CHAPTER- III

MASCULINITY AND FEMININITY: VARIOUS DISCOURSES ON GENDER IN INDIA

This chapter analyses the various discourses involved in the construction of gender in India. The popular image of an Indian woman since centuries was that of a veiled and enslaved woman in the eyes of Orientalists and Western Feminists. Historically this image of the veiled and enslaved woman has fired the colonial imagination and allowed it to cloak outright exploitation as 'civilizing mission'.

In India, our knowledge of the past ultimately ended in the creation of persuasive rhetoric shared by Hindu liberals and conservatives alike, especially in relation to the myth of the golden age of Indian womanhood as located in the Vedic period. This image fore-grounded the Aryan women (the progenitor of upper caste women only) as the only object of historical concern, leaving the Vedic Dasi (woman in servitude) to remain captured, subjugated and enslaved by the conquering Aryans. The Vedic dasi was also a part of ancient Indian society; however she disappeared, leaving out any trace of herself in the Nineteenth century history. No one mourned her disappearance, but then no one noticed her presence too. Pandita Ramabai, who was a champion of women rights in the eighteenth century, draws an insight account of the actual status of women in high caste households by giving an autobiographical
account of a Brahmin widow (1889:62). The glorious “Golden age”, did not exist for her because of her knowledge of Sanskrit.

The various discourses which addressed the question of women had disagreements on each side about the sources of women’s oppression and ways to end it. While the one side included Colonial administrators, Missionaries, Orientalists, Ideologists and other western observers in India, the other side consisted of the Indian social reformers, politicians and academicians. Although their interests were different they tended to share a belief in the superiority of the civilization of westernized Christian nations over others. Liberal cultural heroes in Britain like James Mill, Mathew Arnold, Thomas Macaulay, John Ruskin, J.S.Mill and George Elliot in Britain had very definite views on race and imperialism. Some of them were scholars of Indian philosophy and literary texts while others had western education and were influenced by liberalism. In 1927, an American journalist Katherine Mayo drew a gory detail of women in her book ‘Modern India’ which was remarkable for its frank and blatant racism in condemning Indian culture and traditions. James Mill equated the level of civilization of a country with its treatment of women. Thus imperialism formed one context in which male discourse concerned the prospect of reforming the situation of the Indian women. Essentially there were two sides, although they were homogeneous, while some discourses tried to show the barbaric position of women in

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1 Ramabai Pandita 1889, The Hindu High Caste Woman, Bombay: Maharashtra State Board For Literature and Culture.
the contemporary socio-economic and cultural contexts, the other side countered this ideology with the picture of the Golden Age of Aryans. Predominantly Nationalists like Bankimchandra, R.C. Dutt, Dayanand Saraswati and Raja Ram Mohan Roy, who is considered to be the foremost social reformer, adhered to this glorious past of Indian womanhood.

Colonial Discourse and Masculinity

India since the second century B.C. witnessed a series of invasions from outsiders, though some went back after looting, arson and carnage, a few settled in India. Most importantly the Moghuls who entered the sub-continent from the North west brought a new religion and new way of organizing power relations. Though some rulers carried out forcible conversions many of them did not alter the social fabric of the society. Departures from this path were the British. The British while pursuing commercial aims at one side intruded the domain of the private life of the Indians. They explained their actions within a view of the world that was “clear, precise, instrumentalist, technical, scientific true and above all beneficial to all who came into contact with it” (Kaviraj, 1994:31)². Ashish Nandy (1983:163)³ explains that pre-colonial Indian societies worked with rather fluid and permeable identities in which ideas about bisexuality and androgyny featured strongly and in which ‘softer’ forms of creativity and intuition were not identified with femininity nor values of violence and power with masculinity. It was upon these malleable and multiple identities, he argues

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³ Nandy, Ashish 1983 The Intimate Enemy- Loss And Recovery Of Self Under Colonialism New Delhi, Oxford University Press pg.163.
where Victorian colonial culture imposed its rigid and dichotomous ideologies of gender. These identities provided a context in which masculine was placed against feminine thereby establishing an analogy between political and sexual dominance that juxtaposed the manliness, rationality, courage and control of the British rulers which was essentially a British Middle Class Sexual Stereotype against degenerated, effeminate and superstitious subjects. Similarly, Mrinalini Sinha’s work (1995)4 “Colonial Masculinity: The Manly Englishman and Effeminate Bengali Man in Late Eighteenth Century”, stimulates us to question about the significance of masculine identities as a cross-cultural means of establishment of hierarchies and affirming common identities. She examines the ideological constructs of the manly Englishman and effeminate Bengali in a range of different political contexts. She shows how colonial rulers and Indian elites alike employed them in ideological maneuvers, sometimes to institute a hierarchy and sometimes to suggest commonalities. This is a very interesting approach in that it extends into the field of masculine identities and questions the links between Gender, Race and Imperialism

Social reform movement in India

Mahatma Jyotibha Phule was a pioneer in leading struggle against the historic oppression of women and Dalits in India. Rajarammohan Roy, Keshab Chandra Sen, Swami Dayananda Saraswati and Veereshalingam Pantulu were some of the leading social reformers of the late eighteenth and early nineteenth century. One commonality, which ran across all of these reformers, was that they did not see women as an


157
individual entity who was sensible enough to be aware of human reason and rationality. Instead she was caged in Hindu religion whose position in the Vedic period was high but eventually either Ramayana, Mahabharatha along with Dharmashastras relegated women to a marginalized position. They also viewed that religion did not sanction either sati or widowhood by reinterpreting Vedas and religious scriptures. For all participants of the social reform movement women represented an embarrassment. Given the discursive construction of women as either victims or heroines, they represented both shame and promise to women.

Thus, tradition was not the ground on which the status of women was contested, rather the reverse was true. Women in fact became the site on which tradition was debated and reformulated. What was at stake was not women but tradition. British colonial discourses privileged the brahmanical scriptures as the tradition of India. This discourse was not only in alliance with discontinuous pre-colonial discourses in India, but was produced through interaction with select natives only (elites and upper caste people). Lata Mani, who studied Sati cases in Bengal (1989:17)\textsuperscript{5}, concludes that the politics of sati was multifaceted. Out of the total sati deaths she found that 66% were reported in areas surrounding Calcutta city, Shahbad and Sharun districts. This indicates that religion was not the factor, which led the immolation of women, but several socio-economic and political factors forced women to turn into sacrificial lambs. These deaths had more to do with property relations and inheritance laws, issues that never came out openly in any debates. Gargi, Maithreyi, Sita and Savithri

\textsuperscript{5} Mani, Lata 1989 Contentious Traditions: The Debate on Sati in Colonial India in op. cit. Recasting women. Pg.17.
were the role models of the social reformers. Though on one side these reformers wanted the Indian men to colour their women in western shades, on other side they wished that these women imbibed the eastern values of life in the shadows of Sita and Savithri. These reformers were concerned primarily with modifying relationships within their own families and sought limited and controlled emancipation of their women. For example, Ranade, who advocated widow remarriage despite being a 31 year old married 11 year old Ramabai. Rajarammohan Roy, who is called as the champion of women rights had a dubious reputation of handling female relationships in his family. Similarly, Keshab Chandra Sen while it came to his own family married off his minor daughter who was below the age of consent. As for Tilak, his position was clearly conservative. He was not willing to recognize the need for changing the women status until Hindus could govern themselves. He told a friend that he would arrange the marriage of a thousand widows the day India becomes independent. This statement sums up his position on women rights.

Pandita Ramabai was an exceptional social reformer with abundant courage who was pioneer in propagation of women’s rights. In 1888, she established Sharada Sadan, a school for widows in Bombay. In 1909, Begum Rokeya Shakawat Hossain established an institution for the education of Muslim girls in Bhagalpur, Bihar, which confirmed to the rules of seclusion. The Brahma Samaj, Pratna Samaj, Arya Samaj and Theosophical Society all supported female education. The Sati was abolished in 1929, the Widow Remarriage act passed in 1856, Age Of Consent was passed in 1891 which was an act that was degenerated into a battle for the control of women.
sexuality. The encouragement for female education by reformers was propagated to present a view that Indian society could no longer be characterized as decadent and backward. On a National level, men envisaged women in charge of social reform while men pursued politics (Forbes, 1996:61) thus, in the above discussed manner the social reformers tried to change the decadent and oppressed status of Indian women with their prejudiced notions of female chastity and spirituality.

**Nationalist Discourse on Women**

The Nationalist discourse on women went a step further and created a ‘New Woman’ in order to reform the status of Indian woman. According to Partha Chatterjee (1994:127) Nationalism separated the domain of culture into two spheres—material and the spiritual. The world of external is the domain of the material, the home is represented by one’s own inner spiritual self, one’s true identity. The home in essence must remain unaffected by the profane activities of the material world and women are its representatives. Here one gets an identification of social roles differentiated by gender which corresponds to the separation of the social space into “Ghar” and “Bahar” (home and outer world). Hence the home was the principal site for expressing the spiritual quality of the national culture and women must bear the main responsibility of protecting and nurturing this quality. Thus the newly educated women defined in this way were subject to a new patriarchy. Sure enough, Nationalism adopted several elements from tradition as marks of its native cultural

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6 Forbes, Geraldine 1982 The New Cambridge History Of India —Women in Modern India, Cambridge: Cambridge University Press, pg.61
7 Chatterji, Partha 1994 The Nation And its Fragments: Colonial And Post Colonial Histories, New Delhi: Oxford University Press, pg.127
identity, but this was a deliberately created 'classic tradition'—reformed and reconstructed.

The new patriarchy was also sharply different from the immediate social and cultural condition of the majority of the people lived, for the 'New Woman' was quite reverse of the common woman who was coarse, vulgar, loud, quarrelsome, devoid of moral sense and sexually promiscuous. Along side the parody of westernized women, this construct is repeatedly emphasized in the life of the Nineteenth Century, through a host of lower class female characters who make their appearance in the social milieu of the new middle classes—maidservant's peddlers and prostitutes. It was precisely this degenerated condition of women which nationalism claimed to reform.

A review of the popular writings of these time including Bankim's Anandmath and Premchand's writings portrays the image of women as martyrs, sacrificial lambs, and devoted religious and tolerant mothers along with dutiful and docile daughters. The image of Deshmata (Motherland) was also a popular concept in those writings. There was a call by the nationalists to save the motherland. This call was not a call for women to join the political movement but rather link the idea of Womanhood with Nationalism. Thus the country was sacralized and feminized. For Bengalis, who were accustomed to the worship of a variety of female cults, Mother figure tended to be particularly powerful. For example, during the salt movement, the alienation of salt making rights from Indians was expressed through a representation of the salt earth, as
the full breast of the mother to which none other than the child may have access. (Sarkar, 1983:161)8.

It was also during this period that suddenly Kali and Durga became universalized in the swadeshi movement. Interestingly, Kali and Durga were themselves a relatively new phenomenon in the nineteenth century phenomenon. The series of crisis faced by Bengal in the mid to late eighteenth century led to a shift in its perception as a land of plenty reigned over by a benevolent Mother Goddess who represented both functional power or energy called as Adishakti and the principle of nature and action called as Prakriti. The Chandi image, a personification of Prakriti, bifurcated with, on the one hand is the demon slaying Mother Durga, and in the other punitive and unpredictable Mother Kali. Before Nineteenth Century, Durga Pujas were virtually unknown among popular social and religious festivals. Similarly, Kali who was till then the Goddess of marginal groups such as dacoits, thieves, thugs and prostitutes changed into a goddess of the upper-castes also. Ironically there is a curious mismatch between how Durga looks and what she does. Durga is supposedly warrior goddess who had killed a dreaded Asura. Yet its image shows her as a smiling, matronly beautiful woman visiting her natal home with her children at her side—the archetypal mother and daughter, fundamentally at odds with the dying demon at her feet and the weapons in her hands. In the juxtaposition of diverse images the hint of triumphant strength is there but it is overlaid and overwhelming, finally giving an

image of a domesticated gentle feminist (Sarkar1994: 164). Kumar (1995:45) raises an interesting question that to what extent can the increasing importance of Kali and Durga be seen as also expressing tensions and shifts in the structure of patriarchy. The appearance of shakti in the world in its most threatening form is and was regarded as directly related to women's failure, whether deliberate or otherwise to regulate and channelize their own shakti in their home. Analyzing this failure of women, Ashish Nandy (1985) views that this failure shows that moments of crisis or disorder become occasions of collective punishment of women—baits of witch hunting and rise in incidents of sati in the first decade of nineteenth century being two examples. According to him, Kali became a new symbol of a treacherous cosmic mother, she was more associated with rituals which for both Britishers and Indian reformers were instances of Hindu decadence. Nurtured by this folk theory which grew around sati, it was considered a proper form of punishment for they were considered to have caused their husbands death by their poor ritual performance as wives. Thus with this fractured identities, women within the hold of newfound 'Patriarchy' joined the swadeshi movement for the first time into the nationalist struggle. The civil disobedience movement saw women entering in large numbers.

The participation of women legitimized the Indian National Congress (INC) which led the freedom struggle. The participation of women in this movement also

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10 Kumar,Radha 1993 The HistoI)' Of Doing: An Illustrated Account Of Movement For Women's Rights and Feminism In India 1800-1990,New Delhi: Kali For Women.pg.45
shaped the movement for women’s rights. Women’s Associations called by various titles sprang up all over India in the late nineteenth and first two decades of twentieth century. Saraladevi Chaudhrani founded the Bharat Stree Mahamandal in Allahabad in 1910. After World War I, three National Women’s Organization’s were established. They are—Women Indian Association (WIA), National Council of women In India (NCWI) and All India Women Conference (AIWC). The women Indian association had humble beginning. Margeret Cousins an Irish feminist and musician formed it with the aim of making women, “conscious of their place in society”.

The All India Women’s Conference (AIWC) first met in Poona in January 1927, following more than six months of serious work on the path of Margaret Cousins and other women belonging to WIA. The AIWC did not advocate mass education for all women nor did it envision a world where all middle class and upper caste women would receive the same education as men (AIWC1st session: 23). They accepted the golden age theory, which limited both their potential for attracting women from other communities and classes and prohibited a radical feminist critique of their society. The National Council of Women in India (NCWI) was established as a National branch of the International Council of Women, which was formed in 1888 to fulfill the purpose of advancing women’s social, economical and political rights. The main drawback of NCWI was that it consisted of many elites like Lady Tata, Maharani Sahib of Baroda and Begum of Bhopal. This council was politically and socially conservative because of their connection with the British and the ruling class. The NCWI remained aloof
from the freedom struggle and opted for status quo in society (Forbes, 1996:77) the only exceptional member of NCWI was Maniben, who later became a member of M.N.Roy's group of radical humanists and redirected her energy towards organizing workers. The women right activists concerns were similar to men: the problems of living in purdah lack of education, child marriages and the prohibition against widow re-marriages. WIA, AIWC and NCWI led the cause of suffrage for women in India. Led by activists like Rameshwari Nehru, Aruna Asif Ali, Muthulaswami Reddy, Raj Kumari Amrit Kaur and K.P. Ray they argued for the right to vote but they were careful to ground their arguments on Indian culture, tradition and the special qualities of Indian people. Sarojini Naidu who was elected as the president of Indian National Congress noted in the acceptance speech as—“in electing me the chief among you through a period fraught with grave issues and faithful decisions, you have reversed to the old back tradition and restored to the Indian women the epoch of our country's history”. During the movement for independence, women were prohibited to identify gender or patriarchy as the source of oppression, because such sentiment should be construed as anti-nationalist. Instead, women attacked colonialism. This nationalist discourse as a new patriarchy as a hegemonic construct culturally distinguished itself not only from the west but also from its own people. It has generalized itself among new middle class, which is large enough in absolute numbers (Chatterjee, 1994:251) to be self-reproducing, but is irrelevant to the large mass of subordinate classes. This

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raises important questions regarding the issue of women rights today. Surely the demands of women in the west are not applicable in India. However, a renewal of struggle for the equality and freedom of women must with all democratic issues in countries like India imply a struggle against false essentialisms of homeworld, spiritualism/materialism and femininity/masculinity propagated by Nationalist ideology, thus constructing gender in itself. Apart from this problem of representing Middle Upper-caste Hindu Women as a homogeneous category thus excluding the history of lower class and Dalit women along with minority women which creates a complex situation for the majority of women in India. Henceforth, there is a need to recognize mediations between class, caste, ethnicity and gender in contemporary period.

**Gandhi’s Discourse on Gender**

Gandhiji’s discourse on gender has been a subject of much debate and controversy. Veena Majumdar (1985:169)\(^\text{14}\) analyses the role of Gandhi in drawing women into the mainstream movement. Bikhu Parekh’s (1989:194)\(^\text{15}\) in depth analysis of Gandhiji’s discourse on women shows how the latter wanted to transform sex into energy. Sudhir Kakar (1989)\(^\text{16}\) analyzed Gandhi’s discourse on Gender from a psychoanalytic perspective. Sujata Patel drew out an excellent analysis of Gandhi’s mentality of an urban, middle class, upper class and male oriented view of women.


\(^{15}\) Parekh,Bikhu 1989 Colonialism,Tradition And Reform: An Analysis Of Gandhian Political Discourse,New Delhi:Sage Publications,pop.194

Gandhi’s view regarding the participation of women in the freedom struggle essentially drew out from his patriarchal view that women are inherently non-violent in nature. He felt that women’s inherent qualities like suffering and silence make her to play an effective role in the non-violent path than men. In Harijan dated 14-1-1932 he wrote, “Who can suffer more purely and nobly than women”, when a young man criticized Hinduism in Young India by describing his sisters difficulties with their respective husbands. Gandhiji wrote a reply to him that condemnation of Hinduism is pardonable, because he is under intense irritation based on the hysterical generalization from an isolated instance. He explains that million of Hindu wives live in perfect peace and are queens in their own homes. They exercise an authority over their husband, which any women would envy (Young India: 15-9-1929).

An issue about Hindu women that Gandhi seriously addressed was the question of their widowhood. In Young India (4-2-1926), he opines that widowhood is necessary to a certain extent and voluntary widowhood is a priceless boon where as an enforced widowhood is a curse (Harijan: 22-6-1935). He describes that a Hindu woman is a symbol of human cow and further questions “we cry out for cow protection in the name of religion but refuse protection to the human cow in the shape of a girl widow. Why is it so?” (Young India: 18-8-1926). He further continues that a widow has a sacred place in Hinduism, and a real Hindu women is a treasure and one of the gifts to humanity (Young India: 1926). According to him, the ancient Hindu woman was never in a wretched condition in which we find the Hindu widows of that period (Young India: 18-8-1927). Thus the image of women for Gandhi was that of a
docile, submissive, entrapped and a helpless soul, who as the rate of civilization increased, found her place in the Hindu society being degraded day by day. Hence his view on women is far from ideal.

**Periyar: Property, Caste and Gender**

One of the most sophisticated theories of Gender to emerge in Indian context was that advanced by E.V. Ramasamy Periyar, an anti-caste radical and original thinker who lived and carried out his agitational propaganda in Tamilnadu. Periyar argues that masculine and feminine norms—anger, pride, courage and so on—and as many women as men experience and express these emotions. Even maternal love is not a natural feeling. Periyar argues that except for nursing the child, the infant could be looked after as well as by the father as by his mother. Periyar submits accepted notions of femininity to a scathing critique—beauty, chastity and motherhood, he notes were convenient and elaborate fictions which not only convinced women that they were destined to be subordinate and subject to men, but also enabled them to delight in and welcome that subordination.

Likewise, he suggests that masculinity is merely an expression of brute male power. In this sense, it is the greatest obstacle to female freedom. Periyar is particularly critical of sexual standards which excuse, legitimise and even celebrate male promiscuity, while condemning women to either a life of limited monogamy or wretched widowhood. He undertakes an exhaustive critique of chastity and its converse, female promiscuity arguing that a chaste wife and the prostitute mirror each
other, he suggests that the one connotes lifelong slavery to one man, while the other sells herself to several men. In either case, femininity is condemned to servitude.

Periyar argues, following Engels, that after man had successfully established his rights to private property, he took woman as a wife into the household. This enabled him both to enlist her services to protect his property and supply him with progeny, and to lay exclusive sexual claims to her person. Chaste wifehood became a norm, and motherhood an ideal and virtue. Valorised for these roles and destinies, women too learnt to value themselves thus, securing thereby their insubordination and to an unequal social system, which allowed some to hoard wealth and forced others to work at producing this wealth.

Periyar notes, however that there is a distinctive and significant dimension to motherhood in caste society: the desire to have children who would inherit one's name and wealth assumes a certain resonance, on account of the religious reasons that are habitually advanced to justify this desire for progeny:

"After it had become the norm for people to want children to safeguard property, Brahmins who had invented fictions of heaven and hell to keep the poor from robbing the rich and to amass some of this wealth for themselves now argued…… man must have a (male) child who would keep alive his name after death and perform his yearly obsequies (Viduthalai 11.10.48) 17."

Marriage, observes Periyar, regulates and disciplines women’s familial and reproductive labour, even as it actively denies their desires and rights to a self-respecting life of their choice. At one instance he writes:

Just how Brahmanism condemns a very large portion of the working population to shudrahood, so it has condemned women to the servitude of marriage...... To the extent that a woman lives up to the norms of a chaste and ideal wife, to that extent she accepts and revels in her slavery (Viduthalai 28.6.73).

Like feminists of a later time, Periyar understands that relationships of reproduction, especially the norms, ideas and practices which govern them, are partially instrumental in keeping men powerful just as men’s access to productive resources and political authority does. He was convinced that only by willfully refusing to play their destined roles within the reproductive sphere and making their own intellectual and sexual choices could women actually free themselves from an oppressive social and economic system.

Periyar’s critique of gender is not merely descriptive, it also mandates change, in fact it is advanced to persuade women to re-think their attitudes to love, marriage and motherhood (Geetha, V 2002:91). To enable them make their choices with the greater sense of ease, Periyar and his followers advocated reforms in marriage laws, supported women’s rights to education and employment.

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18 Geetha, V Theorizing Feminism, Clcutta: Stree, Pg. 91.
Constitution and the Issue of Women's Equality

After independence, the Constitution of India accepted the principle of equality of both the sexes. India was by far more superior to many European nations in granting franchise rights simultaneously along with men whereas women had to struggle a lot for achieving these rights in the European nations. Our Preamble spoke of equality of status and opportunity in social, economical and political realm. Article 14 assured equality before the law as a fundamental right. Article 15 and 16 forbid any type of discrimination on the grounds of sex in access to public places and public employment. Article 15 provides that the state may make special provisions for women and children.

The whole debate of the Hindu Code Bill, which was introduced by Babasaheb Ambedkar in 1951 in the parliament, shows how religion was relegated an upper hand over human rights of women. The patriarchal attitude of the state is clearly evident as to how the debate showed the true colors of our parliamentarians. Many leading Congress leaders opposed the Hindu Code Bill (HCB), which included Rajendra Prasad, Vallabhbhai Patel, Pattabi Sita Ramaiah, and Purshotam Das Tandon along with Hindu Nationalists and even some women’s groups. A majority of Congress parliamentarians opposed the Bill. They who saw in the bill an attempt to demolish the internal structure and fabric of Hindu society made emotional speeches the very foundation, not only of one pillar, but of all the pillars on which the Hindu society rests are shaken (Das, 1950:52). Government did fail to argue the point that monogamy had become the part

19 Das,Durga 1950 Sardar Vallabai Patel’s Correspondence .Vol-6,New Delhi.pg.52.
of the law in some states and divorce was practiced by large number of people who were governed by the customary law. Nehru decided to let the issue die during the session in 1951 and it was only in 1955 that the long awaited bill was pushed through after several editing work done by the patriarchal politicians. Thus Hindu women were henceforth to be governed by a flawed Hindu Code Bill which forced Ambedkar to resign in protest. Ambedkar’s views on women were quiet ahead of his time who believed that social justice should precede economic and political justice. In an answer to the speech delivered by W.C. Banerjee in 1892 at Allahbad as president of the 8th session of the Congress ridiculing social conference, Ambedkar replied ‘...Are you fit for political power even though you do not allow a large class of your own countrymen like the untouchables to use public schools. Every Congressman who repeats the dogma of Mill that one country is not fit to rule another country must admit that one class is not fit to rule another class...’(quoted in Moon, 1987:41)20.

Significantly once the HCB was passed it were the Hindu communalists who were so far vehemently in opposition to the Bill, suddenly started advocating for an uniform civil code. Shyama Prasad Mukerjee urged the government to behave like a secular state and proclaim that monogamy will be applicable to all the citizens of India. Interestingly, he fought tooth and nail to stop the passing of HCB. Ambedkar found his statement very ridiculous and commented “...some of those who until yesterday were the greatest opponent of Hindu Code Bill and the greatest champions of the archaic Hindu law as it exists today should come forward and say that they are now prepared

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20 Moon, Vasant (compiled)Dr.Babasaheb Ambedkar:Writings and Speeches, Vol.3&4,Educational Department, Government Of Maharashtra 1987, pg 41
for all India code. Clearly Muslims didn’t like any interference in their personal laws” (quoted in Das 1950:52)\textsuperscript{21}.

As to the question of granting rights within the purview of the respective religions of minorities and majority and specially discriminating minorities rights, Sadhna Arya (2000:266)\textsuperscript{22} makes a powerful argument that after the holocaust of partition the national leaders were faced with the responsibilities to make minorities particularly Muslims feel secure consequently women belonging to the minority communities had to continue with legal inequalities. Shah Bano case is a vivid example as to how religion suppresses women rights. The failure to reform Islamic personal laws is one of the Indian states efforts to keep the nation together and retain political power, even when the state has reformed Hindu law provisions it has on many occasions relied upon the argument that the proposed reform is consistent with religious tenets. Some of the examples where the state has replaced the religious laws are—communalization of the Special Marriage Act and the enactment of the Muslim Women Act. An amendment to the Special Marriage Act in 1976 made a change that in the case of two Hindus who get married under this act for them the Hindu succession act is applied rather than the Indian succession act. It did not however extend the scope of other religious laws of inheritance in the same manner. Thus two Muslims, Christians or Parsis who chose to marry under the special marriage act are still governed by the provision of the Indian succession act. Ashish Nandy

\textsuperscript{21} Das,Durga 1950 Sardar Vallabai Patel’s Correspondence, Vol-6, New Delhi,p.52
\textsuperscript{22} Arya,Sadhana 2000 Women, Gender Equality And The State, New Delhi: Deep And Deep Publications,p.266.
described this attitude of the Indian state as that of following double standards and that wills of religion find political expression but not the positive features of them are not used in regulating public life.

The Indian state developed a bureaucratic structure designed to meet the special needs of women in independent India. This included the creation of National Social Welfare Board, assigning special duties to block development officer and asking the department of health and welfare to prepare a special plan with women in mind. The National Commission for Women was found to look exclusively into the arena of women’s lives. As for the activities of the women’s organizations there was a silent phase of inactivity on their part in 1950’s and 1960’s except a few communist voices. In 1954, Vimla Farooqi and her female colleagues in the Communist Party of India organized a national conference to address women’s issues. At this conference they founded the National Federation of Indian Women (NFIW) to focus attention of women struggle for equal rights and responsibilities in all spheres of life, along with improvement of their living conditions.

The feminist movement, which emerged in the late 70’s and early 80’s had a distinct feature of being autonomous and regional, replacing the All India Women’s Organizations, which joined not through the structure of formal association but through the connections of their leaders, an emergence of radical press, a section of the media’s

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courage to address women’s issues and periodic large scale like demonstration in Gujarat and Bihar as Nav Nirman Youth Movement. Rural women revolt in Dhule District in Maharashtra and Chipko movement in the Himalayan region provided a backdrop for the ensuing struggles on women’s issues.

In 1980, the Mathura rape case judgment which left free the police men who raped a minor tribal girl ‘Mathura’ and blamed the poor girl as responsible for her fate shocked the educated Middle Class educated women in India. They came on streets to demonstrate against police brutality and Government complacency along with the loopholes of our legal system. Several organizations demanded that the case be reopened in the Supreme Court, which was dismissed on technical grounds. Pressure from women’s organizations forced the government to appoint the law commission to study the problems and suggest amendments to the existing law. It was then in 1980 that a Criminal Law Amendment Bill was introduced to check the loopholes of Rape as a crime against women. This amendment too was unsatisfactory, as it doubted the testimony of rape victim. Women activists wanted Rape to be recognized as a violent crime. But this legislation could not protect women from this grievous crime. A Forum against Rape was found whose campaign was essentially legalistic in approach after the Mathura Rape case. This forum was attended by around 32 groups, which opened a public debate on Rape, Violence against Women and Women Suppression. Shahada movement in Maharashtra was a feminist movement against price-rise, liquor consumption and land alienation. In 1972, Ila Bhatt who worked in the women’s wing of the textile labour association which was founded by Gandhi formed the Self
Employed Women's Association (SEWA). The aims of SEWA were to improve the conditions of work of women through training, technical aids and collective bargaining along with subscribing to Gandhian ethos. In the late 70's the Chipko Movement saw women coming to the forefront to resist the falling of trees in the Himalayan region.

Roop Kanwar’s Sati mobilized feminists to raise voice against the violence in the name of religion. The government reacted and passed a Sati prevention bill which was a repeat of the 1929 legislation which again had several flaws. This law blurred the division between forced and voluntary sati, defines sati as a women’s crime and makes the other people involved in the Sati guilty only by abetting the women’s act. This sati of Roop Kanwar also raised a ethical and political storm. The several judgments on the case were to eventually let free all involved in the act, interpreting the act itself as voluntary despite substantial evidence to the contrary. What was noteworthy in the controversy was the aggressive, almost hysterical defense of the incident and its perpetrators by large sections of Rajput community to which Roop Kanwar belonged specifically and upper castes in general. What came to be understood as being at stake was not just the right to worship of individual communities, but the right of communities over their women’s bodies and lives. The challenge, was not from another community but from a different understanding of the nation, community, rights and gender derived from the secular public sphere of common law: hence the aggressive masculine of the response and its vociferous, violent claims on the traditional and the private.
The quashing of the cases against the accused in this instance and the subsequent administrative indifference towards judicial directives to prevent repetition or encouragement of such incidents is indicative of the fact that common law in no way necessitates gender equality and the annulment of masculine hegemony; it merely operationalizes yet another co-operative mode of masculinity. Indeed, this mode of masculinity is in many senses more hegemonic than the directly aggressive mode, it operates through "consensually" established legal norms to construct the national community. For instance, judicial protection of the legal rights of minority women helps reinforce the understanding of the dominant community as progressive and benefactorial, even as judicial decisions relating to its own women remain dubious: The Supreme Court in its judgments in the Mohammed Ahmed Khan versus Shah Bano Begum(1985)2SCC556) and Mary Roy versus State Of Kerala (1986, 2SCC209) and their fall out contrasted to the supreme court’s April 29, 1992 order in the sati issue dramatize the women-law-tradition nexus in the political situation that is blatantly communal. In the former the scales were tilted in favor of women while in the latter, the court invoked Article 25(which guarantees the fundamental right to worship).

**Feminism and Amendments in Law**

The urban feminists addressed the issues of violence against women particularly Dowry death’s, Rape, Health issues, Uniform Civil Code, Anti-Price Rise Agitations and Anti-Beauty Pageants. The government on its part brought several amendments to the existing laws after every popular agitation by feminists. Eighties and nineties was a decade of maximum amendments in women's rights. Commenting on this phenomenon,
Flavia Agnes (1992:19) observes “If oppression could be tackled by passing laws then this decade would be adjudged as ‘Golden Period’ for Indian women. Almost every single campaign against violence on women resulted in new legislations”.

**Modernity and Hindu Masculinity**

Various articulations around the concept of Modernity, Nationalism and Gender bolster Hindu dominance and simultaneously maintain gender and ethnic hierarchies. Be it media, fiction or popular cinema, the construction of Muslims was that of being dangerous (for the lack of modernity) and Christians (for being too modern) and both these communities were seen as a threat to the majoritarian Hindu community. Muslim male and Christian female were singled out as a threat to Hindu Nationalism. The Rashtriya Swayam Sewak Sangh (RSS), promoted a careful programme of swadeshi (self-reliant) economics that argued for a controlled process of economic reform that would effectively increase economic power of local business and industry entrepreneurs through protected privatization. Along with this its political wing, the Bharatiya Janata Party (BJP) made political stability a major issue, suggesting that the process of economic reform required a consistent among the general population remains a prerogative of men folk and a requirement out as especially dangerous. This confirms that the relationship with the modern for the contemporary male citizen as much as it is a threat for the female. It also contributes to the gendering of whole communities in ethnic stereotypes whereby Muslims as a whole are presented as suffering from particularly feminized forms of weakness—emotionality and a lack of self-control, while Christians

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as a whole suffer from an excess of masculinity untempered by the reified and celebrated Hindu's 'femininity within'—too prone to eating meat and drinking alcohol, too open to the outside world and not attached strongly to the domestic. Henceforth, these two communities were problematic in being fit into the popular national image. This constellation of Nation and Gender seem to be concerned with the questions of prestige, specifically with exemplary manhood and womanhood within a nation keen to maintain its legitimacy and nobility through the idealized and honorable behavior of its men and women. Since the family ideology of the educated Indian middle-classes Brahmanic ideals were combined with puritan-Victorian ones, so through the mechanism of Sanskritization and Westernization all groups who wanted to climb the mobility ladder were considered inferior to them. In many senses, the infamous Shah Bano case catalyzed the process of de-fractionalizing through Sanskritization of the Hindu communities, and its currents of homogenization into a 'simple' majoritarian community. Even earlier, the aggressively masculinist definition of the community has reemerged, almost inadvertently and rather inversely, through the Hindu-Sikh riots of 1984. By the late 1980s this type of hegemonic masculinity was identified as warrior type which led to the sharpening of community differences defined through increasingly equivalent competitive personal laws. The mother organization of and stable government. The Vishwa Hindu Parishad (V.H.P) and the Bajrang Dal are considered aggressive Hindu organizations, which are considered as the offshoots of violent Hindu masculinities. The BJP came into power by forming a coalition government which was supported mainly by regional parties that represented regional elites who more or less shared the BJP'S understanding of nationalism—hawkish, aggressively patriarchal in the resistance to
forms of perceived ‘Westernization’, yet already in the process of liberalizing the economy towards the benefiting of the coalition elites.

The Gujarat Riots in 2002 where minorities were hunted and butchered are an ugly reminders of these hawkish masculinities. Ironically, even women participated in this carnage. The women’s wing of RSS is called as Rashtriya Sevika, which was established in 1936, by the effort of Lakshmi Bai Kelkar. Similarly, Durga Vahini is the women’s wing of Bajrang Dal. These two Hindu right wing groups show an interesting relationship between violence, politics and contemporary urban middle-class culture. For Golwarkar, a supreme ideologue of the RSS women are predominantly mothers who could help the Sangh, by rearing their children within the RSS framework of Samskaras—a combination of family, rituals and unquestioning deference towards family elders and RSS leaders. With the late Vijayaraje Scindia, Sadhvi Ritambhara and Uma Bharathi as their icons, the Post-Babri Masjid demolition saw these groups propagating hate for other communities, especially the Muslims along with the bifurcation of identities with caste and class. Though their struggle to assert community identities and interests has called upon women as symbols and participants, they have not contributed to women participation. Certainly, one can not empower their group by victimizing other groups. Sadly, these women have been active not only in rallies and campaigns but even in actual episodes of violent attacks against Muslims—gang rapes and tearing open wombs in Bhopal and Surat communal riots in December 1992 and January 1993. Their participation in Gujarat carnage sends distressing signals to the already fragmented Indian feminist movement.
Instead of focusing on hate campaign of other groups it will be more pertinent for them to work for rectifying the evil practices of the Hindu Social Order.