these responses are also shaped by the larger concerns within the water sector. This forces the feminist advocates to link gender equity to the more 'legitimate' concerns such as better management of water, improved efficiency, cost recovery etc.

In fact very often it has been the instrumentality that has guided the policy makers in seeking women's participation. We therefore see over enthusiasm to seek women's participation in the domestic sphere whereas hardly any initiative to do so in the productive sphere. Arguing for women's participation on grounds of improved efficiency in the sector as a whole is therefore setting a trap for women themselves. Similarly approaching the problem from a needs approach or a poverty approach too may not fulfill the gender goals of equity in access to productive resources and decision making around it, as needs are often embedded in roles. From the point of view of women then it leads to a perpetuation of the gender roles. We therefore propose that a gendered approach will have to move beyond the needs and efficiency approaches that dominate in the present context. The problem will have to be approached from the equity angle with a very different understanding of women who are part of a context where environments and gender roles and relations are not static. It also calls for restructuring of the water sector based on equitable and sustainable use.

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( Seema Kulkarni is part of the Society for Promoting Participative Ecosystem Management (SOPPECOM) an organisation based in Pune, working on issues of land and water, its equitable access and sustainable use. The viewpoint outlined here has emerged out of a process of collective thinking ).





## Ten years after the Beijing Platform

Jayati Ghosh

The explicit aim of the Beijing Platform for Action in 1995 was to “promote women’s economic independence, including employment, and eradicate the persistent and increasing burden of poverty on women by addressing the structural causes of poverty through changes in economic structures, ensuring equal access for all women, including those in rural areas, as vital development agents, to productive resources, opportunities and public services.”

As a result, many governments in the region started programmes targeting certain measures specifically for women, and introducing more gender-sensitive policies. But the current picture reflects at best a mixed outcome. The experience of the past decade has suggested that targeted programmes for women may not be effective in achieving desired goals, if the broader macroeconomic policies and processes are working in the opposite direction.

The past two decades have been momentous for the Asian region. This is now the most “globally integrated” region in the world, with the highest average ratios of trade to GDP, the largest absolute inflows of foreign direct investment, substantial financial capital flows and even significant movements of labour. These processes have in turn been associated with very rapid changes in forms of work and life, especially for women. There are at least six significant emerging issues which require urgent policy intervention at both national and international levels :

- The volatility of export-oriented employment : From the early Eighties, export-oriented manufacturing in many Asian countries mainly relied on women’s paid labour. But this turned out to be a rather short-lived phenomenon, declining by the mid Nineties. In the space of less than one generation, there have been massive shifts of women’s labour into the paid workforce, especially in export-oriented employment, and then the subsequent ejection of older women and even younger counterparts into more fragile and insecure forms of employment or even back to unpaid housework.
- Informal and casual contracts : Much of the paid work performed by women is increasingly under casual contracts and in the non-formal sector. The socially-imposed constraints upon women’s time and freedom to choose are exploited by employers to ensure much more work for less pay being performed by women. Home-based work or work

in very small enterprises can be for long hours and very demanding in other ways, and with the maximum tendency for self-exploitation. Some basic responsibilities of employees, such as minimum safety conditions at work, basic healthcare and pension provision, are all entirely missing.

- Unpaid work : Reductions in public expenditure, and the related deteriorating quality and quantity of public services and their effective privatisation have entailed a shift in the distribution of costs of such activities from the public sphere to the household. In most societies in the region, such now-unpaid activities are undertaken by women and girl children. The problem is accentuated as rapid social change undermines traditional ties of family, kin and neighbourhood which allowed for greater sharing of such unpaid activities.
- The crisis of livelihoods in agriculture : There is a crisis in developing agriculture spread across not only countries but even continents, which has continued for the past few years, reflecting the combination of effects of trade liberalisation and the removal of state protection in a variety of ways. This crisis has affected adversely the economic conditions women, since agriculture remains the largest employer of women in many developing countries, and very large proportions of women are indirectly dependent upon the incomes from agriculture because of their family incomes and rural residence.
- Women’s migration for work : There has been an explosion in short-term migration for work by women, not only across countries but also within countries, and often taking seasonal form. Cross-border migration results in remittance flows which have become the single most important (and most stable) source of foreign exchange for many smaller countries including Philippines and Sri Lanka, and are also extremely important even for relatively large economic like India. The substantial movement of women as part of this process is relatively new, especially as women are increasingly moving on their own.

Women migrant workers tend to be concentrated in the low paid sectors of the service industry, in semi-skilled or low-skilled activities ranging from nursing to domestic service, or in the entertainment, tourism and sex industries where they are highly vulnerable and subject to exploitation. They rarely have access to education and other social services, have poor and inadequate housing and living conditions. There is little recognition by officialdom, in terms of ensuring decent working conditions and remuneration for migrants, or safekeeping the

health conditions. This is an important issue for women migrants in particular, since they are specially vulnerable to various forms of economic and sexual exploitation, not only when they are workers in the entertainment and sex industries, but also when they are employed in other service activities or in factories as cheap labour.

- Social and cultural effects : There have been increases in the availability of different consumer goods due to trade liberalisation, but these come along with declines in access to basic public goods and services. Meanwhile technological changes have made communication and the transmission of cultural forms more extensive and rapid than could even have been imagined in the past. All these have had very substantial and complex effects upon the position of women and their ability to control their own lives.

There is more social recognition of women's work, but still unpaid work has tended to increase. Recent reversals in the feminisation of employment created social regression as well. Already, we have seen the rise of revivalist and fundamentalist movements across various parts of the world, which seek to put constraints upon the freedom of women to participate actively in public life.

At the same time, advances in communication technology and the creation of the "global village" provide both threats and opportunities. They encourage adverse tendencies such as the commoditisation of women along the lines of the hegemonic culture portrayed in international mass media controlled by giant US-based corporations, and the reaction to that in the form of restrictive traditionalist tendencies.

All this means that there are important measures which governments in the region can and must - take in order to ensure that work processes do not add to the complex pattern of oppression of women that continues in Asian societies today. More stable and less exploitative conditions for work by women cannot be ensured without a revival of the role played by governments in terms of macroeconomic management for employment generation and provision of adequate labour protection for all workers.

The basic elements of a gender-sensitive macroeconomic strategy would include : the focus on employment-led growth rather than growth-led employment; and to ensure the public provision of essential goods and social services of reasonable quality with universal access.

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## The Invisible Refugees : Women, Persecution and State Responsibility

Oishik Sircar

**"Women are left out of everything. We are second-class citizens when it comes to [assistance, protection and justice]. We remain the world's invisible refugees."**

- A Sudanese refugee interviewed by the UNHCR

The majority of the world's refugees are females (UN Doc. HRC/IP/2/Rev. 1986) who bear the brunt of the most extreme forms of human rights abuse. Yet, the 1951 Refugee Convention (Refugees Convention) till date has not included 'gender' as a separate and independent ground for persecution alongside race, nationality, religion, social group and political opinion. Not a single woman was present amongst the *plenipotentiaries* when the drafters of the Convention had met in Geneva. It was the dominant image of a political refugee - someone who is fleeing persecution resulting from his direct involvement in political activity - which informed the minds of the drafters. This understanding does not often correspond with the reality of women's experiences and the "law has developed within a male paradigm which reflects the factual circumstances of male applicants, but which does not respond to the particular protection needs of women" (Romany 1994: 88). Even the existing bank of jurisprudence on the meaning of persecution is primarily based on experiences of male claimants where "[persecution] is [understood] by the criterion of what men fear will happen to them" (Charlesworth 1994: 71).

In South Asia where violence against women is endemic, they are most defenseless in their ability to seek protection from violence through the implementation of international law. State adjudication practices as well as the non-existence of a regional 'gender asylum law' regime does not afford them an opportunity to seek surrogate protection under International Refugee Law. The result is a growing number of internally displaced women who are at greater risk because the government that should have protected them often commits the abuses they seek to escape. Moreover, because they have not crossed any international border to seek refuge or asylum, displaced persons can claim only minimal protection from international law (HRW 1995: 101).

The problem is compounded by the fact that none of the South Asian countries have signed the Refugees

Convention, nor has a regional refugee policy been developed. There is very little legal input available in a gendered sense for the protection of women fleeing violence and the governments have been insensitive in failing to recognize the special needs and requirements of women refugees (Hans 2003: 356). While some migrate to neighboring countries' refugee camps, a small minority seeks protection either as asylum seekers or through refugee resettlement processes. Although few in number, the issues they confront are fundamental to the protection of women's human rights (Newland 2003: 1).

Looking at forced migration from a gender perspective is therefore important to understand the circumstances which give rise to women's fear of persecution, that are unique to women. Refugee women face gender-specific violence and have gender-specific needs. During armed conflicts, international or internal, women are targeted for sexual violence, as their bodies become markers for the nation or community they represent. In flight, women and girls risk further violations of their human rights through rape and abduction. Often, their passage to safety is bought at the price of sexual favors even within the relative security of a refugee camp. Frequently bearing additional social responsibilities as heads of households they face discrimination in food distribution, access to health, welfare and education services – doubly disadvantaged as refugees and as women (Goodwin Gill 1996: 225).

Although the refugee definition in the Refugees Convention appears to be gender-neutral, behind it lie narrow interpretations and assumptions of the conventional refugee that rarely fit the experiences of women. In practice women have greater difficulty in satisfying the legal requirements for refugee status because of certain inherent male biases in the law. Women are less likely to meet the eligibility criteria for refugee status because of non-recognition of gender-based persecution, as well as the social and political context in which their claims are adjudicated. This is especially true of adjudicators who tend to regard gender-based persecution as a private and personal matter rather than as a socially significant phenomenon. Applications are continuously considered as falling outside the requirements of the Refugees Convention and rejected on the basis that the perpetrator is a private actor for whom the state cannot be made accountable. At times, fear of treading on state sovereignty has led advocates for cultural relativism to warn against interpreting traditional and historically sanctioned practices as persecution.

This omission of gender as a separate ground for persecution has had severe implications for many female asylum seekers across the world. As a consequence, debates have focussed on whether women's experiences can and should be interpreted so that they may be included into the already existing grounds or whether it is instead necessary to introduce gender as a sixth ground. The question is whether the addition of gender as a sixth ground can bring about a reconceptualisation that would reveal, instead of conceal, the persecution that has its origin in women's distinctive existential and material state of being? (Lyth 2001: 28) Heaven Crawley responds by stating, "simply adding gender or sex to the enumerated grounds of persecution would not solve the problem. The bars to women's eligibility for refugee status lie not in the legal categories *per se*, but in the incomplete and gendered interpretation of refugee law, the failure of decision-makers to acknowledge and respond to the gendering of politics and of women's relationship to the state" (Crawley 2000: 17). Still how refugee law could be more effective in strengthening other forms of protection is that refugee law, in part, takes an integrative perspective on women's rights. "By interpreting forms of violence against women within mainstream human rights norms and definitions of persecution, refugee law avoids some of the problems of marginalizing women's rights in international law" (Anker 2002: 133).

The issue of the state's role in the persecution suffered has also been a vexed problem in asylum law. Traditionally in refugee law, persecution was understood as an act of the state or those acting in their capacity as state agents. In understanding the relation between the woman seeking protection and the state it is important to point out that women suffer due to lack of infrastructure that protects them or enforcement of the existing laws providing them with effective redress (Bahl 1997: 41). In other words, the state is responsible to the extent that it fails to provide or utilize the apparatus that could prevent or redress the wrongs. The state has an affirmative obligation to protect and prevent violence, its inability to do so amounts to persecution from nonfeasance, that is, liability is conferred on the state for commission of those persecutory acts. The state would definitely be in breach of its obligations under international law, which requires it to punish those individuals – government agents or private actors – who commit human rights violations. The breach of such obligations and the inability or unwillingness in protecting a woman's human rights tantamount the state's connivance in the act of persecution.

In spite of being parties to the CEDAW and holding membership of the UNHCR Executive Committee, India, Pakistan and Bangladesh are still to recognize the importance of the rights of women refugees. This insecurity is compounded by the cultural and societal positions of women in South Asia, where they occupy a subservient position to men. Effectively, their education, resources and recourse to justice for wrongs committed against them are limited (Peters 1996: 232).

Governments in South Asia have failed to fulfill their duty to secure legal redress for women victims of persecution. Gender-based discrimination in this area includes the persistence of inadequate laws against abuses and institutional failings on the part of the criminal justice process, including the police and the judiciary. Often these failings mutually reinforce each other.

Violence against women needs to be prioritized by South Asian governments and civil society organizations as especially grave and pervasive aspects of discrimination. To this end the efficacy of 'gender asylum law' in providing 'real' protection to women facing persecution at the hands of state and private actors must be recognized. Governments must be more concerned about protection of women facing persecution, rather than thinking of how a refugee regime might open the floodgates to illegal immigrants. Rather, it is a substantive law that would facilitate states to identify illegal immigrants from refugees (Chimni 2003: 443).

A step in this direction would not only be a landmark achievement in the development of asylum jurisprudence in the region, but would also be a major addition to intervention mechanisms for the protection of women facing violence globally.

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## **Real Conflict/Real Rehabilitation : Cancellation of Licenses of Dance Bars**

**Pravin & Preeti Patkar**

*By declaring the cancellation of licences of all dance bars in the state except Mumbai, the Deputy Minister of Maharashtra, Mr. R. R. Patil has started a major controversy. This article points out some of the loopholes in the issues raised in the first round.*

As a national co-ordinator of NACSET, an network working against commercial sexual exploitation and human trafficking and as a co-ordinator of the South Asian network ATSAKE in Western India, we at the Prerana organization welcome this decision and demand that this been should be immediately implemented in Mumbai as well. Protest against the Bar Culture by organizations like ours that work for Rights of Children and Women, is completely based on the concept of 'Rights'. It has no reference of any traditional, religious morality. All the accusations made by R. R. Patil are against the degeneration of the younger generation (amongst the consumer clients). He has not yet declared that his stand is for the protection of girls. There is still time and he can in fact widen and strengthen his stand. The real victims of Bar culture are the young girls referred to as Bar Girls and who are in need of protection as a priority who are the real confronters in this conflict? Majority of the media has committed a mistake of portraying this conflict as a conflict between bar owners and the government. In over enthusiasm of presenting both the parties' stands only one side of the picture came in light. The stand of those who have vested interests in this business was one-sidedly highlighted. Those who are at the losing end of this Bar culture are never given a chance to express themselves. This conflict was never between the government and bar owners, neither it is today. In fact, there are on one side all those bar owners who want to appropriate greater profits by exhibiting the helpless dance girls as if the profit on sale of liquor is less, then the state which is supportive to them and which has collected large tax income from the same business and lastly the alcoholic men clients who come to these bars to drink, get activated by seeing the 15-20 young girls shaking and exposing themselves in provoking outfits and then seek sexual pleasure. On one side are those women who have lost everything due to the culture of drinking, who are victims of domestic violence, women who are deserted and have no alternate sources of livelihood, young girls coming from illiterate, uneducated, backward, marginalized, low income group families, girls coming from backward, feudal regions,

girls having left home to sustain themselves and having been deceived and forced to dance before alcoholic men. The other side consists of these helpless bar dancing girls who have no alternatives and no leadership. This other side infact consists of all the women who are struggling to come out of the discrimination and injustice. The government was thriving on the same Bar culture and together with bar owners was engaged in this exploitation of women. Even today, it is exceptional leaders like R. R. Patil from the government who is taking a stand against it. All those administrators and rulers who fear loss of their regular income are trying to put constraints on Patil through their backstage games. Time and again it is clearly seen that these girls by majority are minors and have no strong leadership. Their young age group can be easily determined from the word used for them as 'Bargirls' and also from their pictures published by the media. They are still in search of a leadership that will struggle for their interests. Directly or indirectly, they are under total dominance of the bar owners. The bar owners are pouring money and getting the girls to participate in protest march. The scaring influence and control of bar owners is revealed by huge number of bargirls present during the march.

**Creating Zones :** The members of middle class who think that enlightening society is their special right do talk a lot about rights and difficulties of upper caste, educated women who have secure employment in organized sectors. When it comes to the issue of bar girls they hurriedly made a suggestion of zoning in a rigid manner totally neglecting the underlying reality of exploitation and slavery Isn't this a self-contradictory and biased stand? Propagating awareness on the issue of women's sexual abuse at work and at the same time giving a fendalistic suggestion of creating separate zones for bar girls labelling them as obscene is totally self contradictory. Zoning method never solves the problem, it in fact helps in sidetracking it. How much do these girls earn? There is a dangerous fashion of spreading the news that these girls earn thousand of rupees. This misleads other members of society and also blocks the already complex process of liberation of these girls. Only those people can talk like this who have absolutely no idea about how these girls live. The leader of the bar owners, Manjeet Sing dares to challenge the govt asking it whether it can afford to provide a job with Rs. 5000 as salary. Or the leaders of the womanist party demand that an allowance of Rs. 100 per day be paid to the girls till their full rehabilitation. These people are unknowingly revealing an important truth that inspite of the shower of money on these girls in the dance floor, in reality they get maximum Rs. 5000/- per month. Where then does all this money goes?

**The first all women's political party :** Further irony

is that the political party formed to safeguard women's interests, took up the issue of rights of these girls these leaders justify this employment (?) as a right to livelihood options. A girl to whom all other options in life are denied will not dream about the moon and the stars. What she simply seeks is a job which is denied to her in her own village and town. She is then forced to leave her house and come far away to a dangerous place like a bar and dance in fronts of the alcoholics. How does this dehumanizing living accepted by these girls as a last option become the livelihood option ? If the girls looked at dancing not as forceful imposition but as an expression of their right to employment, why did 90% of them cover their face with dupatta in front of a camera ? (After reading this, the bar owners will no doubt force them to face the camera more openly).

**Wider Consequences :** Experience in many countries show that the dance bar culture leads to increase in the domestic violence against women. The issue of obscenity is not restricted to the individual choice of the viewer. Any kind of obscene entertainment (?) involves exploitation and entrapment of someone. Effects of such films are never limited to their viewer. Many innocent girls have to pay its price before and after its release and every show. The dancing girl is a helpless victim. After working in the bar majority of these girls are picked up by some or the other client for prostitution. The Bar Owners Association has filed a petition in Mumbai High court in 2004 against the Mumbai Police Commissioner to restrain Mumbai Police from conducting raids (Writ Pet. no. 1533/2004) Many requests are done in this petition. We at Prerana, have challenged this petition as an interested party against the Bar Owners Association. So, it is not relevant to comment more about important issues in the petition.

**Traditional Right :** One argument says that these girls come from families engaged in this business from generations together. Thousands of innocent young girls are sacrificed and victimized in the business of flesh in the name of religions evil practices like Devdasi Venkatsami and non religious traditions in communities such as Bediya Banchda. Men from these communities have always enjoyed life at the expense of these girls. Even today in many villages of M.P., U.P. & Rajasthan 90% of the girls born there are sold for prostitution. The mother has gone through this and the Father himself is the middleman. This doesn't mean that these traditional practices should give sanctity to any kind of exploitation. The evil practice of selling girls for prostitution traditional custom is a shameful reality for the civilized society. Justification of such practices by women from these communities point out to their suppression and intellectual subordination for generations together to a level where

now they look at the chains of slavery as their property. A question like 'shall I close this job avenue for you?' is out of context in case of slaves having no other options. Every human being wanting, to survive will answer - no, if this option is taken away, how am I to live. This doesn't mean she wants to be a slave or does not want to break the bondage.

**Issue of Rehabilitation :** Honorable Mr. Patil has raised a new issue of their rehabilitation. The Bangladeshi Traffickers and agents deceitfully bring girls and women as slaves from India - Bangladesh border areas first to Bengal and then sell them all over the country or send them to Gulf countries through Rajasthan. The victim woman must be treated as a victim according to international conventions regardless of her nationality. She should not be treated as a criminal or accused. Even if they are not our citizens, they should not sent back to their home country against their will. Many people don't feel this stand as practical. Nations having failed in providing for basic needs of their own citizens are not interested in the rehabilitation of foreigners. In rich European nations too, the support given to such foreign victim women is temporary and conditional. Maharashtra is a cultured and progressive state. We suggest that Maharashtra should do three things -

- 1) Take the responsibility of wider rehabilitation of these girls. Provide livelihood skills to the Bangladeshi girls and send them back to Bangladesh.
- 2) Get the assurance from the Bangladesh government to provide them with employment.
- 3) Recover all the cost of their rescue, and rehabilitation from Bangladesh government.

To accomplish all this, a bipartite contract should be evolved between the two nations with the help of either International court or the U. N. This will create a new ideal and practical solution that can become a regular practice. The whole operation will then be conducted on the basis of humanitarian principles. The same practice can be followed in case of other states in India. The rehabilitation of Maharashtra bargirls is simple. Govt. can easily do it. Many organizations like us are always ready to give all required co-operation in this to the Maharashtra government.

*Translated by Vaishali Joshi*

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# **Feminist Readings of Dr. Ambedkar : Understanding Capitalist Patriarchal Brahmanism ( its social structure and ideology )**

**Harsh Jagzap**

## **Introduction :**

Dr. Ambedkar is known to us as a great nationalist, chief architect of Indian Constitution, but his contribution to the understanding of caste system and Indian patriarchy has not been paid much attention in academic circles. Dr. Ambedkar's theory of caste system is not even included in the syllabus of sociology in many universities. Apart from this the women's movements and feminist academicians also have ignored Ambedkar. This has developed serious limitation in feminist theory and understanding of patriarchy in India.

The reasons behind the women's movement not having mass following and becoming powerful on one hand and women in India not struggling for their dignity and self respect and against their subordination could not be dealt with without appreciating Dr. Ambedkar's contribution to the feminist theory. This paper deals with this aspects of Dr. Ambedkar's thought.

## **A) Caste As Patriarchy :**

### **Patriarchy in Hindu Society :**

Dr. Ambedkar in his attempt to prove the genesis of caste referred to patriarchy in following words.

"From the time immemorial man as compared with woman has had the upper hand. He is a dominant figure in every group and of the two sexes has greater prestige. With this traditional superiority of man over woman his wishes have always been consulted. Woman on the other hand has been an easy prey to all kinds of inequalities and injunctions."<sup>1</sup>

As a result of this according to him sati, widowhood and pre-puberty marriages were enforced on women, rather on the men where as sanniyasa was denied to them in order to maintaining the system of endogamy.<sup>2</sup> Dr. Ambedkar sees the essence of caste in endogamy which divide the population with fixed and definite units each one prevented from fusing into another through the custom of endogamy genesis & mechanism.<sup>3</sup>

In this way he tried to understand the genesis and mechanism of caste by understanding the mechanism of maintainance of endogamy in the context of patriarchal practices, in Hindu Society.

## **Differential Patriarchies :**

Dr. Ambedkar also refers to different patterns of patriarchal practices where according to him the customs of sati, forced widowhood and pre-puberty marriages in all its strictness were obtainable only in one caste, namely Brahmins. Prevalence of the customs in non-Brahmin castes is derivative for their observance is neither strict nor complete.<sup>4</sup>

Uma Chakravarti has also pointed out the existence of different patriarchies according to the respective caste status of a group on the basis of the apparent difference in widow marriage and widow mating patterns between the high caste and the low caste.<sup>5</sup>

This marriage of patriarchy with caste leads to the differential patriarchies as well as proliferation of castes. Dr. Ambedkar has observed that." Caste in single number is an unreality. Caste exist only in the plural number. There is no such thing as a caste, there are always castes.<sup>6</sup>

Therefore in its new form patriarchy in Hindu society became caste patriarchy while castes are structured into a patriarchal caste system. These are the names of one and the same creed and can be used interchangeably.

It is because of patriarchy that women became the gateway of the caste system and by becoming so had transformed the earlier form of patriarchy into the patriarchal caste system.

Dr. Ambedkar has not addressed the question of genesis of patriarchy in Indian society but in a way explained the transformation of earlier patriarchy into the patriarchal caste system.

## **B) Caste as system of Productive Relations :**

Dr. Ambedkar sees caste system as an economic organisation according to him –

"Caste system is not merely division of labour. It is also a division of labourers. Civilized society undoubtedly needs division of labour. But in no civilized society division of labour accompanied by this unnatural division of labourer into water light compartments. Caste system is not merely a division of labourers but which is quite

different from division of labour it is an hierarchy in which divisions of labour are graded one above the other — The division of labour is not spontaneous it is not based on natural aptitude.<sup>7</sup>

Looked at from another point of view caste system is a system of stratification of occupation.<sup>8</sup>

The caste system is not a division based on choice. Caste system do not allow Hindus to take to occupations where they are wanted if they do not belong to them by heredity. Therefore the division of labour brought about by the caste system is not a division based on choice but on the dogma of predestination.<sup>9</sup>

### **C) Caste as a system based on confrontation :**

Dr. Ambedkar has understood caste as system inculcating anti-social spirit which shuts out one group having interests of its own from full interaction with other groups. This spirit isolates castes from one another as it is of nations in their isolation. Brahmin's and non-Brahmin's primary concern is to protect their interest against one another. The Hindus, therefore are not merely an assortment of castes but they are so many warring groups each living for itself and for its selfish ideal.<sup>10</sup>

The existence of caste and caste consciousness has served to keep the memory of past feuds between castes green and has prevented solidarity.<sup>11</sup>

### **D) Caste as a system sanctioned by Religion :**

According to Dr. Ambedkar Hindu religion, has inculcated the notion of caste in Hindus. It is a religion of caste, which has sanction in sacred shastras. This religion has produced in Hindus the notion of the sacredness of caste.

Hindus observe caste not because they are inhuman or wrong headed. They observe caste because they are deeply religious.

The idea of purity and pollution is a characteristic of caste only in so far as caste has a religious flavour. The idea of pollution has been attached to the institution of caste only because the caste that enjoys the highest rank in the priestly caste as priest and purity are old associates.<sup>14</sup>

## **II. Structure of Patriarchal caste system :**

Following propositions come out of Dr. Ambedkars

understanding of the caste system :

- i) Caste is patriarchy
- ii) Caste is a system of graded inequality which is a
  - a) system of division of labour and labourer both forming a economic hierarchy and stratification of occupations i.e. a system of economic organisation.
  - b) system sanctioned by religion forming hierarchy of socio-religious status expressed in terms of purity and pollution ie a system of social organisation.
- iii) Confrontations among castes is integral part of caste system which makes caste important in the sphere of political organization, the state.

i.e. In other words, caste system

  - a) is a structure of distribution of values
  - b) is a structure of productive and reproductive relations.
  - b) system of dividing the population into fixed and definite classes (closed structures) in order to produce and distribute values by organizing female sexuality.

With the help of these propositions it is possible to articulate and explain the structure of patriarchal caste system.

As a system of reproductive relations - patriarchal caste system provides hierarchical structure which determines the social status of castes by using the concept of purity and pollution where Brahmins, are at the top most position followed by Kshatriya's Vaishayas, Shudras and Atishudras comprised of Tribal, Nomadic and Criminal tribes and untouchables follow subsequently. Brahmins are considered as a class of absolutely pure people where as untouchables are considered as absolutely impure or polluted. To maintain and operate the ritual hierarchy of caste system these two extreme groups are necessary and the status of other varnas in this hierarchy is determined on the basis of relative purity and pollution with reference to these two groups.

Here castes are seen in terms of varnas as castes operate within the framework of the structure and ideology of varna system. Where castes following in first four varnas are called as 'Sawarna' and others falling in the last group are called 'Avarna' castes.

The hierarchy of ritual status is operated through three principles i.e. Anuloma, Pratiloma and Matravaranya. When caste system is seen as patriarchy these three



principles explain the pattern of control over women's sexuality.

According to Dr. Ambedkar, these three principles were established by Manusmriti which was a new code of law promulgated for the first time during the reign of Pushyamitra Sung who revolted against the rule of Mauryas which was a Buddhist kingdom after Ashoka. He saw this as a counter revolution against the revolution of Buddhism.<sup>15</sup>

### **The Brahmanic invasion of Buddhist India.**

Dr. Ambedkar had listed seven changes brought to the earlier social order by the triumphant Brahmanism as

- 1) It established the right of the Brahmins to rule and commit regicide.
- 2) It made the Brahmins the class of privileged persons.
- 3) It converted varna into caste.
- 4) It degraded the shudras and the women
- 4) It brought about a conflict and anti-social feeling between different castes.
- 6) It forged the system of graded the inequality.
- 7) It made legal and rigid the social system which was conventional and flexible.<sup>16</sup>

Most of these changes explain the existing features of caste system and require to be studied to know the structure of patriarchal caste system, but the conversion of varna into caste is of immense significance for this purpose.

Dr. Ambedkar had pointed out that varna system was flexible. Savarna marriage was neither required by law or demanded by society. All marriages between different varna were valid. Distinction between Anuloma and Pratiloma marriage was quite unknown and even the terms Anuloma and Pratiloma were not in existence. They are the creation of Brahmanism.<sup>17</sup>

**Pratiloma** : Brahmanism according to him, put a stop to Pratiloma marriage i.e. marriage between women of a higher varna and men of the lower varna. Pratiloma closes the connection between the varnas creates in them an exclusive anti-social spirit regarding one another.<sup>18</sup>

By extending Ambedkarite logic it can be said that Pratiloma preserves the notion of purity of the upper castes and prevented the higher from being dragged to the status of the lower. It also becomes the reason for proliferation of castes by creating new castes through excommunication and ritual death. Pratiloma was

prohibited by code of law and enforced by the power of the state.

**Anuloma** : Marriages between men of the higher varnas and women of the lower varna was allowed by Brahminism to continue. Anuloma helps to prevent a complete isolation of the varna in the context of prohibition of Pratiloma.

**Matrusavarnya** : Under the rule previous to the law of Manu the rule of Pitra Savarnya was practiced which was determining the varna status of the child by the varna of the father.

Pitra Savarnya together with Anuloma formed a very useful system. Anuloma maintained the interconnection and pitra savarnya rule made the higher varna quite composite in their make up for they could be drawn from mothers of different varnas. To closed this gate of intercommunication and upgradation lower varnas to upper varnas Brahmins replaced the rule of Pitra savarnya by matra savarnya by which the status of the child came to be determined by the varna of the mother.

Anuloma together with Matrasavarnya ceased to be a means of intersocial communication. It relieved man of the higher varna from the responsibility to their children simply because they were born of a mother of lower varna. It made Anuloma marriage mere matter of sex a humiliation and insult to the lower varnas and a privilege to the higher caste to lawfully commit prostitution with women of the lower castes. And from a larger social point of view it brought the complete isolation among the varnas which has been the feature of Hindu society.<sup>19</sup>

In this way Anuloma preserves the concept of pollution of the lower castes. It is an effective instrument of cultural subordination of lower castes. It can also be translated in terms of ceasing the possibility of alternative purity. Which might have been generated due to the prohibition of the Anuloma marriages.

Under this setup it is very difficult to break the rules of caste system. The only option remain with the lower castes within this structure to revolt against its to protect the purity of their own caste that to by controlling the sexuality of women of their own castes.

Whereas the upper castes had two options to maintain the given structure of first protecting the purity of their own caste and second of polluting the lower caste. By controlling the sexuality of the women of their own caste as well as of the women of the lower castes. The practice of polluting the lower castes leads to the system of graded control of womens sexuality.

## **Kinship & Gotra in the structure of Patriarchal Caste System :**

Structure of Patriarchal caste system as a system of reproductive relations could not be understood completely without understanding its relation with the structures of kinship and Gotra.

According to Dr. Ambedkar one of the primitive survivals of Hindu Religion is the custom of exogamy. Regarding the people of India the law of exogamy is a positive injunction even today. Indian society still savours of the class system, even though there are no class and this can be easily seen from the law of matrimony which centres around the principle of exogamy for it is not that sapindas (blood kins) cannot marry, but a marriage even between sagotras (of the same class) is regarded as sacrilege.

It is no exaggeration to say that with the people of India exogamy is a creed and none dare intringe it. In spite of the endogamy of castes within the Hindus exogamy is strictly observed and that there are more rigorous penalties for violating exogamy than there are for violating endogamy.

So far as India is concerned the creation of caste is therefore the superposition of endogamy to exogamy.<sup>20</sup>

In this light the structure of Hindu family and its role in productive and reproductive processes need to be studied.

Patriarchal caste system as an economic organization can be studied by finding out the role of women in agricultural and industrial, capitalist system of production in terms of their participation in productive process and their control over property or access to private property.

It is through the reproductive relations that the control over property is maintained in patriarchal caste system.

A lot of empirical research is required to prove this relationship of women, caste and agricultural and industrial system of production.

Role of women in division of labourer and labour and stratification of occupation needs to be interrogated empirically.

## **Ideology of Patriarchal Brahmanism :**

Dr. Ambedkar has dealt with the ideology of Patriarchal Brahmanism while criticizing Manusmriti as a law of counter revolution against Buddhism. He has critiqued many ideas of Manusmriti regarding women which could

be classified into two categories, first of Stri Swabhava and second of Stri Dharma or Pativrataadharma and explained how Hindu Dharmashastras have distorted the understanding of women's nature and subordinated them to the men and deprived women of the freedom she had under the Buddhist regime.<sup>21</sup>

He also deals with the concept of Stri Shakti while giving his critique of Hindu mythology. He asked the questions like 1) why did the Brahmins dethrone the Gods and enthroned the Goddesses ? 2) Why did the Brahmins wed our Ahimsak God to a Bloodthirsty Goddess as the riddles in Hinduism.

The answer to these is certainly to protect the Patriarchal Brahmanism, where the birth of these goddesses itself establishes the supremacy of Gods or the males where as the heroic deeds of the Goddesses for which they were seen as the symbol of Shakti are the deeds in order to establish caste domination through genocide of lower varnas and Aasuras. Therefore these symbols of women's power are on the contrary the symbols of women's slavery protecting the order of Patriarchal Brahmanism.<sup>22</sup>

Thus, the set of ideologies developed to maintain caste system can be seen as the ideologies of patriarchal caste system as such.

Apart from this Dr. Ambedkar's understanding of Buddhism as an emancipatory philosophy for eradication of Patriarchal Brahmanism is the subject to be dealt with in detail elsewhere.

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*This article is a part of a larger on-going project and is as such to be viewed as 'Work in Progress'.*

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## What Do Muslim Women Want?

( An interview with Razia Patel by Jyoti Punwani )

Razia Patel was 22 when she shattered the image of the Indian Muslim woman by leading a small band of women in Jalgaon to a cinema hall. They were defying the ban on seeing films imposed on them by the maulvis. In return she got stoned.

Eleven years later. She set out in search of the 'real' Indian Muslim woman, knowing that what she would discover would be absolutely different from the common image of the Muslim woman.

She was not disappointed. A year after the long journey. Razia has found that distinct from the Muslim woman portrayed in the national and the international media, and the one portrayed by the Muslim leadership here, there exists a woman attuned to the harsh realities of her daily existence: who feels let down by her community's leadership; who curses her own illiteracy and wants her daughter to be educated enough to support themselves; who wants to practice family planning; who has more faith in secular courts and women's groups than in her own male-dominated, yet powerless jamaat, but who wishes courts were cheaper; who revels in her new-found mobility in big cities and hates being pushed back into the cloister she had left behind in the village, whenever riots take place; whose greatest source of happiness is the absence of strife between Hindus and Muslims...

The voyage of discovery has confirmed Razia's belief, developed after working for the last 14 years among her community in the small towns of Maharashtra, that the real problems of the Muslims are never dealt by politicians (whom she met for the survey) or the press. It has also equipped her to deal with them herself. "I often despaired of taking the ordinary Muslim with me. Now, I don't" she says.

As a full-time activist of the Jan Mukti Sangharsh Vahini (founded by Jayprakash Narain in 1974). Razia often dreamt of undertaking such a journey but could never afford to do so on her own. So when she read an advertisement of the Times Research Foundation, she decided to apply for the year-long fellowship, and in July this year submitted her findings, titled 'Indian Muslim women - struggle for living with dignity'.

With the help of trained researchers, Razia drew up a methodology which took her to 21 Muslim-majority

areas across seven states, meeting 300 women in different circumstances and surroundings and getting them to answer a long questionnaire. Nowhere did she encounter a general hostility, for she took care to go through organisations which had done credible work among the community. As a Muslim woman herself, she also made sure that every meeting would be an opportunity to listen to whatever the women - and often their men - were dying to say, but had never been asked.

Not one divorced woman wanted her right to maintenance by her husband to be taken away, she discovered. Sixty five per cent of the women had not heard of Shahbano. Most of those who had, came to know of her when they went to court for maintenance. The words of one divorcee still echoed in Razia's ears : "I have told by husband : either give back my youth to me or give me my rights."

Razia discovered that most men divorced their wives after three to five years of marriage - i.e. after one or two children. More than one such divorcee told her : "Half our lives have gone in building that home. Have we no rights to it?" What surprised her was that the men too felt that on grounds of humanity, injustice should not be done to a divorced wife.

Though only 30 per cent of the women she met were divorcees. Razia feels talaq is an important problem for Muslim women. Not so purdah, for she found that 52 per cent of the women did not observe it and those who did, did not do so all the time. Besides, purdah was observed by Muslims where it was most prevalent among Hindus too.

One of Razia's most important findings is that the Muslim woman's condition reflects that of her Hindu counterpart. In states where the majority community has responded to progress, the minority also has, as in Maharashtra, Kerala and Goa.

But there's no wishing away the double burden borne by the Muslim woman - an oppressed minority within an oppressed minority. Her men use the rights given to them by Islam but shirk its responsibilities. They adopt from the majority community whatever suits them - such as dowry, which she found the commonest reason for divorce.

It is the Muslim woman who must decide which question is important for her, says Razia, Not intellectuals or activists or leaders. Wherever she feels her human rights are denied, it becomes an issue to be tackled.

Thus, though only seven per cent of her respondents had a co-wife, the hurt they felt at their situation made polygamy an important issue.

Razia's father's stress on education, a questioning spirit and respect for all religions prompted her to join JP's movement when she was just 17. The village-school educated girl, who did her BA and MA years later through correspondence courses, now intends to put Muslim women's education first on her agenda - in response to the demand voiced by eighty per cent of the women she met. Sharing the place will be her daughter, Neha Razia Shrikant. She is named in keeping with the belief both her parents share, bequeathed by JP, that surnames are caste indicators which must be done away with.

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( Razia Patel is presently a Lecturer at IIE, Pune and continues to work on Muslim Women's education. This interview was first published in TOI ).



## Reading Bama

Mukta Kulkarni

It is astonishing to note that a region like Tamilnadu which proudly exalts the legacy of a strong anti-caste and anti-gender discrimination movement led by a veteran like Periyar, still witnesses brutal atrocities committed against Dalits and especially Dalit women. The incidents like an upper caste woman throwing excrement mixed in water on the face of Muthumari, a Dalit woman of Keela Urappanur, Madurai district, or a Dalit Panchayat President Durairasu of Sottathatti in Shivganga district, being prevented from flag hoisting on 15th August 2003 and being beaten with slipper by a caste fanatic, highlight a startling fact i.e. the Dalits in Tamilnadu have to face utterly humiliating treatment even in the wake of twenty first century. However, it is a welcome sign that the Dalits are in no mood to tolerate these injustices and – ready to fight back. Since 1990s, there has been a growing dissemination of Dr. Ambedkar's thought throughout Tamilnadu thus leading to increasing self-awareness among the Dalits. This process also gets reflected in the emergence of vigorous Tamil Dalit literature. The writings of Dalit writers like Idayavendan, Abhimani, Unjairajan, Vidivelli, Marku etc. are infused with an assertive Dalit consciousness.

Bama, a renowned Tamil Dalit woman writer has contributed to this emerging Dalit consciousness by integrating it with feminist consciousness. Bama has to her credit, critically acclaimed works like *Karukku* (1992) an autobiography, *Sangati* (1994), a novel and *Kisumbukkaran* (1996) a collection of short stories. *Karukku* and *Sangati* have been translated into English by Laxmi Holmstrom. *Karukku* has received the 'crossword best translated book award' in the year 2000.

The powerful entry of Dalit literature on the literary scenario in Maharashtra in the 1960s was followed by increasing Dalit women writings especially autobiographical narratives in the 1980s. Inspired by Ambedkarite thought, Dalit women Kumeed Pavade, Beby Kambale, Shantabai Kamble, Mukta Sarvgod, Indumati Jondhale and Urmila Pawar are some of the notable ones who have penned down honest and moving accounts of their experiences and struggles.

This process has started quite recently in Tamilnadu. Hence this kind of flood of Dalit literature and especially Dalit women writings is not so visible there. The literary interventions of Bama, become all the more important in this background.

The predicament of Dalit Christians, a comparatively less explored subject in Marathi Dalit literature (barring some notable exceptions like 'Christi Mahar' by Balasaheb Gaikwad) emerges as the central theme of Bama's *Karukku*. In this autobiographical account, Bama has tried to explore the threefold identity of being a 'Dalit-Christian-woman' from many angles. *Karukku* depicts one important phase in her life. Having been born in a Dalit Christian family in a village, she takes education on the advice of her elder brother with a conviction that it is the only way for putting an end to her plight. She completes her graduation and takes B.Ed. degree with a strong determination. After taking up a job as a teacher in a Christian school, she realises that the nuns there, are discriminating against the Dalit children by giving them humiliating treatment. She herself decides to become a nun for upliftment of the Dalit children. Undeterred by opposition from her family members, she becomes a nun and starts working in a convent. But to her great disappointment, she again experiences a wide gap between the preachings and practices of the Roman Catholic Church. The Christian priests and nuns, though giving sermons on mercy, sympathy and service to the poor, themselves behave exactly against that. They indulge in all sorts of luxuries and look down upon the poor contemptuously. The church is utterly casteist and the Dalit children are given humiliating treatment by it. Bama, who became a nun in order to bring about a change in the lives of Dalits and especially Dalit children can not tolerate all this and hence decides to quit the convent and returns to her village. *Karukku* mainly portays this phase of her life. Hence a strong critique of the church, the oppression and discrimination faced by Dalits at the hands of the church and the plight of converted (Christians) Dalits appears to be the central theme of *Karukku*.

In another sense, the search for self is also a prime concern of *Karukku*. A continuous quest for self while remaining honest to one's inner voice has been depicted in it. After taking education by facing various difficulties, it was very much possible for her to lead a comfortable life as a teacher. But her passion for serving Dalit children compels her to search for a new path, hence she becomes a nun. In the convent also she rejects the easily available luxurious life due to her unshakable faith in her cause. Thus a strong commitment to an egalitarian social structure and a firm resolve and self-control required to renounce a comfortable life style can be witnessed everywhere in this narrative.

Thus, a constant search for self and ongoing struggle for it constitute the coe of *Karukku*. This endeavour has been exemplified by the symbolic title of the book i.e.

'Karukku'. Karukku means Palmyra leaves with their serrated edges on both sides, like a double edged sword. The author says that there are many cognities between those leaves and her own life." Not only did I pick up the scattered Palmyra Karukku in the days when I was sent out to gather firewood," she says, "scratching and tearing my skin as I played with them, but later also they became the embryo and symbol that grew into this book. There are many events in her life that torn her like Karukku and made her bleed. The unjust social structures, her desperate urge to break these bonds and the blood which was split in this struggle, all is symbolised by 'Karukku'. She also points out that the Dalits who have been oppressed, are now themselves challenging their oppressors like the double edged Karukku.

This autobiographical narrative presents the multi-layered reality of Dalit oppression, very effectively. It underlines the fact that religion (church) state (mainly police) and highly unequal economy provide for nature nurture the basis of caste exploitation. The disgusting caste discrimination in the church has already been noted. Moreover, police are also seen here as brutally oppressing the Dalits on behalf of the wealthier chalias caste. Besides, the Dalits are terribly of exploited by the unequal distribution of resources and a highly unequal economy. Both, Dalit men and women have to exert themselves day in and day out, still that cannot ensure more than a Kanji (Crice gruel) to them. Thus, the different forces acting upon Dalits and making their condition more and more miserable, have been plainly elaborated in this narrative. One crucial fact emerging from this narrative is this - along with a value system, in form of religion, providing ideological support to the caste exploitation, there also lies a firm material base to this oppressive caste system. Dalits, due to their disadvantage position in the mode of production can not rebel against the oppression by the upper castes, as they are totally dependent on them for their daily bread. It is very important to take into account this multi-dimensional reality and complexity of Dalit exploitation, underlined in this book.

One important factor adding to the 'complexity and sustainability of the caste system is the notion of graded inequality embedded in it, according to Dr. Ambedkar. Due to this feature, every caste regards itself to be superior than some other castes which are lower in the caste hierarchy. Hence unity of even the oppressed castes on the lowest rungs of the caste hierarchy becomes very difficult. This nature of caste system becomes evident in Karukku. The middle castes, which are regarded as shudras and hence as allies of the atishudras according to the 'brahminical - non - brahminical

framework, are seen to be in the forefront in exploiting Dalits. Even the Dalit castes like Palla and Pariha are seen to be fighting bitterly with each other instead of uniting against their common oppressor. Karukku depicts this fact of reality honestly.

As noted earlier, caste discrimination and exploitation of Dalits in Roman catholic church is the central theme of Karukku. This of brings into focus the issue of converted (especially non. Buddhist) Dalits. 'Christi Mahar' by Balasaheb Gaikwad, 'Muslim Mahar' by Ibrahim Khan as well as Bama's 'Karukku' underline the gravity of the problem of converted, non-Buddhist Dalits. It also highlights the growing accomplished brahminisation of Indian church as well as Indian Islam. However there is a risk that these works portraying the plight of converted Dalits might be manipulated by the Hindutva brigade for strengthening their own position. The crucial issue of all pervasive caste system can be sidelined and the issue of Hindu or Christian or Islamic religious practices many come to the centre stage. This risk has to be avoided.

Bama's Karukku is followed by 'Sangati' a novel. The translated version of Sangati has been published in the year 2005. The feminist, especially Dalit feminist consciousness, which could also be witnessed in Karukku, has been expressed more sharply in Sangati. It can, therefore, be regarded as next step of Karukku. Sangati defies the traditional structure of a novel having a well knit plot, characters etc. It mainly portrays the day to day lives of Dalit women, their communication with each other, their religious activities, rituals, traditions etc. There are number of instances of the hard toiling of the Dalit women, as well as various facets of exploitation of Dalit women like discrimination in bringing up, discrimination expressed through rituals, inequality in wages of men and women, eco— exploitation sexual exploitation by upper caste men, exploitation within family, patriarchy and casteism in church etc. A striking feature of Sangati is that, it portays the other side of the picture i.e. the economic self reliance and resultant courageous and rebellious tendency of the Dalit women, with equal emphasis. Some of the liberating spaces available to Dalit women in comparison to those from upper castes have also been noted. e.g. the self reliance of Dalit woman, coming from her productive labour outside home, flexibility regarding symbols of marriage like Taali C (sacred black thread) or Kumkum, equal status to widows, acceptance of widow remarriage etc. have been mentioned as advantages with a firm rejection to any efforts of Sanskritization. Along with a realisation that all women are victims of a particular kind of exploitation on account of their womanhood, there also appears an understanding of 'difference' of Dalit women's exploitation due to caste

hierarchy. Dalit woman doesn't only suffer exploitation from her family, husband but also confronts sexual and economic exploitation by the upper caste men. The greatness of Sangati lies in its portrayal of this double sidedness of Dalit women's exploitation as also in noting the difference between Dalit patriarchy and upper caste patriarchy.

The subversive and rebellious content of both Karukku and Sangati also reflects in the language used in it. As translator Laxmi Holmstrom has noted, 'Bama uses the Dalit Tamil dialect... for narration and even argument and comment not simply for reported speech. Besides overturning received notions of decorum and propriety, she bridges spoken and written styles consistently. She breaks the rules of written grammar and spelling throughout her work, demanding a new and different pattern of reading in Tamil.' The language in Sangati, especially is at times abusive and violent. But it is not surprising if the very violence which the Dalit women have to face in their day-to-day lives and which has become an inherent parts of their lines, also gets reflected in their language.

Thus, the significance of Bama's writings being rich in both content as well as expression, lies in more than one reason.

Firstly, these writings underline the degeneration of the strong anti-caste movement under Periyar into a most of the dominant and middle castes, just seeking to replace the Brahmins for grabbing power position for themselves. Leave aside, making special efforts for upliftment of Dalits, but these middle castes have come forward as the main oppressors of Dalits in villages. Hence, it becomes pertinent to evaluate the real nature of this 'anti-caste and anti-gender-discrimination Self Respect movement.

Moreover, these writings, by elaborating the difference of exploitation of Dalit women, challenge the stereotyped assumptions like all women are Dalits' or all women are exploited alike. This realisation highlights the varying nature of patriarchy along castes as also the interdependence of caste system and patriarchy. It thus paves the way to understanding the different aspects of Dalit-women exploitation as noted by scholars like Gopal Guru, Pratima Pardeshi, Saroj Kambale among others and ultimately leads to the development of a 'Dalit-feminist standpoint as elaborated by Sharmila Rege.

Thirdly, the emergence of Dalit and Dalit women's writing from across the regions in India and their translation in English may lead towards formation of a national or

perhaps a universal Dalit identity. Through conscious construction of such a comprehensive identity purged of casteism and patriarchal tendencies the dangers of narrow identity politics might be evaded.

*Bama is the first Tamil Dalit Woman autobiographer and will be delivering the Madhuriben Shah Memorial Lecture at the Goa Conference.*

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( Mukta Kulkarni is a researcher in the Political Science Dept., University of Pune and Assitant Editor of 'Vatsaru' ).



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