

Vikalp – November 2004

Editorial

India gained Independence fifty-seven years ago and established itself as a secular and democratic nation. Democracy endows people with the basic ideals of equality, justice, dignity and the right to information. A democratic government has been described as one “of the people, for the people and by the people”. Hence, it represents the people of the society who form the State. The State then represents the collective power of its people. This representation is manifested in its various institutions such as the judiciary, the legislature, etc and also the various facets of this society such as caste, gender relations, etc. The Lok Sabha and State Assembly elections have been conducted recently, and now, a relatively more secular and democratic political party has taken over the reigns of these institutions and our society. Nevertheless, equality and freedom as a base for democracy is still in a threatened position.

We, at Vikas Adhyayan Kendra decided to examine the Indian institutions in relation to the ideals of democracy. The section **Focus** features an article by Dr. Ninan Koshy on “*International Developments and Democracy*” thus discussing how globalisation has come to affect democracy and located the issues of the war on terror in the context of human rights and democracy. The next article is on “*Judiciary and Democracy*” by Justice H. Suresh (Retd.). The article discusses the fundamentals of democracy and how it is applicable to the judiciary and its appendages in India. The third article is written by Dr. Anand Teltumbde and is titled “*On Ambedkar’s State Socialism*”. The article discusses Ambedkar’s conception of State and Socialism in the text ‘States and Minorities’. The fourth set of articles discusses “Women Under Islam in India”. ‘*Muslim Women and the Personal Law*’ is a short write-up done by Surabhi Sinha so as to introduce the aspects of women’s rights under Muslim Personal Law and a special focus on Muslim women’s socio-economic conditions. Following this are articles by Dr. Asgar Ali Engineer on “*Islam, Islamic World and Gender Justice*” discussing Muslim women’s rights under the Sharia’h law; the second by Megan Adamson Sijapati on “*The Tablighi Jama ‘at and Gender: Women, Narrative and The Religious Discourse of Struggle*”.

The section on **Special Articles** features articles by Dr. Urmimila Das on “*Women’s Activism in the Social Movement of Orissa*” and by Dr. Jimmy Dabhi on “*Empowerment of Women Through Organisational Power – An Alternative Development Paradigm*”.

Focus:**Institutions And Democracy**

- **International Developments and Democracy** – *Dr. Ninan Koshy*
- **The Judiciary and Democracy** – *Justice H. Suresh (Retd.)*
- **On Ambedkar's State Socialism** – *Dr. Anand Teltumbde*
- **Women Under Islam in India:**
 - **Muslim Women and the Personal Law** – *Surabhi Sinha*
 - **Islam, Islamic World and Gender Justice** – *Dr. Asgar Ali Engineer*
 - **The Tablighi Jama`at and Gender: Women, Narrative and the Religious Discourse of Struggle** – *Megan Adamson Sijapati*

Special Articles:

- **Women's Activism In The Social Movement of Orissa** – *Dr. Urmimila Das*
- **Empowerment of women through organisational power An alternative development paradigm** - *Dr. Jimmy Dabhi*

International Developments And Democracy

Dr. Ninan Koshy

International developments today are determined today largely by the imperial project of the United States. Globalization and the War on Terror are the main components of the project. Discussions on democracy have to be placed within this context.

Democracy in the Age of the Empire

A host of writings has appeared, particularly since the events of September 11, 2001, which attempt to give content and meaning to the new world order in the context of the War on Terror. In general they argue a case for new colonialism and imperialism by military means and if needed, by context.

To the US the new world order is an American empire. We are no longer talking about imperialism in the abstract or merely as an ideology. What we are witnessing is the building of an American Empire militarily and territorially. In his seminal essay on America's emerging empire, Michael Ignatieff wrote:

Ever since George Washington warned his countrymen against foreign entanglements, empire abroad has been seen as the republic's permanent temptation and its political nemesis. Yet but what word but 'empire' describes the awesome thing that America is becoming? It is the only nation that polices the world through five global military commands, maintains more than a million men and women at arms in four continents, deploys carrier battle groups on watch in every ocean, guarantees the survival of countries from Israel to South Korea, drives the wheels of global trade and commerce and fills the hearts and minds of the entire planet with its dreams and desires (1)

The occupation of Iraq is part of the empire-building project. In his article, that the concentration of so much oil in the Gulf "makes it what a military strategist would call the *empire's centre of gravity*."

The close links between globalization and imperialism are affirmed not only by critics but also by ardent supporters of globalization. Oxford Professor Niall Ferguson put the matter bluntly:

We have to call it by the real name. Political globalization is a fancy word for imperialism, imposing our values and institutions on others. However you may dress up, whatever rhetoric you may use, it is not very different in practice from what Great Britain did in the eighteenth and nineteenth centuries. Contrary to popular arguments made in the 1960s, imperialism is affordable to the richest nation in the world. (2)

The document *National Security Strategy of the USA*, sent to the Congress by President Bush on 20 September 2002, contains the most explicit imperial

doctrines. The two statements in the document, which are most discussed are the following:

The President has no intention of allowing any foreign power to catch up with the huge lead the United States has opened since the fall of the Soviet Union a decade ago.

We will not hesitate to act alone, if necessary to exercise our right of self-defense by acting preemptively.

What is often not discussed is that it is also a significant economic document, a blueprint for enforcing a worldview favouring corporate globalization and unregulated free markets all in the name of democracy.

A close reading of the Bush administration's plans in the document for corporate world economic dominance reveals an audacious agenda. Its opening remarks, in the words of the President, boldly proclaim that the United States will "use this moment of opportunity" (i.e. the war on terror) "to bring democracy, development, free markets and free trade to every corner of the globe". The economic agenda that will follow the flag in the quest of democracy for a better world is clearly spelt out. In the view of the US, the lessons of history are clear. Market economics, not planned or controlled economics, is the key to prosperity and democracy.

"The twenty first century will be one of great promise. Globalization – the process of accelerating economic, technological cultural and political integration – is bringing citizens from all continents together. A growing number of nations around the world have embraced American core values of democratic governance, free market economics and fundamental human rights.

The implication of the document is clear. There is an integral relation between free-market economics and American security in the world. Globalization and imperial security go together. Global capitalism, enforced militarily if needed, is the bulwark against terrorism and the guarantee for democracy. That is why democracy is now imported into oil rich Iraq through occupation.

Globalization and Democracy

How globalization affects democracy may be summarized as follows:

- i. It is usually claimed that globalization promotes democracy. An enduring tenet of the post-Cold War era is that globalization can be a catalyst for democracy. It may be true that democracy is 'spreading'; but it is not 'deepening'. The 'form' may be spreading but the 'content' is diminishing.
- ii. Globalization has a profound impact on political institutions and political discourse nationally and internationally. Internationally the United Nations system has been refashioned to support a 'global governance' the main objective of which is to 'promote dynamic open free markets' for globalization.
- iii. In the emerging global order the main 'governing body' is the World Trade Organization, which is implementing a new 'global

- constitutionalism'. The WTO, the World Bank and the IMF, which ostensibly promote democratic governance, are undemocratic both in decision-making and style of functioning.
- iv. One important development under globalization is the transformation of the state, a change in the 'vocation' of the state. The state survives and shows precious little signs of dissolving in the face of globalizing capital. But its sovereignty has diminished. Supra-territorial capitalism and 'global governance' have compelled states to reduce many social security provisions demolishing the welfare aspects of the state. These trends have created major difficulties for the realization of democracy through the state.
 - v. There is a clear shift on the discourse on democracy. Democracy is today seen as the mechanism that will enable the smooth functioning of the market. The 'traditional values' of democracy such as human dignity, freedom, equity and justice are ignored.
 - vi. Citizenship is the foundation of the modern liberal democratic state. It is strongly linked to the concepts of nation-state and sovereignty. Given that both these concepts are in crisis, citizenship has become a beleaguered idea: entitlements are denied, there is no accountability from rulers, decision-making centres are remote.
 - vii. Globalization narrows policy choices thus depriving citizens of the ability to decide through democratic process. It sharply restrains the capacity for national governments to pursue policies preferred by citizens of their countries. A new elite political culture is shaped by two developments: the rise of technocrats and the rise of new commercial elites.
 - viii. The impact of globalization on human rights is both conceptual and practical. The change in the nature of the state and erosion of citizenship substantially reduces civil and political rights. An economic model that does not have justice or welfare dimensions violates economic and social rights.

The War on Terror and Human Rights

In fact it is in the area of human rights that the War on Terror also has become the biggest threat to democracy. The Amnesty International Report of 2004 said that efforts by several governments to fight terrorism through stringent domestic measures in the aftermath of the September 11 attacks on the US are curtailing human rights across the world. "Hundreds of people suspected of terrorism found themselves condemned to legal black holes as the authorities ignored national and international legal frameworks".

It is important to point out that it is in countries that pride themselves as the greatest democracies that draconian laws were initiated in the name of fighting terrorism curtailing human rights.

In the United States, in the name of the war against terrorism human rights have been violated through new Executive Orders and arbitrary actions and constitution of military tribunals to try suspects, especially of foreign origin. The over-arching Patriot Act gives the government power to arrest suspects and detain them almost indefinitely, deport them, hold them in solitary confinement,

open their mail, tap their phones, monitor their e-mail and search their homes without a warrant. In an editorial the *New York Times* said, “The Bush administration’s misguided effort to sidestep America’s existing civil and military courts to prosecute al Qaeda and Taliban suspects in military tribunals has lurched from one problem to another. Now the Pentagon is coming with a legal theory that it will let bring 300 detainees before the tribunals in the absence of specific evidence that they themselves have committed war crimes. This is a distressing exercise. In the US we do not arrest people and then devise laws to prosecute and convict them. Public confidence in the outcome of these trials demands a return to established American legal principles including independent court review”. (3)

The editorial was written against the background of new rules made regarding detainees. They could face tribunals without specific evidence of engaging in war crimes. The new rulers would allow prisoners to be charged even when there is no evidence indicating they personally violated the laws of war. It would be enough to show they were part of a group (terrorist) and furthered its aim.

Since September 11, 2001 thousands of people have been detained in the USA without trial or charge or even any legal rights. The fate of most is unknown. During the period, the US government has secretly transported dozens of people suspected of links to terrorists in countries other than the US bypassing extradition procedures and legal formalities, according to Western diplomats and intelligence sources. The suspects have been taken to countries including Egypt and Jordan whose intelligence agencies have clear ties to CIA and where they can be subjected to interrogation tactics – including torture and threats to their families – that are illegal in the USA, the sources said.

In the name of fighting terrorism a new draconian law was enacted in Britain without any proper parliamentary scrutiny. The *Anti-Terrorism, Crime and Security Act* which has the same aim as the American *Patriotic Act* permits indefinite detention without trial – internment by another name – of non-Britons whom the Home Secretary “reasonably believes” are terrorists or have links “with an international terrorist group” or are a “risk to national security”. “Terrorism” is defined in the Act covering “the use or threat of action” designed to influence the government or to advance a “political, religious or ideological cause”. Such action includes the threat of “committing serious damage to property” To impose indefinite detention, the British government had to suspend its obligations under the European Convention on Human Rights and the UN’s International Covenant on Civil and Political Rights. The *Sunday Observer* wrote, “We do not lack legal powers to tackle terrorism – far from it. The new power is simply about imprisoning people where there is no quality evidence that they have committed any crime”. (4)

The Prevention of Terrorism Ordinance (POTO) October 2001 and the Prevention of Terrorism Act (POTA) March 2002 in India have also to be seen in the context of the war on terrorism. While they could claim their ancestry to the Terrorism and Disruptive Activities Act (TADA) the hasty manner in which the Ordinance was promulgated, its timing and the rationale given by the government took them to the global prospect of restricting human rights in the

name of fighting terrorism. The Bharatiya Janata Party government asserted that POTO was in line with the US and British laws being enacted after September 11 attacks in New York and Washington. Introducing the Bill to replace Ordinance in the Parliament the Home Minister Advani said that after September 11 terror strikes in the US “democracies the world over have enacted far more stringent laws and it is not they have abandoned human rights”. He added that the UN Security Council had also asked member states to have laws against terrorism. The government argued that after September 11 terrorism has attained global dimensions and India was only complying with the Security Council Resolution 1373 of September 28, 2001 enjoining member states to undertake comprehensive measures to deal with terrorism. (5)

Some senior UN officials began to realize very soon that the Security Council resolution was being misused by some member states to justify repression of domestic dissent even through democratic means. Compliance with the Security Council requirements “could lead to unwarranted infringement in civil rights”, Bacre Waly Ndiaye, the chief human rights officer at the UN Secretariat told the new UN counter-terrorism committee. “There is evidence that some countries are now introducing measures that may erode core human rights safeguards”. “In some countries”, Ndiaye told the committee at its meeting on December 13, 2001, “non-violent activities have been considered as terrorism and executive measures have been taken to suppress or restrict individual rights including the presumption of innocence, the right to a fair trial, freedom from torture, privacy rights, freedom of expression and assembly and the right to seek asylum”. (6)

It is ironic that a resolution of the Security Council of the United Nations, established to reaffirm faith in fundamental human rights and for the promotion of equal rights for all, is misused by some member states to restrict and violate human rights. “There is an erosion of civil liberties in the name of combating terrorism”, Mary Robinson, UN High Commissioner for Human Rights said, in a speech to the Organization for Security and Cooperation in Europe. “We are getting reports from human rights defenders, trade unionists and journalists around the world that measures are being taken by countries saying that they are combating terrorism but in fact clamping down on political opposition, freedom of the press, branding activities as being terrorist which were not so described before September 11”. (7)

In this, as in much else, the imperial leadership of the USA was followed by many states. That is what the USA meant when it said in the *National Security Strategy* document cited earlier: *A growing number of nations around the world have embraced American core values of democratic governance, free market economics and respect for fundamental human rights.*

Democracy and the War on Terror

It is important to note that while the US has greatly raised the profile of democracy as a policy matter in its fight against terrorism, it has actually set aside its democratic scruples and sought closer ties with autocracies throughout the Middle East and Asia. Thomas Carothers wrote in *Foreign Affairs*, January/February 2003:

The most glaring case is Pakistan. The cold shoulder that Washington turned toward General Pervez Musharraf after he seized power in 1999 has been replaced by a bear hug. In recognition of the Pakistan leader's critical supporting role in the war on terrorism, the Bush administration has showered Musharraf with praise and attention, waived various economic sanctions, assembled a handsome aid package that exceeded \$500 million in 2002, and restarted US-Pakistan military cooperation.

Bush officials insist that they combine their embrace with frequent private messages to Musharraf about the importance of returning to democracy. But during the past year the Pakistani president has steadily consolidated his authoritarian grip, a process punctuated by a clumsy referendum last spring and a sweeping series of anti-democratic constitutional amendments in the summer. Bush and his aides have reacted only half-heartedly to this process, publicly repeating tepid calls for democracy and exerting no real pressure. (8)

In his latest book *The Lesser Evil: Political Ethics in an Age of Terror*, Michael Ignatieff argues, "the chief impact of terrorism on liberal democracy has been to strengthen executive power - the power of presidents and prime ministers - at the expense of courts, the legislature and a free press. Democracy is not just majority rule, balanced by minority or individual rights. Democracy is also check and balances, the system of 'adversarial jurisdiction' of executive measures by legislatures, courts and a free press" (9)

He adds:

A war on terror is fought largely by secret agencies, below the radar of judicial, legislative or media scrutiny, all on presidential or prime ministerial orders. The concentration of executive power and the proliferation of secret government are the chief dangers that terrorism poses to free government. In other words, it is not just the attacks of terrorists that harm us, but our reactions to them. (10)

In the Age of the Empire, globalization and the war on terror have together distorted and weakened democracy.

NOTES

1. The Empire: The Burden, *The New York Times Magazine*, 5 January 2003.
2. *The Guardian*, 31 October 2001.
3. *The New York Times*, April 2005, 2002.
4. *The Sunday Observer*, March 10, 2002
5. Ninan Koshy, *The War on Terror Reordering the World*, Left Word Press, New Delhi, 2003.
6. William Orme, *Los Angeles Times*, January 2, 2002.
7. *Toronto Globe and Mail*, July 20, 2002.
8. Thomas Carothers, *Foreign Affairs*, January/February 2003.
9. Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror*, Edinburgh University Press, 2004.
10. Ibid.

Judiciary And Democracy

Justice H. Suresh (Retd.)

While there is a general decline in the efficacy of functioning of all democratic institutions, it is a matter of great consolation that people still have faith in the judiciary and its functioning. No matter litigation is a lifetime process; still people go to court of law and have not gone to the streets to settle their claims. The recent example of the Best Bakery Case should reaffirm the faith of the people in the Supreme Court, even when any hope of getting justice in Gujarat had almost vanished.

Still, the question is, does that make the judiciary a democratic institution? The Courts settle disputes between private parties, and between private parties and the State. They send people to prison and decide the scope and application of all manners of rights and duties with important consequences for individuals and for society. However, we cannot forget that judges are human beings, as fallible as any other human being, and if the apex Court's decision results in injustice, what should the litigant do? Prof. Harold Laski, when he was unjustly defeated in a case of defamation which he had filed, had this to say: "When you are beaten in the Courts of law, there is a kind of dumb finality about it which I can only compare with the ultimate emphasis of death."

The fundamental principle of democracy is that the will of the people shall be the basis of the authority of Government. It also means that in a democratic State, the Government and its institutions shall be answerable to the people. The question is, how do we provide for representation of the will of the people, in the governance of any State?

In England, the Parliament is supposed to represent the will of the people. Parliament would include the Queen, the House of Lords and the House of Commons. "Queen in Parliament", as they say, has the right to make or unmake any law whatever. Further, no person or body is recognised by the Law of England as having a right to override or set aside the legislation. If the law is not found favour with the people, it can be amended or repealed by the next Parliament, provided the majority in the House of Commons so desire.

We have a Parliamentary form of democracy, but our Parliament is not supreme. The laws are subject to judicial review by the Supreme Court—Virtually, the High Courts and the Supreme Court. At the same time the judiciary, itself is not supreme inasmuch as judiciary can determine the validity of any law only based on the Constitution of India. There is no higher law than the Constitution of India, and all law must be in conformity with the Constitution of India.

In a sense, the Constitution may appear to be sovereign, as it is the supreme law of the land. However, any Constitution is only a document and how do we consider a document as sovereign? What do we do, if majority of the people desire to change the Constitution and replace it by another? It is said that the amending powers under the Constitution (Art.368) should enable the people to make such a change. While, in theory, "yes", in reality it has never happened

anywhere. I am yet to see any Constitution being replaced by another Constitution, through any amending provisions.

Again, what is the Constitution? And who says: What is the Constitution? It is the judges who interpret the Constitution. As Chief Justice Hughes (*McCulloch v/s Maryland*; American Supreme Court) says: "We are under a Constitution, but the Constitution is what the Judges say it is". In India, in the Case of *Keshavananda Bharati* (AIR 1973 SC 1461), our Supreme Court, while negating the provision that there is no limitation on the constituent powers of the Parliament to amend the Constitution, categorically stated that certain features of the Constitution could never be amended. Thus, whatever be the will of the people and wherever it is identified to have been situated, the basic features of the Constitution can never be amended. This is relevant in the context of concerted efforts in certain quarters to establish a Hindu Raj in this country, in the place of a secular democratic republic that has been recognised as unamendable basic feature of our Constitution (1).

One of the requirements in a democracy is the need for accountability to the people, by those who are in the governance of a State. Generally, it is the Parliament and the Executive that are answerable to the people. This arises periodically when elections are held. This is the theory. We are not certain whether in reality, elections could be considered as a genuine test of accountability. Today, the mafia, the musclemen and the millionaires have hijacked elections. What we have is a pseudo-democracy.

Our judges are not elected to the Courts. The Executive appoints them. Therefore, the structure, as such is not democratic. While the two organs of the State, the Executive and the Legislature are accountable to the people, is there any obligation for the third organ of the State, the Judiciary, to be accountable to the people? If so, how?

It cannot be said that judges are not accountable at all. They have to be accountable to the law, but it is they who uphold the law or declare it as ultra vires the Constitution. They have to be accountable to the Constitution, but it is they who interpret the Constitution. Does that mean that they could be fallible, yet remain as a law unto themselves?

Mr. Justice V. R. Krishna Iyer once said: "No democracy is stable unless the Court becomes an integral part of the people's process. Judicial democracy is not a contradiction of ideals unless authoritarianism becomes a judicial paradigm. The Court is for the people and therefore its credentials are based on dispensation of justice to the national constituency without fear or favour and with utter impartiality." (The Hindu dt. 22-1-2002). In other words, in a democracy, it is essential that just as people should have faith in the Courts, the Courts themselves must so behave as to evoke confidence of the people in the Courts. As Abraham Lincoln said: "If you once forfeit the confidence of your fellow citizens, you can never regain their respect and esteem. The Supreme Court, in the case of *All India Judges' Association v/s Union of India* (AIR 1992 SC 165), quoted with approval what Edmund Burke had to say: "All persons processing a portion of power ought to be strongly and awfully impressed with

an idea that they act in trust, and that they are to account for their conduct in that trust to the one great Master, Author and Founder of Society.”

Under the Indian Constitution, where do we find that “trust”? For that we have to look into the Preamble, which says:

“WE THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:
JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual...”

The obligations of every democratic entity under the Constitution are to fulfil these objectives under the Constitution. Accountability of each Constitutional authority has to be to these objectives of the Constitution. When periodical elections are held, it is in recognition of the fact that we have a democratic State. Similarly, the requirement that the Government should resign when it loses its majority on the floor of the House of Lok Sabha, is in recognition of the basic principle of our having a democratic State. It is not a question of having a mere right to vote from time to time. What is important is the link between democracy, secularism, minority rights and fundamental liberties. There can be no genuine democracy without secularism and there can be no Secular State without democracy. So also liberty, equality, Fraternity, justice social and economic is all essentials of democracy. As stated by Dr. Ambedkar (in the Constituent Assembly): “Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things.”

To translate these ideas and ideals, we incorporated two Chapters in the Constitution—Part III—Fundamental Rights, and Part IV—Directive Principles of State Policy. The former guaranteed fundamental rights enforceable as against the State. The latter imposing fundamental duties on the State—fundamental on the governance of the State. As Glanvill Austin says: “The core of the commitment to the social revolution lies in Part III and IV, Fundamental Rights and in the Directive Principles of State Policy. They are the conscience of the Constitution.” This is what Bhagwati J. said in *Mineva Mills Case* (AIR 1980 SC 1789): “The core of the commitment of the social revolution lies...in the fundamental rights and directive principles of State Policy.”

Democracy will not work without safeguarding civil liberties and equality. Independent Judiciary is the only guarantee for safeguarding civil liberties and equality. We have provided for an independent judiciary. Largely, our judiciary has done well on the question of civil liberties, as compared to judiciary in certain other countries, though there are certain aberrations, which could have been avoided.

The major thrust of our judiciary centres on the question of right to life and liberty as found in Article 21 of the Constitution. Art.21 says: "No person shall be deprived of his life or personal liberty except according to procedure established by law". While drafting the law, we did not accept the concept of American "due process of law". That was for two reasons. Firstly, it had led to large number of cases in the American Courts, on the question whether any law or procedure was in accordance with "due process"—i.e. "fair, just and reasonable." Secondly, we thought that Parliament being supreme, the Court should have no jurisdiction to decide what is fair and what is not fair, when it comes to legislation. That would be undemocratic, as it would mean the Court sitting in judgement over the will of the people as represented in the Parliament.

What is important in Art.21 is that no one shall be deprived of his life or liberty, arbitrarily. Arbitrary deprivation of life or liberty is anti-democratic. There has to be a law and a procedure under the law. That is the essence of the rule of law and the Courts have the onerous task of guaranteeing the rule of law.

In the beginning, the Supreme Court (in A.K. Gopalan's Case, AIR 1950 SC 27) declined to read into the law and the procedure any requirement of reasonableness or fairness. That is how Gopalan's preventive detention was upheld even though the law did not provide for principles of natural justice. The Court would uphold the action if there were any law and a procedure under the law, whatever be the law or the procedure. The law could be "tyrannical" or it could be oppressive, but for the Court it was "legal" and that was enough.

However, the change came, gradually, by giving wider meaning to different concepts under Part III of the Constitution. In the Bank Nationalisation Case (*R.C. Cooper v/s Union of India* (1970) 2 SCC 298) the Supreme Court overruled the theory in A.K. Gopalan's Case that freedoms under Articles 19, 21 and 22 are mutually exclusive. Instead, the Court opined that the question of restraint on right to life and liberty should be considered by reading these Articles together, instead of confining it to any one Article, exclusive. This led to a landmark judgement in *Maneka Gandhi v/s Union of India* ((1978) 1 SCC 248), which literally brought in the American "due process" within our Constitution. The Court said that if a person's fundamental right under Art. 21 is infringed, the State can rely on a law to sustain the action, but that cannot be a complete answer unless the said law satisfied the test laid down in Article 19 (2). In other words, the law has to be reasonable. Having come to the conclusion that Article 21 should be read with Article 19, the Supreme Court went a step further by taking into account Article 14, the right to equality. In that they referred to *E.P. Royappa V/s State of Tamil Nadu* [AIR (1974) 4 SC 555] wherein it was stated that equality is antithetic to arbitrariness. The Court had said: "...equality and arbitrariness are sworn enemies. One belongs to the rule of law in a Republic, while the other to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit that it is unequal both according to political logic and constitutional law and is therefore in violation of Art.14. Article 14 strikes at arbitrariness in State action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness, pervades Article 14 like a brooding omnipresence and the procedure

contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14. It must be “right and just and fair” and not arbitrary, fanciful or oppressive; otherwise, it will be no procedure at all and the requirement of Art.21 would not be satisfied.”

This judgement is important because it came soon after emergency. It cannot be gainsaid that during emergency, all civil liberties were suppressed and even the right to remedy was suspended. In *A.D.M. Jabalpur v/s Shivkanth Shukla* (AIR 1976 SC 1207) the majority of judges (4 to 1) held that by virtue of the Presidential Order, all rights under Articles 14, 19, 21, 22 and 32 stood suspended. The Court did not accept mala fide detention, excessive delegation of power and non-conformity with the law as grounds of interference by the Court. Chandrachud J. observed: “Counsel after Counsel expressed the fear that during the emergency, the Executive may whip and strip and starve the detenu, and if this be our judgement, even shoot him down...” The sole dissenting judgement came from Khanna J. He said: “The principle that no one shall be deprived of his life or liberty without the authority of law is rooted in the consideration that life and liberty are priceless possessions which cannot be made the plaything of any individual whim and caprice.” He said that this right existed before the Constitution came into force, almost indicating that it was an inalienable right and no law, no Constitution can take away such a right.

It was during this decade——i.e. the later half of the seventies and the first half of the eighties——the Supreme Court gave a wide meaning to the word “life” under Article 21, and said in judgements after judgements that “life” includes food, clothing, shelter, health, environment, education, livelihood etc.——all that goes with life——to live with human dignity. [*Francis Coralie* (AIR 1981 SC 746); *Bandhwa Mukti Morcha* (AIR 1984 SC 802); *Olga Tellis* (AIR 1986 SC 180)] Similarly, the scope of “liberty” came to be widened to such an extent as to include not only all fair trial principles, but also legal aid, (*Hussainara* (1979), *M.H. Hoskot* (1978)), Prison reforms (*Sheela Barse* (1983)), Prisoner’s Torture (*Sunil Batra* (1978)), Delay in trial (*Rudul Shah* (1983)), Delay in execution of death sentence (*Sher Singh* (1983)) etc. It was during this period, the doctrine of *locus standi* was also liberalised, the motivating factor being equality and equal access to justice for all. P.N. Bhagwati J. explained: “...where a person or class of persons to whom legal injury is caused, or legal wrong is done, is by reason of poverty, disability or socially or economically disadvantaged position, not able to approach the Court for judicial redress, any member of the public acting *bona fide*...may move the Court for relief...so that the fundamental right may become meaningful not only for the rich and the well-to-do who have the means to approach the Court, but also for the large masses of the people who are living a life of want and destitution and who by reason of lack of awareness, assertiveness and resources unable to seek judicial redress.” (*Bandhwa Mukti Morcha* (AIR 1984 SC 802 at 813). The Supreme Court also liberalised the procedure; even a letter or a post-card or a media report containing the bare facts of violation of human rights, was sufficient to treat the same as a petition to move the Court. Thus, a large number of Public Interest Litigation (PIL) came to be filed in the Supreme Court, and in many High Courts, mainly as an instrument of social justice. As these things happened, how one could say that the judiciary was not accountable to the aspirations of the people.

However, during the last decade, we find the Supreme Court displaying a trend of deviations from its commitment to “life and liberty” as espoused during the decade of eighties. Who could have imagined that after Maneka Gandhi’s Case, the Supreme Court could have ever upheld a law like TADA or POTA? TADA was essentially a draconian law; it was universally recognised as an unjust and irrational law. The procedure under the law was equally unfair. Yet in Kartarsingh’s Case (1994) 3 SCC 569 the law was upheld. It was the Parliament in its wisdom (in 1995) that did not extend the law. Again when POTA was brought in, as draconian as TADA, the Supreme Court did not feel the necessity to overrule Kartarsingh. Similarly, the Supreme Court upheld in 1998, the Validity of Armed Forces (Special Powers) Act (AFSPA), in spite of demonstrating how the law has been used for perpetrating the worst violation of human rights. Today, it is this law that is used to suppress all civil liberties in States like Manipur. The precursor of AFSPA is the Ordinance of 1942 promulgated by the British—Armed Forces (Special Powers) Ordinance, 1942 which was responsible for suppressing the Quit India movement launched in 1942. How can a Free India ever resort to such a law?

Again, what has happened in the field of social justice? The Supreme Court had repeatedly said that Right to Life includes Right to Shelter. Now slums are being demolished all over the cities in India, under the Orders of the High Court. In Bombay, the demolition of housing colonies situated around National Park, Borivali, some of the houses being in existence over five decades, resulting in de-housing over 400,000 persons under the Orders of the High Court. The Supreme Court found nothing wrong with this Order. Justice V.R. Krishna Iyer condemned the Order, with no effect: “The Order is an extra-ordinary one, the like of which has not been heard anywhere in the judiciary.” In another case where small-scale industries were ordered to be removed from Delhi, in the name of pollution-free Delhi, the Supreme Court did not realise that the order would affect the fate of 25 lakh workers in Delhi. Justice Kirpal described the slum dwellers as “pick-pockets”. In the Case of *Narmada* (2000) 10 SCC 664, the majority judges held that since “a decision is taken by the government after due consideration”, it did not matter if the increase in the height of the Dam resulted in large-scale displacement of the tribal population. They found no meaning in the claim of the tribals right to housing. The same approach was displayed by the Supreme Court, in the case of *Balco* (2002 (2) SCC 333). The plea of the workers likely to lose their protection of rights under Articles 14, 16 and 21—their right to livelihood—did not matter. The Court observed that the “PIL was not meant to be a weapon to challenge the financial or economic decisions which are taken by the Government in exercise of their administrative power”.

Similarly, after *S.R. Bommai* (1994) there could have been no scope for any political party securing power through a religious policy, which has a tendency to disintegrate people on the grounds of religion. Yet, this judgement was not even referred to when the election of Shiv-Sena Chief Minister Manohar Joshi was upheld, even though the evidence was that he had canvassed based on Hindutva. The judgement gives the impression that canvassing based on Hindutva was permissible, because “Hindutva is only a way of life”. Again, if

Ram janmabhoomi issue is kept alive, the judiciary should be blamed as much as the Sangh Parivar.

Equally disturbing is the series of judgements that have come from the High Courts, and the Supreme Court declaring Bandhs and strikes as unconstitutional and illegal. They are all *per se* anti-democratic judgements. In Bombay, if a Union or any Human Rights group wants to protest or hold any demonstration, it has to go to a corner of a maidan where no member of the public goes.

One of the main reasons for the change in the judicial approach is because we have few judges who are committed to the values of liberty, equality, fraternity and social and economic justice. They are still not convinced that all human rights are indivisible and are inter-dependent. They still do not appreciate that certain human rights are non-derogable. They think that Economic, Social and Cultural Rights as set out in the Directive Principles or in ICESCR are all matters of State policy and judicial intervention in the past, was at best declaratory. What we require is a leap-forward and not any leap-backward. It is therefore necessary that we have judges with "social justice perspective, and people-oriented credentials" so as to make judiciary an integral part of democracy.

Notes:

- (1) *This reminds me of S. R. Bommai's Case (1994(3) SCC 1) wherein it is said: "Political parties, group of persons or individuals who would seek to influence electoral process with a view to come to political power, should abide by the Constitution and the laws including secularism, sovereignty, integrity of the nation. They should not mix religion with politics. Religious tolerance, and fraternity are basic features and postulates of the Constitution...Programmes or principles evolved by political parties based on religion amounts to recognizing religion as a political governance...violates the basic features of the Constitution."*

**On Ambedkar's State Socialism
Anand Teltumbde**

Introduction

State socialism is associated with Dr. Ambedkar in the same way as Buddhism or Constitutionalism are. All of these terms ostensibly transcend his apparently singular concern for the emancipation of dalits. When times were fraught with movements claiming wholistic and lofty ideals like anti-colonialism, nationalism, socialism, revolution, etc., Ambedkar chose to focus on a seemingly sectarian task, the emancipation of his people as his sole mission in life. In pursuing this mission, he necessarily had to contend with all of these mainstream forces and bear the ignominy of being denigrated as a spoilsport in the anti-imperialist struggle and a stooge of British by his detractors. Few understood that his dalit emancipation was a prerequisite and an integral part of the loftiest of the projects of creating a society sans exploitation and his contentions with other

movements were basically interrogations of their claims of struggling for their professed goals without concerning with the utterly fragmented societal structure best represented in the plight of dalits. It is therefore that when Ambedkar made a proposal for state socialism, some people were thrilled to see him go beyond the caste question to the aspects of socialism- from a sectarian obsession to a universal vision, in their perception. To those who tended to see him in place of Marx, his ideas of state socialism came handy to do so.

Ambedkar's ideas of state socialism have been elicited in his book- States and Minorities. This book, published in 1947, was essentially meant to be a memorandum on the safeguards for the Scheduled Castes which he had prepared on behalf of his party- the Scheduled Caste Federation for submitting to the Constituent Assembly at the time when he or his party did not have any representation in it. Ambedkar, as he puts it in the Preface to this book, had hoped that the Constituent Assembly would elect him to the States Committee because of his scholarship. But when he found himself left out, "he chose the next best thing—namely, to incorporate his views in a brochure along with the Rights of Citizens, of Minorities and of the Scheduled Castes so that a wider public may know what they are, may value them for what they are worth and may make such use of them as it may deem fit." (States and minorities, Preface). The Memorandum defined Fundamental Rights; Minority Rights and Safeguards for the Scheduled Castes. The ideas of state socialism come in relation to the remedies against invasion of fundamental rights and under the protection against economic exploitation.

Before 'States and Minorities', Ambedkar had severally expressed his preference for socialism as a system to achieve his dream society sans exploitation; a society based on the principles of liberty, equality and fraternity but he had never attempted to contour his conception of socialism. On the contrary, by contending the claims and propositions of the Communists, who were the most ardent proponents of socialism, he gave an impression that he was not particularly enamoured by the idea of socialism in India. The form and content of the movement he launched against castes had apparently a reformist overtone; it was ostensibly directed against the Hindu religious code that unleashed a particular pattern of socio-cultural behaviour in the Indian society. It was entirely against social and cultural oppression of the lower castes and did not refer to their economic exploitation so as to bring in socialism on the agenda. That this struggle in its given form was itself a part of larger struggle encompassing socialism was never made clear. In arguing that the socialist revolution of the Communists was not possible without confronting castes and even if such a revolution took place, it would be of no use because the post-revolution society will have to undertake the same caste struggles in a more difficult situation, he was seen opposed to communists and socialists and friendly with liberal democrats who habitually expressed some such cynicism about revolutionary politics. His love for reforms and scepticism for revolution that alone could bear socialism also reinforced this notion. In this context his explicit prescription of socialism, albeit of a different variety, did stand him in a radical stead as a pragmatic socialist.

The main task this paper undertakes is to understand the genesis of the idea of state socialism in Ambedkar's mind in order to assess its proper import. Why does he choose this particular type of socialism in preference to the scientific socialism of the Marxists? How well do these ideas gel with his main project of annihilation of castes? It also seeks to examine the integrity of the concept and viability of the idea of state socialism in the realm of theory. Subsequent to the publication of 'States and Minorities', Ambedkar found himself in the Constituent Assembly and soon thereafter heading its Drafting Committee. The Constitution that the Constituent Assembly gave the country bears a distinct imprint of his vision, for which he is eulogised as its chief architect. Although, not carrying any of his suggestions with regard to socialism in the memoranda, the Constitution still proclaims itself as socialistic and reflects a curious influence of Ambedkar's views on its overall attitude. It is interesting to see to what extent, this form of state socialism corresponds to the basic ideas of socialism, as benchmarked in Marxism. Finally, the paper provides a conclusion outlining in brief how socialism is integral with the emancipation struggle of dalits and how it could only be achieved through a revolution by the working class.

State Socialism in 'States and Minorities'

In an Appendix to the main text of 'States and Minorities', Ambedkar explains his conception of state socialism as "an obligation on the State to plan the economic life of the people on lines which would lead to highest point of productivity without closing every avenue to private enterprise, and also provide for the equitable distribution of wealth" (S&M, Appendix, Cl. 4). The plan proposes state ownership in agriculture with a collectivised method of cultivation and a modified form of state socialism in the field of industry. It thus qualifies state socialism to be applicable only to the field of industry and proposes a kind of model of mixed economy that does not foreclose possibilities of private enterprise. Ambedkar saw acute scarcity of capital for rapid industrialization and raising productivity in the country and therefore the need for the state to play a role of mobilizer and provider of capital. His plan obligated the state to supply capital necessary for agriculture as well as for industry. In order to augment resources of the state and provide personal security to individuals, the two crucial factors identified by him in raising productivity, he proposed nationalisation of insurance. As he says, "Nationalised Insurance gives the individual greater security than a private Insurance Firm does inasmuch as it pledges the resources of the State as a security for the ultimate payment of his insurance money. It also gives the State the resources necessary for financing its economic planning in the absence of which it would have to resort to borrowing from the money market at a high rate of interest." (ibid). State socialism was seen as essential for the rapid industrialisation of India. As even the big capitalists of those days admitted in their "Bombay Plan", prepared on the eve of independence, Ambedkar did not see private capital capable of shouldering the massive task of industrialisation in the country. Besides he saw, industrialisation entirely left to private capital would produce inequalities of wealth as happened in Europe. Therefore, he proposed that 'key' industries be owned and run by the state. Even the industries which were not key industries but which were basic industries also should be run by the State or by state corporations.

While the Appendix meant to explain the Plan envisaged state socialism to be applicable in the field of industry, the plan had already brought entire agriculture is under the umbrella of state industry. It envisaged state to acquire 'the subsisting rights' in industries, insurance and agricultural land from private individuals by paying them compensation in the form of debentures equal to the value of his or her right in the land. These debentures would earn interest and would also be encashable as per the terms decided by the state. With regard to Agriculture Industry, the plan envisaged division of all agricultural land by the state into farms of standard size which should be let out for cultivation to residents of village as tenants, of course without distinction of caste or creed, to cultivate them as collective farms or in the manner prescribed by the government. The cultivation of these collective farms should be financed by the state in terms of providing all crucial inputs including supply of water, draft animals, implements, manure and seeds for which the state would be entitled to levy suitable charges from the produce.

The distinctive features of this plan relates to the prescription of "state socialism in important fields of economic life" and its establishment by the Law of the Constitution which in order to make it unalterable by any act of the Legislature and the Executive. Ambedkar thus relies on the Constituent Assembly to make a Constitution which will quasi permanently shape the economic structure of the society. In other words the Constituent Assembly will ordain such a state which will follow socialist policies. If these assumptions are held true, there should be no doubt that the features of this plan will catapult the society to a qualitatively much higher plane. The collective farming envisaged in the plan has certainly socialistic features, barring the recognition of property rights envisaged in the plan in the form of debentures. It is certainly superior to the land reforms that have eluded the landless poor despite their persistent struggles over the last six decades. Land reforms in the form of land to the tiller or landless poor could lead to proliferation of small holdings of poor quality lands which would make supply of optimized inputs to them an unmanageable task to extricate them out of their state of unviability. Thus they might not prove beneficial to either giver or taker. Collective farming, obviating the private ownership in land, being amenable to the supply of optimised inputs, is a far superior solution to traditional land reforms in the Indian context.

The industry under the ownership and control of the state could substantially curb inequality, although it does not mean that it would be in the control of public or workers. In the context of scarcity of capital, centralised planning assumes vital importance which can only be done by the state. Moreover, the state has many avenues to source this plan as compared to private capitalists, in order to ensure desired improvement in productivity. In sum, it is the model which is approximately operated by the post- revolution societies in the USSR and China and cannot be faulted on its socialist credentials. However, there is a crucial difference. Whereas in the USSR and China, the was brought into operation by the proletarian revolution and was operated by the socialist states, Ambedkar envisaged it to be brought about by the moral force of the Constituent Assembly and operated by the bourgeois liberal state. Alternatively, whereas the history shows that socialism is brought about only by a socialist

state, which itself is a product of revolutionary change, the plan of state socialism simply assumes a congenial state in an obviously incongenial socio-political setting. The model in other words simply assumes what is to be achieved!

State Socialism: A Concept in History

State socialism, as a form of socialism, mainly emerged in Germany in reaction to the spread of socialist movements based on the teachings and writings of Karl Marx and Friedrich Engels in Europe. It sought to intervene with various policy measures in state processes for giving or maintaining equality of opportunity and other assistance to the weaker sections of the society while retaining the right of private property, the institution of the family and other features of the present form of the state. Much before it sprang up in Germany, Louis Blanc, a radical journalist in Paris who was greatly responsible for unleashing the 1848 Revolution in France had advocated the ideas of state socialism. In his radicalism, he came closest to articulating communist ideal of "from each according to his ability, to each according to his needs" and with it, almost single-handedly converted the rebellious Parisian masses to the socialist cause, giving the revolution a decidedly more labour-oriented hue. However, after the failure of the revolution and his exile to Britain until 1871, he gradually gave up his radicalism, calling only for state involvement in social programmes and income redistribution.

Ferdinand Lassalle, a contemporary of Marx who had formed German Workers Party in 1863, a precursor of German Socialist Party, was the prototype of the state socialist. He aimed to get socialism handed down by the existing German state. The state, Lassalle told the workers, is something "that will achieve for each one of us what none of us could achieve for himself." Marx taught the exact opposite: that the working class had to achieve its emancipation itself, and abolish the existing state in the course. Bernstein was quite right in saying that Lassalle "made a veritable cult" of the state. Lassalle organized this first German socialist movement as his personal dictatorship. Quite consciously he set about building it as a mass movement from below to achieve a Socialism-from-Above. The aim was to convince Bismarck to hand down concessions-particularly universal suffrage, on which basis a parliamentary movement under Lassalle could become a mass ally of the Bismarckian state in a coalition against the liberal bourgeoisie. To this end Lassalle actually tried to negotiate with the Iron Chancellor by sending him the dictatorial statutes of his organization as "the constitution of my kingdom which perhaps you will envy me".

The next example of state socialism is best seen in the form of Fabianism, spread by a coterie of middle-class intellectuals in and around London through their Fabian society founded in 1884. Its name derives from the Roman General Fabius Cunctator (275-203 BC), who had advocated a withering conflict of attrition rather than any full-frontal attack in his wars with Hannibal. The Fabians propagated the idea that socialism and a socialist state was best achieved by "gradualist" methods, in contradistinction to the more revolutionary and confrontational methods adopted by traditional Marxism in continental Europe. The Fabians sought to change the system from within through their great

intellectual weight by persuading members of government, civil servants, and other people, that the amelioration of the plight of the less fortunate in society was a necessary and just cause. They did achieve some success in influencing post-War British welfare state but collapsed under its own contradictions soon thereafter. However, this socialism of Sidney and Beatrice Webb, that Schumpeter had called a British equivalent of German state socialism, had great influence on many intellectuals all over the world.

The attributive 'state' in state socialism signified reliance on state to transform society into socialist society. Insofar as all socialists except anarchists believe that the state can be used in some form to transform today's society, this attributive may not be useful. The real significance of this attributive should therefore be understood as whether the capitalist state could be used to transform society into a socialist society. For instance, Social democrats believe and work only through the current state, but Marxist -Leninists will insist on seizure of the state and transform it into a proletarian state that could work for building socialism. Only Anarchists disagree with this statist approach and believe that such state socialist or authoritarian socialist methods are doomed to fail.

State socialism, broadly speaking, is any variety of socialism which relies on ownership of the means of production by the state. It is different from the classical concept of socialism which advocated social ownership of the means of production. Many European political parties on the political left advocated varying forms of state ownership, in the form of social democracy. They did not think the overthrow of capitalism in a socialist revolution was necessary for establishing socialism. and hence accepted the continuing existence of the capitalist state and the capitalist economic system. They just wanted tilting the state towards social purposes. State Socialists argued for a gradual, peaceful transition from capitalism to socialism. They wished to abolish capitalism, but through evolution rather than revolution. It is through these process that such terms as "democratic socialism" and "social democracy" have emerged in modern political terminology.

In contrast, Marxism, based on a formidable philosophical foundation holds that a socialist revolution is the only way to implement fundamental changes in the capitalist system. According to it, the socialist state that comes into being after revolution works for building socialism during the transition period, as dictatorship of proletariat. But after this transition period, the state slowly withers away transforming society into a communist society. The critics of the Marxists generally observe that this is not borne out by the facts. The states in the countries that had marxist revolutions during the last century emerged as 'Stalinist' states- more authoritarian and bureaucratic states that appeared stronger than ever, rather than showing any signs of withering away. The Marxist factions which were opposed to Bolsheviks, such as Trotskyists think that these countries were never socialists and could only be characterised as state socialist. Some other Trotskyist schools call them state capitalist, to emphasise the lack of any socialist content in them. Others like Libertarian socialists and Anarchists go further, deriding Marxism itself as state socialism. They use the term as the primary contrast with their own form of socialism, which involves collective ownership of the means of production without state

intervention. Anarchists consider the idea of achieving socialism via dictatorship of proletariat is simply ridiculous. They contend that any such system would simply be called “state capitalism” Because they would be incapable of fundamentally changing the position of the working class, whose members would simply be wage slaves to the state bureaucracy rather than to the capitalist class.

There is little difference between state capitalism and state socialism. State capitalism is used to describe the current system of big business subject to extensive state control. It was used by Lenin himself to describe his immediate aims after the October Revolution, namely a regime in which the capitalists would remain but would be subject to a system of state control inherited by the new “proletarian” state from the old capitalist one (Osinsky, quoted by Brinton, *The Bolsheviks and Workers' Control*, p. 39). Another use of the term is to signify a regime in which the state replaces the capitalist class totally via nationalisation of the means of production. In such a regime, the state would own, manage and accumulate capital in place of individual capitalists. Thus state capitalism presents a continuum at the one end of which lies the capitalist state exercising control over big business and at the other end the capitalist state owning up most means of production and managing it for capital accumulation. State socialism falls somewhere on this continuum. As Anarchists maintain, state socialism can always be described as “state capitalism” as state ownership of the means of production does not get to the heart of capitalism, namely wage labour. Rather it obfuscates exploitation by replacing private bosses with the state (which could be far more brutal and difficult to handle) and changes the form of property from private to state property rather than getting rid of it.

Ambedkar's State Socialism: Resolution of a Dilemma?

Is the idea of Ambedkar's state socialism an adopted idea or is it derived one? No doubt, Ambedkar had considerable influence of Liberalism and Fabianism, having studied in Columbia University and the London School of Economics; the latter being founded by the Fabians themselves. Despite it, Ambedkar never adopted any idea as it is, and formulated his own in the context of actual situation. Most of the ideas he upheld appeared similar to the ideas in vogue in the West but they all were subtly different and heavily contextualised. His idea of state socialism also is born out of his thought process engaged in native circumstances and contradictions. Ambedkar was seized of the ideological systems that promised a world sans exploitation. There were preponderance of Fabian and Liberal theories in which he was tutored during the times he studied in the US and England and there was a Marxist system which had just brought about a revolution in one country and changed the structure of the world. No one seriously engaged with the problem of creating a new world without exploitation could ignore the formidable ideology of Marxism. It was natural that Ambedkar also considered Marxist system for the problem at hand but he did not find it applicable. Ambedkar was engaged with a unique problem of rooting out social and cultural oppression, ordained by the religious code, which largely reproduced itself even in economic and political realm. Marxism did not have much to offer there. Besides, much of his opinions were forged by the empirical

Marxism he confronted in his own setting.

In relation to socialism for instance he faults the 'socialists in India' (Ambedkar used socialists for Communists) for being doctrinaire about economic interpretation of history. He argues, "But I recognize that economic interpretation of history is not necessary for the validity of the Socialist contention that equalization of property is the only real reform and that it must precede everything else." (A of C) Many of the Marxists of his times, having come from the Brahmin middle class background could not overcome puritanical doctrinaire attitude and were not equipped moreover to experientially relate with the suffering of the majority of people within the caste hierarchy. They just parroted about equality but refused to see its blatant negation around them. While questioning them about their bookish conception of socialism, Ambedkar reveals his own concerns: "Now the question that I like to ask is: Is it enough for a Socialist to say, "I believe in perfect equality in the treatment of the various classes?" To say that such a belief is enough is to disclose a complete lack of understanding of what is involved in Socialism. If Socialism is a practical programme and is not merely an ideal, distant and far off, the question for a Socialist is not whether he believes in equality. The question for him is whether he minds one class ill-treating and suppressing another class as a matter of system, as a matter of principle and thus allow tyranny and oppression to continue to divide one class from another." (A on C)

While analysing the factors involved in the realization of Socialism, Ambedkar poses the fundamental problematic of revolutionary consciousness among Indian proletariat, required to bring about a revolution, being impossible without tackling the problem of castes. As he writes:

"Now it is obvious that the economic reform contemplated by the Socialists cannot come about unless there is a revolution resulting in the seizure of power. That seizure of power must be by a proletariat. The first question I ask is: Will the proletariat of India combine to bring about this revolution? What will move men to such an action? It seems to me that other things being equal the only thing that will move one man to take such an action is the feeling that other man with whom he is acting are actuated by feeling of equality and fraternity and above all of justice. Men will not join in a revolution for the equalization of property unless they know that after the revolution is achieved they will be treated equally and that there will be no discrimination of caste and creed. The assurance of a socialist leading the revolution that he does not believe in caste, I am sure, will not suffice. The assurance must be the assurance proceeding from much deeper foundation, namely, the mental attitude of the compatriots towards one another in their spirit of personal equality and fraternity. Can it be said that the proletariat of India, poor as it is, recognise no distinctions except that of the rich and the poor? Can it be said that the poor in India recognize no such distinctions of caste or creed, high or low? If the fact is that they do, what unity of front can be expected from such a proletariat in its action against the rich? How can there be a revolution if the proletariat cannot present a united front?" (A on C)

All he perhaps expected from the contemporary Marxists was recognition of this problem and support to the movement of the untouchables against the caste system. The Marxists however considered the anti-caste movement as divisive of the working class unity at the practical level and as a superstructural issue not to be distracted with from the basic class agenda. The dichotomy of caste and class that refuses to die down even today was basically a product of this mechanical understanding on the part of early Marxists. Ambedkar on the other hand, only strove to highlight the consequences of ignoring castes- firstly in terms of thwarting revolution with caste consciousness and secondly, even if it did take place somehow, the necessity to confront it in a post revolutionary society. He writes:

“I can't see how a Socialist State in India can function for a second without having to grapple with the problems created by the prejudices which make Indian people observe the distinctions of high and low, clean and unclean. If Socialists are not to be content with the mouthing of fine phrases, if the Socialists wish to make Socialism a definite reality then they must recognize that the problem of social reform is fundamental and that for them there is no escape from it. That, the social order prevalent in India is a matter which a Socialist must deal with, that unless he does so he cannot achieve his revolution and that if he does achieve it as a result of good fortune he will have to grapple with it if he wishes to realize his ideal, is a proposition which in my opinion is incontrovertible. He will be compelled to take account of caste after revolution if he does not take account of it before revolution. This is only another way of saying that, turn in any direction you like, caste is the monster that crosses your path. You cannot have political reform, you cannot have economic reform, unless you kill this monster. (Annihilation of Castes, III, printed in 1944)”

Besides this classic argument against Marxism or more correctly, Marxist practice in India, he had reservations about its methodology in bringing about socialist state. Much of it, as one would observe now was stemming perhaps from the discussions of Marxism shorn of its philosophy, viz., dialectical materialism, historical materialism and scientific socialism, and the rest from his personal proclivities forged out of his religious upbringing and training in Liberal and Fabian tradition. The Marxist revolution was associated with violent uprising and inevitably materialised through bloody class war. While violence was not an anathema for Ambedkar, all the same his liberal mind would not accept it as inevitability. He believed in seizure of political power for bringing about revolutionary change but still wondered whether it could be achieved without violence. Even after revolution, the class struggle according to the Marxist theory continued in the form of dictatorship of proletariat. As he observes, “The Communists say that there are the only two means of establishing communism. The first is violence. Nothing short of it will suffice to break up the existing system. The other is dictatorship of the proletariat. Nothing short of it will suffice to continue the new system.” (Buddha and Karl Marx) The dictatorship of proletariat is the name of the proletarian state achieved through revolution in contrast to the dictatorship of bourgeoisie in the pre revolution state. While Ambedkar is aware of and recognises the possibility of counterrevolutions, the

democrat in him has difficulty in agreeing with any kind of dictatorship. In the light of whatever happened in the erstwhile revolutionary societies, one may not entirely invalidate this scepticism. Coming from an entirely different perspective though, it does point to the necessity of establishing revolutionary democracy in the post revolution societies.

Ambedkar's state socialism is the result of his basic search of the method to overcome these lacunae in Marxist methods as he perceived and still reach the same goal as that of Marxist revolution. Even Buddhism, that may appear as disconnected from the socio-political discourse at first sight could be seen as the veritable solution to his basic dilemma. He conceives state as an instrument to establish socialism through Constitutional mandate. If one could secure a Constitution ordaining socialistic form of the society, there would not be a need to wage bloody class war to seize political power to establish socialism. As such the gains of revolution would be achieved without any violence. How shall these gains be preserved? How will the pro-revolutionary forces protect revolution from the forces of counterrevolution? Ambedkar's answer appears to be in terms of deployment of moral force in place of physical force represented by the dictatorship of proletariat. The source of this moral force can only be religion, according to Ambedkar. It is therefore that he embraces Buddhism and accords it such a high pedestal in his agenda that he resolves to devote his life to its spread throughout the country. In conceptual terms he appears to devise two pronged control strategy: one, state as an instrument to establish socialism and preserve it from the threats from counterrevolutionary forces and two, religion as the moral force that works fundamentally at the level of individual, thus depressing the probability of any threat to the desired societal structure arising which will warrant the state action. State and religion thus become vital instruments in Ambedkar's schema for revolutionary change.

State and Socialism

A state is a political entity possessing sovereignty, i.e., it is not subject to any higher political authority. It can also be defined in terms of domestic conditions, specifically the role of the monopolization of force within a country. Different political philosophies have different opinions on the state as a domestic organ monopolizing force. These philosophies emerged with the rise of capitalism, which coincided with the (re)emergence of the state as a separate and centralized sector of society. There are four major streams of philosophy of the state: Liberalism, Conservatism, Marxism, and Anarchism. Most of these philosophies use one form or another of the social contract theory, which affirms that the role of the state is to follow the will of the people and serve their interests, as they define them. The Liberal philosophy holds that the state should express the public interest, the interests of the whole society, and to reconcile that with those of individuals. Therefore, it envisages that the state should be democratically controlled. It assigns certain role to the state in the larger public interest such as provider of public goods and arrester of the tendency of certain individuals to misappropriate what belongs to a collective. There are many streams under Liberal philosophy that basically debate the ideal size and role of the state. While libertarians argue for a small or "minimal" state, which simply protects property rights and enforces individual contracts,

the social liberals argue that the state has a greater positive role to play, given the problems of market failure and gross inequalities in the distribution of income and wealth inside a capitalist system. The views of social liberals regarding the state are also broadly shared by the social democrats and democratic socialists. As per the conservative conception, the state represents the highest good possible on earth and it strives to fulfill that good, which is God's will and therefore "true destiny" of men. While obedience to the "true" state is unconditional, it is the duty of man to do his utmost to overthrow a decadent or "illegitimate" state. The state is true where and when it follows the path laid down by God/the Heavens and illegitimate where it has become the tool of personal ambitions.

The Marxist philosophy contends that the main role of the state is to use force to defend the existing system of class domination and exploitation. Marx and Engels saw the state as being a product of class struggle. They called it as "the executive committee of the ruling class". It was an instrument by which one class ruled another. Under systems such as feudalism, the lords used their own military force to exploit their vassals. Under capitalism, on the other hand, the use of force is centralized in a specialized organization which protects the capitalists' class monopoly of ownership of the means of production, allowing the exploitation of those without such ownership. The classes and all forms of exploitation can be abolished by establishing a socialist state, which will then slowly "wither away" as the people take more and more power in their own hands and representative democracy slowly transforms into direct democracy. Once this process is complete and the communist social order is achieved, the state will no longer exist as an entity separate from the people. Thus, the *ideal* condition of the state in Marxist theory is the same as in Anarchist theory: the non-existence of the state. Contrasted with marxist perspective however is the Anarchist perspective which dismisses the state as nothing but an unnecessary and exploitative segment of society. Anarchists argue that if the state and its restrictions on individual freedom were abolished, people could figure out how to work together peacefully. They reject the Marxist perspective as they insist that the withering away of the state should precede or coincide with the abolition of non-state forms of domination.

Socialism and state are closely related concepts, whichever version of socialism or whatever philosophy of state is used. Because socialism signifies basic and systemic kind of change and state is the centralized power that would come in way of bringing it about. Simply put, socialism is the belief that what is socially produced should be socially owned. It holds that production should be based on human need, not profit; all the means of production should be democratically controlled by people and not by a few individuals. Socialism means direct control and management of the industries and social services by the workers through a democratic government based on their nationwide economic organization. In each workplace, the rank and file will elect whatever committees or representatives are needed to facilitate production. Within each shop or office division of a plant, the rank and file will participate directly in formulating and implementing all plans necessary for efficient operations. Socialism is about genuine democracy. Socialism is about freedom. A society run collectively to maximise the amount of choice available to the individual. A

society based on satisfying the needs and wants of many and not on the profit of the few, with full participation at all levels. If this is socialism, how would state which is the monopolised power of the ruling classes tolerate its intrusion?

There have been many of variants of socialism depending upon the approach to bring it about. They are customarily divided into reformist or revolutionary, peaceful or violent, democratic or authoritarian, etc. As Hal Draper writes, the underlying division among all these variants however is very basic one. Throughout the history of socialist movements and ideas, the fundamental divide is between Socialism-from-Above and Socialism-from-Below. What unites the many different forms of Socialism-from-Above is the conception that socialism must be handed down to the grateful masses in one form or another, by a ruling elite which is not subject to their control in fact. The heart of Socialism-from-Below is its view that socialism can be realized only through the self-emancipation of activated masses in motion, reaching out for freedom with their own hands, mobilized "from below" in a struggle to take charge of their own destiny, as actors (not merely subjects) on the stage of history. "The emancipation of the working classes must be conquered by the working classes themselves": this is the first sentence in the Rules written for the First International by Marx, and this is the First Principle of his lifework. (Hal Draper, *The Two Souls Of Socialism*, available <http://www.sd-il.com/tss/tss.htm>)

The question to be asked is whether this kind of radical change can be brought about peacefully. Will the ruling classes willingly agree to give up their control on all that belongs to them? Surely, the ruling classes have brought in many changes through centuries of class society and the ruled ones have been innured to yearn for a kind of emancipation from above. The question is what kind of changes the ruling classes bring in and what is their motivation behind doing it. It will be found that the kind of changes the ruling classes bring in are the cosmetic changes and even they are occasioned by their strategic considerations. As the ruling classes have adopted the model of welfare state in response to the rise of working class in the wake of Bolshevik revolution and from the strategic consideration to preserve capitalism, the changes from above are bound to be propelled by the interests of the ruling classes and hence beneficial to them in net terms. The illusion that they created in the minds of people to look up to them for their emancipation, itself has been the effective principle for their political oppression. It is the permanent promise held out by every ruling power to keep the people looking upward for protection, instead of looking to themselves for liberation from the need for protection. The people looked to kings to right the injustices done by lords, to messiahs to overthrow the tyranny of kings. Instead of the bold way of mass action from below, it is always safer and more prudent to find the good ruler who will do the People Good. While it may be natural that this top-down concept of emancipation has reached socialism too, the change envisaged is too basic and radical to be attempted by the top.

State Socialism or a Socialist State?

There may be confusion about the state; whether it should be taken as class neutral or class biased. The source of confusion can perhaps be traced to the

multifarious roles state performs. While in ultimate analysis and essence, it remains as the instrument of coercion of the ruling classes, with its welfarist garbs it manages to display great many concerns for the people. It thus reinforces the age-old habit in people to look up to the top for their emancipation. No sooner these people realise the truth, and tend to chalk out their own agenda of emancipation, the experience shows that the state never tolerates it. It comes down heavily to nip this peoples' politics at bud. This terror further reproduces the dependence of people on the ruling elites and their state. The Indian state perhaps best illustrates this characteristic.. It has been constituted with the Constitution which may be easily considered as among the best in its class. It bombastically proclaims the state to be secular, socialist, democratic and India as the republic; it appears so much concerned about the weaker sections of the society that social justice overflows from its every page. However, in practice it might distinguish itself as the most oppressive force in the hands of ruling classes. Just with its single dubious distinction of having maximum number of custodial deaths in the world, its façade of democracy crumbles! Just one genocide of Muslims in Gujarat and its secular claim comes tumbling down! Just an objective glance at the growing schism between the rich and poor exposes its socialist discourse as spurious!

It is not a question of the Indian state; no state in the world can theoretically bring about socialism. Today, just like India, every other country claims to be socialist; so much so that they have rendered the term meaningless. The louder the claim of socialism a country makes the more iniquitous policies it operates. Socialism has become a cover for the ruling classes to batter the ruled ones. Even in its most benevolent form, the state can be seen only as the executive committee of the ruling class, as Marx perceptibly put. Socialism, notwithstanding many of its versions acknowledges intrinsic evil of the present capitalist system and the need to overcome it. The difference arises in approach; while some think that the system need not be discarded and can be worked within to reorient it towards social ends, some see the need to overthrow it as the evils are an integral part of it. In the case of former, the state adopts the posture of welfarist entity in the long term interests of the ruling classes and in the case of the latter, it comes out in its true colour as the protector of the capitalist order. It is clear that it can soften some of the angularities of the capitalist system but can never tolerate its overthrow. In corollary, the sufferings of the people can well be muffled by this state but can never be eliminated. The gradual transition from the capitalist system to a socialist system, premised in the plethora of liberal streams is thus an impossible proposition. The state is meant to thwart transition to socialism and never to promote it. State socialism thus becomes a contradiction in terms.

There is no intrinsic rationale or motivation for the capitalist system to beget socialism. Nor, is this transition possible in a natural course. The ruling classes whose interests are entangled in this system will not let it go. It is clear that the adversary class has to consciously struggle for its collapse. The State representing the concentrated power of the ruling classes necessarily comes in confrontation with such attempts. It is therefore imperative to capture the state and transform it into a socialist state representing the power of the classes desiring the change. It is only with this socialist state the society could be transformed into a socialist society. As seen above the present state can never

achieve socialism. State socialism, misnomer as it is, can camouflage the capitalist exploitation, it cannot abolish it. It is only a socialist state that can achieve this feat.

It is not easy however to secure a socialist state; it can only be achieved through a revolution. Revolution requires revolutionary consciousness and strategic and tactical resources. If revolution is not in sight, the argument goes, should the poor patiently endure the systemic oppression. What is the harm if some intermediate mitigating measures are provided to dampen this oppression? These measures may rather help the masses in preparing for revolution. Well, there is nothing wrong in this argument except for that such measures should not come through a top-down approach. If the masses consciously struggled against their exploitation and won such concessions from the ruling classes, they are the proud achievements of the revolutionary struggle. They strengthen revolutionary consciousness. The people have to persistently struggle against the unjust order and secure small small gains. This is a part of the preparation for the revolutionary struggle; indeed revolution itself. However, if they received it as an incentive for staying put; it is wrong, because it reinforces wrong consciousness that perpetuates bondage. State socialism is wrong because it is a socialism-from-above approach. State socialism engenders reverse consciousness and damages the prospects for revolution.

Ambedkar's State Socialism

The above analysis of state socialism has largely been within a theoretical framework. The practical perspective however may warrant separate consideration. In the context of Ambedkar's state socialism, the practical perspective is inevitable because he was excessively concerned with the practice. The theoretical perspective one uses in such matters is by default provided by Marxist theory. The practical perspective is provided by the experiences with the post-revolution developments during the last century. While the Marxist theory presents an impeccable picture of socialism; the attempts to implement it have produced a not-so-happy picture. What happened in the USSR after the revolution was certainly not socialism. That the means of production there were not owned by the workers but the state and the state was not a union of soviets, or workers' councils, in which delegates were elected from the workplace, as intended by the Marxists who made the revolution in 1917, is largely known. Lenin in his "Report to the Fourth Congress of the Communist International", while explaining the basis for his New Economic Policy, had said that Russia needed capitalism before it could have socialism and advocated what was called "state capitalism". He emphasized that all land in Russia belonged to the state. Basically, what happened in Russia was nationalization of all the means of production including land and running the industry by the state on capitalist principles. Workers exercised control neither over industry nor over the state. The initial control they had over production- the 'Troika' also had gone in 1929 and the managers had taken total control of factories. (CPSU Central Committee resolution, September 1929, quoted in Tony Cliff, *State Capitalism in Russia* (London 1974), p.13.)

Ambedkar's propositions in the States and Minorities are surprisingly similar to those practised in the USSR. While it does not make them the same as the

conditions in which they were applied were different, particularly the states that were to operate them were absolutely different; one a semi-feudal, semi-colonial state and the other one the post-revolution state, in content as well as intent they were the same. As Lenin foresaw the need to accelerate industrial development, not necessarily on capitalist line, in order to transit to socialism, the newly independent India also had similar problems and could well have adopted the programme as suggested by Ambedkar to transit into a democratic republic. There cannot be any dispute about the relevance of these measures then and even now. Ambedkar was one of the few economists (if not the only one) who had grasped the problem of Indian agriculture and suggested collectivization of farms for optimization of inputs. Land reforms, as understood by many as distribution of land to the landless may quench the hunger of the landless to an extent but would not solve the problem of poor productivity. Only nationalization of land and promoting collectivization of farms as suggested by Ambedkar could solve the problem of productivity and many others. Again, Ambedkar was the only economist who had organically linked the problem of agriculture directly with the industrialisation of India. Unless industry absorbed surplus manpower from agriculture, the optimisation of inputs to the latter shall never be struck and the productivity problem will never be solved. Therefore he advocated rapid industrialisation to take place. The nationalization of big industry in his plan provided the solution to this problem. It was not the same as one adopted by the government at the instance of the big capitalists. Besides productivity consideration, Ambedkar's programme concerned with the inequality resulting from the unfettered capitalist development. The same could be said about his proposition of nationalisation of insurance which besides being a tool for resource mobilisation for the state, it would rid people of basic anxiety of their security, the prerequisite to tap their creative energies into productive process. The only problem with this proposition was its premise that it would be mandated by the Constitution.

As seen above, Ambedkar's state socialism was a result of his quest for the suitable model for India in the circumstances where the revolution was a distant dream, given the caste fragmentation of Indian society. Ambedkar's vision of a society based on liberty, equality and fraternity, as he defined them, could only be matched with the conception of communism. However, he had serious reservations in accepting the methods envisaged in reaching it. These reservations were further exacerbated by the apathetic and some times antagonistic attitude of the local communists towards his mission. It is therefore that he was impelled to search for an alternative path. He saw that path in Constitutional mandate for state socialism and the path of Buddha's Dhamma to rebuild moral structure of the society to facilitate sustenance of this mandate. Ambedkar believed that Buddha's Dhamma had all that was promised by Marxism sans its violence and dictatorship. The democrat in Ambedkar saw revolutions that addressed problems of equality and liberty as inadequate as they lacked the spirit of democracy and found that only Buddhism provided it. He says, "Some equate Democracy with equality and liberty. Equality and liberty are no doubt the deepest concern of Democracy. But the more important question is what sustains equality and liberty? Some would say that it is the law of the state which sustains equality and liberty. This is not a true answer. What sustains equality and liberty is fellow-felling. What the French Revolutionists

called fraternity. The word fraternity is not an adequate expression. The proper term is what the Buddha called, Maitree. Without Fraternity Liberty would destroy equality and equality would destroy liberty. If in Democracy liberty does not destroy equality and equality does not destroy liberty, it is because at the basis of both there is fraternity. Fraternity is therefore the root of Democracy. (21C. Riddles of Hinduism Part III)

He believed that "The Buddha's method was different. His method was to change the mind of man: to alter his disposition: so that whatever man does, he does it voluntarily without the use of force or compulsion." He was quite aware of and impressed by the achievements of Russia. But he had problem with its excessive materialism as he perceived it:

"It has been claimed that the Communist Dictatorship in Russia has wonderful achievements to its credit. There can be no denial of it. That is why I say that a Russian Dictatorship would be good for all backward countries. But this is no argument for permanent Dictatorship. Humanity does not only want economic values, it also wants spiritual values to be retained. Permanent Dictatorship has paid no attention to spiritual values and does not seem to intend to. Carlyle called Political Economy a Pig Philosophy. Carlyle was of course wrong. For man needs material comforts" But the Communist Philosophy seems to be equally wrong for the aim of their philosophy seems to be fatten pigs as though men are no better than pigs. Man must grow materially as well as spiritually. Society has been aiming to lay a new foundation was summarised by the French Revolution in three words, Fraternity, Liberty and Equality. The French Revolution was welcomed because of this slogan. It failed to produce equality. We welcome the Russian Revolution because it aims to produce equality. But it cannot be too much emphasised that in producing equality society cannot afford to sacrifice fraternity or liberty. Equality will be of no value without fraternity or liberty. It seems that the three can coexist only if one follows the way of the Buddha. Communism can give one but not all.(20. Buddha and Karl Marx)"

Notwithstanding the problems with his understanding of Marxism (it should be noted that he has never discussed the integrated philosophy of Marxism in terms of its three constituents while faulting it and basically based his arguments on the empirical manifestation of Marxism being practiced in Soviet Russia and experienced in India), the basic premise behind his plan is too problematic to be digested. It envisages the Constitutional law mandating economic structure of the society which will be unalterable by the legislature and executive. Who will create this law? What is the motivation to do so? Who will accept it and why? Many such questions should naturally arise. Would they not have occurred to Ambedkar? Was he not aware of the classes in the society? The fact remains that he was acutely aware of all these. Interestingly his very first essay written when he was a student in Columbia University is full of these insights. He also believed in the class character of the state and its influence on the state policies. However, he does not seem to believe in its inevitability. Like many liberals, he tends to rear a fond hope that the state could transcend class identity of its constituents. In an eclectic belief he tends to grant it a sort of autonomy. If 'good' people man the government, the character of the state can be transformed, he thought. He does not want to leave it at that when it comes to state; he wants to put confines on the state behaviour with the

help of the Constitution. But the question comes around, what guarantees the Constitution?

There can be no answer to this question. It is just not possible that the Constitution that Ambedkar envisages could be created just by the 'good' people. It is no more hypothetical and ironically can be seen in the empirical light of the making of the India's Constitution that Ambedkar is famed to have himself architected. None of his suggestions made vide his 'States and Minorities' find place in it. None of the clauses in his plan was ever discussed in the Constituent Assembly. If one looks at the process of Constitution making, one could clearly see the imprint of the dominant classes on the Constitution. Notwithstanding the specific context in which they were made, but his statements disowning the Constitution like "I was just a hack writing the Constitution", or "I shall be the first person to set it afire", provide volumes of testimony against his premise behind state socialism. The post-independence Constitutional state that came into being in the country is a poor commentary on our Constitutional guarantees. The preamble of the Constitution promises that India is a secular, socialist, democratic republic; all these good words sadly remained as its decoration and could not become reality after nearly six decades. The people who are supposed to be sovereign in this country do not have any place in the country. Ambedkar's assumptions regarding the sans class Constituent assembly and the ability of the Constitution to govern the behaviour of the state have sadly been wrong.

Unconsciously, Ambedkar's model of state socialism had the same approach as Lassale's socialism-from-above. The Constitution written by the wise people is supposed to incorporate the needs of the masses who do not have a say in the matter. There is no way of making a concrete statement whether Ambedkar subscribed to Marxist dictum that people make history, there should be no doubt that he valued instrumentality of peoples' struggle. His *mantra* to his people 'educate, organise and agitate' testifies to this belief. It is therefore surprising that for such a momentous change as the change in the economic structure of the society and making it immutable, he does not rely on peoples' instrumentality. Many a people-oriented change appears top-driven because they materialise through the point of authority. Many of the changes that have been instituted in our Constitution have similar appearance. There is hardly any one-to-one correlation between the cause and effect in social phenomena. They invariably manifest as an historical accumulation of the force of peoples' struggle. One should never forget that for every real change that came in the history is because of peoples' struggle. The top-down change is always influenced by it but since it comes through the mediation of class it gets calibrated with the latter's class interests, accruing net benefit to the top than to the bottom. Because Ambedkar's plan did not have that promise, it was not even discussed in that august body of the Constitution makers!

No Alternative to Revolution

The above discussion and the overall experience with the Constitutional working of our 'republic' should convince us that there is no alternative to revolution. Ambedkar never disputed the necessity of revolution. He was just

sceptical, and rightly so, about the simplistic and dogmatic proclamations of the communists of his time that seizure of political power by the working class was possible and if that happened, it would solve all the problems. Since he took upon himself to fight the demon of casteism, he could well appreciate the magnitude and nature of the problem and caution the revolutionists; not knowing that what he sought to do itself was a revolutionary task. In a society which is fractured vertically and horizontally along castes, communities and classes in a manner as nowhere else, it was a folly to conceive of a revolution which did not address the ostensible problem of the most oppressed people. In a way, it was also a relatively elitist approach to change. There is no doubt that his misgivings about the communist understanding of the ground reality of India have been proved right. No one needs to dismiss the apparent contradictions in Marxism that Ambedkar's misgiving reflects. While as per Marxism all the 'subjective' things are totally conditioned by the 'objective conditions' of economic development, a revolution that unleashes economic development is however a subjective act of humans. It leaves out or minimises the importance of other variables like the role of political institutions, culture, ideology and individuals as just the derivatives of economic developments. The ideological structuring of caste society in India certainly did not appear confirming to this formulation. The caste question, that Ambedkar confronted has certainly proved far more vexatious than anybody could imagine. Instead of weakening, it is getting exacerbated within the new paradigm of electoral politics in post-1947 India. The class consciousness still eludes our politics and increasing polarisation along caste and community lines still keep stunning us.

While these experiences prove Ambedkar correct, they simultaneously expose limitation of his own prescriptions. The Constitutional regime that he thought could go so far as to transform society into socialistic society, has not even been successful even in guaranteeing livelihood rights to people. Firstly, Constitution itself is a class production; it cannot have something in the Constitution which is not in the long term interest of the class that produces it. Secondly, even if the Constitution has something amiss vis-à-vis the current class interests, the writ of the class could easily override it. The experience with this regime only shows the meaninglessness of the Constitution to a common man. A common man meekly witnesses his constitutional rights being trampled with equanimity at every step. The lesson that is to be drawn from these experiences is that no amount of top-down Constitutional niceties are going to be of any use to the majority of masses until they are consciously shaped up by their own struggle. Such Constitutions rather lend an extra opportunity for the elite classes to create a framework for perpetuating their rule over a long period of time. They deliberately embellish it with many magnanimous frills that could daze many into confusion. It is not to say that these elite-driven reforms are not occasioned by the peoples' struggles. In fact, they invariably are. But the difference is that they overtake them strategically and eliminate the need of their continuance; they create and reinforce false consciousness that struggles are futile. The direct struggle of people that does not lend the adversary class this strategic advantage is the answer. Not only that it will keep the adversary class on tenterhooks but will continuously reinforce peoples' consciousness to struggle. It is the education of masses in waging struggles for gaining their democratic rights that leads to the eventual revolution.

In the context of revolution, Ambedkar's caution about the 'social reform' is as relevant as it was then. The only change that needs to be incorporated is to eliminate the dichotomy in the form of reform and revolution and thereby order them one after the other. The problems obtaining in any country are specific to that country and they have to be considered wholistically. In India, castes understood as a socio-cultural phenomenon are intermingled with classes usually assumed to be conditioned by the material aspects of production relations. To imagine them as two dichotomous categories, unrelated to each other has been a monumental error. The project of Indian revolution has to deal with them as a composite category and devise suitable strategy and tactics. There may be several components of this revolution, such as trade union movement, peasants movement, tribals movement, dalit movement, womens' movement, and so on. The strategy needs to coordinate them towards a larger goal. All these movements have their natural agenda which if genuinely followed cannot have any discordance with a genuine revolutionary goal. Any pontification to the contrary is bound to be detrimental to revoltion. Unlike traditional nomenclature a dalit movement striving for annihilation of castes has to be a part of revolution and complementary to any other revolutionary movement.

Ambedkar envisioned society sans exploitation; society in which every individual will enjoy perfect liberty, equality and fraternity with every other individual. The way he defined them makes it no lesser than utopian. It cannot be contained within any reform howsoever far reaching. Paradoxically, it coincides with only other utopia called communism.

Conclusion

Socialism today is most loosely used term that has ceased to communicate precise meaning. Socialism does not mean government or state ownership, It does not mean a closed party-run system without democratic rights, It does not mean "nationalization", or "labor-management boards", or state capitalism of any kind, It means a complete end to all capitalist social relations. Socialism, contrary to popular impression has never existed. It did not exist in the old U.S.S.R., and it does not exist in China. Socialism will be a society in which the things we need to live, work and control our own lives--the industries, services and natural resources--are collectively owned by all the people, and in which the democratic organization of the people within the industries and services is the government. Socialism means that government of the people, for the people and by the people will become a reality for the first time.

As seen before, state socialism at best is a pious wish and at worst is a contradiction in terms. Unless the state is transformed into a socialist state, state socialism cannot have any meaning. State socialism is a product of sans class outlook and idealistic thinking. Ambedkar's state socialism needs to be seen in the context of possibility of orienting the creation of new Constitution for the newly independent India. Depending on the state of the ruling classes, the possibility of attaining certain progressive measures cannot be discounted. For example, the provisions of positive discrimination in favour of the Scheduled Castes and Scheduled Tribes in the Constitution has entered our Constitution

through similar process. They are accepted always in accordance with a long term strategy. But these measures cannot be so far reaching as to disturb the basic structure of the society. Socialism is entirely a different system. To imagine that it can be achieved without intense class struggle is to rear an illusion.

Ambedkar, for the reasons discussed above believed in such means. One may speculate that his belief was engendered by his overpowering pragmatism vis-à-vis theoretical understanding. His visible anxiety to score as much benefit as possible for the Untouchables within his own life time disoriented his politics from mass centric struggles to leader centric manouvers. While he was instinctively attracted towards Marxism as far as its goal was concerned, his liberal mould could not reconcile with its scienticism and violent methods. His confrontation with Hinduism in course of his struggle against caste system impelled him to overestimate influence of religion in positively shaping individuals in modern times. Unless this contextual development of Ambedkar's thoughts are taken into account, it is difficult to appreciate what he stood for.

Mumbai, October 20, 2004

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WOMEN UNDER ISLAM IN INDIA

Muslim Women And The Personal Law

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The situation of Muslim women in India has been described as an ongoing process (McDonough, 2002). It is described as a process that began with Prophet Muhammad's revelations to the current times where constant interpretation and re-interpretation has occurred so that the Muslim community can work out the constraints of a particular historical context. McDonough (2002) cites in Leila Ahmed- *Gender and Women in Islam* (1992) that practices relating to gender among the Muslims of the early communities were shaped by several factors. One was what has been called the ethical voice of the Quran. According to the scriptures, it is imperative that women be treated as equal to men before God, follow the same rituals, practices and be responsible directly to God as individuals. Leila Ahmed also points towards women such as Khadija and Aisha who were characterised as strong persons, had active religious commitments and were exemplars for the rest of the community. But with time, Muslim women's involvement in community life declined as they came to live more secluded lives in the large cities of the Muslim empires. In this state of life, the family became a unit for the protection of women and children, which really meant an increase in the patriarchal authority of the father as the one providing protection and requiring obedience.

The first wave of Muslims settled in Sind in the seventh century. By the time the second wave came in large numbers to India, the Muslim scholars of the Abbasid dynasty in Baghdad had elaborated written codes of religious law, the

Shariat, based in parts on the reports about the Prophet and his companions, and Hadith, which had also been collected and written in the mid-ninth century. This codification of the law meant that gender relations among Muslims had become more systemised and formal (McDonough, 2002). Since these laws were framed by the Abbasid dynasty, views on gender relations were influenced by the existing code of conduct at the time. Women were seen as fragile, incompetent and unreliable. Hence, they had to be controlled and protected in the family. Hence, even the communities that settled in India more or less followed a similar view of women in their community.

British dominance in India precipitated new reactions among the Muslim community. The western critique of Islam was centred on the practice of *Purdah*, lack of women's education and their discrimination within the Muslim law. Syed Ahmed Khan fostered education among Muslims by the formation of Aligarh Muslim University. But even then, only the men were encouraged. He believed that mechanisms for educating Muslim women could be put in place once the men were given appropriate education. Even the *ulemas* restricted women's education to religious education, family values, and the moral virtue of women. According to Kazi (1999), the Islamist order, hence, declared women to be incapable of learning or producing knowledge, it placed the women strictly within the home, endorsed *purdah* and idealised domesticity.

Despite this attitude some women did study. Many schools or educational institutions were established for girls in Aligarh, Calcutta, Bhopal, etc (Kazi, 1999). But it was difficult as girls were required to wear *burqas* (veils) and at Aligarh male teachers sat behind a curtain. Women went on to take part in the national freedom struggle for the country too. The Muslim League had a women's section that encouraged women in the freedom struggle. Even the Congress and Communist parties had Muslim women working with them.

The awareness about legislative changes came with the rise in education amongst women. In 1937 the Shariat Act was passed. This Act sought to secure uniformity of laws for all Muslims and laid down laws regarding property, marriage, adoption, divorce, maintenance, dower, gifts, etc. It was also stated "the rule of decisions, in cases where the parties are Muslims shall be Muslim Personal Law" (Kazi, 1999). It was even argued that the provisions of the Shariat Act set a positive precedent for Hindu women. The Dissolution of Muslim Marriages Bill, 1939 was also passed at this time. It laid down the grounds on which Muslim women were entitled to obtain a decree for the dissolution of marriage. Though Muslim women's groups supported both these bills and they were ostensibly for women, male privilege in matters such as divorce or inheritance was still retained for only men.

Post-Indian Independence, the situation had improved for most individuals as the citizens of the country. But for most uneducated, economically deprived Muslim communities it was difficult. Also, their religious identity proved to be a problem. The partition and associated violence had indelible effects. Within all of this, the lot of the Muslim women was worst. Lack of education, polygamy, and seclusion of women were some of the problems they faced along with other women in India. Muslim women joined other Indian women in the struggle to

gain access to the resources that were due to them. But with a general lack of leadership and vision, the Muslim women's voices and experiences were lost under the male Muslims who dominate the community.

A Socio- Economic Profile of Muslim Women

- **Employment**

According to Kazi (1999), Muslim women have the lowest work participation rate in all the categories specified. 60% of Muslim women are self-employed. Figures for Muslim women's employment as regular workers in urban areas (15.7% as compared to 27.7% for Hindu women and 15.5% for Christian women) highlight their marginal presence in salaried jobs. Figures for rural areas are dismal, 3% employment for Muslim women as against 3.6% for Hindu women. The high self-employment rates and the corresponding low work participation rate of Muslim women as salaried workers indicates their marginal presence as workers in the economy. This does not imply the absence of Muslim women as workers; rather it indicates their invisibility as informal workers. According to Kazi (1999), there is not enough research done in the area to find out the causes behind this.

- **Education**

According to the latest Census of 2001, the literacy rates for Muslims are 59.1%, which is lower than the national average. Also, as many as sixteen states and union territories have Muslim literacy rates lower than the national average. The Hindus and Sikhs have a marginally higher literacy rate than the national average. It is the Jain community that has the highest literacy rate of 94.1%. Amongst the females, the literacy rate is 50.1% among Muslim women and in comparison 53.2% for Hindus, 63.1% among Sikhs and again highest among the Jains at 90.6%. Even amongst primary school children, the enrolment for Muslim girls is low.

Islam and the Rights of a Woman

Since the evolution of Islam a varied number of customs and laws have existed for women. It also came to adopt a number of practices from the neighbouring regions- this was especially true for women. The Islamic order was established by instituting patrilineal marriage laws, thus endorsing control over women and female sexuality. The Shariat has a divine origin and its principal source is the Quran, which is the word of God. Even then, those very words have been subjected to human reasoning and interpretation. This has led to the evolution of five major schools- Sunni law, Hanafi law, Shafi law, Maliki law and Hanbali law. All these laws use the dogmas in the Quran, but applications of the same vary from one school to another. Thus, for instance, while all schools agree to the unilateral and extrajudicial termination of marriage by men, women are entitled to judicial divorce under Maliki law. Hanafi law meanwhile, allows women to stipulate conditions in their marriage contracts, although it permits polygamy, the other three schools consider both conditions unacceptable.

In this essay, I shall try to understand the Muslim Personal Law (MPL) and how Muslim women have been subjected to destitute conditions because of the vagaries of the law. I would be discussing the laws relating to divorce and subsequent maintenance in particular. I shall also be looking at how factors of

employment, education and religious learning affect the views of women on the Muslim Personal Law.

Muslim Personal Law

Personal law covers areas such as family relations, marriage, divorce, inheritance, custodial rights, etc. It has been the one area where immense contestation has taken place among the women's movement. The most common method of attaining a divorce is through '*talaq*' though it is believed amongst the Muslims that the Prophet declared *talaq* to be the most detestable of all permitted things before Allah and recommended that as far as possible it should be avoided.

According to Islam, marriage under Muslim law is a contract. Hence, it is a covenant between two adults capable of making a contract. Also, if one of the members is not an adult, this contract can be made on behalf of the guardian. It is also assumed that it gives equal rights to both the parties.

Consequently, in case of a divorce, both the parties are given the right of separation under certain circumstances. The ***Dissolution of Muslim Marriage Act, 1939*** has provided for a remedy for a Muslim wife to obtain a decree for the dissolution of her marriage on any one or more of the following grounds:

- a. that whereabouts of the husband have not been known for a period of four years
- b. that the husband has neglected or has failed to provide for her maintenance for a period of two years
- c. that the husband has been sentenced to imprisonment for a period of seven years or upwards
- d. that the husband has failed to perform without reasonable cause, his marital obligations for a period of three years
- e. that the husband was impotent at the time of marriage and continues to be so
- f. that the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease
- g. that she, having been given in marriage by her father/ guardian before she attained the age of 15 years, repudiated the marriage before attaining the age of 18 years

Rights of Muslim Women on Talaq

The issue of maintenance has become very important in India especially in the context of the socio-economic backwardness of the Muslim community with the insecurity of triple oral divorce, threat of polygamy and absence of post-divorce maintenance. Many Muslim women have been reduced to destitution. It is clearly mentioned in the Quran that provision for the future must be made for the divorced woman. But it does not specify the period and amount. But Muslim conservatives in India have on many occasions denied Muslim women their rights. They believe that Muslim women should not be given maintenance after the *Iddat* period.

The general understanding about the rights of women after talaq is that she gets her *Mehr*, her maintenance for the period of *Iddat* and whatever her

husband has presented to her during their married life. Over and above some provision should be made for economic security of the woman by giving her money or property. The husband is bound to pay the *Mehr* too, unless the wife foregoes it on her own. Further, if the husband has not paid *Mehr*, the wife can keep her husband's property under her possession until he pays it.

Patriarchal Understandings of the Issue of Maintenance:

Amongst Muslims, the man usually remarries and the woman does so- much later, lesser or probably never. In such a situation, the woman has to live with the stigma of a divorce or lead a life of misery and impoverishment. It is assumed that the parents of the divorced woman will look after her. But that may not be so as most parents of the girls believe that their responsibilities are over when they get their daughter married.

According to Safia Niaz (2003), a number of arguments have been put forward to deprive the women of post-divorce maintenance. Some of them are as follows:

- *Men and women are strangers after divorce. It is argued that the responsibility of the man lasts only as long as they're married. As such the man is released from all economic responsibilities when the divorce takes place.*
- *After divorce both men and women are at liberty to choose another partner. But even after divorcing the woman, the man has to support her, and then the man would have to remain celibate.*
- *The responsibility of the wife's maintenance is in return for her services to the household. Since after divorce, she is relieved of her duty, he too should be relieved of his duty to maintain her.*
- *Muslim Personal Law has devised the system of Mehr to meet the requirements of the woman*

The law outlines that the woman is given maintenance only up to the point when she remarries. Thereafter, she does not get any maintenance from her ex-husband, but remarriage itself is a doubtful proposition or circumstance for a divorced woman in India.

The argument put forward for men to be enforced with celibacy is also an extremity. Men have the option of remarriage or polygamy- both of which are a legally accepted practices amongst Muslim men. Hence, the men need not wait even till the divorce comes through. They can enter into another marriage right away.

The wife's duty in a marriage is not restricted to her household duties only. Marriage for both men and women does not mean only household duties and responsibilities. Marriage is regarded as a sacred tie that is based on love, respect, understanding and kindness. Hence, a man is not supposed to maintain his wife only for the household duties that she has carried out earlier.

Under Islam, there have been limitations imposed on a woman's education. She has never been encouraged to earn her living. In the circumstance of a divorce,

it becomes difficult for a woman to maintain herself if she has no income or she has to depend on her parents, relatives, etc.

According to Safia Niaz (2003), *Mehr* is the right of a woman at the time of *nikaah* (marriage) and not divorce. *Mehr* should not be linked to divorce only.

The family is seen as an economic unit, but mostly men are the principal or only breadwinners. In the case of divorce, the woman is left to take care of the children and the man retains all the financial gains. Women have to be given support for all the unpaid work that they have been doing over all the years of marriage. A woman has every right to the material gains that have accrued to the family because she has supported and helped her husband in the realisation of these assets through her unpaid and hidden work.

The Muslim Women (Protection of Rights on Divorce) Act, 1986

The 1985 decision of the Indian Supreme Court in the Shah Bano case and the Congress (I) government's Parliamentary Act to overrule that decision is very well known. It led to the enactment of the ***Muslim Women (Protection of Rights on Divorce) Act, 1986***. The Act entitles women to claim the following before a magistrate:

- a. A reasonable and fair provision and maintenance to be made and paid to her within the *Iddat* period by her former husband
- b. An amount equivalent to the sum of *Mehr* or dower agreed to be paid to her at the time of marriage or anytime thereafter according to Muslim law.
- c. All the properties given to her before or at the time of marriage or after the marriage by her relatives or friends or the husband or any relative of the husband or his friends

Hence, the husband has to provide:

- a. A reasonable and fair provision for his divorced wife
- b. To provide maintenance for her

This payment has to be made within the *Iddat* period. According to Carroll (1998) assuming that 'maintenance' as used in this clause encompasses only maintenance for the duration of the *Iddat* period, there is nothing to preclude the possibility that "reasonable and fair provision" might take the form of periodical payments continuing after the conclusion of the *Iddat* period. It is Carroll's (1998) opinion that "it is certainly more useful to the woman to have the amount in a lump sum (which is under her control and which can be used to her advantage) than to have it dribbling in month by month, even assuming that the husband remembers to remit payment on time.

The *Muslim Women (Protection of Rights on Divorce) Act, 1986* states that the former husband will maintain the children till they reach two years of age. However, no provisions are made for what will happen to the children after two years of age. The women can approach the Shariat court to get the maintenance for her children. According to Islamic law, the former husband should maintain the boy till he is 18 and the girl till she is married.

The *Muslim Women (Protection of Rights on Divorce) Act, 1986* also assumes that the relatives of the divorced woman will take care of her. This places unnecessary burden on the relatives of the divorced woman. The Act has been interpreted differently by different State High Courts. This has introduced discrimination between the Muslim women belonging to different states. In some states, a divorced Muslim woman may obtain *Mataa* for post *Iddat* period. The *Muslim Women (Protection of Rights on Divorce) Act, 1986* is a central statute; it must be interpreted and applied generously and uniformly throughout India. As such the MWA, 1986, would be in violation of Article 14 of the Indian Constitution that guarantees equal protection before law.

The Influence of Education, Employment and Income on Women's View of Muslim Personal Law

It has been generally agreed that Muslim Personal Law is discriminatory towards women and what is urgently required is a change or a reform in the family laws and more specifically the personal laws. But the urge or even a simple realisation of the need for a change has to come from within the community. The women moreover have to get together and call for a change. To a large extent this realisation is possible only if the women from this community are aware of their rights and has the necessary minimum level of education. There is a cultural seclusion that is practised- seclusion, early marriage, veiling, etc. To add to the above are factors such as poor socio-economic status of the Muslims.

It has generally been emphasised that measures to raise the educational status of the Muslim women, which will in turn open up more employment opportunities and thereby improve the visibility and mobility of Muslim women, making it possible for them to increase their awareness are essential. Education, therefore, has been emphasised as the one important formula to improve the situation of the impoverished Muslim woman. If education is attained, meaningful employment will be assured, contributing to the increased mobility, visibility and consciousness of one's own rights. Finally, Muslim women are assumed to be influenced by religion, thereby limiting their awareness to religious rites and obligations.

In this section of the essay, I shall refer to a study carried out by the Women's Research and Action Group (WRAG), Mumbai in 1993 on "Women and Laws in the Muslim Community" (W&L) in India. The project was conceived as an action-research to compile, document and analyse personal laws governing Muslims in India.

The Influence of Education on Women's Views on Muslim Personal Law

It is believed that education raises awareness in women and increases their aspirations towards change and reforms. This study was carried out to research whether education leads to increasing Muslim women's awareness of their legal status and rights in Muslim Personal Law. The data reveals the following:

- It endorsed the opinion that education is an awareness raising and articulation-enhancing factor.
- A majority of the women who wanted changes within the framework of Muslim laws as well as outside it, were women with no religious

education and conversely women who did not want changes were those with religious education

- The highest percentage of women who felt MPL to be discriminatory were those with no education (65.4%) followed by women with formal education (54.2%)
- Among those who want MPL replaced with a gender just Uniform Civil Code (UCC), maximum are those with formal education (12.3%) followed by those with no education (11%) and those with religious education (9.9%)

The Influence of Formal Education on Women's Aspirations for Change in Law:

According to Nainar (2000), formal educational institutions such as schools and colleges are merely instruction sites and in fact agencies of social, economic and cultural reproduction. They do not provide opportunities for self and social empowerment in the society. She is also of the opinion that for formal education to be a referent for change, it must move beyond the formal educational institutions and represent a form of action that emerges from the ability to make critical reflection and action a fundamental part of a social project that engages the various forms of oppression. Individuals in formal education end up reinforcing and endorsing the dominant discourses prevailing in society, which is often oppressive and dictated by those with power. The survey gave the following results:

- 50.4% illiterate women would have liked to see some minor change in the MPL
- 13.9% want MPL to be replaced with a gender just and secular UCC
- In the North- 40.2% want MPL to be retained as it is
- In the West- 29.6% want MPL to be replaced with a gender just UCC
- In the East, a relatively high percentage of illiterate women would like to see MPL replaced
- In the South, though illiteracy is not high, most of the illiterate women prefer the MPL to be replaced

Amongst women with primary education:

- About 47.8% want changes in the MPL within the framework of Muslim laws
- 26.6% women want MPL to be retained

Amongst women with secondary education and graduation degree:

- In the east, most of the women interviewed wanted MPL to be replaced
- In the West, the percentage of women who want to replace MPL with a gender-just UCC is almost the same as those who do not want to replace it.
- In the North, women want MPL to be retained. It is only in Kanpur and Meerut that women want MPL to be replaced

The Influence of Employment on Women's Views on Muslim Personal Law

The research conducted showed the following results:

- Among the housewives, 51.5% women feel MPL to be discriminatory

- In the East and South, 32.7% women said it is not discriminatory
- In the West, 67% of housewives feel MPL to be discriminatory
- In the North, 30% housewives find MPL unfair

- In the category of **Service and Occupations**:
 - 60% women find the MPL discriminatory
 - 30.7% women feel that it is not discriminatory
 - 20% women want the MPL to remain unchanged
 - In the South, 33% women want major changes in the MPL and 30.7% women feel it is not
 - In the West, 85.5% women find the MPL to be discriminatory; 12% feel it is not; a higher percentage of women want MPL to be replaced with a gender just UCC
 - In the East, 33.8% women want minor changes in the MPL
 - In the North, 59% women find the MPL to be discriminatory; 26% women feel it is not; 22% women want MPL to be retained the way it is; 48% women want changes in the Muslim laws; 14% women want it replaced

- Amongst **the home based workers**:
 - In the East and South- 51.6% feel MPL is unjust
 - In the North, 27% feels its discriminatory
 - In the West, 70% found MPL to be discriminatory

The Influence of Religious Practice and Its Influence on Women's Views on Muslim Personal Law

According to the research conducted by WRAG (1993), of those women who are categorised as extremely religious (i.e. they pray and read Quran daily, fast all thirty days) a majority in all regions found MPL to be discriminatory except in the North, where women found it not to be discriminatory and therefore, preferred it to be retained.

In other regions, a majority (49.56%) of women would like to see reforms in MPL within the framework of Muslim laws. Only in the western region, a sizeable percentage of women (28%) would like to see MPL replaced with gender-just laws and a sizeable percentage (20%) would like to see it retained. Thus, the views expressed here match those that are seen in the influence of other factors such as education and employment.

Conclusion

In the present decade the lot of the woman has improved with the many laws or provisions that have been outlined especially for them. However, these too have been only half-hearted efforts. Discrimination still persists. Among this group, the Muslim women suffer even more. The latter's poor socio-economic status further worsens the situation.

The lack of social opportunities for Muslim women is a critical issue that needs urgent attention. An improvement in the literacy rates and awareness of their civil and most basic rights would be able to influence the socio-economic and political status of the Muslim women positively. It is also important for Muslim

women to become part of the larger women's movement, so that debate on Muslim women's issues can be discussed and placed in the context of the universality of women's rights.

Also members of the Muslim community, especially the women need to debate among themselves, the reasons and solutions for their poor education, employment status, the need for legal reform and political participation, and the disbanding of patriarchal structures that govern them. According to Kazi (1999), "in a context where the Shariat is used to justify the denial of rights and freedoms to Muslim women, Indian Muslim women need to reclaim their right to religious knowledge, enter into the discourse on the Shariat and challenge their historic marginalisation from religious knowledge and its discriminatory interpretation"

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Islam, Islamic World & Gender Justice

Dr. Asgar Ali Engineer

The question of Muslim women's rights continues to occupy centre stage throughout the world. This question will assume ever- greater importance in coming days also. The main reason for this is increasing education and awareness among Muslim women in all Muslim countries. Modernisation is also having its impact. Also more and more women are getting drawn into job market thus becoming independent of their fathers and husbands.

No country is exception to this process. Even in Saudi Arabia where women are under strict control, this process is on and Saudi women too are debating issue of their rights and are demanding more and more freedom.

Recently there was a conference in Madina, in Saudi Arabia, the second holiest city of Islam wherein both men and women participated to debate women's rights. This was the third conference of its kind. Various issues including participation in work and representation in public institution came under discussion in this conference. But Saudi women were not satisfied even with such conference. They felt it is men who did most of the talking and women did not get opportunity and women were not properly represented.

The debate about women's rights and issues continue in the Saudi press as well as in the media in other Arab countries. Thus in an article in the leading English paper of Middle East *The Arab News* of 16th July, 2004, Mody al-Khalaf writes, "For some time now, there has been a lot of talk, nationally and even internationally, about women's rights in Saudi Arabia.... Westerners often make the assumption that we are totally deprived of all rights. Saudis, mostly conservatives terrified of any change, think that Saudi women enjoy all the rights they are entitled to by Islamic law. Both groups, of course, are wrong."

This article discusses the trauma of a Saudi divorced wife Mona and her struggle to lead dignified life and to give best possible education to her three children. It is really an inspiring story as to how Mona successfully struggled for her rights and for her children's rights. And that too in the Saudi Kingdom. This clearly shows that the Saudi women who are thought to be mere prisoners in the hands of men are not true. They too fight for their rights and dignified existence.

An interesting survey was conducted in the Saudi Kingdom for the work participation of women. The study revealed that Saudi women could get involved in six major fields: worship, family duties, education, management in the private sector, as well as the public sector, and social services.

The study conducted by Khaled al-Baloush, deputy director of the Saudi management Association in Jeddah and in which 2,550 Saudi women had been surveyed, said that 47 per cent (1,181 of the sample) of Saudi women opined that they are just as capable at work as men, sometimes even better, while 53 percent of the respondents said they can be more efficient for many reasons other than physical ability, which was the only aspect covered in the study.

In June 2004 a conference "Challenging Limitations: The Redefinition of Roles for Women in the GCC" was organised by the London Middle East Institute (LMEI) at SOAS with support from the Saudi Embassy in London, the Kuwait-British Friendship Society and Abdul Salam Al-Awadi. One of the keynote speakers Princess Lulwah al-Faisal, vice chairwoman and general supervisor of Dar Al- Hanan School and Effat College Board of Trustees, gave a comprehensive overview of the remarkable growth in female education in Saudi Arabia and said Saudi women, pioneers famous for their civic roles, are now standing to play an important consultative role.

She said that the basic challenges faced by Saudi women include the rapid rate of population growth of 3.1 percent a year, the mismatch between education and demands of job, and the social awareness of women's rights in Islam.

Princess Lulwah noted that technology is an area that is particularly appropriate for Saudi women, and she expressed the hope that this will be adequately reflected in academic institutions.

The conference speakers included two dynamic Saudi women Dr. Fawziah Bakr Al-Bakr, associate professor at the college of education, King Saudi University, and Dr. Hayat Sindi who was the first female Saudi scientist to receive a doctorate in biotechnology from the University of Cambridge. Dr. Sindi, in her paper, entitled "A Life Sentence" described the many obstacles she had to overcome in her passage from being a girl growing up in Makkah to obtaining a master's degree from London University and a doctorate at Cambridge.

Dr. Sindi who is the holder of many awards, stressed the importance of self-belief. Dr. Al Bakr took the audience in a wide-ranging tour of girls' education and the role of women in the labour force in a paper full of information and statistics. She ended by outing an eight- point plan to encourage women's role in business and economy and made number of recommendations.

All these developments among Saudi women are indicative of winds of change blowing in the Muslim world. It is no longer possible to deprive Muslim women of their Islamic and human rights. Even the Saudi society can no longer deal with women it used to deal in earlier times. Though the struggle ahead is by no means easy and smooth, yet signs of change are unmistakable. The patriarchal societies denied women their Qur'anic rights so far. The Qur'an unmistakably declared gender equality fourteen hundred years ago but Muslim men denied it to them even elementary rights until today.

There is serious misconception about finality of the Shariah law in the Islamic world. The evolution of the Shari'ah law has been a process and it kept on evolving for centuries after the death of the Holy Prophet. The early doctors of law who founded various schools of Shari'ah like Imam Hanbal, Imam Malik, Imam Abu Hanifa and Imam Shafi'i, never thought that their opinions are final and binding on coming generations of Muslims. Imam Malik did not allow the Abbasid Caliph to prescribe his *Magnum Opus Muwatta* to be prescribed for all Muslims. He maintained that he would not like it to be imposed on all Muslims. They can have their own opinion.

But later generations started following these doctors of law blindly and mechanically as if it was divine. Now ordinary Muslims following these doctors and the 'ulama belonging to these schools do consider opinions expressed by these doctors of law as final and consider it a sin to challenge the finality of their opinion. But all great Islamic thinkers have maintained that these opinions cannot be treated as final.

No one can doubt the scholarship and greatness of their learning. Still they were humans and product of their own time. The Qur'an, a divinely revealed text gives principles, values and guidelines. One has to develop detailed rules in the light of these principles, values and guidelines. Fundamental values are divine but instrumental values to implement them in given conditions, are not.

No law developed by learned men of one generation can be binding on people of subsequent generations. The Qur'anic verses were interpreted differently by different theologians of the same generation, then how can subsequent generations forfeit their rights to interpret Qur'anic verses according to their needs and requirements. May be throughout medieval ages no need was felt to reinterpret and develop Shari'ah law further after the learned men codified it, as medieval society remained almost static for several centuries.

But since 19th century revolutionary changes in social and economic structure began to take place and new generations of Muslims began to feel great need for fresh thinking on issues of Shari'ah law. A great struggle began in almost all Muslim countries. Napoleon's invasion on Egypt brought it under French influence and Egyptian society became the hub for intellectual debates on women's rights. Many books were written one of which *Al-Mara't al-Muslimah* (The Muslim Woman) was most stimulating.

In India too, after the British rule was consolidated in nineteenth century, many Muslims scholars like Sir Syed, Maulavi Mumtaz Ali Khan, Justice Amir Ali, Maulavi Chiragh Ali and others began to re-think on Shari'ah laws pertaining to women's rights. Sir Syed himself made insightful comments in his commentary of the Qur'an pertaining to verses on women and their rights.

Maulavi Mumtaz Ali Khan, a close colleague of Sir Syed wrote a book *Huququn Niswan* (Rights of Women) which boldly advocated equal rights for man and woman at a time when women were not even allowed to come out of their houses and in their houses they were confined to *zanankhana* i.e. women's compartment. Even Sir Syed was disturbed by such a bold venture and advised the Maulavi not to publish it, as it would cause great stir among Muslims and opposition to his mission of spreading modern education would assume greater fury. However, Mumtaz Ali Khan did not accept Sir Syed's advice and published the book.

Maulavi Chiragh Ali also advocated changes in the Muslim law so that women could get their Islamic rights that have been denied them for centuries. Thus modernity and modern changes directly impinged on the Muslim thinking and some scholars began to advocate changes in the traditional Shari'ah law. But so far only enlightened men were advocating rights of Muslim women. Women were still deprived of modern education and confined to their homes and *zanankhana* in their homes.

It was only in later part of twentieth century that Muslim women began to go to schools and colleges. Also, the educational institutions were dominated by men who often thought that woman's right place was in their homes and this was repeatedly injected into their minds. Naturally the women also thought along these lines only. But it was post-independence situation that began to bring fundamental change in the attitudes of Muslim women.

The Indian Constitution gave all citizens of India the right to vote including women and politicians had to cultivate women voters as well. Thus the democratic discourse in the country created greater awareness among all

women, including Muslim women. Also, from seventies onwards more and more NGOs advocating women's rights came into existence and suffering Muslim women also formed their own NGOs. The NGO culture certainly helped women's cause.

In Muslim countries too more and more women are getting educated and a new awareness is fast developing. Today even in Saudi Arabia there are more girl students than boy students, even at the university level. The oil revolution forced Arab governments to open more and more educational institutions. That is why the women in conservative kingdom like Saudi Arabia as pointed out above are no longer content with their old situation and are demanding equality with men.

In Kuwait women were not allowed to take part in the political process and could not vote. However, many university-educated women were demanding right to vote during eighties. However, it was denied to them. When Kuwait was invaded by Iraq in 1990 and resistance movement began the women participated in the resistance movement on condition that they will be enfranchised. The ruling dynasty of Kuwait promised enfranchisement of Kuwaiti women.

However, after Kuwait was liberated no such law was passed for a long time and only after great deal of agitation by educated Kuwaiti women the ruling Sheikh issued an ordinance giving women right to vote but it was voted out in the parliament dominated by conservative men. However, the Kuwaiti women did not give up and now at last a bill is being introduced to empower Kuwaiti women to vote. One hopes the bill will be passed. This again shows that educated women in Muslim countries are agitating for their rights and nothing will be gained without such struggles.

Needless to say there is long way to go. There are serious inequalities between the two sexes in Muslim societies. Though Malaysia is a highly developed country among Muslim countries yet highly conservative views prevail as far as women's rights are concerned. The Sisters in Islam is an NGO in Malaysia, which is struggling for women's rights. It is pressing Malaysian Government for progressive legislation for women. They are aspiring, and rightly so, for equal rights. However, they have to face tough opposition from highly conservative 'ulama. In certain states like Kelantan the conservative Muslim party is in power and it has introduced *Hudud* laws (Islamic laws for adultery etc.), which are highly loaded against women. The Malaysian women have long way to go.

In Indonesia too after democratisation of political regime and end of Suharto dictatorship, a movement for rights of women has gathered momentum. In Indonesia too the rate of literacy among women is quite high. There are several institutions catering to women's education, including Islamic universities and other Islamic institutions. These educated women are demanding better status. The books on rights of women are in great demand. Many women are working for PhD. degrees on rights of women.

In Pakistan and Bangla Desh women have succeeded in forcing authorities to bring about certain necessary changes like abolition of triple divorce and restricting polygamy. The then President Ayub Khan had promulgated an ordinance in 1961 known as Muslim Family Law Ordinance, which ushered in these measures. Bangla Desh retained them after cessation from Pakistan in 1971 and despite Zia-ul-Haq's attempts to abolish the ordinance during eighties when Islamisation of Pakistani state began, did not succeed. The women of Pakistan resisted abolition of the ordinance. It is thus in force even today.

However, the Hudood ordinance promulgated by Zia-ul-Haq is causing severe problems for Muslim women in Pakistan. There is some pressure on the Musharraf Government though there is fierce opposition to it from the 'ulama.

In India, Muslim women are suffering because of lack of any reform in the Islamic law. Here the main obstacle is the minority status of Muslim community. Any move for change is strongly resisted both by the 'ulama as well the political leadership saying it amounts to interfering in religious freedom of minorities. The article 25 of the Constitution is quoted. This article allows all to profess, practice and propagate ones religion. The personal Law, it is maintained, is part of religion and cannot be interfered with. It is true that Shari'ah law is part of religion and government cannot interfere with it and this has stalled all reforms.

Even the Supreme Court judgement of 1985 in the famous Shah Bano case had to be reversed by the then Rajiv Gandhi Government under pressure from Muslims. It caused great setback for Muslim women's movement in India. The reversal of the Supreme Court judgement caused great resentment among non-Muslims and gave impetus to majority communalism. The secularists otherwise quite sympathetic to the Muslim cause were also greatly upset.

The Shah Bano movement is an indicator of momentous difficulties in bringing about any change in favour of Muslim women. However, there is increasing pressure on the Muslim Personal Law Board to effect certain essential changes like abolition of triple divorce. There are some liberal 'ulama but they are greatly constrained by the conservative 'ulama who are in majority.

The Muslim personal Law Board consists of Muslims of different sects, Sunnis, Shi'as, Bohras, Deobandis, Ahl-e-Hadis and so on. Different sects take different positions and it becomes more complicated to bring about any change. For example, recently the MPLB announced that it was going to consider abolition of triple talaq in its Kanpur session in July 2004. The Bareilvi 'ulama from Mumbai belonging to Raza Academy immediately threatened to launch an agitation if the MPLB touched the issue of triple talaq. The MPLB had to retrace its step and had to announce that it had no intention to abolish triple talaq. The whole issue was thus shelved once again.

Thus there are two main obstacles for any change in the Muslim Personal Law in respect of women: 1) conservatism of some 'ulama and 2) political competition for leadership of Muslims. If one set of 'ulama give in to progressive change, their leadership is immediately threatened by conservative 'ulama. Thus under pressure from conservatives the comparatively liberal ones retract.

This happened on 13th September 2004 also. The vice president of MPLB Maulana Kalbe Sadiq announced in a press conference that the Board would promote family planning among Muslims in view of little higher rate of growth of Muslim population. He gave example of Iran where zero rate of growth has been achieved. If the Iranian Muslims can achieve zero rate of growth under the rule of 'ulama why can't Indian Muslims slow down their growth under a secular set up.

However, the President of MPLB Maulana Hasan Rabe' Nadwi immediately announced that this is not the stand of MPLB but only personal views of Maulana Kalbe Sadiq and he is entitled to his views. Thus any progressive reform suggested by one section of 'ulama is resisted by another section and reforms are thus stalled. It is only increasing pressure from Muslim women, which will create climate for change.

The conception among common Muslims that the Shari'ah law is divine and immutable has to change for any reform. Thus progressive Muslim intellectuals committed to women's rights have to educate the Muslim masses that the every succeeding generation of Muslims, as pointed out above, has right to reinterpret Shari'ah law according to their needs. The Shari'ah law is not the body of static laws, but a corpus of dynamic laws creatively responding to changing times.

What the Islamic jurists evolved in early centuries was in response to the socio-political needs of the time. The Qur'an provided the ideal of equal rights of men and women but the society then could not cherish this ideal and the then doctors of law had to respond to their socio-political needs by watering down the Qur'anic ideal of equality of gender by invoking certain *ahadith* of the Holy Prophet or by resorting to the institutions *ijma'* and *qiyas* (i.e. consensus and analogical reasoning). Both *ijma'* and *qiyas* are human institutions and had to be developed to meet the needs of the time. These same institutions can be used for responding to the present needs.

This is the only way of keeping the Islamic law relevant and for upholding the Qur'anic ideals of justice and gender equality. It is from this point of view that we have stated positions and views of various authorities in this book like Mohammad 'Abduh of Egypt, Sir Syed and Maulavi Mumtaz Ali Khan of India, Maulana Umar Ahmed Usmani of Pakistan and others to support the case for reform and change. My appeal to Muslims in general, and Muslim 'ulama in particular, is to reflect dispassionately and try to implement the Qur'anic ideals and this is right time to do so.

**The Tablighi Jama`at and Gender: Women, Narrative and the Religious
Discourse of Struggle
*Megan Adamson Sijapati***

The Tablighi Jama`at came into being at a time of India's colonial history characterized by a burgeoning of dynamic religious reform movements as well as by an increased focus on women, women's bodies and notions of femininity as sites of male control, strategically used and imagined as ideal spheres for

the re-creation of cultural authenticity. Shaped by Islamic history and doctrine and Indian Muslim experiences both as colonized subjects and as a minority to a Hindu majority, the Tablighi Jama`at's ideological foundation was envisioned and articulated in a discourse of struggle. As a contemporary movement, the Tablighi Jama`at's unique brand of piety remains deeply intertwined with and informed by an ideological discourse of struggle rooted in theology, politics, and, as I will argue in this paper, gender—all of which converge to pivot around the notion of the individual in diligent resistance to the temptations of the public, external, corrupted world.

History of the Tablighi Jama`at

The Tablighi Jama`at came into being in a period of Indian history characterized by a burgeoning of dynamic religious reform and revival movements—Hindu, Muslim, and Sikh—under colonial domination. It was established in 1926 through the reform efforts of an Indian Sufi scholar of the Deoband school, Mawlana Muhammad Ilyas (1885-1944) who sought to reform tribal Muslims in north India who were heavily influenced by Hindu traditions and largely unaware of the basic tenets of Islamic practice and faith. [1] One impetus for reforming these nominal Muslims was that “to a pious Muslim the Meos in the twentieth century with their simplicity and resolute determination resembled the Arabs of the ‘Days of Ignorance’” with “their wrong customs and usages, ignorance and superstitions.” [2] Another major factor in the efforts “to ‘purify’ the borderland Muslims from their Hindu accretions and to educate them about their beliefs and rituals”, however, was “so that they would not become an easy p

Unlike the proliferating Hindu shuddhi movements at the time, which sought to re-convert Muslims into the Hindu fold, Ilyas sought to reform the Muslim communities themselves. He did this through the implementation of what would become the Tablighi Jama`at's unique brand of Islamic piety, combining both Sufi and `ulama elements. The pietistic and devotional aspects of the Tablighi Jama`at emphasized adherence to shari`a and focused on the cultivation of Islamic learning and piety in the individual. Since its beginning the Tablighi Jama`at's goal has been to convey “shari`a based guidance,”[4] and despite Ilyas' Sufi background and the Sufi elements of the Tablighi practices such as chilla and dhikr, most scholars see the Tablighi Jama`at as most in line with `ulama reform movements. [5]

The term tabligh, meaning “to arrive, to come to hear, to come of age, to reach one's destination,” is claimed to be rooted in the Qur'an, and is used in the context of risala (mission of a prophet) in the propagation of a mission or message. The modern usage of the term tabligh by Tablighis is interchangeable with da'wa, which has the dual meaning of both the internal, spiritual struggle of the Tablighis, and the actual missionary travels that each male Tablighi is required to embark upon for forty days. It has been suggested “when combined with time and space, ‘travel’ has a special meaning in the Tablighi discourse. It is a physical movement from one's present space (house, city, or country) to another, comparable with the concept of Hijra, both in the sense of migration and withdrawal; it is travel within oneself. One temporarily migrates from dunya (worldly pursuits) to din (religious concerns), a favorite dichotomy among the Tablighs.” [6]

A prominent theme in the Tablighi Jama`at is tajdid, understood by the Tablighi Jama`at as renewal or renovation and used in some hadith to mean “a view of the history of religion according to which the original teachings become corrupted with the passage of time...the function of tajdid is to purify the religion by eliminating these later additions, and to renew faith by returning to the pure and original religion.” [7] The earliest centuries of Islam are regarded as the most pure and serve as the model to be emulated by the community.

Hadith in the Tablighi Jama`at

The Tablighi Jama`at derives models for piety from stories written between the years 1928 and 1940 by Maulana Muhammad Zakariyya Kandhalawi, the nephew of the movement’s founder. The stories, which are based on hadith and widely distributed among the movement, known in compilation form as the *Fazail-i-Amal* (Virtues/Rewards of Action), play a crucial role in shaping the Tablighis’ personal character, morals, and piety. From her discussions with Tablighis and studies of the *Fazail-i-Amal*, historian Barbara Metcalf has noted that “in invoking and embodying these traditions, participants felt themselves part of a dense network of Muslims, both dead and alive, and aspired to reliving the Prophet’s own time when he too was part of a faithful few among a population sunk in ignorance.” [8] Images and themes from these stories play a prominent role in the Tablighis’ of understandings of themselves in relation to their inner religious or spiritual worlds as well as their larger contexts.

Tablighis adopt a lifestyle that goes against much of what could be generally characterized as north Indian piety, and sacrifice participation in the larger social world around them for the self discipline of a righteous path of piety and devotion to Allah through shari`a. “In the Indian context a Muslim must consciously distinguish his beliefs and practices from any that would resemble those of the infidel Hindus,”[13] and to an even greater degree, Tablighis understand their practice, or efforts, as jihad, in the sense that they are engaged in a struggle—through religious practice—that is starkly distinguished from the Hindus. This struggle is engaged on two levels, an individual spiritual level within the individual for discipline and piety, and an external, collective level with the largely non-Muslim social world of north India. Based on the stories of the earliest Islamic communities, the *Fazail-i-Amal* naturally contains stories and themes of jihad, and as a community.

This parallel of the Tablighis’ practice as an effort to establish a border or boundary of protection and differentiation from the *nafs* (lower self, lower soul) is striking in light of the Sufi parallel between *nafs*—as that which is corrupt and outside the boundaries of ‘ulama Islam—and women.

For the sufis...women were at times emblematic of the corrupt world, specifically identified with the lower soul, the *nafs* present with each person as the urge to willful and undisciplined behaviour defying divine law. [15]

And further, that Thanawi, the ideological predecessor of the Tablighi Jama`at believe [d] that women are more likely than men to be troubled by *nafs*, but...he finds this situation culturally, not genetically, determined.

Considering these two positions in light of the fact that the Tablighi Jama`at combined both Sufi and `ulama elements, the question emerges as to what notions of women and femininity were at work in the formation of the Tablighi Jama`at? The following section will examine the historical and social context of the movement's conception in the effort of discerning what kinds of gender dynamics were at play in the years of Ilyas' formation of the Tablighi Jama`at.

Women in the Historical and Social Context of the Tablighi Jama`at's Inception

Not unlike contemporary Hindu and Muslim reform ideologies of the colonial period, the Tablighi Jama`at's reform ideology involved re-orienting the feminine and women into a purified private sphere. Towards this goal, the earliest outlining in 1934 of Ilyas' principles of Islamic piety to be actively observed by all Muslims, which he and his reformers would "collectively undertake to spread," included the "seclusion of women, performance of nikah or marriage ceremony in the Islamic manner, adherence to Muslim dress by women," and "adoption of Islamic ceremonies and rejection of non-Islamic ones." [16] His call for seclusion of women suggests that women were not sufficiently secluded at the time and the call for properly Islamic ceremonies reflects and continues the longstanding efforts of the movement's ideological predecessor, Thanawi, who, along with the `ulama, "made the custom-laden private world, resting in women's hands, a central target of reform." [17]

In an analysis of gender and the politics of space in Muslim north India, Faisal Fatehali Devji holds that Islamic revivalism was the domain and project of the shurafa/sharif class, a group who "created themselves in and through the colonial order as a distinct 'Islamic' or 'revivalist' polity—a self-creation in which their movement of women's reform necessarily participated." [19] While women ended up being the targets of reform, this discourse of reform was most concerned with their moral, intellectual, and physical position in relation to the Hindu, non-Muslim 'other,' rather than with "the nature of women." [20] Metcalf holds that "explicit concern with the colonial culture was not...at stake in Tabligh writings: it was, rather, in the first place, the unreformed, the "pagan," that Maulana Zakariyya wished to exclude: the grandmothers' stories of jinn and bhut that were meant to give way to the fathers' sachchi kahaniyan, the true and authentic tales." [21]

Devji argues that the legal discourse of the shari`a divided the social world into the free male discursive public space "opposed on the one hand by the ultimately non-discursive (and so in a sense 'private') wilderness, and on the other hand by the domestic realm of the zaif (pl. zuafa) or 'weak', the space of slaves, youths, and women, where rational and responsible discourse neither occurred nor was heard." [22] Most compelling is her suggestion that the zuafa were encouraged to be involved in non-shari`at Islamic practices, for if they were involved in the patriarchal, discursive, public space; they would pose the threat of fitna, or social chaos. "Every one of the reformers viewed the woman, for example, as the agent of a sinister, debilitating corruption that attacked vulnerable Muslim men from the inside, paganizing them and rendering them

unable to defend the faith” and that the threat of the zuafa (pagan, weak 'women') could only be neutralized by “hegemonically incorporated.

This bears resemblance to the Sufi identification of women with nafs, an internal force of corruption and temptation and juhhal. Devji suggests that “this feeling of masculine vulnerability vis-à-vis the marginal feminine could occur only when these men had themselves been marginalized by colonialism”[24] and that now women were held in stricter standards of purda, as they comprised a threat of fitna to the public sphere while simultaneously being more vulnerable than ever to the threats of the corrupting private sphere. As ‘the Muslim woman’ was incorporated into the male public discursive sphere, she was paradoxically excluded from both spheres and made into a model for moral excellence, in a sense a type of “asexual or non-sexual mother figure...[replacing] the aggressive sexual woman with the pathetic or suffering woman-as-mother.” [25]

Not surprisingly then, paradigms for the suffering woman-as-mother are prominent in the Hikayat Sahaba stories of the Faizal-i-Amal used in the Tablighi Jama`at. In the hadith-based stories, upheld and “lived” by the members of the Tablighi Jama`at, images abound of the wives of the Prophet, “Mothers of the Believers”, entrenched in battle fighting infidel armies. [26] In her studies of women in hadith, Barbara Stowasser describes the Prophet’s wives as “paragons of virtue, and precedent-setting models for all women” whose “battlefields are not the plains of war on which Muslim men fight against infidel armies but involve the struggle to implement and safeguard Islamic norms and values.” [27] The usage of the images and stories of the battles in which these model women are engaged may suggest that the idea of jihad on both the level of internal and external struggle was one acknowledged by the movement as pertinent to women and their experiences as Tablighis.

Parallels between war in the time of the early Muslim community and struggles against jahaliyya—which in this context would be the polytheistic Hindu environment—in modern times, is not an unusual theme in Muslim reform or revival ideologies. [28] And as for the role of women in such imagery, we should not be surprised to find them upheld for bravery in such conflicts that serve as both spiritual and social metaphors for struggle, as “war was one activity in which women of pre-Islamic and early Islamic Arabia participated fully. They were present on the battlefield principally to tend the wounded and to encourage the men, often with song and verse. A number of women became famous for their poems inciting warriors to fight fiercely, lamenting death or defeat, or celebrating victory.” [29] In some of the stories in the Hikayat-i-Sahaba, women are desirous for battle in order to show their devotion to Allah.

In the Fazail-i-Amal’s stories based on hadith of the mothers of the believers, in the Hikayat-i-Sahaba (stories of the companions), a chapter entitled “The Women’s Courage and Spirit for Islam” contains thirty-seven stories of the wives and daughters of the Prophet Mohammed, all enjoined as models for the community for specific virtues they exemplify in the stories. Above the first story reads:

The lap of the mother is admitted to be the best field of instruction. Mothers imbued with the religious spirit are more likely to bring up children who will have

similar aptitudes. Alas, our children are brought up in surroundings that draw them away from Islam or at least make them indifferent to the duties they owe therein. The results are obvious. [30]

This introduction communicates several things. First, that women, especially in their capacities as mothers, bear the responsibility for cultivating religious piety and correct Islamic character in children who are considered not just the parents' but the entire community's progeny. Second, it communicates clearly that women are not all at present sufficiently pious and as a result children today are neglecting their religious duties. Third, it communicates that the hadith-based stories that follow will make clear the standards for women's, specifically mothers', Islamic character that will enable them to provide "the best field of instruction". The qualities upheld for women in these stories are charity, chastity, bravery, domestic prudence and thriftiness, modesty, and submission to one's husband. These qualities serve the dual function of maintaining the social hierarchy and pleasing Allah; the most important virtue for women—and all Tablighis in fact—to cultivate is submissive.

The Prophet (Sallallahu alaihe Wasallm) addressing Asma said, "Listen attentively, and then go and tell the ladies who have sent you that when a woman seeks the pleasure of her husband and carries out her domestic functions to his satisfaction, she gets the same reward as the men get for all the services to Allah"..."By Him Who has my life in His hand, a woman cannot do what she owes to Allah until she has done what she owes to her husband. [31]

Another story describes Hadrat al-Khansa, a famous poetess whose writing is praised for upholding the virtues of perseverance in difficulty and martyrdom for Allah. The stories relate her as saying "Oh you who believe! Endure, outdo all others in endurance, and observe your duty to Allah, in order that you may succeed". [32] In the story, her poetry serves as the necessary nourishment and inspiration for her four sons as they die in battle defending the Islamic faith and community: "One by one, they attacked the enemy, reciting the words of their mother in verses and fought till all of them were martyred". [33]

We may see in these battle images a metaphor for the struggle women face in implementing Tablighi social standards that go strictly against the grain of women's elaborate Muslim and Hindu social and religious practices. What these stories may also reflect is the struggle Devji pointed out in the male public space at the time of reformers like Ilyas and Zakariyya against the pagan, the *zuafa*, with which women, once being appropriated into the discursive male fold of the reform movements, now engaged in jihad against as well. Here, the concept of *fitna* as source of social chaos or temptation by virtue of sexuality, associated with the notion of "a moral trial whereby an individual must choose between good and evil,"[34] and also civil war, becomes especially important. It is possible that the concept of *fitna*, when understood as social chaos that women embody, was understood by Zakariyya, the male author of *Hikayat Sahaba*, as so constitutive of women's nature that it is inextricable.

As Barbara Stowasser has suggested, the hadith on one level relate the traditions as they are believed to have been, while on another level their

significance is that they are socially didactic: “the Hadith on the Prophet’s wives signifies both itself and something else. As text, it presents “images” of the Prophet’s consorts. As subtext, these images are meaningful in relation to the society of their first formulation and also the societies to which they then were (or are) applied by way of instruction, explanation, to legitimate the status quo or establish the validity of a new paradigm”. [35] These two levels of significance may be what make the hadith so relevant and useful for the goals of the Tablighi Jama`at, for as a text, the *Fazail-i-Amal* plugs its readers, or listeners, back into the time of the original Islamic community and so serves as a living source of authentic Islamic culture and religiosity that stands in stark contrast to what the reform movements see as their community.

Conclusion

Women’s roles in the Tablighi Jama`at have not changed significantly since they were conceived at the movement’s inception over seventy years ago. True to the original outlines for proper Islamic piety formulated by Ilyas in 1934, the contemporary Tablighi Jama`at in India upholds rules for women’s adherence to standards of modesty and seclusion, *purda*, and expects them to do *da`wa* among the family members with whom they have contact—they rarely go with men on formal forty-day or ten-day *da`wa*, though women do attend the worldwide annual Tabligh meetings and hold neighborhood meetings for *da`wa* work. [37] While scholars present conflicting reports on the education that Tablighi women are expected or allowed to receive,[38] the movements’ roots in the reform ideology of Maulana Thanawi would suggest that women are likely to be encouraged by their male counterparts (husbands, fathers, brothers, father-in-laws) to receive proper Islamic education in Arabic, the Qur`an and hadith.

Barbara Metcalf provides provocative analyses of this somewhat inaccessible sector of a largely private movement, most notably, suggesting that an inversion of gender paradigms is at work in the practices of the movement. She argues that despite the ‘masculine’ face that the Tablighi Jama`at puts forth—only men are going out for *da`wa*, and women’s involvement, if there is any, is practically invisible, they seem not to be involved at all—Tablighis strive to embody and encourage a reconfiguration of gender roles in the espousal of “an ideal of human behavior they understand to be exemplified by the Prophet,” which “resonates with qualities typically associated with femininity: everyone, whether male or female, is expected to be gentle, self-effacing, and dedicated to service to others”. [39] While I question such essentialization of gender, Metcalf’s suggestion that “as practices of hierarchy are reconfigured” through the process of *da`wa*.

The Tablighi Jama`at to this day, as it has from its inception, denounces the social customs so pervasive and constitutive of north Indian life, and thereby targets women’s lives in particular; the jihad of the Tablighis consists of resisting this arena of social customs, ranging from Sufi shrine veneration to traditional wedding ceremonies, that are seen from the Tablighi perspective as Hindu accretions, un-Islamic, and superstitious, wasteful practices [41]—practices in which women actively engage.[42] Metcalf confirms that “just as social differences are erased for Tablighi men and women in the public sphere, Tablighi ethic eliminates whole arenas of customary ritual and ceremonial life

which have been the purview of women.”[43] Such denouncement of the social fabric in which women are able to hold power socially and religiously goes against the current of society at large and denies Tablighi women, most harshly in conjunction with strict purda, and access to the social world.

Since its inception, the Tablighi Jama`at has spread to Muslims communities around the world, today claiming the largest assemblies of Muslims in the world outside of the hajj. And while the movement explicitly rejects participation in politics, its unique approach of cultivating piety and religious knowledge in individuals does have an influence on the lives and lifestyles of its members, and is arguably political in this way. Further, its discourse of struggle as emphasized in the narratives employed in religious practice posits members of the Tablighi Jama`at against, and in part defined by, non-Tablighs and non-Muslims. As this paper has argued, both gender and notions of conflict in the form of a religious discourse of struggle play a significant role in helping to both discern and complicate Tablighi identity vis-à-vis ‘the other,’ whether ‘the other’ be Hindu, female or otherwise.

Notes:

[1] Anwarul M. Haq, *The Faith Movement of Mawlana Muhammad Ilyas* (London: George Allen & Unwin Ltd, 1972).

[2] *Ibid.*, p. 106.

[3] Mumtaz Ahmad, “Islamic Fundamentalism in South Asia: The Jamaat-i-Islami and the Tablighi Jamaat of South Asia,” *Fundamentalisms Observed*, eds. Martin E. Marty and R. Scott Appleby (Chicago: University of Chicago Press, 1991), p. 511.

[4] Barbara Daly Metcalf, “Living Hadith in the Tablighi Jama`at,” *Journal of Asian Studies* 52, no. 3 (1993): 584-608, p. 584.

[5] Muhamaad Khalid Masud. “Introduction,” in Muhamaad Khalid Masud, ed., *Travelers in Faith: Studies of the Tablighi Jama`at as a Transnational Islamic Movement for Faith Renewal* (Leiden, Boston, Koln: Brill, 2000), p. xl.

[6] *Ibid.*, p. xvi.

[7] *Ibid.*

[8] Barbara Daly Metcalf, ““Traditionalist” Islamic Activism: Deoband, Tablighis, and Talibs,” *Social Science Research Council/After Sept. 11 2001*,” p. 7.

[9] From field interviews with long-term Tablighis in Delhi and Uttar Pradesh, Talib has documented descriptions of Tablighis’ visions of the world and their place in it, in which the imagery and themes of the stories were pervasive.

[10] Mohammad Talib, “The Tablighis in the Making of Muslim Identity,” *Comparative Studies of South Asia, Africa, and the Middle East* XVIII, no. 1 (1997): 32-51, p. 46.

[11] Ibid.

[12] Ibid., p. 47.

[13] Masud, pp. xxxix-xl, "Introduction."

[14] Talib, p. 39.

[15] Barbara Daly Metcalf, *Perfecting Women: Maulana Ashraf 'Ali Thawani's Bihishti Zewar: A Partial Translation and Commentary* (Berkeley: University of California Press, 1990), p. 7. Equally provocative, considering the themes of struggle and boundaries of the Tablighi Jama`at, is the notion that "women have often explicitly or implicitly, been deemed innocent of knowledge, juhhal, like children or those who lived in pre-Islamic times." p. 7.

[16] Haq, *The Faith Movement of Mawlana Muhammad Ilyas*, p. 110.

[17] Metcalf, *Perfecting Women*, p. 9.

[18] Ibid.

[19] Faisal Fatehali Devji, "Gender and the Politics of Space: The Movement for Women's Reform and Muslim India," *South Asia* 14, no. 1 (1991): 141-54, p. 143.

[20] Ibid.

[21] Metcalf, "Living Hadith in the Tablighi Jama`at," p. 592.

[22] Devji, p. 144.

[23] Ibid., p. 150.

[24] Ibid.

[25] Ibid., p. 151.

[26] Is this to be understood as an extension of the inversion of gender roles that Barbara Metcalf sees at work in the Tablighi Jama`at, or might this point to another dynamic at work?

[27] Barbara Freyer Stowasser, *Women in the Qur'an, Traditions, and Interpretation* (New York, Oxford: Oxford University Press, 1994), p. 115.

[28] For a more familiar example of such parallels, consider the recovered letters of Muhammad Atta, who flew one of the planes in the attacks of September 11th, in which his mission was analogous to and religiously legitimated by stories of the struggles of Muhammad against the jahiliyya. See

Bruce Lincoln, *Holy Terrors: Thinking About Religion after September 11* (Chicago and London: University of Chicago Press, 2003).

[29] Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven, London: Yale University Press, 1992), pp. 69-70.

[30] Maulana Muhammad Zakariyya, *Fazail-i-Amal: Stories of the Sahaba*. The version I used for this study was an online English translation at a Tablighi Jama`at website: www.tabligh.com/toc.htm. The text was written sometime between 1928 and 1940 and according to Barbara Metcalf's research, most likely first published in 1958. Clearly, more detailed research will require analysis of the text in print, the most recent version of which was published in 1983 in New Delhi by Idara Ishaat-e-dinyat. (The website does not indicate a translator, and says that "The Copyright and Protection is with Allah.")

[31] This is found in the thirteenth story titled "Hadhrat Asma (Radhiyallahu Anha's) Interview with the Prophet (Sallallahu alaihe Wasallam) Regarding the Reward for Women," of the section of the *Hikayat Sahaba* entitled "Women's Courage and Spirit for Islam," in the *Faizal-i-Amal* relating "Hadhrat Asma (Radhiyallahu Anha's) Interview with the Prophet (Sallallahu alaihe Wasallam) Regarding the Reward for Women."

[32] This is in the eleventh story titled "Hadhrat Khansa (Radhiyallahu Anha) Exhorts Her Sons to Bravery" in the section of the *Hikayat Sahaba* of the entitled "Women's Courage and Spirit for Islam."

[33] *Ibid.*

[34] D. A. Spellberg, *Politics, Gender, and the Islamic Past: The Legacy of 'A'isha Bint Abi Bakr* (New York: Columbia University Press, 1994) pp. 138-9. Spellberg discusses how the term is deeply rooted and nuanced in Islamic tradition and strongly associated with the persona of 'A'isha through her embroilment in the politics of succession. She writes that "when the definition of women as fitna is coupled with 'A'isha's participation in the first fitna, or civil war, Islamic gender and politics collide in discussions of the Battle of the Camel."

[35] Stowasser, *Women in the Qur'an, Traditions, and Interpretation* p. 106.

[36] *Ibid.*, p. 115.

[37] Barbara Metcalf Daly, "Islam and Women: The Case of the Tablighi Jama`at." *SEHR* 5, no. 1: *Contested Polities* (1996), p. 3.

[38] Mumtaz Ahmad writes that "[Tablighi workers] strongly believe in the seclusion of women and regard any education of girls as unnecessary and un-Islamic," p. 517, which leaves it unclear as to whether secular education is considered un-Islamic in general, or just for girls, and doesn't address religious education at all. Metcalf writes that "Women in the Jama`at are encouraged not only to seek education and piety, but are also invited to engage in Talbigh, as

long as they do not mix with unrelated men,” p. 3, which leaves it unclear as to what kind of education they are encouraged to seek—religious or secular—and if there is really any possibility of women going on da`wa without mixing with unrelated men, as the jama`at are composed of 10-12 men, and so all of them would have to be related to the woman.

[39] *Ibid.*, p. 3.

[40] *Ibid.* Metcalf substantiates this compelling idea with somewhat unsatisfying and unconvincing evidence such as the story of a male Tablighi who felt more encouraged to live a peaceful life at home with his wife and children after da`wa, and of another who learned to appreciate his wife’s cooking more after being required to cook his own meals while on da`wa. Similarly, her argument that women are in turn encouraged to take on male roles seems not entirely substantiated by the mere suggestion that when men are away for da`wa, women must take on the domestic duties normally performed by them. Based on this evidence alone, it seems that the claim that the practices of the Tablighi Jama`at “reverse gender paradigms” remains shaky at best.

[41] See Peter van der Veer, “Playing or Praying: A Sufi Saint’s Day in Surat.” *Journal of Asian Studies* 51, no. 3 (1992): 545-64, for accounts of Tablighi denouncement of Sufi celebrations in Surat.

[42] *Bihishti Zewar* is a fascinating window into the prevalence of such practices and a description of the practices themselves from the perspective of a male reform leader of the Deoband school, Thanawi, who led the foundation for Tablighi reform ideology.

[43] Metcalf, “Islam and Women: The Case of the Tablighi Jama`at,” p.4.

[44] And, Metcalf reports, in their ability to convince male family members to join the Tablighi Jama`at. It is not clear why there would be women Tablighis in non-Tablighi households.

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Women's Activism in the Social Movement of Orissa

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To understand the collective action of women, it is necessary to take account of their widespread involvement in contemporary social movements together with men. Different forms of social protest movements in Orissa have a long and entangled history of its political economy. At this time of rapid structural change at all levels of society; there is an urgent need for an accurate and comprehensive understanding of the process and consequences, causes and effects. In this study we would like to discuss the concepts like development, displacement and resettlement, which had vital relation with those movements of the neglected tribal and poorer section of the people in the State. In this paper a striving has been made to analyse the debates and demands around

which women's activism has surfaced. The most conspicuous picture of Orissan economy gives a telling story of appalling poverty; hunger, ill health, homelessness, illiteracy and its people are subjected to different forms of class, caste and gender oppression. Women bear the burnt of gendered demographic disharmony with steadily declining sex ratio, high infant mortality rate, high female literacy, over crowding and marginalisation of women in agricultural sector. We have adapted interview method and based on the body of primary literature available to us from the activists.

Social protest movements have been able to raise very important questions of the oppressed section of the society; their rights to life and livelihood etc. In those questions lies the alternative perspective of current development projects and politics. These movements have played a greater role in searching the alternative for the so-called development projects. For the sake of clarity and understanding our study has been divided into two parts. First phase will deal with BALCO and Baliapala movements, which affected the people most before 1990's. These were dealing comparatively simpler issues of displacement and resettlement. Whereas Chilika, Gopalpur, Kashipur movements etc. have given birth a perspective of rehabilitation and displacement and which has questioned the ethics of development projects and policies. These social movements have raised a wide range of social issues, one differs to another including time, space and context.

BALCO movement

Before capturing women's activism, we need to be well acquainted with the context and causation of the movement. One such movement is the protest against Bharat Aluminium Company (BALCO) was initiated in 1980's and lasted for the decade. BALCO was given license to excavate Rs.6 lakh tonnes of Bauxite per year for 100 years from Gandhamardan mountain of Sambalpur district. It was decided that alumina to be prepared from bauxite and 90% of which would be sent to the foreign countries. Orissa has become a centre of attraction to fulfil the Bauxite requirement of foreign countries. Alvin Tofler rightly commented, "Here was an imperialism that ultimately brought back ship load of nitrates, cotton, palm oil, tin, rubber, bauxite, tungsten. There was an imperialism that dug copper mines in congn and planted oilrigs in Arabia. There was an imperialism that sucked in raw materials from the colonies, processed them very often spewed the finished manufactured goods back into the companies at a huge profit."

But, poor people who were surviving on the trees, plants, herbs, and stream of the mountain understood the vulnerability of this proposed aluminium plant and protested against BALCO. The immediacy of this movement roused women against displacement through the broader issue extended upto the environment protection. The movement compelled the bureaucracy and State Government to think and discuss on the question of environment protection. Prior to it Chipko movement and silent valley question prepared a background for it.

The role of women was radical as a rebel against the destructive forces of nature's gift. In spite of peoples protest, the construction work of the plant continued for two years. Positive report of the department of central

environment protection installation strongly denounced the installation of the Aluminium plant with scientific and logical viewpoints. It provided solidarity to this movement. Poor women were closely involved with this movement as they realised the excavation of Bauxite mine would completely destroy their very source of livelihood, living, water, shelter, health etc. They formed committees, staged demonstrations, and rallies hands in hand with their male comrades. They were conscious of the environmental and perennial worth of water, jungle, earth and herbal medicine. Vast section of middle class people including women and widows etc. joined this movement as the religious and cultural sanctity of Gandhamardan was threatened. This social movement received support from different sections of academicians of the country. Political parties (non-ruling & non-congress) of the State also supported this issue. All these forces in the confluence heightened the prestige of the movement and thus the pressure from below compelled State Government to cancel the 'patta' in 1989, which was leased out to BALCO for one hundred years and peoples power gained the victory. The so-called development project was stopped yielding place for pro-people sustaining development process.

For the first time after independence without the leadership of any political party; awakening of the self-consciousness of oppressed men and women could bring down the oppressive socio-political apparatus of the State. Women were co-rebels of man; their activism stunned the state and society. Simple women of the forest were aware of the critical aspect of political economy of their place that was going to disown and destabilise their life, families and communities altogether. The understanding of the stark realities of their very vital question of life reflects their heightened state of consciousness. By that time in Orissa, there was neither any feminist academic initiatives nor independent active forum that helped them structuring their consciousness. We cannot term women's mass action in BALCO movement as independent women's movement; but the wide ranging demands i.e., rights over earth, jungle, water, air and herbal medicine etc. concerned the women folk more than men. Involvement of women was conscious decision and their active participation for a decade (1980's) played very important role in bringing about success to society as a whole. The question of ecology did not touch the people but they were sufficiently aware of the hazardous environment impact of Bauxite excavation in and around the area. In the history of Orissa, these are new experiences and the movement can be connected as a part of eco-movement where played a vital and active part for the protection of natural bounties. Other way it was women and men's assertion of their political and economic rights that was shaped into a social protest movement in the decade 1980's.

Baliapal Movement

In the same decade towards 1985 "Ghati Hatao" movement was initiated in Baliapal of Balasore district protesting against the installation of missile test range. The proposed project was displacing the poor people of the area. The so-called development and displacement have become two sides of the same coin and more over the formed has become the cause for latter. And peoples protest has become a natural outcome of this sudden project in Bhogarai area of Baliapal. The missile test range project at Baliapal aimed at ploriferating the

defence market of the country at the cost of displacement of thousands of people from their lives and livelihood.

Thousands of men and women from fishing community, wage labourer class fought the struggle violently against the State power. Of course, the big farmers, businessmen and middle class cultivators also formed a part of this involvement as they were going to lose their vast land of 'Solaspanta', fertile land at the bank of 'Subarnarekha' river and also the Pana Barajas. Leadership ultimately came to the upper class people of the area. Women's role was much radical in this movement in comparison to Gandhamardan movement. They decided not to leave their soil till death. At the approach of the project they felt fish out of water unlike males. They led almost all demonstrations, Gherao, confrontation, black day and faced bullets. Under the leadership of Sri Gananatha Patra and Rama Choudhury not less than 60 to 70 thousand people protested against the political party, police and bureaucracy. Academicians from foreign countries (Harvard University) and from many parts of India (Sujata Patel from JNU) came to study the movement and were amazed to observe the leading role of women. These women were coming from poorer section mostly illiterate and some were having low level of education but rich with moral strength.

In comparison to richer section, lower class was more violent; shed their tears, blood for the betterment of the society. Women expressed that comparatively their greater power of tolerance and sacrifice that prepared them as vanguard of the movement. Themselves united them under the leadership of both men and women. Every action was depending upon the democratic decision of the committee consisting of eleven leading men and women. Along with the issue of Ghati hatao women raised their voice against male harassment and liquor in the later days. Women of cultivator's caste were more united than the upper caste. Women and children were bearing the burnt of any attack from opposition whether at the barricade near the entrance gate of Ghati or violent confrontation with their vehicles. They decided to die before the death of their husbands, as they were apprehensive of the physical attack from the opposition.

In this movement women formed an independent forum called 'Nagri Jagaran Samiti, Baliapal' to sustain the movement in later period. Along with the common call to protect soil, households, agriculture, streams, sand, beetle-nut cultivation, coconut and cashew orchards and beetle leaf plantation; there were gender specification issues such as "Peace not violence" and protection from the vulnerability of displacement etc. Women comrades such as Chabi Mohanty of SUCI, CPML and "Pragatisila Nari Anusthan" have joined in this movement. Lessons from Baliapal movement forecast that in future women of lower caste and class can be mobilised independently with the help of requisite leadership with feminist perspective.

Chilika Movement

In the decade of 1990's social movements took a different turn with the onset of liberalisation policy. Violent Chilika movement of Puri district became a national issue in this decade. Many villages including Gopinathpur protested the entry of TATA to Chilika for prawn culture. They understood that modern technology of prawn culture would inhibit the original fishermen and women into the lake.

Women in huge numbers fought this radical struggle against state power and mafias. Even some of them sacrificed their lives. Many political parties including CPML have tried to co-opt this movement of fishermen and women. NGO's have also joined with similar interest. But leadership was always in the hands of fisher community. The movement was successful from one point of view that TATA Company was removed from this scenario. But in the other way fisher women are still marginalised as the prawn tanks (dug by TATA company) have been captured by mafias and vested interest section of Panasapada village. The same operation is still continuing over tribal of Gandhamardan by Gountias though BALCO has been removed.

In this study we are discussing some initiation of globalisation process and its impact in the country side of Orissa. It is evident from its manifestations in various forms at Chilika, Gopalpur, Kashipur and Phulbani; where people have rejected the so-called development projects. No doubt these symbolise the growing tensions and repressions that women face. They have realised that the proposed development projects were not going to benefit the poor people of the area. Rather it has started displacing and disowning them.

Gopalpur Movement

Gopalpur protest movement was primarily directed against the construction of steel plant. It was considered contrary to the trend of time, which was witnessing the dismantling of such plants in many technological environments. Objectively it was going to be constructed by displacing people from their traditionally inhabited area without giving them adequate opportunities of livelihood which was economically viable and ecological sustainable. Along with it here comes women's question of 'de-nesting' them

From the womb of their natural environment, it was indeed alarming and frightening to abort the bounty of nature which was enriched with vegetation and fruits, vegetables, medicinal plants and many other cash crops on which depended 25,000 population of 25 revenue villages having not less than 9,247 acres of most fertile lands of Ganjam district. Women of this area were much close to their land and its remunerative production. Nature was providing them their livelihood, and was able to sustain the economy of their families. Women felt much rooted out than men due to their nature of 'nesting' which was in one sense a reality of self-sustaining economy and in other sense reflected their closeness in preserving the balance of eco-system. To quote Bandana Shiva "it is against this world wide phenomenon that one is pained and agonized to see the efforts of the Government of Orissa to construct a 100 percent export oriented steel plant in Gopalpur area which will bring about imbalances in its natural and self-sustaining economy and spell disasters to people's lives, to its environment, bio-diversity and agriculture". It is important to clarify here that eco-friendly movements of Orissa is different to all such movements all around the globe. Because these have never originated here from the very consciousness about protection of environment as such. Rather these popular movements were rooted within the debate of their survival economy. No doubt ultimately they had their positive implications within the demand of preservation of eco-system. Women both now and in the past have been involved in these

struggles which have not only been about women's need as women contained much analysed political, economic and environment issues.

To protect their birth place, their agriculture land and environment from the threat of destruction by TATA Steel, 25,000 men and women have been protesting against the state government's decision to hand-over their lands and homes to TATA without their consent. Their slogans were, "We shall rather die than leave our place of birth, and we shall give our blood and life but shall not leave our land". (On 7th August 1995 the Gana Sangram Samiti (GSS) was formed to resist the entry of any government or the steel plant officials into the proposed plant site. The GSS had an executive body of 11 members and a council of 70 members representing 25 villages. A prolonged and continuous fight of 19 months in 1995-96 brought about some success by resisting the entry of any official into the area. This led to several sporadic clashes between police and the villagers. The women and children were badly injured when the protest took its momentum in August 1996. Six platoons of armed police (about 6000 women) were deployed by state that used all means to harass the peaceful protest by the people. During this reign of terror two women B. Laxamma (Badaputti village) and S. Iramma (Laxmipur village) were severely injured and died. The Chairman of GSS, Mr. N.Narayan Reddy was booked under NSA and he was jailed twice along with 60 more people.

The atrocities on behalf of state on the people of these 25 villages forced them to be united and these were more clear in their view points and specific demands concerning to their lives.

The GSS was very clear in its opposition to the steel plant that the main issues were not environment vs. development but extinction vs. survival. Very forcefully they inscribed on the protest pillar: "Water, land and environment belongs to us and none else have rights over them". In all these clashes with police, women were always on the forefront. They were always the first to face the police baton for the cause of their land and environment even at the cost of their lives. Of course women constituted a significant element among displaced population and its impact was significant element among displaced population and its impact was significant on them than that of general populace. Women's participation with men in combined popular movement of Gopalpur protest has involved historically a struggle on two fronts.

Not only have women sacrificed their lives to the dream of a better future that good society without poverty, fear, pollution, would prevail where no one would be displaced or subordinated; but also they have had to confront the attitudes of some men in this radical movements. A male vision in the plea of greater democracy has frequently denied the specific needs of women and their leadership and did not acknowledge women as equals within the public political realm.

Within the Gopalpur protest movement women have never given the leadership in fore front. No doubt the women from 25 villages had formed a 'Narisena' (ladies army) and Mrs. Kamala Lata Sahu of Chamakhandi village, was its President who once said: "Narisena was prepared to use lathis against any

intruder who endeavored to take over their homes". Women's collective actions in this struggle was used as a support base; but no doubt they were given a subordinate space in spite of their militancy and equal social base as that of men in that area. Political organization had never taken this essentiality of women's vision and feminist theoretical questioning as a part of boarder redefinition of human social emancipation. Women's participation in Gopalpur protest movement opens up the possibility of imagining how the purpose of politics might change by taking on women's militancy, needs and desires. So by placing feminism alongside other forms of women's social protest and viewing both within an historical context, it become possible to show various groups of women have tried to change their circumstances and how they have fared.

In conclusion it can be said though the ownership and control of peoples traditional source of sustenance has been snatched systematically for the shake of development; but movement has been able to develop daring assertive qualities in general and conviction and leadership qualities in particular among women.

As the case of Gopalpur protest shows globalization is accelerating and amplifying these problems of development and destruction; as it has already proved in case of displacements from the projects, in Orissa like Hirakud, Rengali, Indravati, NALCO, Uppar Kolab, NTPC, TISCO in Sukinda, where the oustees have been reduced to beggars, slum dwellers in cities and women folk to prostitutes. Through their struggle people have shown the way to future which respects the right to life of all including kewra, the turtle and the people of Gopalpur, Pipalpanka and Manakadnacha.

Gopalpur protest movement is not an indigenous women movement but it provides hints and clues for a new political paradigm where it may be more important to get included or to put specific needs forward.

Kashipur Movement

Here our attempt is to contextualise the voices of women in the ongoing Kashipur people's movement against Alumina project. The study will discuss Kashipur movement as an interface between globalisation and feminisation of poverty and structuring of violence against women thereof.

International capital started trickling to Kashipur soil to excavate mines without any consultation with son or daughter of the soil. They claimed so as they were the primitive inhabitants of those jungles and hills. These so called development projects not only injured them but also became vulnerable to their survival. Here is a case of installation of globalised economy where national boundaries are becoming porous by giving a state sanction. Public policies are increasingly shaped to accord with external interests (external to people's interests). The state has given a freehand to start various projects like 'Utkal Alumina', , Aditya Birla' and 'L&T' Projects in the tribal hinterland of Kashipur area in Rayagada district.

Community needs of these tribals like their right over land, water, 'Mahula' and fire woods were overlooked. The development planners have never raised the

questions about the very sources of livelihood. 'Jhodia Parajas' have strongly protested against those companies since 1993. Both men and women have struggled a lot; at each phase of company's initiative protect their community need that was the sustaining source of their livelihood. We have witnessed the strong web of this movement and all Oriya dailies were overloaded with diversified opinions. People were united against Alumina Project in Kucheipadar, whereas the fight in Sunger was in opposition to L&T project and in Laxmipur they struggled against Aditya Birla Project.

When we single out the mass base of these different streams of this long struggle; women are always visible at its forefront. Just like a snow ball the movement gathered its momentum both in depth and width from 'Kucheipadar to Maikancha'. In these last eight years of struggle women have experienced the globalisation impact differently than men at Kashipur. It is more pathetic and heartening from women's human rights point of view.

The organization 'Prakrutia Sampada Surakhya Samiti' was the nodal organization behind all other local organizations, which were fighting for the needs of tribals. Women along with men and at times hundreds of women have led their rightful assertion, staged demonstration, protest and agitation against company forces, political agents, goondas and police force. They have faced 'lathis', bullets; at times their modesty was outraged which they had to tolerate but not without being violent. Nobody can forget the sacrifice of the life of simple tribals such as a vilasha Jhodia of Maikancha, Bajri Jhodia and Raghunath Jhodia of Jaurdhar as a cost of their soil. In the beginning women of Kucheipadar had taken up struggle as the leaders. Among others Lachhama and Prema were leading the protest. Gomati and Sumani have also protested against company's survey work and were organizing women folk of the area.

They organized themselves and made their fellow people conscious on the livelihood issues and the forthcoming dangers due to multinationals' investment in these hill lands. Thus from Kucheipadar it did spread like a wildfire to Kolkhunti, Sunger, Banteji, Saramba, Aligana etc. At initial stages of the movement the strength of the tribals though was not that strong; still survey work of company was protested. In next phase land grabbing was prohibited. It was first done in Kucheipadar village.

Apart from tribals' original involvement in the movement; many activists and NGOs also played their roles. They made them aware of the genuineness of the Fifth Schedule of the Constitution relating to land grabbing in scheduled areas. Though this issue was protested at one village but soon after the movement became furious in all other villages also. Both Scheduled Caste and Scheduled Tribe people fought this common cause unitedly. This time women were also at the forefront of the movement and they could be able to stop the land grabbing.

Another face of the struggle is still hidden and half revealed and not well fought out. These are violations of women's human rights in these areas of developmental projects. Invaders (company people) became the source of violence against women. Some women like Harabati Nayak of Sarabagigan, Dhangidi kuni Majhi and others have taken up servitude and were also forced

for sexual servitude of company officers (such as Thakur Das and Nibedana Patro).

Women and girls of Kashipur are free unlike the coastal belt. It is partly due to their structural position and mostly for survival need of everyday life; women are used to go to jungle to collect firewood, food materials and other minor forest products and come back by evening to their home without any fear and vulnerability. But with the onset of these mining projects girls and women have become the victims of sexual appetite of the company invaders. In many of the villages, young girls were attempted for rape at lonely roads, jungle and streams. In this process of victimization some girls like Mulabati and Harabati were kidnapped. Company people also took some young tribal men away to far places. Women have come back with children on their shoulder being deserted and sexually exploited by those outsiders ('dikus'). Many Kalabati of Lakris and Karam Dei of Laja Khamana have become the victims of attempt to rape. Thus globalisation has become the source of violence against women and also responsible for 'feminisation of poverty'. Combination of economic and sexual exploitation multiplied the radical upsurges among women and men. This gives us another tune of globalisation which not only revolves round economic questions but stretched much beyond and has become a source of structuring of violence against women.

The role of Agragamee, an NGO is limited in educating and organizing women against the exploitative structure. It was initiated much prior to this people's movement. Through awareness-building programme it had gone up to a stage of mere mobilizing women in a scattered manner. Even at times it had touched the fringe of local and state politics while mobilizing women against liquor. If we analyse the locus of feminine consciousness; we have to look back to the initiatives of local tribal women. Here comes the interface of feminist struggle, role of NGOs and globalisation perspective. As far as their struggle against globalisation is concerned; women's questions in a major way is linked with marginalized section in general. NGOs have realized their limited role and left the Kashipur struggle to their fate only. Which is a dangerous stand.

The analysis needs a special attention when women's voices are linked with violence against them. They have another specific role as far as the struggle against manipulation and destruction of ecosystem in Kashipur jungle and hills are concerned. From time immemorial women are the main food gatherer and eco-preserver in this jungle. Their demand against company was always carrying the message for preservation of the forest, water and natural resources. They argued for a sustainable development by maintaining a eco-friendly resources instead of going for a project of two or three decades. Otherwise we can see developmental projects as a threat to women's human rights. She loses the freedom of her security. Sexual violence against women is to be understood from the knot of market domination, its economic exploitation and women as are considered as a sex category (commodity) in terms of capital. This social violence against feminine gender must be questioned from the point of view of their marginalisation locating them within caste-class; rural -urban and globalisation versus commodity need parameters.

We can conclude that these social movements questions the very development process itself. Whose national interest and development for whom? Global development and market system is for whom and against whom? Who decides the national mainstream and what is its character? One more question, which is linked to feminist struggles in which way market forces made the women vulnerable? Whether they are utilized or learning from the struggle?

Answers of all these questions are lying within the movements itself. As a feminist academic we have a role to analyse the perspective of these movements, their leadership, impact of liberalization, NGO nisation etc. We feminist scholars in Orissa are yet to become a sister wing of activism.

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Empowerment of Women through Organisational Power- An Alternative Development Paradigm

Dr. Jimmy Dabhi

Introduction

Empowerment of women is on agenda of various groups and organisations. Human development report extensively speaks of empowerment of women. The recent Population Census Report was very much politicised (NDTV programme 'Big Fight' of 11th September, 2004) by some groups and missed the underpinning message that women among poor communities are far from empowered and in rich communities women are still discriminated and done away with. The report brings out a cruel fact of some of the Indian states especially the 'bimaru (hindi word for sick) states' like Punjab, Hariyana, UP as the known demographer calls them, where female foetus is done away with in preference to a male child. The patriarchal and male dominated thinking, beliefs and practices still rule the psyche and minds of millions in India – the rich and literate are the worst because they know what they do. Empowerment of women therefore is a distant dream but people who are committed to it must not lose hope because the processes of empowerment are always challenging and a march up stream. There are various approaches subscribed and implemented for empowerment of women over the years with varying success and failures.

This paper attempts to throw light on an alternative taken to create a new development paradigm in the face of massive impoverishment in India. The paper begins by briefly outlining the traditional understanding of women's emancipation and development, then goes on to examine the new understanding of women's development and the option that the Behavioural Science Centre, a voluntary organisation based in Ahmedabad has taken in facilitating dalit women's empowerment in Gujarat. The paper concludes by highlighting the lessons learnt in the process of empowerment of women and draws attention to a few possible pitfalls in the process.

The traditional understanding and practice of development:

We are aware that women are an oppressed group (whether urban or rural) and especially poor women. It is not my aim to elaborate on the situation of women here; rather I would like to highlight some of the practices and assumptions governing developmental actions taken by various agencies in the past, perhaps even now.

Policy approaches to women's development have evolved over the years. In the following sections we shall highlight the approaches, the purpose and the critique of the each of the approaches.

1. Welfare approach:

Purpose:

To bring women into the ambit of development but as better mothers: sees women's role primarily as that of a mother and it perceived as most important.

Critique:

- 1.1) This approach sees women primary as a child-bearer,
- 1.2) In this approach woman is seen as beneficiary (passive) of development and empowerment processes, not a partner (active) in development and empowerment processes;
- 1.3) This approach is Status-quoist, namely it is assumed here that the social order and power equation in society and family are okay and they need not be

questioned leave alone changed.

2. Anti-Poverty approach:

Purpose:

To ensure that poor women increase their economic productivity - as poverty is seen as the root of underdevelopment and misery of women.

Critique:

- 2.1) This approach sees women in terms of their productive (the income they bring in the family) role only;
- 2.2) This approach isolates poor women as a separate category and does not see women in a larger context;
- 2.3) The approach does not recognise the multiple discriminations that women face, namely class, caste and gender.

3. Efficiency approach:

Purpose:

To make projects more efficient/effective - it recognises that development will not occur without the participation of women.

Critique:

- 3.1) The approach sees women entirely in terms of their delivery capacity. Approach assumes that women's participation will help carry out the development programme effectively.
- 3.2) The approach does not recognise the multiple discriminations that women face as we just indicated above.

4. Equity/Autonomy approach:

Purpose:

To empower women by making them autonomous subjects ultimately to move towards gender equality.

Critique:

- 4.1) The approach sees gender discrimination as a structural phenomenon; that is society and its various components are structured, designed (they are not there just by default) in such a way that women have no control, access and ownership of resources and position of power (mainly decision making power and resource to carry it out) [see Franco and Sarvar, 1989].
- 4.2) This approach challenges the status quo in society and challenges the power imbalance in society and in various subunits of society like family, organisation; institutions, etc (see Dabhi, 2004).
- 4.3) The approach is very threatening for women as well as men and community at large as it demands dialogue, and transformation. Women may experience fear of freedom and men may experience lose of power and control.

The traditional approaches could be classified as the reform or community development approach, which accepts the existing socio-economic and political structure as appropriate and sees no need for any alternative order; it does not question the gender ideology (see appendix 1).

It equated emancipation of women with lightening her burden and improving her efficiency as a child bearer and housekeeper. The development interventions therefore consisted of training in - cooking, housekeeping, decoration, child care: child rearing

and hygiene, stitching, embroidery.

The community approach saw women's emancipation in terms of increasing her economic productivity. Therefore, it brought in economic development interventions in terms of - Papad, Pickle and Agarbati making. To some extent, even some of the self help group activities tend to see women in the same manner.

This approach is also a top-down approach, which instead of empowering women to become the agents of their own development process reinforces the stereotype of the passive woman for whom the development process is defined by others, to be more specific men. Women are therefore perceived as objects and receivers of development benefits and not as subject and actors in the process of development.

In this traditional understanding of development gender discrimination is not perceived, questioned or simply ignored. As against the other approaches mentioned above the Equity/Autonomy approach throws light on the new understanding, which is discussed in the following paragraphs.

The new understanding of development and assumption about women:

This approach begins to perceive women as subjects and actors and not mere recipients and beneficiaries in the process of development and empowerment of themselves as well as community and society at large. Class, caste and gender discriminations are considered important dynamics affecting the lives of women and men within and without the household and community. The new understanding and practice looks at these forces not in isolation but as intrinsic components of Indian socio-cultural, political and economic reality. Their adverse effect on women's development and empowerment is acknowledged and examined.

The new understanding looks at gender discrimination as a structural phenomenon, which requires transformation of social structures and institutions. So, the important underlying assumption in the new understanding is that women are part of the society and have equal right in defining, designing and implementing the development of society. It assumes that women have rights over their bodies, their lives and their space of living and must have the freedom to decide for themselves.

This approach therefore looks at the overall development and empowerment of women - not only in the personal and family life but also economic, cultural and political life of a community and society at large (also see Dabhi, 1999).

The facilitators of change are cautious that interventions made the projects and programmes designed and implemented, not only have equal participation of women but that these actions do not endorse the old stereotypes (also see Anker, 1998) about women but challenge them. Steps are taken that development actions do not add to women's daily chores but lighten it and challenge and motivate men to partake in what was so far considered as only women's role.

Some of the interventions undertaken here may appear traditional, like pickle making, 'agarbati' making but the approach emphasises economic and organisational empowerment of women and not just supplementing family income in order to support the male breadwinner.

Further, this new approach would take up Projects that challenge stereotypes of women. Therefore women might be encouraged to engage in enterprises traditionally considered as the domain of men alone, e.g. setting up business enterprises like co-operatives, consumer stores, monitoring and evaluating bodies, company etc. In other words, it envisages organisational power for women whereby women own, run and manage their organisations and interact with other organisations, private and public.

This approach also envisages women's partnership in society and politics and motivates them to stand for election, take up public roles and responsibilities.

BSC's intervention strategy - contribution to a new development paradigm:

Drawing on the above understanding the Behavioural Science Centre (BSC) and located in the Premises of St. Xavier's College, Ahmedabad, began working with women in the Bhal area of Anand District of Gujarat from 1988 then spread to Ahmedabad and Banaskantha Districts of Gujarat. The initial study by the Centre revealed the following:

- Women of the Dalit communities are victims of multiple discriminations (class, caste and gender). The psycho-socio and economic impacts of discrimination are manifested in their behaviour and attitudes - fear, little or no self-confidence, self-hatred, insecurity, suppressed anger leading to strong, mistimed and misplaced reactions, submissiveness to unjust and irrational beliefs and practices.
- On the other hand, we also observed that these women are strong willed, hardworking, sensitive to others pain and hardships, perceptive, curious, willing to learn, articulate and intelligent.
- We also observed that they are overworked - household responsibility, child-care and wage labour meant working for almost 12-15 hours a day. This meant lack of time and energy for self, for critical thinking and new learning.
- We also noticed that the stereotype roles and responsibilities in the family prevented these women from coming together as a strong group within the village and community at large.
- The caste and gender discourse had taught scheduled caste women to look up to the men of so called higher castes as worthy persons. They felt privileged if they were admired or desired by those men.
- Like elsewhere the unpaid work of women was not valued or recognised as productive.

The first task the Centre took up was to build a rapport with the women. The task was easy to a great extent because the Centre had worked and enjoyed the trust of the men of the community for several years. The staff of the Centre had credibility among men to initiate work with women.

The Centre's strategy to fight injustice to human beings is through creating people organisations which are not only viable but run, managed and owned by them. The Centre strongly believes that exploitation is organised and structural and therefore to fight against such exploitation the poor have to create a counter culture with a strong organisational base and structure where the poor have the decisive position.

Driven by the Centre's mission and strategy the Centre wanted to organise women around a need of the community. The felt need of the community seemed to be health and therefore the Centre took up health as a focal point for mobilising the women with the hope of empowering them as well as the community.

It was assumed that the community health programme would integrate development and women's empowerment by:

- a) Mobilising women around their health, meaning that good health is recognised as a need and women learn to work for it collectively;
- b) Creating a scientific outlook and demystifying professional medical jargon by communicating new concepts of health, disease and treatment, thus starting a process of education in the community;
- c) Providing effective and inexpensive curative services at people's doorsteps, thus reducing the level of expenditure on health by the community;
- d) Creating a demand system which would then force the government to improve its system;
- e) Changing relationships: i.e., enabling the community to accept one of its own members as a skilled health worker; enabling men to accept women as health workers and as a resource group; enabling other village communities to come to the dalits for health services;
- f) Training and organising women: changing the traditional role and image of women by providing the women with new skills.

The health programme was a failure to the extent that it failed to create health awareness in the community and motivate people to contribute towards their own health.

The reasons for the failure of this programme can be understood in terms of the following:

- It fell short of empowering women because the health programme got bogged down in matters of remuneration and people's contribution to make it their programme.
- In spite of efforts made the men did not get involved as much as women wanted and the men were not exposed to intensive gender sensitivity training.

However, it did produce some good women health workers. It also broke some caste and gender barriers in terms of women being called upon by men to treat them and the so called high caste women and men coming to the dalit women in the dalit locality for treatment and advice.

The Centre, then, along with women and with the help of the local organisation, went into an economic activity - silkworm breeding. The venture once again met with a failure due to lack of technical and managerial skills. It was a drawback for women's development. The lessons learnt from it however, were that any activity taken up with women should focus on the skills and the time available with the women. Therefore, it should not be time consuming. Secondly, highly technical activities should be taken up only after intensive training and with proper follow-up.

The technical and managerial limitations reflected on women's ability and in some quarters of the community it confirmed the old belief that women are not capable and they should not take up such activities, which are not their domain. Neither the women, nor the local organisation (Federation of Co-operatives) nor the Centre gave in to the frustration felt. The failure was acknowledged, reviewed and new alternatives were sought.

The new strategy focused on two aspects:

1. Participation of women in the already ongoing development-related activities of the Federation;
2. Initiating the empowerment of women around their own activity and their own organisation at the area level.

The Centre took the lead from a village saving scheme initiated by women and moved in to create an area level savings and credit co-operative of Dalit women. The reasons for taking up this programme was;

- a) The suggestion came from the women themselves: therefore it was an activity which was perceived as a need by the women;
- b) It was an activity they were good at;
- c) It had potential for women's unity, economic and social empowerment;
- d) It would necessitate a structure which would create and enhance women's organisational power;
- e) It would serve as a platform for learning, transformation and leadership for social management and development.

The Savings and Credit Co-operative Society was started with three Dalit communities with the view to break caste barriers and develop a feeling of unity and enable the women to come together as an oppressed group. It was set up at the area level and not at the village level since it would be difficult to fight internal family ties at the village level; however, this problem would not arise at the area level. With the success of the organisation in one area, the same model was replicated in the other two areas where the Centre has its interventions. The main reasons why saving was taken up as an activity are:

- It would not substantially increase the workload of the women;
- It would make a direct attack on one main area of gender discrimination viz. economic dependence.

Let me summaries here what the women of BSC had to say "Women's empowerment has remained on the Centre's agenda consistently since the early 1980s. The savings and credit activity was the concrete translation of this concern into an achievable target; it offered immense scope for immediate gains as well as a powerful symbolic tool of transformation in gender relations. The MSFI function earlier restricted and circumscribed within a geographical boundary has been extended as an activity for mass mobilisation of women for social empowerment. In the following report we describe the efforts of the Centre to give the activity a broad base and movement orientation".

The Micro Finance activity has been operational in 4 geographical areas of BSC's intervention viz. Cambay taluka of Anand district, Dhandhuka taluka of Ahmedabad district, Danta, Tharad, Vav, Dhanera, Vadgam and Palanpur talukas of Banaskantha district and Rapar and Bhachau taluka of Kutch district. The main thrust in this work period has been to consolidate and develop work in Banaskantha and promote new cooperatives in Kutch. The Centre's work has amalgamated as a process of forming a network of women credit co-operatives in the State to spearhead a movement for social change (BSC, 2003). The data cited here is that of the Banakantha District of Gujarat.

Let me briefly give the structure and organigram of the Savings and Credit Co-operative

Shri Vadgam Vibhag Dalit Mahila Credit Coop Society	2000	57	1	1,422	1,37,225	9,25,338	3,74,950	4.5	15	475
Shri Palanpur Vibhag Dalit Mahila Credit Coop Society	2001	40	1	918	89,750	5,63,149	--	4.5	--	--
Shri Vav Vibhag Dalit Mahila Credit Coop Society	2001	47	1	1,017	10175	4,20,523	--	4.5	--	--
Shri Tharad Vibhag Dalit Mahila Credit Coop Society	2001	44	1	720	71,350	2,39,440	--	4.5	--	--
Shri Dhanera Vibhag Dalit Mahila Credit Coop Society	2001	40	1	576	57,500	1,09,229	--	4.5	--	--
Shree Rapar Vibhag Vanchit Mahila Credit Cooperative Society	2003	17	1	314	Not available	Not available	--	4.5	--	--
Shree Bhachau Vibhag Vanchit Mahila Credit Cooperative Society	Not registered	08	1	227	Not available	Not available	--	4.5	--	--
Total		253	5	5,194	3,66,000	22,57,679	3,74,950	--	--	475

The repayment of loan is 95% in the cooperative where loan is given. The dialogue and persuasion from guarantors and community members pay a big role in reducing loan defaulters. Not only the economic benefit but also the social benefits sustain the cooperatives.

The social issues taken up by these women:

- 1) Influencing the Caste council (consisting of men) in favour of women and challenging some of the negative aspects of the caste legislation going against women's equality;
- 2) Providing family counsel to women in distress;
- 3) Provide legal action for women harassed by their husbands or their families even after dialogue and negotiations;
- 4) Mobilising women and challenging government officials to implement government schemes for women;
- 5) Negotiating and confronting caste and community leaders to provide adequate compensation for divorced women;
- 6) Advising and taking up legal action against police atrocities on women;
- 7) Taking up legal action for women's deaths under suspicious circumstances,
- 8) Initiating legal action against men of other castes for damaging the crops of dalit community farmers;
- 9) Motivating women to take part in Panchayati Raj,
- 10) Supporting women's issues outside the area by sending representatives in a protest march, workshop and seminars and meetings.

Challenge to the market driven economy and massive impoverishment:

It is a known fact that one of the outcomes of the solely, market driven economy was massive impoverishment of the rural and urban poor especially the marginalised communities as HDR observes "economic and social progress often also bypasses ethnic and racial minorities, even majorities – especially girls and women, who suffer gender bias in access to schooling, public services, employment opportunities and private property" (HDR 2003:16). The Structural Adjustment Programmes (cut in subsidies, health and education programme) hits the poor communities and there is therefore a need to take care of the negative impacts of the new economic policies of the Government (also see Avadhuta, 1997). Talking of the new development paradigm it emphasised that this paradigm must be of and for the poor. In the same meeting it highlighted a few crucial elements of the new paradigm. They were,

1. Justice: this implies both equality and equity,
2. People's participation,
3. Sustainability,
4. Value of sharing,
5. Non-consumerism,
6. Egalitarianism.

I would like to examine the intervention made by BSC in women's development from the above perspective. The Savings and Credit Co-operative not only helps women to share their collective income but also provides a forum to share their collective and organisational power. The claimed rural banks to help the rural poor have failed to meet the needs of the poor. Conversely, the micro credit systems set up by this co-operative has provided short terms loans to these women without much bureaucratic hassles. The women have been able to save their land from being mortgaged and also redeem mortgaged land and thus maintain their income generating assets.

The surplus (profit) is not utilised for luxury goods to create mere consumer culture but

the surplus is ploughed into the organisation either to increase the loan of women or to meet the household, educational, health and agricultural needs of the members. In that aspect though the co-operative run on a profit motive it is not governed by the profit motive alone rather profit for the betterment of women and thus the community.

The legal and social structure of the Co-operative has asserted women's ownership over its finances and assets. The organisational management systems have provided them with managerial skills which otherwise are only available to the professionals and rural and urban middle classes.

The organisation has made a dent in caste relationships. The Dalit and Other Backward Caste women have come under the same umbrella of this co-operative and brought about certain amount of functional unity among themselves. A dalit woman in a caste dominated village challenged the men in the Panchayat council and asserted her rights as a Panchayat Committee member, as a woman and as a so called untouchable.

Due to economic viability and large membership, the co-operative provides women with a bargaining power with other organisations in the area to safeguard and enhance women's interests in a male dominated society.

The organisation through its training has cultivated various kinds of leadership among women at the village level as well as area level. The women are able to look ahead, plan, negotiate, resolve conflicts, decide, confront, implement and critique programmes. It has brought in administrative and managerial skills among women who formerly were dominated by men, and so-called high castes. It has begun to change the self-image of women for themselves as well as the others.

In the face of corrupt bureaucratic practices in various organisations the women have been able to bring in values like clean administration, respect for poor, gender and caste equality and economy.

Drawbacks and learning:

The important lesson the Centre has learnt is that gender, caste and class discrimination is interlinked and one cannot be fought in isolation and at the cost of the other. We may choose to focus on one but cannot afford to ignore the others. Therefore attacking one kind of discrimination must necessarily mean rejecting other kinds of discrimination - e.g. gender equality is not possible in a society where caste ideology still holds good. It is important to note here that agencies and groups working with all the women of a village/area without special focus and effort to empower the SC/ST women are in danger of creating serious lacunae in facilitating the process of empowerment. The Centre has made a conscious decision not to work with the entire village (if it is a caste village) but intensively work with the SC/ST and OBC communities of the area.

The second lesson the Centre has learnt is that if care is not taken an economic intervention/enterprise aimed at empowerment has a danger of negating the very objective for which it was started in the first place. Administration, profit and organisational goals may become so important that taking up social issues like premature death of women, child-marriage, sexual exploitation of women, anti-poor schemes, and environmental degradation may become secondary or peripheral. Our experience has run into this difficulty and we have to take necessary corrective

measures in terms of education and structures with regards to the co-operative and women's programmes.

Third, gender justice by definition implies participation of both women and men towards achieving that goal. Therefore the task of transforming gender unjust structures cannot be solely the responsibility of women; an equal participation of men is imperative.

Gender discrimination is not easy to fight because women-men relationships have emotional ties, which are not easy to ignore in the struggle for justice. At the micro level gender discrimination operates at two levels, in the family and in the caste group. In the rural area caste groupings are strong and binding and therefore often taking a stand against gender discrimination implies taking a stand against the family and the caste group, which is far from easy. Unless men at various levels begin to participate in the process the movement becomes difficult and makes for frustration, anger and hopelessness. We have, in practice, overlooked this aspect to a great extent, at a cost.

Conclusion:

“We cannot boast that we have the answer to massive impoverishment but we have made an effort and the effort is paying,” says the group. The alternative discussed above highlights some important issues to keep in mind in our development intervention. In the face of massive impoverishment one needs to constantly search for viable interventions and implement them with and through people and not for them. I feel that creating economically and socially viable grassroots organisations of the poor owned and managed by them are important to empower the poor and specially women and thus fight massive impoverishment. It seems to me that in the Indian context the class, caste and gender discriminations work side by side and our efforts to create new development paradigm in response to fight massive impoverishment has to take all three dimensions into account. Finally, I have also argued that development strategy has to be inclusive of both women and men, given the emotional bonds the individual shares with the family and caste groups.

[I gratefully acknowledge the valuable contribution of Geeta Oza, Persis Ginwalla, Agnes Patelia, Nimmy Macwan, and Bina Christian in providing me the data and insights into the efforts of Behavioural Science Centre in Micro Finance Credit institution building]

Appendix 1:

The gender ideology defines a woman in terms of certain characteristics and attributes and gives her a social role. The woman is supposed to be meek and mild, emotional, gentle and tender, as against the dominant, practical and rational man. Correspondingly, the ideology defines the social role of the woman as wife and mother, housekeeper and home-maker, and being intellectually and physically inferior, at the service of man who is considered the bread winner. This situation is considered God given and therefore is never challenged.

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