# CITIZENSHIP OF WOMEN IN INDIA
# Uniform Civil Code

## A Two Day Seminar on the Question of Citizenship of Women in India

सत्यमेव जयते

REPUBLIC OF INDIA

**Organized by**
**Advanced Centre For Women's Studies**
**School of Development Studies**
**Tata Institute of Social Sciences**

# Report of
# National Seminar
# on
# “Citizenship of Women in India”
# Uniform Civil Code

**Compiled by**
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## Organized by

**Advanced Centre For Women's Studies**
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# INTRODUCTION

In pre capitalist social formations the right of citizenship was limited to specific social groups. Kings, federal lords formed upper class and persons from lower class were excluded from right of citizenship.

After the establishment of capitalism, when a regime of capitalist law came into existence, this limited scope of citizenship rights was widened and citizenship rights were available to all. Even Though all were equal before law, in fact it was only upper class who enjoyed benefits of capitalist laws.

Capitalist laws were imposed during era of British rule. Indians remained excluded from several rights of citizenship because of their political subjugation. Towards the end of nineteenth century, a political movement that was a movement for political independence emerged. This movement struggled for political rights and awakened a desire for political rights among Indians. On the other side the backward communities which were excluded from all kinds of rights by brahminical religious law, found space to struggle for social rights on the basis of capitalist laws and this resulted in movements against caste and for social reform in various parts of India.

In Maharashtra in second half of nineteenth century, Mahatma Jyotiba Phule started Satyashodak movement. In the beginning of twentieth century, Dr.Babasaheb Ambedkar made his entry as a leader on the stage of Indian politics. He took on anti caste, anti patriarchal legacy of Satyashodhak movement and widened the scope of Dalit movement. He awakened an urge for gaining social rights among Dalits who were at the bottom level in the society and made Dalits conscious about their rights. He was very clear that citizenship in independent India should be inclusive of lowest strata of the society.

After independence, the Indian constitution granted right of citizenship to all.

Welfare state assumes notion of differences as determined by social needs. Indian constitution gives every Indian certain fundamental rights.

Restrictions on caste based occupation were lifted.

Indians have freedom to choose any occupation and if required can migrate in order to find job of own choice. Indian policies were centred on industrial growth which leads to formation of metropolitan cities. Dalit social groups who had suffered oppression under caste system moved to cities. But as they lacked in education and / or skills they were forced to take up available jobs rather than those of their choice and they build slums in order to live in cities. These residents had to struggle for the civil rights and for their basic needs for living such as water, food shelter and electricity.

Indian society is based on caste system. Upper caste at the top and Dalits, adivasi and nomadic tribe community are at the bottom.

With the globalisation, the marginalised communities are facing with newer types of struggles to enjoy their rights.

Citizenship is a complex concept. It refers to the relationship between the citizens and the state within the context of rights and obligations and it is based on principle of inclusion and exclusion of members.

Citizenship is an expression of one’s membership in a political community.

Citizenship is not just a certain status. It is defined by set of rights and responsibilities and also an identity.

Feminist critique of citizenship hing on two issues; firstly, need to challenge the notion of community and secondly, the need to break the binaries of private and public which have structured the theorisation of citizenship rights.

Citizenship operates on binary principles of public – private, productive - reproductive- private-cultural sphere.

Private and public are governed by patriarchal principles.

This seminar aims to discuss the complex concept of citizenship and take account of feminist contribution to it. We will trace historical evolution and dynamics in modern India. In these two days, we will attempt to look upon relations between caste, class, gender and citizenship with reference to women in general and Dalit, OBC, Adivasi and Muslim in particular.

# THE QUESTION OF CITIZENSHIP OF WOMEN IN INDIA

**PROF. WANDANA SONALKAR**

I wish to discuss how feminist scholarship, globally, has contributed significantly to the discourse on citizenship. The ancient Greek concept of citizenship was limited to a certain class of men, and excluded women and slaves. The modern idea of citizenship evolved from the application of man-made, rather than divinely prescribed, rules applying to those who left feudal estates to live in the emerging towns of Europe. The French revolution gave us the liberal ideals of liberty, equality, fraternity, and of equality of all citizens before the law. Of course, Marx pointed out that this liberal conception of equal citizenship was limited in a class-divided society where the bourgeoisie held power by virtue of owning the means of production. Anurekha Chari sums up the history of the concept of citizenship: "The development of the concept can be attributed to four broad historical periods: (1) classical Graceo-Roman (fifth century bc onwards); (2) late medieval and early modern periods including French and American revolutions; (3) developments in the 19th century corresponding to the growing influence of liberalism and capitalism; and (4) the contests over the form and substance of citizenship in the late 20th century with increasing pre- occupation with multiculturalism and community rights"[1]

Feminists, right from Mary Wollstonecraft onwards, observed that the status of citizenship was operative only in the public sphere. The first feminist critiques questioned this division between public and private, and argued that the liberal conception of citizenship privileged men, who dominated the public and decreed that women's place was in the home. Thus it became possible to apply the idea of a rights-based citizenship which operated also within the home, in the domestic sphere. The feminists of the 1960's gave us the slogan" the personal is political." These struggles and conceptual innovations led to many new insights and investigations: of women's rights over their bodies, of productive and reproductive work, of protection from domestic violence. In the Indian context, feminist advocacy succeeded in 2005 in getting a law passed on Domestic Violence. Indira Jaising has documented the story of the struggle for this law, which had to contend with ingrained ideas about the 'private' sphere, and patriarchal views on the nature of the marriage bond. Although the fight for implementation of this Act is a continuing one, it has established certain new principles, notably a woman's right to live in the marital home, even if the property is not legally registered in her name.

But as time went on the feminist argument that the liberal conception of citizenship was *exclusionary* was extended to several other groups other than women: as Iris Young puts it, "the ideal that the activities of citizenship express or create a general will that transcends the particular differences of group affiliation, situation, and interest has in practice excluded groups judged not capable of adopting that general point of view."[2] Young continues: "where differences in capacities, culture, values, and behavioural styles exist among groups, but some of these groups are privileged, strict adherence to a principle of equal treatment tends to perpetuate oppression or disadvantage."

Applying this criticism in practice has in recent years brought recognition of the citizenship rights of many groups, including the LGBT community, the physically and mentally challenged, migrants, both within national borders and across them, as well as the victims of trafficking and their descendants. Feminist scholarship and feminist activism have been crucial in bringing about these gains in perception. Early second-wave feminists spoke of women's rights over their bodies, and this developed into a wider assertion of sexuality rights and a broader conception of gender. Feminist awareness of women being considered as weak, therefore incapable of certain activities, and in need

of protection, has made us more sensitive to the rights of the disabled, bringing a more inclusive vision of humanity and the society we want to build. The very conception of citizenship is intimately tied to the modern nation-state. The history of many modern nations, even when they have emerged from a fight against imperialist colonisation, has been tainted by violence and contested borders. Feminists have drawn attention to the violence suffered by women in conflict areas, and also revisited the history of national formation. Today, women cross borders both as voluntary migrants in search of jobs and a better life, and as victims of trafficking, and not just as wives and daughters of male migrants, which is what is presumed in many economic studies.. Feminist scholarship has brought a more nuanced understanding of the problems faced by women (and men, and children) in such situations, and called for changes in immigration laws and rules of emigration. Internal migration within national borders has also become an important issues, especially as the crisis in agriculture forces distress migration on a large scale. There have recently been some studies of the situation of the nomadic tribes in India, whose citizenship status is often questioned because of their shifting places of residence; on the other hand, these communities practice very harsh patriarchal controls over their 'own' women, with violent forms of punishment for transgressions.[3]

Thus the feminist contribution to the discourse on citizenship has been both theoretically rich and practically productive. Another important contribution to the critique of the liberal conception of citizenship comes from the movement against caste. Ambedkar was aware that the principle of equal citizenship enshrined in the Indian constitution applied to political and economic rights, but did not do enough to protect against discrimination on social grounds, which has religious sanction and is deeply ingrained in the culture of a society structured on the hierarchical principle of caste. Laws against the practice of untouchability and the provision of reservations for Dalits and Adivasis went some way towards addressing this lacuna. The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 criminalised various forms of violence against persons from these marginalized communities, especially as they began to assert their rights in post-independence India. However, these laws are continually contested by privileged groups that see them as an encroachment of their rights. This contestation has become louder and more vociferous after 1990; demonstrations against the recommendations of the Mandal Commission, and the more recent Maratha morchas demanding repeal of the so-called Atrocities Act, are two examples.

I have pointed out elsewhere that Ambedkar's efforts to introduce the Hindu Code Bill in Parliament aimed to extend the egalitarian principles of the constitution into the sphere of personal law.[4] His arguments can be read as a questioning of the liberal division between public and private in the Indian context. The right to practise one's religion and marriage practices are considered to belong in the realm of the private, but when religion sanctions untouchability and other forms of caste discrimination, its effects spill over into the public sphere. The Hindu Code Bill outlined a progressive code for personal laws that respected gender equality and legitimised inter-caste marriage. His attempt to bring in a progressive framework for personal laws was defeated, although some of the laws that formed part of the Bill were passed separately. The endeavour to progressively codify Hindu personal laws was opposed by the same forces that push for an immediate imposition of a Uniform Civil Code across religions. Indian feminists have taken different positions in this debate; there is a strong argument for *substantive* rights of gender equality within marriage and the family, while attempts to target minority communities on this pretext must be opposed. The debate over the recent law banning 'triple talaq' exemplifies the complex nature of the issue.

Issues of citizenship are complicated because citizenship is tied up with the nature of the state. The Marxist argument that the state protects the interests of the ruling class is even more relevant in the era of neo-

liberal globalisation. The power of capitalism now crosses national borders, and international agreements dictate new laws that compromise national sovereignty. The freedom of movement of capital and goods across borders contrasts with restrictions on migration of persons. Illegal migrants are non-citizens by definition; yet they are an active part of the economy and cannot be dealt with by 'invisibilising' them. Feminists are familiar with the practice of invisibilisation, which often involves impunity of violence against those who are made invisible.

The discourse on citizenship cannot but take up the history of nation-formation. Today we are witnessing the belligerent construction of a homogenized version of the history of our nation, which is fundamentally exclusionary in essence. However, this version can be and is being contested. I want to draw attention here to a recent event in order to underline its political significance. The gathering of thousands of Dalits at Bhima-Koregaon to commemorate the 200th anniversary of the martyrdom of Dalits was not only denounced as being 'anti-national', but physically attacked. The provocateurs have not been apprehended. But what is cheering is that the debate over this incident has brought into public discourse the idea that the history of nation-formation is a many-layered one that can have different meanings for different sections of society. Fighting against the rule of the Peshwas was an emancipatory struggle for 19th-century Dalits in Maharashtra. The assertion of the right to commemorate it is a claim to their own history of oppression, and of their resistance to it.

Finally, we have another, horrifying recent event. Demonstrators carrying the national flag demanded the release of the rapist of an eight-year-old girl, Ashifa, in Kathua district near Jammu. J & K CM Mehbooba Mufti has rightly condemned it as a desecration of the national flag. The rape was supposedly carried out as a warning to nomadic tribes who were asserting their rights. Again, we see an unholy confluence of gender, citizenship of marginalized communities, and an exclusionary narrative of nationalism.

The deliberations in this seminar will further bring out and elaborate on diverse feminist concerns with the issue of citizenship. In the words of social policy theorist Ruth Lister, "…. our goal should be a universalism that stands in creative tension to diversity and difference and that challenges the divisions and exclusionary inequalities which can stem from diversity."[5]

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# GENDERED NOTIONS OF CITIZENSHIP - MAPPING THE MARGINS

ADV. FLAVIA AGNES

In this paper, I will examine how laws enacted with a specific objective of protecting women's rights have a diagonally opposite impact upon women from marginalised communities who suffer multiple levels of exclusions and subordinations and fail to serve its objective of delivering justice to women who need the protection of these laws the most.

I have borrowed the phrase, *mapping the margins*, from an essay by Kimberlé Crenshaw (1991) in which she had explored the issue of violence against women of colour in the context of their marginality. The central argument of Crenshaw's essay was that feminist and antiracist discourses had failed to consider the intersections of racism and patriarchy. Focusing on two categories of violence against women - battering and rape - she had explored how the experiences of women of colour are frequently the product of intersecting patterns of racism and sexism. These experiences tend not to be represented within the discourse of either feminism or antiracism. Within discourses that are evolved to respond to one *or* the other, the experiences of women of colour are frequently marginalized within both, due to their intersectional identity as both women *and* people of colour

She illustrated that many of the experiences which women of colour faced were not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are understood, and that the intersection of racism and sexism factors into their lives in ways that cannot be captured wholly by looking at the women through the lens either of race or of gender exclusively. She argued that there are various ways in which race and gender intersect in shaping structural and political aspects of violence against women of colour.[1]

Using this framework of intersectionality, I will explore the manner in which women from maginalised communities experience violence in the Indian context. I argue that though violence against women has been a recurring motive of the Indian women's movement since the 1980s, the specificities of the violence suffered by women from several marginalised groups, such as dalits, tribals and religious minorities need to be explored within the framework of intersectionality.

The paper focuses on some specific locations of marginalities while attempting to develop this framework. Rape and sexual assault and notions of 'honour' and 'stigma' embedded within it, the violence suffered by women as markers of their caste and community identities, the manner in which sexuality is controlled to maintain caste purity, a project in which upper class women and lower class men also get implicated – these are some of the issues which I will examine.

**An Overview of Marginality**

The Indian Constitution guarantees full citizenship to its women by incorporating the universal mandate of adult franchise. Equality, freedom and liberty are its main pillars. Within this context, it

[1] Though Crenshaw coined the term, intersectionality, she was not the first to articulate this concern of women of colour. Angela Davis in *Women, Race and Class* (1983), a major milestone in the history of black women's movement, had already interrogated the racism inherent within the white feminist movement. Discussing in detail the lynching of black men even on a mere suspicion of rape of a white woman, she recorded how rape of black women by white men was a routine affair which did not receive the same kind of repulsion and no white man was ever lynched for raping a black woman. Her book exposed the racism inherent in the widely acclaimed book of Susan Brownmiller (1975) which is treated as a bible of the anti-rape movement. Davis' critique of this work was that, as a white feminist, Brownmiller had reproduced the same stereotypical myths about black men.

specifically prohibits discrimination based on sex, caste and religion. To spell out this concept more elaborately - all men and women must be treated as equals and are entitled to equal protection of the state. While all women must be treated as equal to men from their own community, people (men and women) belonging to lower castes and marginalised communities must be treated as equals to people from the higher castes and the upper crust of the society. Thus it ensures equality for women not only within their own families and communities, but also between all women across caste, class and community. Further a lower caste woman and an upper caste man are placed on the same plank of equality. The only departure from equality must be in favour of the marginalised sections – women, children and scheduled castes and scheduled tribes. It is interesting to examine how these different strands within the construct of equality have played out in the last sixty years since the Constitution was adopted in 1950.

At the dawn of nationhood, while ushering in the new Constitution with its guarantees of the Fundamental Rights of life, liberty, and freedom, the state also had to deal with the aftermath of violence unleashed during partition. The violent wrenching of a colonised country into two postcolonial nation-states and re-drawing of political boundaries resulted in the displacement of a huge population. While entire communities suffered in this process, women were subjected to extreme sexual violence, unleashed upon them as bearers of their community's identity. Apart from killing and maiming, women were also raped and abducted. As per estimates, around 75,000 to 100,000 women were raped or abducted on both sides of the border. Later, these women had to be retrieved and marked as 'citizens' of the new nation-state. (Das 1995, Menon and Bhasin 1998, and Butalia 2000).

The entire debate on the recovery of abducted women and children at the time was a debate among men in the Indian Constituent Assembly and Parliament. It was a debate about what was happening to 'their' honour, 'their' women, and 'their' children, in which sentiments such as the following were expressed: 'So what if the mother was a Muslim and has gone to Pakistan, the father was a Hindu, and so this child is 'our' child' (Pandey 1996: 19). When the process of 'retrieving' the abducted women and 'restoring' them into their home country was being carried out from 1948 to 1956,[2] there was a long-drawn debate, especially among women social workers, on the advisability of 'recovering' abducted women and their children who had already settled down with some sense of security in their adoptive country. These women were not ready to trade-off this security and be uprooted yet again to face an unknown future. They did not know what terrors would await them while being thrown into new communities or relief camps, sometimes without their children, who would be retained by the adoptive state as 'its' citizens.

Even when natal families could be located, these families did not accept the women 'tainted' by men from the 'enemy' country. In order for the women to be accepted, those who were pregnant were forced to undergo abortions. Hindu mothers were forcibly separated from children begotten from Muslim husbands, as these 'Muslim' children would have no future within the new Indian state and it was 'best' that they be left behind while the women were 'recovered' and marked with the seal of citizenship. While these were the concerns of women social workers at the ground level, for the male custodians of the nation's pride, it was a question of 'their' honour. The abducted women symbolised the shame of the nation as mother, and hence the honour of the nation had to be restored (Butalia 2000: 191).

It is within this formulation of 'our women' and 'nation's honour' that the gendered citizenship of a postcolonial nation-state was constructed. The relationship between 'state' and 'women' is complex

[2] The Abducted Persons Recovery and Restoration Act was enacted in 1949 and remained in force till 1957.

and multi-layered. At one level, women staked their claim for equality with men, for ‘sameness’ of treatment in the public domain, for equal rights, equal opportunities, and equal protection. But at the same time, their claims were negotiated through other mediums such as tradition, culture, religion, community, and family and were framed by notions of ‘honour’ and ‘stigma’. This leads to the construction not just of a uni-dimensional gendered citizen in opposition to men, but a multi-dimensional one, and compels women to negotiate their citizenship with the State through a kaleidoscope of identities resulting in layered, fragmented, hierarchical, and at times, overlapping, claims.

Within this hierarchy, the Hindu woman becomes the ideal and most deserving object of citizenship. She is constructed as the ‘norm’. As a passive citizen, she is synonymous with the nation, deserving protection and reverence. While the male occupies the public space of political activity, she occupies the private space of domestic tranquillity and carries upon her body, the honour of a nation, community, and family.

Where does this construct of the ‘ideal’ gendered citizen, framed through her religious or community identity and her domestic role, leave the multitude of women who are outside of this construct? Even during the national movement, there were multiple identities of women which were subsumed by the larger than life image of the Hindu woman, the mother figure of *Bharat Mata*. The struggle against foreign rule and for national freedom seemed to have been fought by men, in her honour and for her protection.

Partha Chatterjee argues that the entire concept of tradition and women was reconstituted and reaffirmed within the inner domain of national culture during the national movement (Chatterjee 1994: 117). This ‘new’ woman was different from the British women and from the lower caste ‘street woman’. She was unlike the former as she didn’t seek education to attain competitive equality with men and hence retained feminine virtues. She was the reverse of the common ‘street woman’ who was coarse, vulgar, loud, quarrelsome, devoid of superior moral sense, sexually promiscuous, and was subjected to brutal physical oppression by males (Ibid.:127). She was an ideal companion to the Indian male, not marred by materialism, and could uphold the sanctity of the nation. The new patriarchy conferred on women this responsibility and bound them to subordination in order to legitimize the idiom of the nation. Recovery of the nation became contingent to protecting the honour of the ideal Hindu woman (Ibid: 130).

But this new framing of the Indian woman was far removed from the ground reality and, at times, blatantly incorrect. In fact, the new construction only reflected the class concerns of the elite and conveniently ignored various categories of women who were wage-earners and were struggling against their working conditions in a colonial capitalist economy. Realities of their lives exposed the constraints and contradictions in the claim of an ‘ideal’ Hindu woman and notions of her emancipation within the nationalist movement. Even when the nationalists claimed that the women’s question had been resolved, women themselves interpreted their struggles as not merely against colonial domination. They saw themselves as struggling on multiple fronts, against social evils of their time and they sought not just national liberation but social transformation to end their political, legal, and economic subordination (Roy 2005: 76).

Women who struggled for their basic rights of survival, like the women in the Telengana movement who entered the public domain of political struggle to fight the oppression of a feudal order, economic oppression of money lenders, and sexual exploitation by both, did not become the symbol of the

nation. These women defied the notion of a 'passive' citizenship. They were equal partners in the public domain. Their armed struggle along with their menfolk, remained unsung and unacknowledged even by the movement, despite its pledge to equality. Male leaders related to these women through the hierarchy of gender. The mechanisms of power which had held them back physically and overtly in the past had been transformed gradually into modes of social control (Kannabiran and Lalitha 1989: 180-203).

The gendering of citizenship renders women as unequal citizens, not just in opposition to men within the binaries of the public and private domains, but also within the hierarchical order of class, caste, and community. This becomes evident when we trace the post-Independence political events in the context of the lower caste, dalit and Muslim women.

Rape, murder, and maiming of dalit women by upper caste men, as a retaliation for aspirations of the community for economic and social progress, still continues in the villages and towns of independent India. Lower caste women are raped as part of caste customs and village traditions and are forced to have sex with upper caste landlords and the police. Rape is often used as a form of retaliation to suppress movements demanding payment of minimum wages.

These are not isolated incidents but a routine occurrence. One hears of several such examples of maintaining the social hierarchy of gendered citizenship. For instance, during the period of 1,300 days from Dec 7, 2003 to June 30, 2007, 1,217 gang rapes were reported in the Madhya Pradesh as per the State Assembly records. Out of these, 362 cases were of women from scheduled castes, 310 were of women from scheduled tribes, and 381 were of women from other backward castes.[3]

An example of this social hierarchy of gendered citizenship through which rights get constituted, is that while the Constitution empowered women through reservations to local panchayats by enacting the 73rd and 74th amendments to the Constitution, newspapers continued to carry reports of dalit women *sarpanches* (panchayat heads) being paraded naked and humiliated for holding these positions.[4] Rape of dalit women continues to be a common occurrence with around 1172 dalit women having been raped during the year 2005, as reflected in the statistics compiled by the National Crime Record Bureau.

Another report revealed that rape of Dalit women in Gujarat rose by 500 per cent since 2001 over the last 13 years, reaching a high point in 2014. While in 2001 only 14 Dalit women reported rape, in 2014 there were 74 Dalit women who reported rape and their cases were registered under the provisions of the Indian Penal Code and Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act (popularly referred to as 'Atrocities Act').[5]

While most of these violations go unchecked, the gruesome killing of a dalit woman along with her seventeen year old daughter and two sons, in Khairlanji village in Bhandara district of Maharashtra in September 2006, made national headlines when six people were convicted with death penalty and two with a sentence of life imprisonment by the sessions judge at Bhandara in September, 2008.[6] This was

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[3] See Niazi, Shuriah, "Caste difference contributes to violence against Dalit women – Central India" in Women News Network, Janaury 27, 2008 available at http://womennewsnetwork.net/2008/01/27/caste-difference-contributes-to-violence-against-women-central-india/ accessed on 26th **November, 2010.**

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[5] Dhabi Parimal A. "Rape of Dalit women registers 500% increase since 2001, RTI reveals" The Indian Express: Gandhi Nagar March 8, 2015 http://indianexpress.com/article/cities/ahmedabad/rape-of-dalit-women-registers-500-increase-since-2001-rti-reveals/

[6] "A Strong Message" Editorial, *Times of India* Mumbai: 26th September, 2008

a major landmark victory for dalit and human rights activists. Despite this, it is clear that issues concerning both gender and caste were invisibalised in the judicial discourse. As far as caste issues is concerned, the accused were charged with murder under section 302 of the IPC, but were acquitted of charges under Atrocities Act. The activists felt that this glossed over the atrocities committed upon citizens solely due to their caste positions.[7] In August 2010, the Nagpur Bench of Mumbai High Court upheld the sessions court ruling which had termed the atrocities as mere criminal acts committed out of human rage, leading to a non-application of the provisions of Atrocities Act.[8]

The invisibalisation of gender occurred when the courts negated the sexual abuse of the women. Despite the fact that preliminary investigations revealed that the mother, Surekha and the daughter Priyanka were sexually abused prior to their killings, the sexual violence inflicted upon the two women did not receive due judicial recognition both at the Sessions Court as well as the High Court. This despite the fact that the body of Priyanka was found stripped of all clothes. The High Court concluded that since revenge was the motive, there was no intention on the part of the accused to insult the deceased women or to dishonour or outrage their modesty. While both gender and caste were invisibalised, only the crime of murder which comes within the ambit of Section 302 of the IPC was upheld. While the Sessions Court declared that it was a rarest of rare case warranting death penalty, at the High Court level even the 'rarest of rare' crime was further diluted into an ordinary murder warranting only life imprisonment.

As this case highlights, while the sexual brutalities committed on dalit and tribal women are on the increase, rape and sexual abuse of lower caste and marginalized women are seldom examined within the matrix of the intersectionality of caste and gender. The reported cases constitute only the tip of the iceberg as a large number of cases do not even get recorded. Even those reported and charge sheeted seldom result in conviction. The Khairlanji verdict is a rare judicial occurrence. A combination of factors contribute to this dismal state of affairs. Non accessibility of the justice delivery system to marginalised communities due to factors of poverty, illiteracy and fear of the police is one contributory factor. Institutional bias of state agencies against dalits, leading to biased and callous investigation and prosecution is another. Retraction by eye witnesses from the higher castes is yet another factor. The caste and gender bias in courts of law is a further contributing factor.

The outcome of two recent gruesome murders in Ahmednagar district of Maharashtra further highlights this concern. One was a Maratha girl, raped by Dalit men. The other was a Dalit boy killed by upper caste men, which can be termed as a sex crime.

The three dalit men who had raped and murdered a 14 year old girl in Koppardi were awarded death penalty by the sessions court of Ahmednagar on 28th November, 2017.[9] The incident of rape and murder which had occurred in July 2016, witnessed huge mobilisation of Marathas demanding repeal of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. Three days prior to this verdict, the same sessions court acquitted the three men who were accused of the gruesome murder of the 17 year old schoolboy, Nitin Agge, in Jamkhed Taluka of Ahmednagar.[10] The boy was dragged out

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7 See S. Anand, 'Understanding the Khairlanji Verdict', in *The Hindu*, 5 October 2008

8 *Central Bureau of Investigation v Sakru Mahagu Binjewar* MANU/MH/0893/2010.

9 Banerjee, Shoumojit "Death for three in Kopardi minor rape-murder case" The Hindu 29 November, 2017http://www.thehindu.com/news/national/other-states/death-sentence-to-three-accused-in-kopardi-rape-murder-case/article21057919.ece

10 "All accused let free, so who killed Nitin Aage?" New Indian Express, 26th November, 2017 http://www.newindianexpress.com/nation/2017/nov/26/all-accused-let-free-so-who-killed-nitin-aage-1711214.html

of school and killed on a suspicion of having an affair with an upper caste girl, by the girl's brother, his friend and uncle. Though there were several eye witnesses to the incident, all of them turned hostile in court.

Even the gangrape and murder of the paramedic in a moving bus in Delhi in December 2012 fits neatly within the narrative of the middle class woman who died a valiant death while protecting her sexual purity. It is this act which gets immortalised while reframing the rape law which acquires the title, the Nirbhaya law, the victim support fund gets labelled as the Nirbhaya fund, and the one-stop rape crisis centres are called Nirbhaya centres, as though she does not have an identity prior to her violation. The men who brutalised her, who belonged to the lower class, were all awarded death penalty. This case is etched in public memory as the turning point in the history of anti-rape movement in India. In direct contrast is the case of Suzette, an Anglo-Indian divorcee, a single mother, who lived life on her own terms, loved to drink and dance and was gangraped by men who had offered a ride back home from a pub during the late hours. Suzette does not fit the narrative of a victim deserving of justice. Her case dragged on in court and during cross examination she was subjected to extreme humiliation. She had the courage to come out in the open, using her own name and paid the price. Though apparently she died of a sudden ailment, she was in deep depression prior to her death at the manner in which the trial had dragged on.[11]

From the adverse Supreme Court ruling in the infamous Mathura rape case way back in 1978[12] to the more recent cases of minor girls which end in acquittals, the singular focus of defense lawyers continues to be to project the victim as sexually promiscuous and hence incapable of being raped. The publicity which the Nirbhaya case received has not helped to change this narrative.

Before I conclude, it would be relevant to visit the issues raised by Rajeswari Sunder Rajan, in her book, *The Scandal of the State: Women, Law and Citizenship in Postcolonial India* (2003) which has the most cogent analyses of the relationship between the women's movement and the state. The book puts the spotlight on several significant incidents concerning women and sexuality and the role of the state in dealing with these - child marriage, prostitution, killing of girl children, the hysterectomy scandal in a home for mentally challenged girls in Shirur, Maharashtra, etc.

In the first chapter Sunder Rajan while discussing the Ameena 'Case' explores the issue of female citizenship and subject. When more than half the women in India are under-age or child-brides when they marry, she questions why Ameena became a 'case' for the courts when no other child-marriage has ever been invalidated. She suggests that even though Ameena may not have been perceived by the state as "one of us" she became "ours", because she had been victimised by a foreigner. The state, as *pater familias*, stepped in to claim her as belonging to the nation, in much the same way as abducted women were reclaimed post-Partition, within a framework of "rescue and custody". Her status as a child, allowed the courts to sidestep the issue of her Muslim identity and focus instead on "the best interests of the child" to reclaim her.

The various instances discussed above are illustrative of the complex and diverse locations of oppression, which foreground the need to interrogate our agenda of law reform as a covenant with the state. We need to be conscious about the manner in which caste and communal biases creep in while addressing issues of violence against women and re-examine sexual violence in the context of multiple marginalities and subordinations using the lens of intersectionality.

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[11] Agnes, Flavia, "Why India loves Nirbhaya, hates Suzette" in *The Asian Age*, March 20, 2015 http://www.asianage.com/columnists/why-india-loves-nirbhaya-hates-suzette-723

[12] *Tukaram v State of Maharashtra* AIR 1979 SC 185.

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# GENDER AND CITIZENSHIP OF WOMEN IN GUJARAT: EXPERIENCE OF AHMEDABAD SEX WORKERS

**DR. GAURANG JANI**

In 1941 Ramanlal V Desai, a well known literary figure of Gujarat and father of renowned sociologist Prof. A. R. Desai contributed five volumes (1300 pages) in Gujarati about history of world sex workers and problems of Indian sex workers "Apsara" was the title of the book. It is strange and shocking that five volumes of "Apsara" are not much popular in Gujarat. In the second edition (1952) of preface of "Apsara" author mentioned that the first edition was not much welcome by the literary world of Gujarat and sociologist keep mum about it. During last 75 years "Apsara" was never included in the university curriculum of Gujarati language history and sociology. In my opinion such response of a literary work is a mirror of the Gujarati educated class which never accepted sex worker as a part of society.

In contemporary India "Gujarat Model" is widely discussed after Shri Narendra Modi became Prime minister of India. During last four years of NDA rule the Gujarat Model evaluated and criticized by different quarters of society. Being focus f the criticism is about the nature of social development in the state. In this context gender issue is in the centre of the discussion. According to 2011 census Gujarati is 20$^{th}$ in the country with regards to literacy status. 17 per cent difference between male and female literacy in the state. Similar difference can be observed at the national level too. Another aspect regarding the declining status of women in Gujarat is the skewed sex ratio, Gujarat stands 23$^{rd}$ in this regard with 918 female per 1000 male. Child sex ratio is only 889 according to 2011 census. It is shocking that all major cities of the state like Ahmedabad, Surat, Vadoddara and Rajkot has less than 850 child sex ratio. But in the tribal district of Gujarat although literacy level is less but the sex ratio is comparatively significantly positive than the non tribal Gujarat. Such nature of status of women also reflected in the school text books published by Gujarat government. Content of Gujarati language text books from 5$^{th}$ to 12$^{th}$ standard revealed the biased towards characterization of women in poems as well as pros. Out of 110 poems in these text books only four poems are written by women. Out of this four poem two are of Mirabai. Ten male contributors have written about women in their poems but all such poems are about their mothers. There are various sections of the society in which women can be categorized like dalit, tribal, minority as well as the sex worker women categories. We see that Gujarat lacks literature as well as research work on the sex worker women and is almost none existent. But the intervention with the sex worker during last two decades through HIV Aids prevention programs gives me an opportunity to known the issues and problems of this particular group and also how the government as well as non government institutions are reacting to the needs of sex workers. This also helps us in understanding the attitude of society in general to the plight of sex workers and women in general in the society. as well as people Through the status of women reflected in various statistics but still if we want to understand the nature of gujarati psyche towards women in general one can point out the status of sex workers in the society.

In early 90's the National Aids Control Organization initiated a high risk behavior study about HIV Aids. In Gujarat, the Gujarat Institute of Development Research conducted such study in five cities of the state, Ahmedabad was one of them. As a faculty of the institute I was the principal investigator of the research project. One of the objectives of the study was to identify NGO's which can develop intervention projects for sex workers in future. I visited 53 NGO's in Gujarat in 1994 but accept one organization no one was eager to work with sex workers even on HIV Aids issue. Well known and

nationally known NGO's clearly told us that sex worker and Aids are not their priority. Today also similar scenario is prevalent in Gujarat.

A women's organization, 'Jyoti Sangh'established in 1934 with the blessings of Mahamta Gandhi in the city of Ahmedabad. 'Jyoti Sangh' was the only organization positively which accepted our invitation to identify and organize the sex workers of the city. It is very interesting historically that in the past 'Jyoti Sangh''s management's attitude towards sex workers was very conservative. For example; they were reporting about sex workers presence in police because according to them sex work was a social evil and rehabilitation was the only solution to remove this evil from the society. In this context the behavior change of this Gandhian organization became the first steps towards main streaming of sex workers in the city of Ahmedabad. One major obstacle in late 90's was none willingness of human educated resources as around thirty five post graduate students of Social work and sociology refused to work with sex workers. Thus we can definitely conclude that the academic institutions too failed in sensitizing the students towards this marginalized section of the society. Due to the this the project was delayed by a year.

We all know that in India according to PITA (Prevention of Immoral Traffic Act) being a prostitute of being involved in prostitution per say is not a criminal offence. The brokers and pimps who are involved in flesh trade are supposed to be the law breakers not the sex workers. But the police department is totally insensitive towards the human rights of sex workers. Due to such environment the police arrested sex workers on the ground of carrying condoms. Carrying condom for safe sex practices is a national objective of the HIV Aids prevention program. To resolve this conflict between sex workers and the police, 'Jyoti Sangh' organized a one day workshop of all the police inspectors of the city to sensitize them words the plight of sex workers. Local media too was informed about this activity but it was shocking that one of the leading media organization had reported not about the sensitization workshop but had sensationalized that whole issue by reporting through their headline "BEWARE! There were four hundred sex workers in the city of Ahmedabad". We all are aware that mass media platforms should help the society by creating an anamoly environment amongst all the stakeholders, but instead here we saw them doing exactly the opposite by denying the sex workers their rightful existence to be a part of this society. Today also when sex workers are arrested by the police, the news reported in the vernacular media goes somewhere like this: *aniti no dham pakdayu* (immoral place in the city is being raided) and in English media the livelihood activity of sex workers is reported as a 'racket'.

The above issues required immediate resolution as the sex workers in Ahmedabad were baffled by this approach of media since it would put a final bolt on their social life and deny them their right to livelihood. Therefore 'Jyoti Sangh' again intervened in this issue and invited media personnel's to have face to face interactions with the local sex workers, which helped in relieving the actual plight and need of the sex workers. Gradually media too shifted its stand from sensationalizing their plight to humanification of the sex worker issues and treated them as citizens too.

'Jyoti Sangh' not only concentrated their efforts towards prevention of HIV Aids but also tried to improve the quality of life of the sex worker. The sex workers themselves too mobilized their efforts for a better quality of life as majority of them were only provided with school education. In this process of self reliance the sex worker too wanted to hold their personal bank accounts for their savings but they were disappointed when their declared their status as sex workers to the bankers. Out rightly they were denied access to banking facilities as their profession was not considered socially acceptable. But this rejection did not stop their flight towards a better quality of life as they again took

it upon themselves to unite and start a cooperative bank themselves. During 1998 and 2006 the Ahmedabad sex workers learned the lessons of safe sex practices although the environment was not in their favour. But in 2000 the prevalence of HIV amongst them was 13 per cent and in 2005 it reduced to just 2 per cent. Inspite of such HIV status the life insurance companies denied them insurance as they were in the profession of sex worker.

'Jyoti Sangh' with the help of National Aids Control Oganisation organized a training workshop of photography for fifty sex workers of the city. A professional photographer was called in to provide the training of on various aspects of photography. After three days of training sex workers clicked their daily life in their camera and the outcome was an exhibition of such photographs for the common public to view and know them through this exhibition called 'Me by Me'.

In Gujarat only Surat has a red light area whereas the other major cities don't provide a specific location to these sex workers for their profession and are all dispersed around the cities. NGO's like 'Jyoti Sangh' identified and organized sex workers in different areas of the state. During last two decades first time in history of Gujarat such dispersed sex workers united and developed their own Community based organizations (CDOs) for example; in Ahmedabad four thousand workers have their organization called 'Sakhi Jyot Sangathan'. Following are the categories of sex workers:

1. Street based sex workers
2. Brothel based sex workers
3. Sex workers on contract
4. Sex workers at different places like beauty parlour, spa, saloon etc.
5. Home makers as sex workers

Majority of the sex workers of Ahmedabad live with their family and are part and parcel of the city, only ten per cent of sex workers are migrants in Ahmedabad. The story of sex workers in Ahmedabad is a document for struggle of citizenship.

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# UNDERSTANDING GENDERED CITIZENSHIP: CITIZENSHIP AS THE SITE OF STRUGGLE

**DR. SNEHA GOLE**

This paper attempts to understand gendered citizenship, and exploring how citizenship has emerged as a site of struggle. The paper will take a very brief overview of the concept of citizenship and the various ways in which feminist engagement has attempted to engender the idea. In the next section of the paper, I will look at the way in which the State conceptualizes citizenship in general and women's citizenship in particular in the contemporary context of neoliberalism through the case of the failed attempt of the Maharashtra state government to frame a new women's policy and how the women's movement has resisted these interventions to push for a more substantive understanding of the question of women's citizenship - through ethnographic field work.

**Gendering Citizenship: Feminist Interventions**

The concept of citizenship especially in its liberal notions of 'general' and 'uniform' citizenship has been criticized from many quarters, including feminists. Feminists have shown how the dominant conception of citizenship is inimical to women on two counts: one, that it is gender-blind, focussing on uniform and equal application, it fails to take cognizance of patriarchal systems and therefore ensures inequality of women through policies that work within the framework of formal equality. Secondly, feminists have pointed out how most historical conceptualizations of citizenship have thrived on the division between members and non-members. The discursive practices of citizenship have been centered on the dichotomies of public/ private, with the space of citizenship increasingly identified with male and public activities and space. The universality and generality principle necessitated that concerns around particular contexts of caste, class, race, gender be removed from the public domain and relegated to the private. Thus, feminists have argued that most traditions of conceptualizing citizenship have been inimical to women, either by entirely excluding them, or including them as citizen-consorts, incorporating women through their dependent roles as wives and mothers, thus, placing them outside the sphere of politics and with only an indirect relationship to resources and opportunities. Feminists have tried to engender citizenship through various routes: focussing on political participation, inclusion in the public sphere as equals, while others have argued for a rethinking of the idea of politics, of citizenship by bringing what women do in the private to the centre.

Citizenship has been marked as a 'momentum' concept, that is one which is infinitely progressive and egalitarian, having a historic dynamic which must be constantly built upon and transcended. The idea then is that the internal logic of the idea of citizenship demands that its benefits necessarily become progressively universal and egalitarian. These frameworks see citizenship as having an inherent capacity towards universalism. On the other hand, are frameworks which look at citizenship as deeply contested, as something that unfolds in specific heterogeneous social fields and within contending political imaginaries. These frameworks, and feminist understandings would have to be placed here, see citizenship as deeply dialogical and hierarchised. Further citizenship is deeply embedded in state-formative practices and making the 'citizen' a stable and enumerable category is at the centre of this process. Feminist work on the recovery of "kidnapped and abducted" women at the moment of the formation of the nation, have thrown light on the way the nation conceptualized the relationship of its women to the state, not as citizens with the right to choose, but through the lens of recovery of

patriarchal honour, national and familial. Feminists rightly then problematized women's citizenship, asking "do women have a country?" The feminist revisiting of the debate around the Hindu Code Bill, has also raised important questions around the status of women as citizens. The opposition to the Bill and its subsequent tragic resolution, point to the constitutive role of caste-patriarchy in the construction of the citizenship question for women in India. Thus, we see that both: the processes through which the hierarchized citizenship is produced and the processes which unsettle the inscription and enactment of hierarchies have registers of gendered difference at their core.

However, despite the evidence on the contrary, citizenship's promise of free and equal membership in the political community remains a powerful promise, thus, making citizenship a concept replete with possibilities of resistance and transformative change. Thus, it is the idea of "insurgent citizenship", seen not as benign, impersonal, stagnant and stable, but rather informed by conflict over who belongs, how and on what terms which is a useful way to think about the contestations, as an entry point into understanding the question of citizenship.

I will now attempt to read the process of the formation of the new women's policy by the Maharashtra state as a way of stabilizing women's citizenship in a particular way and the attempts by the women's movement, with particular reference to the Stree Mukti Andolan Sampark Samiti, to make for insurgent citizenship, by contesting the framing of the relationship between the citizen and the state.

**Citizenship at the present conjecture: Shifts in state and notions of citizenship**

The proposal for a new women's policy was taken up by the Maharashtra state in 2010. In Maharashtra, before this attempt, there have been two policies- one in 1994 by the then Congress government and one in 2001. The 1994 policy aimed at eradication of violence against women, ensuring legal equality, economic progress of women, adequate and appropriate use of media for women's development, increasing women's participation in politics and increasing the participation of non-governmental organizations. The preface of the policy underlined the need to recognize and acknowledge women's contribution to the economy and to reach development to them, thus, framing the need to recognize women as productive citizens. However women's groups and scholars like Gothoskar, Shah and Gandhi (1994) have contended that the dominant framework of looking at women remained welfare. Women activists were also disturbed by the provision that revenue for the implementation of the policy would be generated by a cess on liquor. Women's activists and scholars pointed out that it was ironic that women would have to rely on a larger consumption of liquor with all its subsequent consequences in the form of battering, financial deprivation, inadequate nourishment and mental trauma so that they can have resources for their welfare and development. Guru (1994) while arguing that this policy amounted to a cooption of feminism, pointed out that the state of Maharashtra seems to have assumed that the selected few women's organisations or activists which were directly or indirectly associated with the process of formulating this policy are the authorised representatives of women in the state. He raises doubts about the representative nature of these women. Thus the complex contestations around the policy and its framing of women citizens, as well as around the response from the movement were highlighted.

The 2001 policy saw women as agents and as carriers of development. The central concept in this policy was 'empowerment'. It introduced the special component plan for women as also the need to mainstream gender into all development programmes. The empowerment of women was sought to be achieved through education, political participation, property rights and protection of women. The 2010 policy process has to be located within this history. This endeavour had been initiated by the

Maharashtra state government by appointing MAVIM to frame the policy, which had already started holding consultations by inviting "experts" for sectoral meetings. MAVIM (short for ‘Mahila Arthik Vikas Mahamandal’- State Corporation for women’s economic development) is a not-for- profit company, a corporation with the objective of bringing about women’s empowerment by mobilizing women and building organizations of women, enhancing their capacities by training, increasing their self confidence and strengthening entrepreneurship among women and making credit and markets accessible to women (as argued by MAVIM itself). The corporation also seeks to improve women’s access to education, and increase their participation in decision making and governance. (http://www.mavimindia.org/display_details.php?id=12). Interestingly, MAVIM has been declared as a **Nodal agency** by Government of Maharashtra on 20th January 2003 to *implement various Women Empowerment Programmes through Self Help Groups (SHGs)* (italics mine). MAVIM had a draft policy which was shared on their website and responses to the same were being invited.

The SMASS, which is a long-standing network of women's organizations in the state, albeit not an entirely inclusive one, brought out opposition to this process of policy making as well as the draft of the policy on the following grounds:

1. That MAVIM had invited certain ‘experts’ from Mumbai-Pune to be part of the consultation. This process was not democratic, inclusive and transparent. By asserting this, the Sampark Samiti opposed the politics of selective appropriation and accommodation that was being attempted by the state. Even though certain members were being acknowledged as ‘experts’ through this the lack of wide-spread consultation was pointed out.
2. The need for citizen participation and consultation was being met through inviting comments online and through an essay competition for people to suggest what should be included in the policy.
3. That in spite of clear guidelines in the Maharashtra State Women’s Commission Act, that the women’s commission would be the body, and that the Women and Child Development Department of the state government would be the nodal body for formulation of policies regarding women, why has this been asked of MAVIM?
4. MAVIM which is merely a nodal body to *implement various Women Empowerment Programmes through Self Help Groups (SHGs)* is thus, not empowered for this task.

The letter stated that the Sampark Samiti opposed this process and wanted the state government to take action as below:

1. The Sampark samiti demanded that the process of policy formulation should be broad based and inclusive, including consultations with various women’s groups, women’s studies centres and even trade unions of anganwadi workers, waste pickers, landless labourers etc.
2. It also demanded that the process should include regional consultations in various parts of Maharashtra by the Women and Child Development Department and the State Women’s Commission
3. It demanded that in order to ensure that all women’s organizations and groups could be part of the process, the draft of the new policy should be made available publicly and also made available in Marathi.
4. During the process, it was realised that officials of the UNFPA (United Nations Population Fund) were present for the planning meetings. The Sampark Samiti took strong objection to

this and demanded that the state government clarify why an international organization like the UNFPA should be part of the policy formulation process of a state of the sovereign republic of India and demanded that the future policy formulation process should not have the participation of any international agency.

Along with points critiquing and demanding a change in the process of policy formulation, the Sampark Samiti also looked at some substantive points in the draft policy document. One of the major points was that the draft policy did not look at the larger context of the woman question in India, that there was no review of previous policy documents and what had been achieved from those, that the document took a largely welfare perspective to looking at issues of women's development etc. The Sampark Samiti took on a series of public actions and advocacy attempts to push the state into withdrawing this process. It was successful in pushing the state to withdraw this process from MAVIM and reinstate the women and child development department to frame the policy. It also held a parallel process of alternate policy making, which it attempted to make broad-based and more representative, though there were obvious elisions therein as well. The fact that the policy was never framed had of course to do with the changes in the policy environment and in the ruling government, but the case has many lessons for understanding citizenship in the contemporary.

We can read this attempt by the state to conceptualize citizenship and governance in a particular way in the context of neoliberalism. One dominant way of understanding the changing nature of the state in neoliberal times, has been to argue that the state has been downsized and its powers eroded. However, scholars argue that throughout the 1980s and 1990s, international development institutions and their policies have had a profound effect on the role and responsibility of the state in developing countries. (Mukhopadhyay, 2007) Though in the 1980s and early 1990s, the international policy agenda, led by the neo-liberal stance in the main international financial institutions, downsized the state and eroded its powers, since the late 1990s, the state has in many ways been reinstated and brought back as an institution that bears the main responsibility for governance. The first phase of the 'good governance' agenda sought to build a technocratic state that would be an efficient and honest manager. Subsequently however there was a growing interest in reforming the political state and fashioning liberal democracies. Despite the realization that entrenching democracy and enhancing the role of the state in safeguarding citizens' rights required rebuilding the political relationship between the state and society, the formula for democratic reform has concentrated on the institutional design of the state. It involved the reform of electoral systems, decentralization and devolution of government and the reform of administrative and legal systems. Development discourses backed by the power of financing, projects and knowledge production constructed the idea of a state without politics and proposed a generic model of a citizen unmarked by social relations. A plethora of new sites for citizen participation were opened up, without the state intervening to guarantee social rights for everybody. (Mukhopadhyay, 2007) The power of the state to effect social redistribution was undermined by international neo-liberal economic policies from the mid 1970s onwards, when downsizing of the state occurred. Although the role of the state was rehabilitated in the 1990s, it was within the contours of a specific agenda. Thus, the present context is characterized by an emphasis on democracy and rights at the international level on the one hand, and consolidation of a market-led development model inimical to redistribution on the other.

While on the one hand, the State is not interested in redistributive agendas, on the other, it seeks to open up spaces for citizens' participation where none existed before. However this 'citizen partnership' needs to be critically examined. In this paradigm, policy making is no more seen as a political process, as a process of negotiation between diverse and often competing and contradictory

demands. It has come to be seen in terms of merely collating the obvious. As scholars have pointed out accounting practices and narrow cost-benefit definitions of efficiency assume more weight in the policy process than moral objectives of governance like human equality and democratic accountability (Brodie, 2005)

So while citizens' participation is sought, it is through comments on drafts of policies and bills put up on the website, or through essay competitions, tweets etc. Creating a sense of "false" equality and access, wherein ostensibly "all" citizens' opinions are similarly valued, the State finds ways of bypassing political actors and movements who have for long been representing interests of particular groups, ostensibly in the interest of reaching out to the generic 'citizen' who is unmarked by social relations of caste, class, gender, region etc. The State in this model, as has been argued by scholars like Alvarez, then co-opts these actors as 'experts' into the process of policy formulation and programme implementation. However this is done in a highly instrumental and selective manner. So instead of having broad-based consultations with the women's movement and organizations at large, at the regional as well as sub-regional level, certain individuals are 'chosen' to be part of drafting teams, which are themselves divided according to subject matters. The question of who then decides and drafts the wider perspective of the policy and its thrust areas remains unanswered. Scholars have also pointed to the uneasy partnership that exists between NGOs and the state in this phase, as they accept money from both selected state and global sources, even as they continue to oppose other parts of the state.

The content of the policy document as well the process of policy formulation certainly points to the agenda setting work of international agencies like the UNFPA and the ways in which the local governance structures are being infused with these agendas.

The State is no more eroded, but has been reinstated in the late 1990s within a specific agenda, the agenda of good governance. This agenda argues for transparency and accountability of the state to the citizen. However the citizen who is imagined to be at the core of this agenda is one unmarked by caste, class, gender and region etc. The State in this paradigm is also seen as devoid of politics and therefore policy making is no more seen as a site of negotiation and contestation. In this conception feminist NGOs are selectively co-opted as gender experts to give technical inputs for policy formulation and programme planning. This trend as scholars like Alvarez argue threatens to reduce feminist NGOs' cultural–political interventions in the public debate about gender equity and women's citizenship to largely technical ones. Through examining the process of the making of a new women's policy in the state of Maharashtra, we have seen how feminist NGOs are now often (selectively) consulted on gender policy matters on the assumption that they serve as 'intermediaries' to larger societal constituencies. While it is true that many NGOs continue to retain important linkages to such constituencies, other actors in the expansive field of women's movement, trade unions and non-funded mass based organizations for instance that are publicly critical of the State are denied direct access to gender policy debates and thereby effectively politically silenced.

Scholars studying the Indian Nation State, development and gender also point out that women who came to be seen as object of welfare/ as constituents in need of welfare from the Nation State in the 1970s, were in the 1990s, recast in the role of being poverty managers. The model of self help groups came here as a continuation of invoking women as contributing to development. This period is also largely marked by the entry of women as poverty managers in the development discourse (John 2006). This idea of women as poverty managers and therefore key in programmes of poverty reduction has become linked with the programmatic intervention in the form of self-help groups, which are seen to

promote women's empowerment. Thus, the entire paradigm of empowerment has been limited to the idea of access to credit and economist understandings. The way in which MAVIM was chosen to draft the 'women's' policy and the focus in the draft policy document on the formation and running of Self Help Groups certainly ties with this idea of women within the development paradigm, reducing the woman question in contemporary times merely to questions of credit and economic empowerment.

However, we saw the ways in which the Sampark Samiti resisted these processes and challenge this relationship of the state to society, to women as a constituency and to the movement. It has problematized this conception of women's citizenship by brining to the fore the political nature of policy formulation, trying to rescue it from the agenda of good governance, which has the right language but ultimately empties the process of all content. The process also however, points to the limitations of the insurgent citizenship, wherein the category 'women' is deployed by the movement in fairly uncomplicated ways, creating further hierarchies within the citizen-subject. The process of alternate policy formulation was taken up by the Sampark Samiti and an analysis of that document shows that the policy addresses an unmarked 'woman' as its subject, with Dalit women, OBC women, women with alternate sexualities clubbed together as 'other vulnerable' groups which need to be addressed specifically. Dalit feminists like Pardeshi have also critiqued the alternate policy-making efforts both in terms representation of dalit, adivasi, OBC women in the process of drafting, but also in terms of the ways their concerns are addressed by the alternate policy which continues to work with 'women' as a singular category, unmarked by caste, class, marital status, religion etc. The case points therefore to the series of elisions that marks the category of citizenship, even efforts by the movement to expand and make it more substantive.

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# NATIONALISM AND CITIZENSHIP RIGHTS OF MUSLIM WOMEN IN INDIA

**DR. RAZIA PATEL**

Muslim women in India are integral part of the largest minority community in India, and have been participating in all economic, social and cultural activities of this nation. Like all other women citizens, her citizenship rights include rights of living with dignity, economic prosperity, education and right to live with security. Muslim women being equal citizen of India are themselves aspiring for all rights at par with all other citizens and are looking forward for a better socio economic status for living with dignity. They are becoming more and more aware and organized to put forth their views and demands and their views need to be considered in deciding policies for them.

On this background, one need to introspect are we doing enough to fulfil these aspirations and after 65 years of independence are these citizenship rights available to her?

Since independence, status of Muslim community was a black box for many years the official recognition of educational backwardness of Muslim community was first indicated in Government documents in year 1986. The Census report for 2001, for the first time, indicated the literacy rate amongst Muslims as 59.1 % and amongst Muslim females as 50.1% against corresponding figures for Christians as 80.3% and 76.2 %, Hindus as 65.1% and 53.2%. Further, Justice sacchhar committee brought out in details various aspects of same and recommended many actions. Muslim women being integral part of the community were further marginalized within marginalized and her status on many aspects of social, economic and educational aspects.

Status of Muslim women as indicated in census 2001 and various surveys thereafter indicate social, economic, educational marginalization and lack of security as major concerns. Security has been a major issue for Muslim women. The riots and insecurity thereafter made entire community very conscious about their own protection. This has pushed the agenda of Muslim women's reforms back to the hands of Hindu-Muslim identity politics. While making a nationwide survey for Times project by the Author, many Muslim women asked "Jab samaj hi nahi rahega to sudhar ko lekar kya kare?" Politically she has dismal representation in Loksabha and state legislations.

On this background Citizenship rights of Muslim women need to be viewed upon in a holistic way. Instead, a very narrow approach is always taken since independence to confine her rights to Legal rights and discussion end up on personal laws only.

Since independence and also before that Muslim women issues have been narrowly limited to legal status due to identity politics around same by both Muslim and Hindu groups . Further, It is noteworthy that issues of Muslim women have been in centre of debate since independence, and apart from their own perspective, the debate has often assumed sensitive legal, social and political perspective from time to time.

During freedom struggle the freedom fighters fought with a broader nationalistic fervour , however , the British regime used Hindu Muslim divide for its imperial interests and strengthened the divide and rule policies creating breeding ground for hatred and identity politics by both groups . After independence the right wing Hindu groups raised issues of Uniform civil code as their tool for Muslim bashing and Muslim groups used same for

consolidating the identities. In this politics, the real issues of Muslim women were always neglected and used for political aims.

During last two decades, our democracy is increasingly driven by jingoistic nationalism concepts close to theocratic state and the Sangh Parivar is using every issue concerned with Muslims to their advantage. The nationalism model propagated by them is based on Hindu Rashtra and they claim that this is the main stream for India.

The real Nationalism evolved during the historical period on people level is of assimilation of various cultures, and there are many symbols like Kabir, Sufism, Bhakti mandolin etc which have created firm roots for same. This is called Saaza Sanskruti – culture of assimilation. Muslims have contributed greatly to the art, culture and economic life of this nation, and Muslim women too have contributed greatly. However, current model of nationalism does not allow these to be recognized and acknowledge their due citizenship rights

During a nationwide survey we asked a question to these women what do they want and the answer in their own words was "Shiksha, Suraksha, Rozgar aur Kanoon" meaning Education, security, employment and laws, and thus her citizenship rights are nothing but related with availability of all above and right of living with dignity, however, she has been far away from all these.

Mahatma Phule has said "Nation is not just a bunch of castes, religions and communities". He refers to nation as a community being developed, based on values of Freedom and equality".

On this background, all initiatives the current ruling party which claim to be for bringing about for betterment of Muslim communities since independence are questionable on motives. They seem to be not interested in addressing real issues of Muslim women concerning education, security and livelihood, instead want to limit the issue to laws. The Jan Sangh favoured Common civil code to oppose "special privileges to Muslim men" and not for rights of Muslim women. The current verdict of supreme court on banning triple talaq is having its objective as providing legitimate rights to Muslim women, and needs to be fully supported. However, the Ruling party has used this plank in election meetings at UP and Gujrat. The prime minister has used it for a speech from Red fort on 15th August with an objective of deriving political mileage and instead of using this as an opportunity to support human rights of Muslim women, is seen to be using it as a political tool. This is evident from the fact that The current government has gone ahead to bring a legislation to punish the husband with a 3 years jail in case of pronouncing triple talaq. The husband who goes to jail is clearly not able to provide any maintenance to the wife, nor there will be any reconciliatory scope which will surely break her marriage. There is widespread criticism of this in last month, but in spite of same the Ruling party is in no mood to send this to select committee and wants to push it as it is. This is probably due to the fact that it has seen an opportunity to use it as a Muslim men bashing tool. On the other hand some so called progressive Muslim women's organizations who are welcoming governments bill want the new laws based on religion only with codifications. This is going against the possibilities for providing full constitutional rights to Muslim women based on human rights and gender just laws.

The long term solution lies in going towards a gender just law based on universal human rights as enshrined in the constitution and not on religious basis. The state should go beyond petty political considerations and need to act with commitment in human rights based secular nationalism.

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# MUSLIM WOMEN CITIZENSHIP RIGHTS

**HASINA KHAN**

State views Muslim woman's rights not as a gender issue but part of a larger community and its relation to community identity. Their citizenship is viewed only in the context of religious minority rights which becomes part of a larger whole while disregarding gender issues. Their identity gets forgotten between religious and political crisis while equality and citizenship rights are compromised. The patriarchal structure of the society and the state does not allow an autonomous identity of women to exist and the construction of their dual identity remains questionable. The State thus prioritizes the community rather than the woman herself where the government in power takes advices and allies with regressive religious forces and women's voices are drowned, forcefully silenced and never allowed to come to the fore. This patriarchal lens of the state has lead to blatant disregard and ignorance of women where they are only seen in the context of their religious identity.

Muslim women and their citizenship rights need to be talked about and recognized in a distinctive space, whereby voices that have been invisibilised are made visible in our political discourse and the narratives of Muslim women to be made part of the mainstream. To protect the basic tenets of a liberal democracy the state needs to treat muslim women with the ideals of equality and equity. It is needless to say that Muslim women and minority rights have issues that are both identical and disparate but unfortunately problems pertaining to women are sidelined. Gender issues related to social security and equality has disappeared and can nowhere be seen in the debates. There has been several researches done about the Muslim community but personal law has somehow been the focus of all the discussions without giving due attention to other important issues. 2005 Sachhar committee report is a very important and strong report in itself which gave a clear picture of the Muslim community and the status of their socio economic, education and livelihood conditions. It also was a reflection as to how unwilling the government is to work for the betterment of Muslim community. This was a major failure on the part of the Congress government that the report was not further implemented, otherwise not just the Muslim community but it would've also touched upon the lives of Muslim women as well. Though even the report shows a superficial understanding of Muslim women and issues related to gender are given marginal space while there is no mention of discrimination under the personal law. Both socio economic and personal laws need to be looked at simultaneously rather than prioritizing one over the other. Women's social reform movement has made the same mistake repeatedly of not talking about both the issues that plague the Muslim community and change cannot be brought about until one is looked in isolation. There emerges a clear dichotomy between community versus the state, personal law versus secular law and if not seen beyond the strict binary the debate will further only saturate itself.

BJP's nationalist project in Assam in the form of National Register of Citizens (NRC) where people are being asked to proof their citizenship otherwise government views them as illegal immigrants. Activists have warned that this exercise has rendered many women stateless, without a home and people are being branded as foreigners and targeted and harassed all in the name of nationalism. There are Muslim women who have been born on this land and lived and contributed here all their life but are still being asked for proof. This majoritarian politics has been ruthless and brutal over the minorities of this country. To contextualize and ensure citizenship rights and promote egalitarianism in a liberal democracy there needs to be an institutional mechanism governed by legal

pluralism and not draconian laws which are forced upon people. Minority rights and their identity are compromised and citizenship is put in danger. Gender rights need to be protected too as they face different layers of discrimination.

The famous Shah Bano case (1986) which brought about lasting changes also raised question on citizenship. The intersection of multiple identities in the form of caste, class and gender has made them a symbol of collective identity further raises the questions of the role of the nation and citizenship of Muslim women while the debate surrounding them is fixated in either modernity or tradition. The cases where Muslim women have gone to the courts and demanded equal rights prescribed under the constitution, they are first required to produce a certificate of approval from their own community. Not just Muslim women but women from all minority groups struggle with this problem which reduces the sanctity of the constitution. It raises the question of where a woman should go and who she needs to approach when she's regarded as a second grade citizen by the state. This bargaining of her citizenship rights by the community and the state is a grave violation under a democracy.

After independence Muslim women have continued to be disadvantaged, politically and economically marginalized within the Indian society and muslim community whereas combined apathy and denial has been evident on both their ends. Status of Muslim women is thus central to their self determination. Women need to be talked about on the basis of their constitutional rights to assure them an equal footing. Segregation under personal law only marginalizes them further where personal laws should not override matters of secular rights and there is an urgent need to conceive gender just laws for this purpose. Reform from within the community is a farcical concept in itself and takes back the cause of gender equal rights. However for BJP's dream of UCC there needs to be an assurance of equal citizenship which is far from reality.

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# CITIZENSHIP, BAHUJAN WOMEN AND POLITICS OF IDENTITY

**DR. SAI THAKUR**

The question of OBC women is central to this paper. I engage with it at two levels. At the theoretical level I locate it within the framework of citizenship. I also look at the multiculturalism and gender intersection. At the empirical level I look at the inequalities associated with cultural identities for which I use segregated data on a number of different indicators in the domains of political rights and social rights.

This paper is divided into three parts. The first part discusses the theoretical framework around the concepts of citizenship, gender and culture. In the second part the framework of multiculturalism and cultural rights is invoked and some questions of lower caste cultures are investigated in its light. Third section is about the issues of inequality associated with the OBCs.

## I

Underlying the concept of Citizenship are notions of equality and integration. Every human being is entitled to certain basic rights irrespective of their sex, religion, caste, creed or race. However citizenship was not understood in this universal manner always. In ancient Rome, for instance, the status of citizen and associated rights and privileges were reserved for a selected group of people. Women had limited citizenship. The situation of the slaves was even worse. They lacked personhood and thus were not entitled to the rights and privileges of a citizen.

Marshall has identified three elements of citizenship - civil, political and social (Walby 1994). Civil rights are rights related to the most fundamental individual freedom. After French Revolution and American Independence the social ranks in which the American and French societies were divided and the privileges associated with certain social ranks dissolved. The first to be granted were the civil rights as early as the 18th century. Political rights are rights to participate in political decision making and/or right to elect people to decision making bodies. Civil rights were followed by political rights in the form of adult franchise which came to be recognised as associated with the concept of citizen in nineteenth century as many countries all over the world moved from monarchy towards democracy. Social rights are rights to economic welfare, live a civilised life according to the prevailing standards, share social heritage. These rights were recognised and realised in the twentieth century (Walby 1994: 380). Though the principles of liberty, equality and fraternity were considered to be the basis of universal rights that came to be associated with the status of citizen, in the beginning and upto the early twentieth century these rights were meant only for ‘white men’. Women and other ‘racial categories’ were outside of the purview of the citizenship and its concomitant rights. Women and many other ‘racial categories’ had to fight a separate battle in order to win these rights.

### Citizenship and nation

The concept of citizenship is intricately linked with the idea of nation. Partha Chatterjee has argued that nation has been imagined differently in different parts of the world. While in Europe the nation was imagined on the basis of a common language in India nation emerged on the basis of the anti-colonial struggle that people in this country fought.

India is a fragmented nation. Class, caste, religion and tribe are some of the basis of the fragments.

Citizenship in its European version is indifferent to cultural differences. However in the context of the third world countries in general and India in particular indifference cannot be justified. The fragmentation is on account of cultural differences existing among a myriad of cultural and social groups. In the second part of this paper I deal with the debates round the ideas of cultural differences and cultural rights. With these cultural differences are associated material and social, inequalities. In the third part of the paper we take a look at these inequalities.

II

**Multicultural citizenship and cultural rights**

The framework of multiculturalism recognises cultural rights. Its leading proponent Will Kymlicka argues that cultural rights are important because freedom cannot be exercised without them. It is the culture which provides the contexts from which one makes important choices of their lives (Kymlicka 1993).

Is multiculturalism bad for women? Susan Okin (1996) wrote in an article with this title that we cannot grant unconditional cultural rights. Those cultures which violate the norms of gender justice according to her have no right to exist. Interestingly this position resembles the position of Indian feminists who support Uniform Civil Code in place of the personal laws for each of the major religions.

**Cultural Rights - Is multiculturalism bad for women?**

**I**t would be useful to look at the ongoing debate over Khap Panchayats that has been happening over last two decades. Yogendra Yadav (2014) in a statement that generated much debate said that dispute resolution by caste communities through internal mechanism has a number of advantages. The resolution of disputes is fast and cheap unlike the courts of law where the delivery of justice has become a never ending and unaffordable process. The larger question related with this issue according to me is whether we can dump cultures summarily? The skewed gender relations characterising many Muslim communities is a case in point. What will be our politics? Would it be of a war against Islam or a particular caste, tribe or would it be a war against the specific discriminatory practices that are a part of that religion, caste or tribe?

Secondly, many lower caste communities have gender relations which are relatively egalitarian. For instance, widows were and still are allowed to remarry among many of these castes. Many communities have internal dispute resolution systems which do not necessarily discriminate against women and in fact at times give judgments that favour women. What would we do with such practices? Can we brand entire communities as anti-women when we know that social reality is mostly in shades of grey and not in either black or white?

II

**Bahujan women**

In India, before Independence some political rights were granted to a small minority - usually upper caste and upper class men. After independence civil and political rights were granted by constitution to all - including women and the lower castes. The civil rights in the form of fundamental rights are an important part of the Indian constitution. One person one vote dictum grants the political right to participate in the process of selecting political representatives.

Ambedkar in his final speech to the constituent assembly had cautioned us that through the constitution we may achieve political democracy - with one person one vote. But social democracy will not be achieved so easily. Without social democracy the political democracy will not have any meaning. The constitution thus made various provisions to grant social rights to its subjects. One such provision for the Other Backward Classes was made in the form of article 340.

Before we move on to the next section it should be noted that there is startling paucity of data on the OBCs. The absence of data is even more striking when it comes to OBC women. Much of the data I present in the following section therefore pertains to OBC men and women together. We do not have gender segregated data. OBC caste and communities are also patriarchal in many ways. As a result we find very less OBC women in politics, higher education, bureaucracy, media etc. From the data that I give below we will have to make a guess about how OBC women must be faring.

**Social rights granted by constitution**

Article 340 of the Indian constitution directed the President of India to appoint a commission to identify socially and educationally backward classes and recommend measures for their upliftment.

The government dilly dallyied in appointing such a commission. Ambedkar resigned from the cabinet in 1951. In a letter that he circulated among the members of parliament he identified the reasons behind this drastic decision. The dilution of proposed Hindu Code Bill was the primary and most important reason. But he also mentioned the lack of will and resulting delay in appointing a backward classes commission as an important reason behind his disappointment with the Congress government under the Prime Ministership of Nehru.

The first Backward Classes commission was appointed under the chairpersonship of a renowned Congressman and Gandhian Kaka Kalelkar in 1953 and it submitted its report in 1955. It identified 2399 castes and communities as backward. However in his covering letter the chairperson Kaka Kalelkar expressed his dissatisfaction with some of the recommendations and specifically with the use of caste as a criterion to identify backward communities. The report was shelved and the recommendations of the commission were never implemented.

After a gap of about two decades the second backward classes commission was appointed by the first non-Congress government famously known as the Janata government in 1979. The commission came to be known as Mandal Commission after its chairperson then Member of Parliament from Bihar Bindeshwari Prasad Mandal. The commission submitted its report in 1980.

But once again, the Congress had come to power and they shelved the report for another 10 years. It was in 1990 that Prime Minister Vishwanath Pratap Singh implemented some of the recommendations of the commission. This gave rise to immense furore mainly from the upper castes but also from Dalits and other marginalised sections of the society. In 2005 the reservations for OBCs were extended to Centrally funded institutes of higher learning which led to soaring of emotions once more. Much had changed since 1990s or had it really? Hitherto untouched spaces of higher learning such as IITs, Central Universities, AIIMS saw the upper caste upper class students, faculty coming out openly against the proposal. The Supreme Court in a landmark judgement upheld UPA government’s proposal to extend reservations for OBCs in the institutes of higher learning.

**OBCs and the social, economic and political inequalities**

The proportion of OBCs in the parliament for instance has never gone beyond 27 percent. In the last two terms it has hovered around 20 percent (Jaffrelot and Verniers 2015). According to a report published in *Times of India* the proportion of OBCs in Central Government ministries and departments is below 12 percent (TOI 2015). According to another report published in *The Hindu* in 2017 the proportion of OBCs in 25 ministries, 27 departments and 8 constitutional bodies was 14 percent, 15 percent, 17 percent and 18 percent respectively in Group A, B, C and D positions (The Hindu 2017). This is the situation 25 years after the recommendations of Mandal Commission were implemented in 1993.

**Table 2: Percentage of Women with Selected Socioeconomic, Health and Nurtritional Indicators by Caste/tribe (NFHS-2, 1998-99)**

| Indicator | Scheduled Caste | Scheduled Tribe | Other Backward Caste | Other | All |
|---|---|---|---|---|---|
| Low SLI | 50.2 | 53.9 | 32.3 | 20.3 | 32.8 |
| Illiterate | 72.8 | 78.9 | 60.8 | 43.8 | 57.9 |
| No media exposure | 48.2 | 61.8 | 40.6 | 30.9 | 40.1 |
| No health facility within locality | 42.4 | 58.1 | 40.3 | 31.2 | 38.7 |
| No ANC | 38.5 | 43.6 | 35.0 | 28.1 | 33.9 |
| Unsafe delivery | 63.0 | 77.0 | 55.0 | 51.0 | 57.2 |
| Low BMI | 42.6 | 46.6 | 36.2 | 30.8 | 36.1 |
| Any anaemia | 56.0 | 64.9 | 50.7 | 47.7 | 51.8 |

Let us take a look at the performance of women from four social groups (SC, ST, OBC and Other) in some select socio-economic, health and nutritional indicators (Roy, Kulkarni and Vaidehi 2004: 679). In all the eight indicators Scheduled Tribes fair the worst, followed by SCs, OBCs and Others in that order.

A similar trend can be seen in the following table based on NSS 62nd round unit level data where all the socio-religious groups are divided into four quartiles based on their monthly per capita expenditure. The highest proportion in the lower most quartile is that of Hindu STs, followed by Hindu SCs, Muslim SC and ST, Muslim OBCs, Muslim others and Hindu OBCs in that order (TISS 2009).

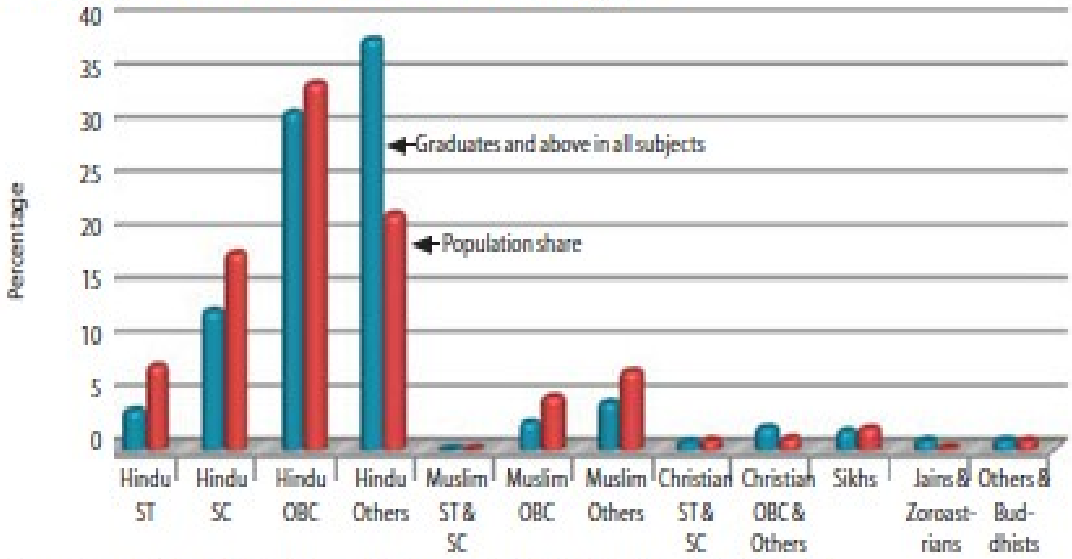
The popular perception of OBCs by the policy makers, government, bureaucracy, academicians is stereotypical in many ways. The term dominant caste coined by MN Srinivas is often used to identify the Other Backward Classes. They are often seen as oppressors and exploiters of Dalits and tribals. They are seen as rich, landed and politically dominant. A question that naturally comes to mind is what is the basis for such a portrayal of the OBCs? In fact there is hardly any research focusing on the OBCs. Studies on OBC women are still less.

**Table 4.1: Percentage distribution of socio religious groups based on monthly per capita expenditure**

| Socio Religious Groups | MPCE Groups (%) | | | | Total |
|---|---|---|---|---|---|
| | <40 | 40-60 | 60-80 | 80 + | |
| Hindu ST | 51.7 | 20.2 | 18.3 | 9.7 | 100 |
| Hindu SC | 44.9 | 20.6 | 20.6 | 14 | 100 |
| Hindu OBC | 34.3 | 22.5 | 23.1 | 20.1 | 100 |
| Hindu Others | 19.3 | 17.4 | 25.1 | 38.2 | 100 |
| Muslim ST & SC | 42.4 | 14.7 | 26.5 | 16.4 | 100 |
| Muslim OBC | 42.2 | 22.8 | 18.8 | 16.2 | 100 |
| Muslim Others | 38.7 | 22.1 | 21.4 | 17.7 | 100 |
| Christian ST & SC | 23.8 | 16.1 | 25.7 | 34.6 | 100 |
| Christian OBC & Others | 13.9 | 15.6 | 23.1 | 47.4 | 100 |
| Sikhs | 14.0 | 12.1 | 18.0 | 56.0 | 100 |
| Jains & Zoroastrians | 8.0 | 12.6 | 27.1 | 52.2 | 100 |
| Others & Buddhist | 41.3 | 19.9 | 22.3 | 16.5 | 100 |
| **All India** | **34.3** | **20.4** | **22.3** | **22.9** | **100** |

*Source:* Computed from NSS 62nd Round Unit level data

**Figure 1: Percentage Share of Socio-religious Groups in Population in 18-34 Age Group and Those Attending Institutions for Graduates and above in All Subjects**




Source: Computed from NSS 62nd Round Unit level data, TISS (2009), Goyal and Singh (2014: 60).

In this context the urgency of a caste census can not be exaggerated. The unwillingness of the Indian government to collect information about various caste communities smacks of a certain brahmanical elitist bias and superiority complex. For a section of population that constitutes more than 50 per cent of the population such lack of will amounts to criminal negligence.

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# ISSUES OF SONAR AND SHIMPI WOMEN IN MAHARASHTRA

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**Keywords**: Sonar, Shimpi, Education, Health, Marriage, Recreation, Occupation.

Though the Indian Constitution gives equal rights to all Indians, women remain secondary citizens.

Citizenship of women in India is framed within the social structures of caste and class.

**Research methodology:**

This is study of life of Sonar and Shimpi women in Maharashtra.

This paper is based on study conducted in year 2015-16 in Maharashtra.

Women of age from 18 to 60 years from Shimpi and sonar community were interviewed to understand their issues related to citizenship rights.

20 women from Dhule, Jalgaon, Malegaon, Nasik, Mumbai, Thane and Kalyan were interviewed.

As an insider it was easy to get an access and build rapport with these women.

Women from sonar and Shimpi caste experience marginalisation as all other women feel but they have certain unique issues.

In the 19th century the social reformers worked for stopping sati practice and also for widow remarriages. Actually these were the issues of upper caste women. However the issues of these women remain unnoticed.

Many families of sonar and Shimpi have now gained education and have good economic conditions and hence have achieved upper middle class status. But they are suppressed by the upper caste. Therefore for these women there is double marginalisation due to patriarchy and caste.

Their daily life experiences have shown many peculiar issues which do not allow them to enjoy the primary citizenship. The patriarchy has control over their sexuality inside as well as outside of home.

The areas studied are as follows:

Education, Health, Marriage, recreational means, occupation and their role models.

**I About education**

In majority, they drop out after $7^{th}$ standard as they have to take care of household work and look after younger siblings or due to poor financial condition of parents or fear of sending girl out of house specially after she attains puberty.

The money is saved for her marriage and hence not to be spent for her education. Girls are “paraya dhan” so why to invest on them?

Some of the girls are now reaching up to higher education. However this education is allowed by parents in order to equip her to become “good mother” or get “good husband”. It is also that if she has educational qualifications then in case of any financial crisis in the family, she can help the family by

doing some work. Education needed for women to fulfil her role as wife in household and to help her in her role as mother in forming child's consciousness.

The language used by men in the family is that they allow their girls or wives to continue their education. Thus girls are under their obligations.

**II About marriage**

Girls should get married so that it relieves the burden of their parents. Arranged marriages is common phenomenon. Inter Caste marriages are not allowed. In Fact girls are married at earlier age or not allowed to go out of house or attend higher education in order to avoid such situations .It is viewed as dishonour of the family. It is girl or women who is responsible to take care of "honor" of family in the society.

There are standard stereotype rules about how girl and women should behave, talk, express her feelings and also about her dressing styles and her responsibilities about taking care of household work ,rearing children, taking care of elders in the family, so on and so forth. Some of these girls shared that they were bitten up by their father and elder men in family for reason that they laugh loudly or they talk with boys or they reach home after 7 in the evening.

The married women must wear mangalsutra, put bindi and bangles, etc.

There are different rules for the daughters and daughter-in laws. This is because she will have more restrictions once she gets married and hence she is allowed some relaxations in these strict rules.

These girls and women are controlled by systems of marriage, family- patriarchy and caste.

**III About health**

Son preference still prevails. There is priority in giving nutritious food to boys first and the reason given are they need to become stronger and they are one who do are going to earn for the family and protect the family.

The care is taken of women when she is pregnant and this is in order to get healthy baby. Post delivery the reactions and treatment to her would depend on sex of baby. If it is son, she is given very good care. Majority of them go to hospitals for their delivery. The first delivery is the parents responsibility, both physical and financial. Some of these women have experienced that they are sent to their parents as they had only girl children. The parents however are not keen on accepting them back as it is strong belief that once married she is not allowed to come back to natal family and also there is an element of social status /honor of the natal family. It is expected that such women should compromise and stay with in laws only or else permit their husbands to remarry in order to get son or else manage her life with her daughters on her own.

Another important finding was that, it is always mentioned in the family that women in family must be physically fit as they have to take care of whole family.

Again her good health is concerned for the sake of keeping her active and able to look after the family.

Along with physical health the mental health is important. In the family it is the Karta I.e. elder male person who takes all major decisions and women are never involved. There is no open communication in homes. For recreation these women can not go to places of their choice as there are restraints on when, where and with whom they can go out. Many of them had mentioned that they visit temple

regularly or attend satsang regularly and for that there is no restriction from their family. The choice of bhakti Marg gives them freedom to go out from house .This is again allowed by men as it is assumed that these are the places where women learn how to be good wife, good mother, good daughter in law, etc. Men actually encourage them to attend such events and visit temples as this teach them to follow rituals and their customs. It is the duty of women to carry forward family traditions and rituals.

**IV About occupation**

Here again one observes the distribution of labour is on basis of sex. The occupations that these girls are allowed to take up are such as, teacher, anganwadi sevika, Ngo worker or work of making edibles such as papad or pickles.

**V Role models for these women**

These women follow customs and rituals of upper caste. In general, they feel that they should be behaving and coping these upper caste .Upper Caste women are their role models. Very few do not agree to the suppression by men and try to fight for their rights. These women who resist to follow stereotypes consider the women from movements as their ideals. They opt to join these women movements .But there again they remain just the workers and work under leadership of upper caste women. In the women movements the women from upper caste are leaders and are at top positions. Again the main issues handled by these organisations are those related to patriarchy but the problems of brahmanical patriarchy is never touched. Again the issues of these women are not recognised.

Articulation of gendered Citizenship rights depends on the issue “who represents who”.

It is observed that the care is taken by caste and patriarchy to not to allow these girls and women to become aware of their own rights and exercise their rights and live as a human being. Now some of these girls and women are resisting their oppression and trying to live an independent life as an individual as per own choice. Another thing mentioned by them is they wish to fight on their own strength and by obligations by men. They mentioned that there is no unity of these women and this weakens their fight.

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# भारतातील मानव संसाधन वंचितेची समस्या आणि मानवाधिकार : बहुजन समाजातील स्त्रिया

**डॉ. सुजाता चव्हाण**

भारतातील मानव संसाधन वंचिततेची समस्या सामाजिक सुरक्षितता, काम करण्याची संधी आणि चांगला वा सन्मानपूर्ण असे जीवनमान यांचा समावेश मानवाधिकाराच्या चौकटीत होतो. साधारणतः सरंजामशाहीच्या अस्तानंतर आणि भांडवलशाही व्यवस्थेच्या उदयानंतर मानवी अधिकाराची संकल्पना उदयास येऊन उत्तरोतर तिचे महत्व वाढत गेलेले दिसून येते. प्रत्येक मनुष्याला त्याचे मानवी अधिकार प्राप्त करण्यासाठी अवकाश प्राप्त झाला पाहिजे यावर साधारणतः सर्वस्तरीय एकमत असलेले प्रत्ययास येते. परंतु, याचा अर्थ असा नाही कि मानवी अधिकाराची संकल्पना सर्वमान्य झाली आहे म्हणून सर्व व्यक्तींना त्यांच्या मानवी अधिकाराची प्राप्ती होते. मानवी अधिकाराच्या संकल्पनेला केवळ तत्वतः मान्यता देऊन पुरेसे नाही तर व्यक्तीना त्यांचा मानवी अधिकार प्राप्त करता येईल अशी पूरक सामाजिक, राजकीय आणि आर्थिक परिस्थिती निर्माण करणेही तितकेच गरजेचे असते. अशा परिस्थितीच्या अभावात मानवी अधिकाराच्या संकल्पनेला व्यवहारात फारसा अर्थ उरत नाही.

मानवी अधिकाराची संकल्पना मूर्त रुपात अवतरण्यास सर्वात मोठा प्रतिरोध हा मानवी संसाधन वंचिततेचा असतो. ढोबळमानाने मानवी संसाधनांचा अर्थ मानवी विकासासाठी आवश्यक अशा बाबींची उपलब्धता असा होतो. यामध्ये नैसर्गिक गोष्टींबरोबरच शिक्षण, आरोग्य यासारख्या सामाजिक बाबींचा अंतर्भावही मानवी संसाधनाअंतर्गत होतो. परंतु, सामाजिक व्यवस्थांच्या विषमताधिष्टीत स्वरूपामुळे मानवी संसाधनांची सामाजिक वाटणी देखील स्वाभाविकपणेच विषम स्वरुपात झालेली असते. भारतीय संदर्भातदेखील या वास्तवाचा आपणास प्रत्यय येतो म्हणजेच येथेही मानवी संसाधनांची वाटणी आत्यंतिक विषम स्वरुपात झालेली आढळून येते. भारतीय समाज ही जातवर्गपितृसत्ताधिष्टीत असल्याने एतद्देषीय मानवी संसाधन वंचिततेची समस्या व्यवस्थात्मक पातळीवर वर्गजातपितृसत्तेशी संबंधित आहे. भारतीय समाज हा हजारो जाती-पोटजातींमध्ये विभागलेला आहे. डॉ. बाबासाहेब आंबेडकर यांच्या मते या जातींचे संघटन (structure) उतरंडीच्या तत्वाधारे करण्यात आले आहे. अधिकारांची वाटणी उतरत्या क्रमाने केली गेली आहे. त्यामुळे उतरंडीमध्ये सर्वोच्च स्थानी असणाऱ्या ब्राह्मणादी जातींकडे अधिकारांचे केंद्रीकरण तर जातीउतरंडीच्या तळाशी असणाऱ्या दलित (पूर्वाश्रमीच्या अस्पृश्य जाती) जातींना अधिकारवंचितता वाट्याला येते. जातीच्या अनुवांशिकतेच्या तत्वामुळे जात बदलणे व्यक्तींच्या हातात राहत नाही. परिणामी साधन वंचित जाती कायम स्वरूपी साधन वंचित पर्यायाने दारिद्र्यामध्ये राहतात. दलित वा कनिष्ठ जातीमध्ये एखादा कितीही गुणवान व्यक्ती जन्मला तरी त्याला जातीने लादलेले अडथळे लांघता येत नाहीत.

या व्यवस्थात्मक चौकटीत सर्वात जास्त शोषित, दुय्यम आणि साधनवंचित या स्त्रिया आहेत. जातीपितृसत्तेने त्यांना सर्व प्रकारचे हक्क तसेच प्रतिष्ठा नाकारलेली आहे. त्यांना चंचल, भावनिक, बुद्धिहीन अशा विशिष्ट प्रतिमांमध्ये बंदिस्त करून केवळ स्वयंपाकघर आणि माजघरामध्ये बंदिस्त केलेले आणि सार्वजनिक वावरावर मर्यादा टाकल्या गेल्या. अर्थात, भारतीय समाजाच्या उतरंडीय जातीसमाजामुळे येथील सर्व स्त्रिया देखील सारख्याच स्वरुपात शोषित आणि दुय्यम नाहीत. महात्मा जोतीराव फुले यांनी त्यांच्या "कुळंबिणीचा अखंड" यामध्ये वर्णीत केल्याप्रमाणे उच्च जातीय आणि कनिष्ठ जातीय स्त्रीच्या कष्ट आणि वंचिततेमध्ये कमालीचा फरक आहे. महात्मा जोतीराव फुले आणि सावित्रीबाई

फुले यांची तेरा वर्षीय विध्यार्थिनी मुक्ता साळवे हिने तिच्या "मांग महारांच्या दुखाविषयी" या निबंधात दलित स्त्रीयांना भोगाव्या लागणाऱ्या अनंत यातना वर्णन करून त्यांची परिस्थिती ही उच्च जातीय स्त्रीयांपेक्षा किती तीव्र बिकट आहे याचे जळजळीत वर्णन केलेले आहे.

एकोणिसाव्या शतकाच्या उत्तरार्धात उच्च जातीय सुधारकांनी समाज सुधारणेची चळवळ आरंभली. परंतु, त्याच्या चळवळीच्या कार्याचा परीघ केवळ स्वजातीपुरता राहिला. त्यांनी प्रामुख्याने स्वजातीय स्त्रीयांच्या प्रश्नांवर लक्ष केंद्रित केले. परिणामी त्यांच्या चळवळीला उच्च जातीय कौटुंबिक सुधारणा चळवळीचे स्वरूप प्राप्त झाले.

उच्च जातीय कुटुंब सुधारणा चळवळ, जातीविरोधी चळवळी, महात्मा गांधीमुळे स्त्रियांचा मर्यादित स्वरुपात का होईना वाढले सार्वजनिक वावर, कूर्म गतीने का होईना भांडवलशाहीची वाटचाल, भांडवली कायदा आदींचा संकलित परिणाम म्हणून हळूहळू स्त्रियांवरील बंधने सैल होण्यास सुरुवात झाली. परंतु, स्त्रियांच्या परिस्थितीच्या अनुषंगाने खऱ्या अर्थाने एकोणिशे सत्तरच्या दशकाच्या मध्यापासून चर्चेला मध्यवर्तीत्व प्राप्त होऊ लागले. श्रमशक्ती अहवाल, आंतरराष्ट्रीय महिला दशकाची घोषणा, स्वायत्त स्त्री संघटनांचा उदय अशा अनेक बाबी त्यास जबाबदार होत्या. मंडल आयोगाच्या अहवालामुळे मधल्या जातींच्या ( लोकप्रिय भाषेत बहुजन) आर्थिक, सामाजिक व शैक्षणिक परिस्थितीवर पहिल्यांदाच प्रकाश पाडला आणि त्यांची विदारक अवस्था समोर आली.

बहुजन समाजाचे दैनंदिन जीवन यावर सर्वप्रथम लिखाण केले गेले ते महात्मा फुले यांच्या खंडात. म.फुले स्त्री-पुरुष समानतेवर आधारित असलेल्या समाजाचे स्वप्न आपल्याला दाखवतात. बहुजन स्त्रिच्या जीवनाबद्दल म. फुले त्यांच्या 'कुळंबिण' ह्या खंडामध्ये वर्णन करतात. (म.फुले समग्र वाङ्मय पान नं. ४२० ते ४२२). भारतात १९७९ मध्ये जनता पार्टी सरकारने मंडल आयोग नेमला. ह्या आयोगाद्वारे भारतातील सामाजिक, आर्थिकदृष्ट्या मागासलेल्या वर्गाची माहिती घेऊन त्यांना रिझर्वेशन विषयी सूचना करण्याचे उद्दिष्ट्य होते. सामाजिक व आर्थिक स्थिती हे सर्वसाधारणपणे शिक्षण, व्यवसाय व उत्पन्न ह्यावरुन ठरविली जाते. तळागाळाच्या व्यक्ती गरिब, अशिक्षित व अनारोग्याने बाधित असतात.

मानव संसाधन म्हणजे परिसरात असणाऱ्या वस्तू/गोष्टी ज्या मानव वापरतो जसे की पाणी, अन्न, खनिजतेल, कपडे, माती, भाजीपाला, सूर्यप्रकाश, हवा, खनिजे, इत्यादी. ह्या गोष्टींचा वापर मानव जगण्यासाठी करत असतो. ह्या संसाधनाचे वाटप सर्व माणसांमध्ये समप्रमाणात होत नाही. भौगोलिक परिस्थितीप्रमाणे ह्या गोष्टी आपल्याला आढळतात व त्या प्रदेशातील लोकांना त्या मुबलक प्रमाणात मिळतात. ज्या गोष्टी मुबलक प्रमाणात उपलब्ध असतात त्यानुसार तेथील लोक उद्योगधंदा करतात व आपली उपजिविका चालवतात. ज्यांच्याकडे ह्या वस्तू जास्त ते श्रीमंत होतात. नैसर्गिक कारणांमुळे जरी अशी असमान विभागणी होत असली तरी प्रामुख्याने ही असमानता मानव निर्मितच असते.

मानवांमधील विषमता प्रामुख्याने तीन पातळींवर आढळून येते. १. आर्थिक विषमता २. जातीय विषमता ३. कुटुंबातील विषमता-लैंगिक विषमता.

बहुजन समाजातील स्त्रिया व त्यांच्या समस्या ह्याचा आता आपण विचार करुया.

बहुजन समाजात शिक्षित - अशिक्षित, कष्टकरी, नोकरदार, शेतकरी-शेतमजुर ह्या सर्वांचा समावेश होतो.

ती बहुजन-बहुसंख्य आहे म्हणून ती सर्वत्रच आहे पण असे असूनही तिला कुठेही स्वत:ची स्वतंत्र अशी ओळख नाहीए. तिच्या रोजच्या जीवनात ती सर्वसामान्य मानली जातेय. तिच्या कष्टांवर समाजाचा डोलारा उभा आहे पण तरीही ती परिघावरचेच जगणं जगतेय.

खरं तर स्त्रीवर्गच मूळी शोषित असतो पण त्यात बहुजन समाजाच्या स्त्रिचे वेगळेपण काय हे पहाण्याचा प्रयत्न येथे केलेला आहे व ती आजची गरजही आहे. समाजव्यवस्थेचा विचार करता असे दिसून येते की एकोणिस-विसाव्या शतकातील समाजसुधारकांनी चळवळीत विधवा विवाह, केशवपन, सती ह्यासारख्या प्रामुख्याने उच्चवर्णिय स्त्रियांशी संबंधीत कौटुंबिक प्रश्नांवर घाला घातला. स्त्रियांच्या प्रश्नांचा विचार करतांना व सुधारणांसाठी चळवळीत त्यांचा विचार होतांना मात्र बहुजन स्त्रियांचे प्रश्न वेगळे आहेत ह्याकडे दुर्लक्ष केले गेलेले दिसते.

बहुजन म्हणजे मधल्या जातीतील असे समजले जाते. जाती व्यवस्थेच्या उतरंडीमध्ये उच्चवर्णिय वरती तर दलित तळाला आणि बहुजन मध्ये अशी विभागणी होते. बहुजन समाजातील कुटुंबाची स्थिती ही त्यांच्या शैक्षणिक पातळीनुसार, उपजिविकेच्या साधनांनुसार वेगवेगळी असते. शिक्षणामुळे व आर्थिक परिस्थितीमुळे उच्च मध्यम वर्ग निर्माण झाला. पण तरीही ह्या वर्गाची मानसिक अवस्था मात्र जाती-वर्ण-वर्चस्वाच्या ओझ्याखाली दबलेली आहे. बहुजन स्त्री ही पुरुषप्रधानता व जातीव्यवस्था ह्या दोहोंखाली दबलेली आहे. जातीव्यवस्था व पुरुषप्रधानता ह्या एकाच नाण्याच्या दोन बाजू आहेत. "जातीव्यवस्था पुरुषप्रधानतेच्या पायावर उभी आहे तर पुरुषप्रधानतेला जातीव्यवस्थेचा भक्कम आधार आहे." (उमेश बगाडे - ब्राह्मणी पितृसत्तेच्या आकलनाचा पेच, पान नं. ३४ - परिवर्तनाचा वाटसरु, १६ ते ३० एप्रिल २०१६). ह्या दोन्ही व्यवस्थेमुळे बहुजन स्त्री ही एकाकी पडली आहे.

आज बहुजन स्त्री शिकतांना, घराबाहेर पडून नोकरी-उद्योगधंद्यात सहभागी होतांना दिसते. पण ह्यांना शिक्षण दिले जाते ते कशासाठी? तर मुलगी शिकली तर घर शिकेल. मुलांच्या शिक्षणासाठी, घर चालवायला ती जास्त लायक बनेल. किंवा प्रसंग आलाच तर कुटुंबाची आर्थिक जबाबदारी ती उचलू शकेल. म्हणजेच काय तर स्त्रियांनी शिकायचे ते त्यांच्या स्वत:च्या उन्नतीसाठी नाही तर कुटुंबासाठी. तसेच ती शिकली तर तिला चांगला नवरा मिळू शकेल,लग्नाच्या बाजारात तिची मागणी वाढेल. लग्नाचे वय पूर्वीपेक्षा अलिकडे वाढलेले दिसते. पण तरीही एखादे चांगले 'स्थळ' आले तर मुलीचे लग्न लावून दिले जाते. त्यावेळी तिच्या शिकण्याला वा नोकरीला प्राधान्य दिले जात नाही. कारण शेवटी शिक्षण-नोकरी हे लग्नाच्या बाजारात त्यांची पात्रता वाढवण्यासाठीच असते.

मानवी संसाधनाचे वाटप समन्यायी होते की नाही हे तपासण्यासाठी बहुजन स्त्रीचे प्रश्न व तिचे दैनंदिन वर्तमान व्यवहार तपासणे गरजेचे आहे. म्हणून त्याची चर्चा पुढिलप्रमाणे केली आहे.

बहुजन स्त्रिची आजची स्थिती पाहतांना तिचे कौटुंबिक जीवन, शैक्षणिक स्थिती, आरोग्य (म्हणजे शारिरीक - मानसिक - सामाजिक) ह्यांचा विचार करावा लागेल.

शिक्षणाच्या बाबतीत मुली शाळेत जातात पण सर्वसाधारणपणे सातवीनंतर त्यांचे शिक्षण थांबवले जाते. घरकामाची जबाबदारी, लहान भावंडांचा सांभाळ करणे व घरची गरिबी ही ह्या मागची प्रमुख कारणे आढळतात. पण त्याचसोबत मुलगी वयात आल्यावर तिला घराबाहेर जाऊ देणे हे घरच्यांना धोकादायक वाटते. घरात वा घराबाहेर दोन्हीकडे पुरुषसत्ता तिच्या चारित्र्यावर बंधने आणत असते.

मुलीच्या लग्नासाठी खर्च होणार म्हणून तिच्या शिक्षणावर खर्च करणे तिच्या घरच्यांना योग्य वाटत नाही. मुलगी लग्न

झाले की 'परक्याचे धन' होणार तेव्हा तिच्यावर का खर्च करावा? असा हिशोबी विचार घरचे करतांना आढळतात.

मुलगी घराबाहेर गेली तर बाहेरच्या जगाशी तिचा संपर्क होणार. ती प्रेमविवाह तोही दुसऱ्या जातीच्या मुलाशी करेल ह्याची शक्यता वाढते. आंतरजातीय विवाहाने कुटुंबाची बदनामी होणार ह्याची घरच्यांना भिती वाटत असते. वडिल व नवरा ह्या दोन्ही रुपांतील पुरुष ह्या पुरुषसत्तेची पाठराखण करत असतो. स्त्रिया ह्या जातीव्यवस्थेचे प्रवेशद्वार आहेत.बाईसाठी काही कडक नियमावली जातीत असते. स्त्री कितीही उन्नत झाली तरी पुरुषांपेक्षा कनिष्ठच रहाते. घराबाहेर पडतांना घरातल्या पुरुषांची परवानगी घेणे आवश्यक ठरते. तिने काय कपडे घालावेत हे पुरुष ठरवतो. लग्नानंतर स्त्रिने मंगळसूत्र - टिकली - बांगड्या घालायलाच हवे. स्त्रिच्या जीवनावर पुरुषांचे नियंत्रण असते. स्त्रिने आपल्या कमाईवर घर चालवले तरी घरात ती कर्ता बनू शकत नाही. स्त्रिया ह्या लग्नसंस्था, जातव्यवस्था आणि पुरुषसत्ता ह्यांच्या ताब्यात आहेत. स्त्रियांचे शिक्षण, रोजगार, आरोग्य हे नेहमी पुरुषसत्तेच्या पहाऱ्यात असते. घरात मोकळा संवाद नसतो. बाहेर पडण्याचे स्वातंत्र्य नाही, सांस्कृतिक कार्यक्रमांना गेली तर ती मजा मारते असा शिक्कामोर्तब होतो व त्यावरही बंधने पडतात. अश्या ह्या वातावरणात घरचे परवानगी देतील असा विरंगुळतेचा मार्ग म्हणजे भक्तीमार्ग. सर्वसाधारणपणे मंदिरात जायला, सत्संगाला जायला पुरुषवर्ग सहजतेने मान्यता देतांना दिसते. ह्यातूनच बहुजन स्त्रीवर्ग भक्ती कडे वळलेला दिसतो.

आपल्या जीवनात येणाऱ्या ताणावर उपाय म्हणून भक्तीमार्गाचा त्यांना उपयोग होत असतो. म्हणजेच आपण काय करावे, काय करु नये, कसे करावे हे सर्व ठरविणारा असतो तो घरातला पुरुषवर्ग. त्यांना चालू शकणार असाच मार्ग म्हणजे भक्तीमर्ग बहुतांश स्त्रिया स्वीकारतांना दिसून येते.

भक्तीमार्गात एकतर मन:शांती मिळते. जगण्याची कला, आपत्ती निवारणाचीही ग्वाही मिळते. पुरुषवर्गाच्या मते ह्या भक्तीमार्गात स्त्रियांना कुटुंबाच्या चौकटीत राहून आदर्श पत्नी, आदर्श माता, आदर्श सून कसे बनायचे ह्याचे धडे दिले जातात. स्त्री शक्तीचा उदो-उदो होतो. अशाठिकाणी जाऊन आपल्या स्त्रिया चार चांगल्या गोष्टी शिकतील व कुटुंबाला त्याची मदत होईल तसेच त्या कोणत्या वेगळ्या मार्गाला जाणार नाहीत अशी खात्री पुरुषवर्गाला वाटत असते. ह्यातूनच ह्या मार्गाने जाण्याची मोकळीक स्त्रियांना मिळते.

लग्नानंतर स्त्रिचे जीवन पूर्णत: बदलून जाते. जे काय शिकयचे - करायचे ते लग्नाआधी करून घ्यावे असे घरचे मुलींना सांगतात. खरेतर जन्मापासून मरेपर्यंत पुरुषसत्तेची ती शिकार असते. पण लग्नापूर्वी जरा मनासारखे वागून घेण्याची उदार परवानगी वडिल देतात. लग्नानंतर नोकरी करायची तर घर सांभाळून करवी लागते. पारंपारिक लिंग आधारित श्रमविभागणी घरात पाळली जाते. घरी यायला उशीर झाला तर तिच्या चारित्र्यावर संशय घेतला जातो. नवरा हा बायकोला त्याची 'मालकीची वस्तू' समजतो. तिच्या शरिरावर व मनावर पुरुषाची सत्ता असते. नोकरीच्या जागी तर तिची स्थिती सहज सोपा पक्ष असी असते. हिंसाचाराला पदोपदी सामोरी जात ही स्त्री जगत असते.

नोकरी व उद्योगधंदा क्षेत्रात स्त्रिया आहेत. पण त्याही अंगणवाडी सेविका, शिक्षिका, आरोग्यसेविका, घरगुती पापड-लोणची बनवणारी, स्वयंसेवी संस्थेत काम करणारी संघटिका ह्यासारखे व्यवसाय त्या निवडतांना दिसून येतात. किंबहुना समाजाची तशी अपेक्षा असते. आणि हे सर्व स्त्रियांना आम्ही करु देतोय असे उपकार पुरुषवर्गाकडून केले गेलेत अशी भावना समाजात असते.

एकूण काय तर बहुजन स्त्रिया ह्या न थकता कायम घुमतच रहातात.

बहुजन स्त्री धर्मवादी उच्चवर्णीय स्त्रिला आपले Role Model(आदर्श स्त्री) मानते. म्हणजे पतीव्रता असणे, व्रतवैकल्ये करणे, प्रथा-परंपरांचे पालन करणे हे तिचे कर्तव्य मानते.

काही स्त्रिया मात्र बंड करुन उठतात, त्यांना हे अयोग्य, अन्यायकारक वाटत असते. अशा स्त्रिया स्त्रीवादी चळवळीतील स्त्रियांना आपले Role Model (आदर्श) मानतात. स्त्रीवादी चळवळीत मात्र आपल्याला उच्चवर्णीय स्त्रियांची संख्या प्रामुख्याने दिसून येते. बहुजन स्त्रिया खूपच कमी असतात. स्त्रीवादी चळवळीत नेतृत्त्व व निर्णय घेण्याचे अधिकार हे उच्चवर्णीय स्त्रिया घेतात. बहुजन स्त्री सर्वसाधारण कार्यकर्ती म्हणून कार्य करते. ह्या सर्वांचा परिणाम काय होतो तर ह्या चळवळीत हुंडा, अत्याचार ह्या विषयांवर चर्चा होतात. पुरुषप्रधानतेवर हल्ला घातला जातो, त्याविरुद्ध आवाज उठवला जातो. पण जातीव्यवस्थेच्या विरोधात मात्र कोणती भुमिका घेतली जात नाही. ब्राह्मण-वर्चस्ववादावर म्हणजेच जाती-वर्ण-वर्चस्ववादाच्या विरोधात मूग गिळून गप्प बसणे पसंत केले जाते. आणि सरतेशेवटी बहुजन स्त्री व तिची स्थिती, तिच्या समस्या ह्यांना वाचा फुटत नाही.

मला माझाच आधार आहे हे स्त्रिच्या सक्षमीकरणावरच्या वाटेवरचे पहिले पाऊल असते. बहुजन समाजातील स्त्री ह्या पहिया पावलांवरच अडखळत आहे. बहुजन स्त्री साठी पुरुषप्रधानता व जातीव्यवस्था ह्या विकासातील प्रमुख अडचणी आहेत. ह्यांना आपल्या अधिकारांची जाणिव निर्माण होणार नाही ह्याची काळजी पुरुषसत्ता व जातीव्यवस्था घेतांना दिसते.

आजची बहुजन स्त्री ह्याला विरोध करुन पुरुषांच्या बरोबरीचे स्थान मिळवण्याचे प्रयत्न करतांना दिसतेय. तिला स्वत:च्या बळावर समानतेच्या न्यायावर आधारित समाजात उभे रहायचे आहे. ती स्वत: एक स्वतंत्र व्यक्ती आहे. व्यक्ती असण्याचा मानवाधिकार तिच्याकडे आहे. पुरुषांच्या उपकाराने तिला पुढे जायचे नाहिए. स्वत:च्या मानवाधिकाराच्या बळावर आपले जीवन जगायचे आहे. आपल्या सोबत आपल्या समाजातील समस्त स्त्रीवर्गाला घेऊन एकजूटीने ह्या अन्यायाविरुद्ध लढा द्यायचा आहे.

संदर्भ**:**

- टीप : सदर लेखन हे महाराष्ट्रातील सोनार व शिंपी समाजातील स्त्रीवर्गाच्या अभ्यासानंतरच्या निकषांवर आधारित आहे. (अभ्यास काळ : २०१५-२०१६).

**डॉ. सुजाता चव्हाण,** सहाय्यक प्राध्यापक, टाटा सामाजिक विज्ञान संस्था, मुंबई.

# औरंगाबाद शहरातील झोपडपट्टीतील दलित महिलांचे नागरी हक्क

प्रा. अश्विनी मोरे

**प्रस्तावना :**

भारतीय राज्यघटनेने सर्वांना नागरिकत्वाचे मुलभूत अधिकार प्रदान केलेले आहेत. त्यानुसार जीवन जगण्याचा हक्क आणि त्यासाठी काम करण्याचा व मिळविण्याच्या हक्काचा यात अंतर्भाव होतो. भारताच्या सामाजिक इतिहासात पहिल्यादांच सर्वांना विनाभेदभाव अशा पध्दतीचे हक्क प्राप्त झाले. परंतु दुसऱ्या बाजूला सत्तास्थानी उच्चजातवर्गीय पितृसत्ताक शक्ती असल्याकारणाने कनिष्ठ जाती आणि दलित स्त्री पुरुषांना नागरिकत्वाचे समान अधिकार मिळू शकले नाहीत. स्वातंत्र्यपुर्व भारतात विशेषत: ब्रिटिशपुर्व भारतात जात पितृसत्तेचे नियम लागू होते. या नियमानुसार ब्राहमणेत्तर जातींना विविध प्रकारच्या निर्बंधामुळे सामाजिक अधिकारापासून वंचित राहावे लागले होते तर ब्राहमण व सामंती जातींनाच सामाजिक व राजकीय अधिकारासोबतच नागरिकत्वाचे अधिकार प्राप्त होते. इतर जातींची नागरिक म्हणून गणनाही होत नव्हती.

ब्रिटिश साम्राज्याच्या स्थापनेपर्यंत अशाच प्रकारचे चित्र होते. ब्रिटिशांनी ब्राहमणी धार्मिक कायद्याच्या जागी भांडवली कायदे लागू केले. ब्राहमणांना न दुखवण्याच्या धोरणांमुळे ब्रिटिशांनी येथील सामाजिक व्यवस्थेंत हस्तक्षेप करण्याचे टाळले. तसेच ज्या सुधारणा राबविल्या त्यातही ब्राहमणादी उच्च जातीचे हितसंबंध जोपासण्यावर भर दिला. असे असले तरी ब्रिटिशांनी राबविलेल्या भाडवंली धोरणामुळे पहिल्यादांच कनिष्ठ व दलित जातीयांसाठी रोजगाराच्या नविन संधी उपलब्ध झाल्या. तसेच औपचारिक पातळीवर का असेना पण किमान शिक्षणाचा अवकाश उपलब्ध तरी झाला. यातूनच महात्मा फुले तयार झाले आणि त्यांनी जातीव्यवस्था विरोधी चळवळीचा प्रारंभ केला. शाहु महाराजांनी त्यांच्या संस्थानामध्ये फुल्यांचे शिक्षणाचे आणि सुधारणेचे तत्व व्यवहारात उतरविले. अनेक सुधारणाविषयक कायदे राबविले. शाहु महाराजांनी कोल्हापूर संस्थानात दलितांना नागरिकत्वाचे अधिकार बहाल केले. गंगाराम कांबळे या महार जातीच्या व्यक्तीला सार्वजनिक ठिकाणी चहाचे हॉटेल काढून दिले. शाहु महाराज रोज सकाळी तेथे चहा पिण्यासाठी जात.

डॉ. बाबासाहेब आंबेडकरांनी हक्कांच्या संघर्षाला स्वाभिमानाचे परिणाम जोडून हा लढा अधिक तीव्र व व्यापक केला आणि त्यांनी राज्यघटनेमध्ये एक व्यक्ती एक मत एक मुल्य हे तत्व अंतर्भुत करून स्वतंत्र भारतामध्ये सर्व व्यक्तींना नागरिकत्वाच्या एकाच पातळीवर आणले. परंतु वर उल्लेख केल्याप्रमाणे घटनात्मक पातळीवर नागरिकत्वाचे अधिकार सर्वांना सारख्याच पध्दतीने बहाल केले असले तरी प्रत्यक्षात त्याचे वितरण मात्र समप्रमाणात होवू शकले नाही. परंपरांगत प्रभुत्वशाली वर्गजाती याच स्वतंत्र भारतातील सर्व प्रकारच्या सत्ताकेंद्रामध्ये प्रबळ राहिल्यामुळे स्वजातवर्ग अनुकूल अशीच धोरणे त्यांनी राबविली. परिणामत: भारतीय समाजव्यवस्थेच्या खालच्या स्तरात मोडणाऱ्या समाजघटकाला नागरिकत्वाचे अधिकार मिळविण्यासाठी विविध पातळयांवर संघर्ष करावा लागतो आहे. दलित स्त्रिया या सामाजिक व्यवस्थेच्या रचनेमध्ये सर्वाधिक शोषित व दुय्यमस्थानी असल्यामुळे त्या नागरिकत्वाच्या अधिकारापासून सर्वाधिक वंचित आहेत. त्यांच्या नागरी हक्कांकरिता त्या वेगवेगळ्या पातळयांवर संघर्ष करत आहेत.

विकासाचे प्रारुप व स्थलांतर **:** भारत हा शेतीप्रधान देश आहे. आजही 54 टक्के जनता उपजिविकेसाठी शेतीवरच अवलंबुन आहे. कार्यकारी लोकसंख्येपैकी जवळपास इतकीच लोकसंख्या शेतीतून रोजगार प्राप्त करते. असे असतानाही

स्वातंत्र्य मिळाल्यानंतर भारत सरकारने उद्योगाला केंद्रीय महत्व देणारे विकासाचे प्रारूप स्विकारले त्यामुळे गुंतवणुकीचा ओघ साहजिकपणे औदयोगिक क्षेत्राकडे वळविण्यात आला. परंतु ही गुंतवणूकसुध्दा विशिष्ट प्रदेशांमध्ये केंद्रित करण्यात आल्याने विकासात प्रादेशिक असमतोल वाढत गेला. परिणामी मागास भागातून लोक औदयोगिक केंद्राकडे रोजगाराकरिता स्थलांतर करु लागले. रोजगारासोबतच जातीचे जोखड झुगारुन देण्यासाठी विशेषत: दलित समूहातील जातीच्या लोकांनी खेडी सोडून शहराकडे स्थलांतर केले. शेतीतील अनिश्चित उत्पनामुळे शेतमजूर, अल्पभुधारक शेतकरी कुटूंबांचे स्थलांतर दिवसेदिवस वाढत गेले.

औदयोगिकीकरणाचे जे प्रारुप स्विकारले होते त्यामुळे शहराकडे मोठया प्रमाणात लोकसंख्येचे स्थलांतर होवून शहरीकरण, आधुनिकीकरण झाले असे भासत असले तरी सरंजामी संरचना आणि जातीच्या चौकटीला उध्वस्त होवू शकली नाही. समाजातील कनिष्ठ जाती जमाती या विकास प्रक्रीयेच्या परिघाबाहेरच राहिल्या नि भारतीय समाज आधुनिकतेच्या मुल्यांचा अभाव असणारा कृत्रिम आधुनिक समाज बनला. या औद्योगिक प्रक्रीयेतून कुशल-अकुशल मजुरांचा वर्ग तयार झाला. कारखाणे आणि उदयोगात काम करणारा कामगार हा कुशल व संघटीत तर पायाभूत सुविधा, बांधकाम या क्षेत्रात काम करणारा मजूर हा असंघटीत राहिला.

असंघटीत क्षेत्रात काम करणाऱ्या वर्गात बहुतांश मागासजातीतील लोकांचा भरणा आहे. अनिश्चित उत्पन्नामुळे गरिबी आणि दारिद्रयातून बाहेर येण्यासाठी या असंघटीत क्षेत्रात काम करणाऱ्या मजूरांच्या कुटुंबातील स्त्रीया या संघटीत वा सेवा क्षेत्रात कार्यरत वर्गाच्या घरी मोलकरीण म्हणून काम करत आहेत. या झोपडपट्टीत राहणाऱ्या मजूरांना नागरिकत्वाचे हक्क मिळविण्यासठी झगडावे लागते. जातीय समाजरचनेत त्यांना नागरिकत्वहीन जीवन जगावे लागते. नवीन समाजरचनेतही त्यांच्या वाटयाला नागरिकत्वाच्या अधिकारासाठी संघर्ष आलेला आहे. जेथे दलित जातीतील पुरुषांनाच नागरिकत्वाचे हक्क मिळत नाहीत तिथे त्यांच्या स्त्रियांना नागरिक म्हणून सहज मान्यता मिळणे हे दुरापास्तच आहे. निवारा, पाणी, वीज, शिक्षण यासारख्या आवश्यक सुविधा मिळविण्यासाठी त्यांना संघर्ष करावा लागतो. पाण्याचा, रस्त्यांचा प्रश्न असेल वा महानगरांच्या विकासासाठी झोपडपट्टया अनधिकृत ठरवून वस्त्या हटविण्याचा मुद्दा असेल यासर्व प्रश्नांवर लढण्यात स्त्रियाच आघाडीवर असतात.

## दलित स्त्रिया आणि नागरिकत्वाचे प्रश्न:

औदयोगिक केंद्रे असलेल्या शहरातील झोपडपट्टयांमधून प्रामुख्याने दलित वा मागास जातीतील लोक वास्तव्य करतात. यामध्ये झोपडपट्टया ज्या ठिकाणी वसलेल्या असतात ती जागा पालिकेची किंवा शासकीय जमीन असल्याने या वस्त्या अनधिकृत ठरतात. तेंव्हा पहिला संघर्ष हा वस्ती वा झोपडपट्टी अधिकृत करण्यापासून सुरु होतो. त्यानंतर रस्ते, वीज, पाणी, स्वच्छतागृह, गटारे, कचऱ्याचे व्यवस्थापन या मुलभत प्रश्नांचा सामना करावा लागतो. या नागरी सुविधा वा नागरिक म्हणून मिळावयाच्या हक्क अधिकारांसाठी  संघर्ष करणे त्यांना क्रमप्राप्त ठरते.

भारतीय राज्यघटना जरी सर्वांना समान न्याय, समान हक्क बहाल करित असली तरी अजूनही कायद्याची प्रभावी अंमलबजावणी होताना दिसत नाही. न्याय करताना जात ही सवर्णांसाठी उपकारक तर दलित आणि स्त्रियांकरिता अडचणीची ठरत आहे. दलितांमधील स्त्रियांना हीन वागणूक व उच्चा जातीतील स्त्रियांना चांगली वागणूक असा दूजाभाव स्पष्ट जाणवतो. आजही जात आणि लिंगभेद या आधारावर स्त्रीचे शोषण सुरुच आहे. दलित वा कनिष्ठ समजल्या जाणाऱ्या स्त्रीयांकडे अत्यंत हीनपणे बघितले जाते. तिला स्त्री, जात आणि पितृसत्ता अशा तिहेरी

विषमतेला तोंड द्यावे लागते. दलित पुरुषांचे नागरिकत्वाचे प्रश्न वेगळे आहेतच पण ब्राहमण वा सरंजामी स्त्रीयांच्या नागरिकत्वाच्या प्रश्नांपेक्षाही दलित स्त्रियांच्या प्रश्नांची तीव्रता जास्त आहे. यामध्ये व्यक्ती म्हणून असावयाचा समान दर्जा, आरोग्य आणि सुरक्षितता हे गंभीर प्रश्न आहेत.

स्वातंत्र्यानंतरच्या काळात शिक्षण आणि रोजगाराच्या संधी उपलब्ध झाल्यातरी सर्वांनाच नौकरी मिळेल हे शक्य नाही. जो वर्ग शिक्षणापासून दूर राहिला, शेतीशी निगडीत कामात राहिला त्या वर्गाचे जातीय रचनेमुळे शोषण सुरुच होते. त्याला विकासाची संधी मिळत नाही शिवाय जातीवादी व्यवस्थेकडून होणारे शोषण थांबत नसल्याने नव्या रोजगाराच्या संधी शोधण्याशिवाय पर्याय नव्हता. असा दलितांचा वर्ग औद्योगिकीकरण झालेल्या शहरात स्थिरावू लागला. आर्थिक आणि सामाजिक शोषणातून मुक्ती मिळविणे तसेच आपल्या कुटूंबाला चांगले जीवनमान, शिक्षण मिळेल हा आशावाद या स्थलांतरामागे होता. परंतु त्यांची परवड शहरात येवूनही कमी झालेली नाही. त्यांना आपल्या नागरी हक्कासांठी आजही लढावे लागत आहे. अशास्थितीत दलितांमधील स्त्रियांना त्यांचे नागरी हक्क व अधिकार उपभोगण्यास वाव आहे का याचा अभ्यास करणे क्रमप्राप्त आहे. याच हेतूने मराठवाडयातील महत्वाचे शहर व औद्योगिकीकरण झालेल्या औरंगाबाद शहरातील झोपडपट्टीत राहणाऱ्या दलित स्त्रियांच्या नागरी हक्काचा अभ्यास प्रस्तूत शोध निबंधात करण्यात आला आहे.

**भारतीय समाजरचना :**

भारतामध्ये जात, धर्म, वर्ग, लिंग, भाषा, संस्कृती, प्रदेश यानुसार विविधता आणि लोकांची विभागणी झालेली आहे. याचेही आपण उदात्तीकरण करतो आणि भारतात विविधतेतून एकता आहे असे म्हणतो. पण प्रत्यक्षात भारतीय समाजव्यवस्था ही वर्णाश्रम धर्मावर आधारीत असून जगाच्या पाठीवर कोठेही न आढळणाऱ्या माणसा-माणसात भेदाभेद करणाऱ्या जातीय रचनेवर आधारलेली आहे. “ही समाजरचना चार मजले असलेल्या इमारतीसारखी आहे, मात्र एका मजल्यावरुन दुसऱ्या मजल्यावर जाण्यास जिणाच नाही असे या व्यवस्थेचे वर्णन डॉ. आंबेडकरांनी केलेले आहे.” हे चार मजले म्हणजे उतरंडीसारखी रचना होय, या जातीय उतरंडीत सर्वात वर ब्राह्मण, त्याच्या खाली क्षत्रिय, त्याच्या खाली वैश्य आणि शेवटी क्षुद्र आहे. या वर्ण व्यवस्थेच्याही खाली वा बाहेर असणारा अवर्ण म्हणजे अस्पृश्य हा समुदाय आहे. आज्ा या अस्पृश्यांना दलित म्हणून संबोधले जाते. अशी ही भेदाभेद करणारी, एकास श्रेष्ठ तर दुसऱ्यास हीन समजणारी अत्यंत रानटी नि अमानवी समाजरचना हेच खरे वास्तव आहे. सर्वात वाईट बाब म्हणजे या समाजरचनेच्या तळाशी स्त्रीचे स्थान आहे. तेंव्हा या समाजरचनेत पुर्वी अस्पृश समजल्या जाणाऱ्या व आता दलित म्हणून पाहिल्या जाणाऱ्या वर्गातील स्त्रीचा दर्जा तो कोणता?

या जातवर्गपितृसत्ताक व्यवस्थेमध्ये स्त्रीयांना कोणतेही हक्क किंवा अधिकार नव्हते, ते जाणीवपूर्वक नाकारण्यात आले होते. यासाठी जाचक नियम असणारे मनुस्मृती सारखे कायदे करण्यात आले होते. तसेच या कायद्याचे धर्माच्या नावावर उदात्तीकरण करण्यात आले होते. वर्णानुसार वेगवेगळया जातीसाठी कायद्यातील तरतूदी वा शिक्षा वेगवेगळ्या होत्या. कायद्यासमोर असमानता असलेला हा जगावेगळा कायदा भारतात हजारो वर्ष साम, दाम, दंड, भेद नितीचा अवलंब करुन क्रूरपणे राबविण्यात आला. स्त्रीयांना व खालच्या जातींना गुलाम बनवून ठेवण्यासाठी यास धर्माचे अधिष्ठान लावण्यात आले. धर्माचे अधिष्ठान असल्याने समाज हे जातीचे नियम काटेकोरपणे पाळत होता व आजही याचा प्रत्यय येतो. डॉ. आंबेडकर म्हणतात, स्त्रिया हया जातीव्यव्ास्थ्ाोचे प्रवेशद्वार आहेत. त्यामुळे जात बंदिस्त ठेवण्यासाठी रूढी व परंपराच्या आधारावर स्त्रीयांचा बळी दिला गेला. सतीप्रथा, केशवपन, बाल-जरठविवाह यासारख्या अघोरी प्रथांचे गौरवीकरण केले गेले.

## सुधारणा कालखंड :

१९ व्या शतकातील स्त्री सुधारणा चळवळीकडे जर आपण बघितले तर आभिजन वर्गातील स्त्रियांच्याच प्रश्नांकडे लक्ष दिल्याचे समोर येते. भारतातील जातवास्तव बघताना हे लक्ष्यात येते की, जाचक रूढी आणि परंपराच्या आधारावर एकीकडे दलित स्त्री जात बंदिस्त ठेवल्या गेली तर दुसरीकडे अभिजन स्त्रीसुधारणा चळवळीमध्ये विशिष्ट स्त्रीयांना स्त्रीसुलभ शिक्षण देऊन समाजातील पितृसत्ता बळकट करण्याचा प्रयत्न केला गेला. स्त्री म्हणूनचे तिचे जे नागरिकत्वाचे अधिकार आहेत, याचा येथे विचार होताना दिसत नाही. मात्र ती एक आदर्श गृहिणी कशी होऊ शकेल याचा तिला दिल्या गेलेल्या स्त्री - शिक्षणातून विचार केला गेला. म्हणजेच काय तर तिचा संबंध हा त्या राज्याशी किंवा राष्ट्राशी नाही हे गृहीतच धरले गेले.

स्त्रीयां विषयक सुधारणेचा कालखंड म्हणून 1 जानेवारी 1848 ते 26 जानेवारी 1950 या काळाचा निर्देश करावा लागेल. महात्मा फुलेंनी स्त्री शिक्षणाची चळवळ सुरु केल्यापासून ते संविधानात त्यांना हक्क अधिकार निश्चित होईपर्यंतचा हा काळ आहे.

## भारतीय राज्यघटना आणि स्त्रिया :

स्वंतत्र भारतामध्ये प्रत्येक व्यक्तीला जन्मतः सर्व हक्क अधिकार आणि मुख्य म्हणजे नागरिकत्व हे बहाल केले गेले आहे. मात्र भारतीय समाजातील जातवास्तामुळे दलित समुहाचे नागरिक म्हणूनचे जे प्रश्न आहेत यांचे जे मुलभूत अधिकार व त्यांचे नागरी हक्क आहेत व त्यासाठी त्यांना विविध पातळींवर जो संघर्ष करावा लागतो यासर्व प्रश्नाची मांडणी करण्याचा प्रयत्न ह्या निबंधामध्ये केला आहे.

## नागरिकत्वाचे अधिकार :

एखाद्या समूहाचे सदस्य असल्यामुळे व्यक्तीला 'नागरिकत्व' वा नागरिकत्वाचे अधिकार बहाल करण्यात येतो. टी. एच. मार्शल यांनी नागरिकत्वाची व्याख्या पुढीलप्रमाणे केली आहे. "citizenship is a status bestowed on those who are full members of a community. All who possess status are equal with respect to the right and duties with which the status is endowed."

नागरिकत्व महणजे, "एखाद्या लोकशाही देशात व्यक्तिंना राजकीयदृष्टया सदस्यत्व देणे, त्यांना एक ओळख देणे, त्यांच्या मुल्यांची रचना करणे वा मुल्यनिर्धारण करणे होय, राजकीय प्रक्रीयेत सहभाग नोंदविणे तसेच देशाचे वा राज्याचे कायदे यांचे ज्ञान मिळविणे आणि त्याचा उपयोग करणे होय ."

नागरीहक्कामध्ये तीन प्रकारचे अधिकार भारतीय राज्यघटनेने बहाल केले आहेत.

- सामान्य नागरिकत्व: कायद्यासमोर सर्व समान असून प्रत्येकास अभिव्यक्ती वा भाषण तसेच व्यक्ती म्हणून आपल्या हक्क अधिकाराचे संरक्षणाचा अधिकार.
- राजकीय नागरिकत्व : राजकीय प्रक्रियेत वा सत्तेत सहभागी होण्याचा अधिकार.
- सामाजिक नागरिकत्व : आर्थिक हित आणि त्याची सुरक्षितता तसेच वडीलोपार्जीत मिळकतीचा उपभोग घेत कल्याणकारी राज्या निर्माण करण्याचा अधिकार. अशा रितीने नागरी हक्कामध्ये सामाजिक, राजकीय आणि आर्थिक अधिकारांचा समावेश होतो.

"भारतीय राज्यघटनेच्या कलम 14 अन्वये कायद्यासमोर सर्वांना समान अधिकार व समान संधीची हमी प्रदान केली आहे. तर कलम 15 (अ) नुसार स्त्रियांची अप्रतिष्ठा होईल असे कृत्य होऊ न देण्याची हमी दिली आहे." मुलभत हक्का बरोबरच मार्गदर्शक तत्वांमध्येही स्त्रीविषयक तरतूदी आहेत. "राज्यघटनेच्या कलम 39 (अ) नुसार नागरिकांना (स्त्री-पुरुष) उपजिविकेचे साधन उपलब्ध करुन देण्याचे, कलम 39 (क) नुसार स्त्री-पुरुषांना समान काम समान वेतन अदा करण्याचे मार्गदर्शक तत्व घटनेने घालून दिले आहे."

## दलितांचे स्थलांतर :

डॉ. आंबेकरांच्या सामाजिक, राजकीय व धार्मिक चळवळीने क्षुद्रातीशुद्र समजल्या गेलेल्या जातींना नवी उर्जा दिली. भारतीय राज्यघटनेच्या माध्यमातून मिळालेल्या हक्क अधिकारांच्या आधारे शैक्षणिक प्रगतीचा मार्ग धरला. शिक्षण आणि नौकरीतील आरक्षणाने मिळालेल्या संधीचा उपयोग करत आपली सामाजिक आणि सर्वांगिण प्रगती साधण्यास सुरुवात केली. सुरुवातीला स्त्रीयांच्या शिक्षणाचे प्रमाण कमी होते मात्र हळूहळू त्यात वाढ होवू लागली.

हिंदू धर्मातील जातीव्यवस्थेच्या जोखडातून मुक्त होण्यासाठी 1956 साली धर्मांतर करुन आंबेडकरांनी बौद्ध धम्माचा स्विकार केला. डॉ. आंबेडकरांसोबत लाखो अनुयायांनी बौद्ध धम्माचा स्विकार केला तरीही जातीयता कमी होत नव्हती. अस्पृश्यांची संख्या कमी असलेल्या खेडयामध्ये अस्पृश्यांवरील अन्याय अत्याचार कमी होत नव्हते. ग्रामीण भागातील टोकाची जातीयता काही केल्या कमी होत नाही म्हणून अस्पृश्यतेच्या दाहक चटक्यातून मुक्ती मिळविण्यासाठी दलितांनी शहराचा रस्ता धरला. महाराष्ट्रातील अनेक खेडयातून दलितांचा समूह रोजगाराच्या शोधात किंवा शिक्षण घेऊन आत्मनिर्भर होण्याच्या उद्देशाने प्रेरित होऊन नागरी भागाकडे मोठया प्रमाणावर स्थलांतरीत झाला.

## दलित स्त्रिया आणि नागरी हक्क :

ग्रामीण भागातून शहरांमध्ये स्थलांतरीत झालेल्यांच्या निवासाचा प्रश्न निर्माण झाला. चांगल्या वसाहतीमधील घरभाडे किंवा घर खरेदी करण्यासारखी स्थिती नसल्याने मिळेल त्या जागेवर पाल ठोकून, झोपडया उभारून वास्तव्य करावे लागले. परिणामी अनधिकृत वस्त्यांचे प्रमाण वाढले. तसेच हा समूह कुशल कारागीर नसल्याने असंघटीत क्षेत्रात मिळेल ते काम करुन आपली उपजिविका भागवू लागला. शहरी भागातील राहणीमानाचा खर्च पेलण्यासाठी दलित महिलांनाही रोजगार शोधण्याशिवाय पर्याय नसल्याने मध्यमवर्गीय व उच्चभ्रू वसाहतींमध्ये धुणी-भांडी, सफाई कामगार, म्हणून काम करावे लागते. याशिवाय कचरा वेचणे यासारखी कामेही करावी लागतात.

स्वतंत्र भारतामध्ये प्रत्येक व्यक्तीला जन्मत: सर्व हक्क व अधिकार आणि नागरिकत्व बहाल केलेले आहे. मात्र भारतीय समाजातील जात वास्तवामुळे दलित स्त्रीला नागरिक म्हणून जे नागरिकत्वाचे हक्क आहेत ते मिळविण्यासाठी जो संघर्ष करावा लागतो त्याप्रश्नांची मांडणी करण्याचा प्रयत्न या शोधनिबंधात केला आहे. या संशोधनात औरंगाबाद शहरातील जयभिमनगर आणि गुलाबवाडी या दोन वस्त्यांमधील दलित स्त्रियांच्या नागरी हक्कांच्या प्रश्नाचा अभ्यास करण्यात आला आहे.

## जयभिमनगर व गुलाबवाडी : दलित स्त्रियांच्या नागरीकत्वाचे प्रश्न

जयभिमनगर व गुलाबवाडी या दोन वस्ती औरंगाबाद शहराच्या मध्यवर्ती ठिकाणी असून साधारणत: पाच ते सात हजार लोकवस्ती आहे. यामध्ये बौध्द, ख्रिश्चन, मुस्लिम, मातंग लोक राहतात. याठिकाणी राहणाऱ्या स्त्रिया या अल्पशिक्षित

किंवा निरक्षर आहेत. साफसफाई, मजूरी, धुणीभांडी, काचपत्रा वेचणे यासारख्या असंघटीत क्षेत्रात या स्त्रिया काम करतात.

1970 च्या दशकात महाराष्ट्रात सामाजिक चळवळीचे वातावरण होते. औरंगाबाद हे शैक्षणिक चळवळीचे केंद्र असल्याने शिक्षित दलितांची अस्मिता चळवळीच्या रुपाने विकसित होत होती. दुसरीकडे स्थलांतरीत जनसमूह हा आपल्या हक्कांसांठी विविध भागांमध्ये संघर्ष करत होता. औरंगाबाद शहरात एकूण 53 वस्त्या अनाधिकृत असून त्यातील जयभिमनगर ही पहिली दलित वस्ती 1978 पुर्वी वसलेली आहे. तरीही आज इतक्या वर्षानंतरही या वस्तीमध्ये मानवाच्या मुलभूत गरजा पुर्ण करणाऱ्या सुविधा येथे दिसत नाहीत. या वस्तीत रस्ते, गटार, कचराकुंडया तसेच पिण्याच्या पाण्याची सोय महानगरपालिकेने अजूनही उपलबध करुन दिलेली नाही. वस्तीच्या परिसरात घाण पाणी आणि अस्वच्छता आहे. या वस्तीत  मुख्यत: औरंगाबाद व जालना परिसरातून रोजगारासाठी स्थलांतर झालेले लोक राहतात.

ही पाहणी करत असताना असे लक्षात आले की, महानगरपालिका हाकेच्या अंतरावर असूनही तिथे नळ देण्यात आलेले नाहीत. पिण्याच्या पाण्यासाठी महिलांना पायपीट करावी लागते शिवाय तासनतास रांगेत उभे राहावे लागते. घरातील बाहेरील कामे करुन हंडाभर पाण्यासाठी रात्र-रात्र जागावे लागते, कधीकधी भांडणही करावे लागते अशी माहिती सुमनबाई या महिलेने दिली. घरातील पुरुष पाणी भरण्यासाठी कोणतीही मदत करत नाहीत कारण त्यांना दिवसभर कामाला जावे लागते.

शौचालयाच्या सुविधेसंदर्भात महिलांशी विचारणा केली असता महिलांनी तीव्रस्वरुपाची नाराजी व्यक्त केली. शहरे आणि ग्रामीण भागातून शौचालय उभारण्यासाठी सरकार व महानगरपालिका मोठया प्रमाणावर जाहिरात करत आहे, अभियान राबवत आहे, पण प्रत्यक्षात आमच्या शौचालय सुविधा पुरविण्याच्या मागणीकडे महानगरपालिका दुर्लक्षा करत असून त्यामागे आमचे दलित असणे हेच एकमेव कारण असल्याचे सर्व महिला सांगत होत्या.

पाणी आणि शौचालया सारख्या मुलभूत गरजे करिता करावा लागणारा संघर्ष हा दलित स्त्रियांच्या प्रश्नांची दाहकता अधोरेखीत करतो. त्यांना किती पातळयावर संघर्ष करावा लागत असेल याची व्याप्ती यातून कळते. या प्रश्नांखेरीज निवासाचा प्रश्नही तितकाच गंभीर असल्याचे शांताबाई या महिलेने सांगितले. शांताबाई जाधव या सुमारे 50 वर्ष वयाच्या असून त्या काचपत्रा वेचण्याचे काम करतात. मुळ परभणीची असलेली ही महिला पतीसह मिळेल तो रोजगार करत असे व त्यासाठी विविध शहरात स्थलांतर करत असे. नाशिक येथे असताना तिला एक मुलगी झाली. पतीचा कामावर असताना अपघाती मृत्यु झाला. त्यानंतर शांताबाई मामेबहीणीच्या आधाराने गुलाबनगर या वस्तीत राहायला आली.

शांताबाई उदरनिर्वाहासाठी काच पत्रा वेचण्याचे काम करु लागली. ती एकटीच असल्याने तीला भाडयाने घर देण्यासाठीही कोणी तयार होत नव्हते तिच्याकडे संशयाच्या नजरेने बघीतले जाई. रात्री नऊनंतर घराबाहेर न जाण्याची ताकीद देवून एकाने घर दिले. एकेदिवशी काचपत्रा वेचून घरी आल्यावर दुसऱ्या वस्तीतील एका महिलेने तिच्यावर सोन्याचे गंठण चोरल्याचा आरोप केला. पोलिसांनीही तिच्या घराची झडती घेतली. तिची बाजू समजुन न घेता तिला चोर ठरवून महिला पोलिसांनीही तिला मारहाण केली. यानंतर घरमालकाने तिला घराबाहेर हाकलून दिले. अशा प्रकारे या महिलेच्या चारित्र्यावर, प्रामाणिकपणावर शंका उपस्थित करण्यात आली.

आपल्या नागरी हक्कासांठी संघर्ष करण्यास सज्ज असलेली दलित महिला घरातील पुरुषी अत्याचाराची बळी ठरते. तिथे तिला घरातील पुरुषांचा मार, अपमान सहन करत जगावे लागत आहे. आपल्या मुला बाळांच्या भविष्य व घराकरिता हे सहन करत असल्याचे महिला सांगतात.

यावरुन दलित महिलांना मुलभूत हक्क, अधिकार, संरक्षण व आरोग्यासारख्या विविध प्रश्नांवर सरकारी यंत्रणा, जातीसमूह, जातीव्यवस्था व पितृसत्ता यांच्याशी आपले नागरिकत्वाचे अधिकार प्राप्तकरण्यासाठी संघर्ष करावा लागतो.

**निष्कर्ष :**

1. दलित समुहाचे ग्रामीण भागातून नागरी भागाकडे विशेषता औद्योगिक भागातील केंद्रांकडे स्थलांतर झाले.
2. भारतीय सत्ता राजकारणामधील असंतुलित विकास धोरणांचा व औद्योगिक प्रारूपाला दिलेल्या अवाजवी महत्वामुळे स्थलांतरीत समूहाचे व एकूणच दलित आदिवासी व्यक्तींच्या जीवनावर परिणाम पडलेले दिसतात.
3. दलित स्त्रियांचे शोषण ह्या समाजामध्ये तिहेरी पद्धतीने होताना दिसते. एक तर ती स्त्री आहे म्हणून, दुसरे म्हणजे तिची जात जी आहे त्यावरून, आणि तिसरे म्हणजे ह्या समाजातील पितृसत्ताक समाजव्यवस्था जे कायम स्त्रियाना दुय्यम मानतात, म्हणजे दलीत स्त्रीच्या आयुष्यातील सर्व बाबींना ह्या तीन भेदांना पार करत ती तिचे रोजचे आयुष्य जगत असतानाचे आपल्याला दिसते.
4. दलित महिला एकाच वेळी घरगुती अत्याचार, जातीचे प्रश्न, रोजगाराचे प्रश्न आणि गरीबी, शासकीय असुविधा या व अशा अनेक आघाडयावर आपल्या नागरिकत्वाच्या हक्कासाठी संघर्ष करत असल्याचे दिसते.

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# CITIZENSHIP RIGHTS OF DALIT WOMEN FROM AURANGABAD SLUMS

**PROF. ASHWINI MORE**

Indian constitution gives equal rights to all Indians, but on the other side, upper class patriarchal system denies these rights to lower caste and Dalit persons.

During British period even though they did not interfere in social structures, they for the first time created new opportunities for Dalit and low caste persons. New educational avenues were opened. Mahatma Phule, Shahu Maharaj worked for education and occupation. Dr.Ambedkar took forward this movement for right of citizenship.

With industrialisation, many migrated to cities for job. There is no reliable income from agricultural work and so many Dalits are migrating with their families to city places.

They work mainly in unorganised sector and women work as domestic servants. They do not get water, electricity, education. They settle near city place on land belonging to government or municipality, which is an encroachment and hence are illegal occupants.

Dalit women are oppressed at three levels, as women, as caste and by patriarchy. Their health and security are at risk.

In 19 th century,Dalit women were bounded by rituals From 1-1 1848 to 26-1.1950 was period for women emancipation.It was started with Jyotiba Phule till formation of Indian Constitution.

Indian constitution provides an equal right to all Indians.T.T.Marchel defines citizenship as," citizenship is a status bestowed on those who are full members of a community, all who possess status are equal with respect to the right and duties with which the status is endowed."

The constitution gives citizenship rights of three types namely, civil, political and social rights.

Issues of Dalit women are Migration, shelter, poverty,

This is study conducted at Jaibhimnagar and Gulabwadi slums at Aurangabad.

It is located very close to Municipal Corporation but still there is no water connection in this locality. It is women's work to get water from far off places. Though the government advertises for toilet facilities, here there are no toilet facilities.

Due to lack of education, women work as rat picker's or domestic workers. Shantabai is a women who lost her husband so staying with her daughter at Gulabnagar. But people refuse to give her rental place as being single women. Her character is questioned. She was falsely accused of theft and even police had harassed her .

The Dalit women are victims of patriarchy.

*Footnote: This is not word to word translation, it is summary of the contents in English.*

# ISSUES AND CHALLENGES OF THE DOMESTIC WOMEN SWEEPER OF BALMIKI COMMUNITY IN HARYANA

**MR. AMIT KUMAR**

**Abstract**

*In India Historically, Scavenger women are placed in the lowermost by society in varna system. They are indulged in the caste and gender-based occupation of manual scavenging, domestic sweeping, and cleaning the public and private toilets. Within Dalits who are considered to be lowest in caste hierarchy, Scavengers (known as Valmiki, Balmiki, Chuhra, Bhangi, Mehtar in North India) are positioned at the bottom since they are involved in menial jobs. Specifically, this paper deals with the general issues and challenges of the domestic sweepers of the scavenger community women of Haryana. It throws the lights on the caste and gender-based discrimination and occupation of Scavenger women in which they are indulged, which is a bolt on our society. This article explores the possible functions performed by Scavenger women based on caste and gender-occupation. It also presents the scenario of the caste and gender-based occupation and their life experiences.*

***Keywords:*** *Scavenger women, Caste, Gender, Domestic Sweeper, Occupation*

## Introduction

Indian society is governed by the Varna system as described in Vedas. As per this system, there are four major castes placed one under the other. Brahmin's are placed at the highest position in this hierarchy (have been holding all temples for preaching to the poor and illiterate people), followed by Khsatryas (known as warrior and ruling the society), then Vaisayas (they are known as traders, businessperson and hold all agriculture lands) and Shudras (they are known as poor people or treated as servant). The Shudra, often known as Dalits, placed at the bottom of the hierarchy in the Hindu social order and are denied a dignified place in the Hindu religion. This caste system is extremely exploitative and discriminatory. The caste system thus followed shall determine the social position of the person, which will further determine their access to various resources.

Manual scavenging is the profession in which easily identified by the society to those people who belongs to the menial work or caste and sub-caste. However, scavenger community is one of the communities, which they are identified by their jobs and occupation. They are performed such as toilet cleaners (in the public or private spaces), road cleaners (in the municipalities), manual scavenging etc. A ‘Scavenger’ therefore, is a person those who work in the municipality as sweeper as known as ‘Safai karamchari’, those who work in the private home and do work of this kind also known as ‘Safai Kamgar’, however, there is still difference between ‘Safai karamchari’ and ‘Safai Kamgar’. ‘Safai Kamgar’ is addressed to the kamgar (worker) who is generally linked with an unorganized sector. ‘Safai karamchri’ is a Karamchari (employee) is also addressed to the government sector. All ‘karamchari’ and ‘Kamgar’ is a manual scavenger or not manual scavenger but all manual scavengers might be addressed by all the different names and depending upon where they are work.

Among the Dalits, Balmiki is one of the social and economically marginalized communities. Balmiki community is socially recognized as scavenging community in India. They are manually performing scavenging work worse than others perform; even they suffer of a low social-economic status; staying separately within the community (especially in the south area in any villages, urban or rural). The sweeping and cleaning work that is still done by these communities is extremely

stigmatized job. Historically, Balmiki women have always been seen differently from the others at the workplace, and also by the society through their occupation (manual scavenging, cleaning work in the private or government places etc.), caste (to known as different names like Bhangi, Lalbegi, Chuhra, Jamadar, Harijan, etc), gender (also known as Kaamwali, Safaiwali, Bhangin, Chuhari, Jamadarni). Even, employers do not call them by their real names. Their lies a height of the exclusion, untouchability and discrimination for these women and stigmatization also.

On the other hand, Balmiki women are more vulnerable as they are engaged in the inhuman practice of scavenging compare to man and the majority of the manual scavengers are women. Engagements with the sweeping of these women known as 'Dabbu-wali' (in Bengal), 'Balti-wali' (in Kanpur), 'Tina-wali' (in Bihar), 'Tokri-wali' (in Haryana & Punjab), 'Thottikar' (meaning 'dusbin', in Andhra Pradesh and Karnataka), 'Pakki' or 'Peeti' (means 'excrement', in Odisha), 'Vaatal' (ksshmir) as many names in the different localities (Singh, 2014). Their elders of the family are performing this work from generation to generation. However, in 1993, Government of India prohibited the employment of those people have been work as manual scavenging. In 2003, landmark new legislation in the form of "The Prohibition of Employment as Manual Scavengers" act was passed which reinforced prohibiting manual scavenging in all forms and rehabilitating manual scavengers, identified through a mandatory survey.

**Gender-based Discrimination:** . Manual scavenging is caste and gender based occupation and forced into in the practice of manual scavenging particularly scavenger women (Meena, 2013; Singh & Ziyauddin, 2009). To the break the traditional occupation of the society and merge into the each other, Dr B. R. Ambedkar advocates the inter-caste marriage as one the solutions to the problems (Ambedkar, 1936). He asserted that caste is not based on the division of labour, It is a division of labourers (ibid). The chief characteristic of caste is its graded inequality "Ascending reverence and descending contempt." Dr. Ambedkar in his work 'Caste in India' observes that the population of India is the combination of the Aryans, Dravidans and Mongolians (1916) he observes that the untouchables traditionally are at the bottom of the social and economic hierarchy, they were deprived of the all rights, they suffer the high degree of violence by an upper-caste community.

Based on the purity and pollution occupations have been divided on the caste. "The Politics of Untouchability" by Owen Lynch (1974), in his study of the Jatav lives, for their new identity and rise despite their poverty. The Jatav caste whose traditional occupation is leatherworking moves from handicraft to factory production, not abandoning their work, but rather expanding, their ancient way, and their ancient place in their society. In the Indian society status, identity, and respect are directly connected to the occupation and casteHowever, in the present time leatherworkers are belonged to the Chamar or Jatav community. They all are from to the Dalits upper-caste being as economically and politically strong within the Dalits. Even though they are not interested to purchase the land for their rest life where they are most of the other then Dalits are staying.

The Balmiki women in the society have performed manual scavenging most menial work and filthy occupation. There are various economic schemes has been announced to create employment opportunity, grant for welfare to the weaker section of the society by the government, notwithstanding they are not getting any schemes to improve their social status, main reason behind it they cannot fulfill the documentation formalities, not enough time because of the livelihood responses. Satish Saberwal (1976) has studied the development of social network due to education, occupation, and political mobility in the castes like Balmiki, Ad Dharmi and Ramgahia of Modelpur town in Punjab. Balmikis are still lives in the separate areas with poor

condition, being as domestic sweeper and caste-based bonded labour.

Even the Scheduled Caste and upper caste communities have systematically excluded Balmiki from the politics. They mostly considered in the society as alcoholic, gambler, sweeper, and manual scavenger etc. In his study “Caste and Political Mobilization of the Bhangi” Shyam Lal describe the political condition of the Bhangi and process of social and economic disabilities. The author concluded that besides other benefits they wanted two things from the Congress party first, Bhangis expected the congress to consider them as equal with other Scheduled Caste and second, in every election, the community pressed the party for nominating a number of Bhangis candidates (Lal, 1981). The Balmiki men easily can see and find that in the politics but the women are still engaged the traditional work of scavenging. This practice is discriminatory for the women of Balmiki, and the strategy to exclude them in the mainstream. Even by their own community of Balmiki.

**Caste-based Discrimination:** Usually, Dalits are known as different and derogatory names in our country. For instance, Harijan, Chuhra, Dedh (this is the local term means not complete) etc. These names are most disturbing words which are prohibited and using for the Dalits by the upper-caste Indian society. Because of these words, they suffer discrimination in the schools at every level, exclusion in the social spheres and just because of the gender. “Change among India’s Harijan” by the Sunanda Patwardhan is an attempt to understand and determine the nature of changes among the Harijan one particular region, Maharashtra. Her work is to light on the fact that the various groups Harijan show a differential degree of development and capacity to utilize the welfare scheme (Patwardhan, 1973). They have been migrated to cities and towns to changes in the occupation pattern but they have again attached with the same community occupation in the name of government jobs. However, Balmikis are still performing the traditional occupation in the name of their caste of Balmiki.

In short, the Balmiki community has experienced the problem related to gender exploitation, caste discrimination of their labour, and the exploitations and occupational discrimination is the sign of the untouchability. Being as sweeping work they are facing exclusion even in the temples. "The Untouchables of India" (2001) by Robert. The study looks both of the caste discrimination practice and untouchability in as crucial problems. The author demonstrates that Untouchables constitute an original category of social exclusion and addressing the problem and represent a vital contribution to studies of India (Deliege, 2001). Therefore, Balmiki women are placed in the most marginalized and stigmatized; they are surviving in the same condition in the Indian society.

As of now, there is no participation of Balmiki women in the politics in any local or National party because upper-castes, they think that can do only work of sweeping the roads or cleaning the toilets. These community women in the villages exploited, harassed at the place of work as being of women of lower-caste. It has also affected the identity of “Balmiki” women. The reports demonstrated that physical attacks happened on Dalit women during 2005; they denied accessing the public services and properties (Chakma, 2007). The journalist P. Sainath in his piece of work “Unmusical Chairs” has elaborated the conditions of the Dalits across India regarding the untouchability and ongoing struggles for the human dignity they have been facing. This essay on women in Rajesthan who carries human excreta on the head and instead of this (removing filth) that they bring bread from the upper-caste households. Hence, this work has been more dangerous for the health and lives of these particular women who have engaged in (Sainath, 2003). Balmiki women are facing these health issues from this generation to next generation.

**Caste and Gender-based Untouchability:** Parrvathamma has observed that constitutionally the ban of the practice of untouchability in its all forms is abolished but even today, it has remained only as a legal fiction. She also discovered a big gulf between the Scheduled Caste politician and the educated, on the one hand, and the common masses on the other, in Karnataka State most of the Scheduled Caste get Government jobs and are alienated from their own people. Economic betterment has brought about class-consciousness but has not removed the stigma of untouchability (Parvathamma, 1981). However, in the new form of untouchability Dalits has been facing in the common shops to enter in the name of the purchases to other things shopkeepers not properly treated same as others people.

In the context of untouchability, the untouchable are considered to be impure and polluting, and they have suffered from physical and social segregation and isolation. This isolation and segregation led to suppression of their freedom and restrictions on physical and social mobility, resulting in denial of equal access in various spheres of society, cultural, and economic. Gopal stated that the nature of work among caste; sexuality and labour were subordinate and stigmatized (Gopal, 2012). Rama Sharma in his study attempted to explore as to how the concept of the stigmatized identity relates to the Bhangis and their attempts to shed that identity; the manifestation of their identity in their struggles on politically, economically and socially fronts, and their marginality with the politicization process (Sharma, 1995). According to Janvikas, there are 1 to 1.3 million manual scavengers in India, they work as manhole employee, sanitation worker to sweep the road and streets, cleaning the public and private toilets also dumping ground and manual scavenging (Janvikas, 2013). The most women have been facing more problems than men and they become vulnerable to being women, being dalit and for being a manual scavenger (*Gough, 1960; Anderson, 2011; Rashtriya Garima Abhiyan, 2013*).

Dalits have always been excluded from the common places of the societies and faced untouhcability by the upper-caste people especially barber shop, not allowed in the gramsabha sitting, not access to the temple place of worship, discriminated in the educational institution and public health services etc. Vivek Kumar suggested that the position of Dalits as available in Hindu text is not based on impartially, because it doesn't take note of the structure of inequality, conflict and exploitation, and the secondly point is that the concept of class, relative deprivation, and poverty do not adequately help in the understanding the situation of Dalits because they economically poor, belonging to the upper-caste do not face exclusion whereas Dalits suffer a lot and they are treated as marginalize person (Kumar, 2005). And also stated that there is a need to change the new concept of ‘Human Distress Index’ to evaluate the nature of the social exclusion of Dalits (ibid).

They considered lower caste, and having low status and less or no prestige comparatively others castes groups people have high social status and most prestigious positions and work in the society, which is given on the based on caste purity and pollution (Jaffrelot, 2010). As it widely explain the Indian caste structure is divided based on purity and pollution, from higher to lower and Dalits are put lowest in caste hierarchy with lowest social representation which evident to stigmatization of these groups. Ravichandran has emphasized that recent incident where some people belonging to 'Bhangi' community indulge in carrying night soil, to protest against the Karnataka government expel them their traditional work. This article argues that the reason for this failure has been inability to imbue the 'Bhangi' with politicization, while only our ideological imaginations have tried to see this issue in terms of caste and class (Ravichandran, 2011). Dalits have been economically exploited in the name of their traditional work and as being of untouchables, especially Dalit women are still discriminated and facing violence by higher caste people into the every sphere of her life (Thorat, 2002). Traditionally, upper caste people do not want to sit nearby

Dalit because they are belongs to menial caste. Discrimination starts from schools and Anganwadi where upper-caste children refused to take a meal which is made by Dalit women (Majid, 2012).

Scavenger community women have been discriminated by landowner of the village. On the other hand, scavenger women have faced problems in every moment of her life, whether it is social life, culture life, economic life, or political life. Guru says that Dalit women need to address their 'literary and political marginalization' organizing themselves separately (Guru, 1995). Guru argued dalit women suffer two distinct patriarchal structures: (I) Braminical form of patriarchy that stigmatized women due to their caste identity of being untouchables and (II) patriarchy within dalit families (ibid). In survey in Maharashtra (Beck & Darokar, 2005) find that 88% of working women from dalits were engaged in manual scavenging. Safai Karamchari Andolan data show that 95 per cent of the manual scavengers are female belongs to Balmiki community. Study done by Shahid, 2015 in Badaun district of Utter Pradesh shows that all respondent hundred per cent of the study were women, who were engaged inhuman occupation of manual scavenging.

**Conclusion:** It is a fact that before after 70 years of Independence millions of peoples are engaged in the caste and gender-based occupation in the different work as manual scavenging, cleaning or sweeping are forced to do this menial work. So even caste can be considered as a social disease, which is not ever ending in the social forms but form will be changed to time-to-time in the social spheres. Mostly, issues related to the Balimki women in the private and public places, which they are engaged not easily end because of stigma attached with their occupation.

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# WHY WE DO NOT NEED A UNIFORM CIVIL CODE?

**ADV. AUDREY D'MELLO**

I would like to preface this presentation with an introduction to myself. I was raised as a Roman Catholic. I am married to a Muslim under the Muslim Personal Law, by opting for a model nikhanama where I could add my own conditions which secure my economic rights. I felt that this was far more advantages to me that the provisions of the Special Marriage Act. I am raising three children in this environment of mixed cultures and have not forced upon them any religious identity. But now in their teens they are grappling with their own identity, in a political climate where rigid religious identities are sharply drawn. This has taken precedent over other identities. Even young children in schools are not spared of this viciousness as a recent book by Nazia Erum has brought out.[1]

My perspective on personal laws and the challenges to enacting a uniform civil code is gained from my experience of working in Majlis for the last 10 years as a programme director. When a victim of domestic violence approaches us, it becomes our duty to evolve the best legal strategy for her as per her own individual needs and constraints. As a legal centre, we have been providing litigation help to a large number of community based organisations and have evolved effective strategies to secure the rights of victims of domestic violence.

During the course of this work, I have not experienced a single instant where a Muslim woman's legal options were any less than that of her Hindu or Christian counterpart. Relying upon several path breaking judgements, some of which I will discuss later, we have secured the rights of all Muslim women who approach us. The Muslim woman even has the right to a lump sum settlement upon divorce which women from other communities lack. Their right is confined only to maintenance and not a lump sum settlement.

Hence I find it extremely difficult to accept the myth which is popularized by the media, within a culture of Islamaphobia, that Muslim women have no rights. The demand for a Uniform Civil Code is based on this premise.

Here I must state emphatically, so that what I say is not misconstrued, that within the overarching patriarchy which surrounds us at every step, not only within our own families and communities but also in our courts and in our laws, all women occupy a subordinate position within marriage. But I do not think a uniform civil code will help to solve this problem. It is a fight that has to be fought gradually, case by case, one step at a time, which we have been doing in Majlis over the years, building the confidence of women as they walk the legal journey.

Being in tune with the situation of women and their rootedness within their own community, Majlis has been a strong proponent of legal pluralism and of the premise of 'reform from within'. The writings of Flavia Agnes, the founder of Majlis has given a sound theoretical base to ground our work.[2]

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1 A recently published book poignantly brings out the targeting of Muslims that takes place even in elite schools. See Erum, Nazia, Mothering a Muslim : The Dark Secret in our Schools and Playgrounds Delhi: Jaggernaut 2017

2 Agnes, Flavia "Legal Pluralism, Minority Identity and the Uniform Civil Code Debate" in Bhatia Manjeet, Deepali Bhanot and Nirmalya Samanta (ed.) Gender Concerns in South Asia Some Perspectives. New Delhi: Rawat Publications (2008)

**Constitutional Assembly Debates on UCC**

Before discussing the current dilemma, I would like to go back in history to the Constituent Assembly (CA) debates where the issue of a Uniform Civil Code was first discussed at great length.

The genesis of the demand for uniform family law is situated within the nationalist women's groups of the pre-Independence era, who raised this issue in the context of gender justice, within the larger political debates of the Indian National Congress. At this stage, the UCC was perceived to be an optional code which could gradually replace the various personal laws.

We find the most important political debate around the Uniform Civil Code in the Constituent Assembly Debates, where it was discussed for two years, from December, 1946 onwards. In the wake of the political turmoil surrounding the partition of the country and the bloodbath that followed, it became an extremely contentious issue. An insecure Muslim minority had to be reassured of their right to religious and cultural freedom.

The Fundamental Rights chapter had guaranteed religious and cultural freedom to every citizen of India under Articles 25, 26 and 29 (1) of the Constitution. The notion of a Uniform family code clashed with this fundamental right, not just of Muslims, but also other minorities such as Christians, Parsees, Jews, linguistic minorities and tribal communities. Each of them had the right to their separate religious and cultural identity, symbolised by the continuance of their personal laws or customary practices. This was a major stumbling block to enacting a UCC.

Some visualized the possibility of having uniform family code sometime in future. Other ruled out the possibility of having a UCC for all time to come as they felt that Personal laws are an integral part of religion and culture. The wording of Article 44 reflect this tension.

Though Dr. Ambedkar and Pundit Nehru were initially strong supporters of a Uniform Civil Code as the debate unfolded, they changed their view. Responding to the strong opposition raised by Muslim members Dr. Ambedkar urged them "not to read too much into Article 44". He assured them that even if the UCC was enacted, it would be applicable only to those who would consent to be governed by it. "Sovereignty in the exercise of power must reconcile itself to the sentiments of different communities. No government can exercise its power in such a manner as to provoke a community to rise in rebellion. I think it would be a mad government if it did so," Dr. Ambedkar commented (Haque 2017).

Prof Faizan Mustafa argues we cannot view the constitutional guarantees for the minorities as special privileges and concessions to them. They are essential for a democratic and pluralistic polity like ours. (Mustafa 2014)

This does not mean that the personal laws are static, they change with the times. They are reformed through legislative enactments, judicial pronouncements and also through changes in customs and traditions followed by a particular community. We see this change taking place all around us.

**Codification of Hindu Law**

The best example of reform through legislative enactment is the reform brought about through the enactments of the various statutes governing Hindu family relationships during the first decade after independence.

It is ironic that after adopting the Constitution in 1950 which prescribed equal protection of laws to all its citizens and prohibited discrimination on the basis of religion (Articles 14 and 15 of the

Constitution), the first laws which were enacted based on religious identity were the Hindu law reforms of the fifties. While the main plank upon which the agenda of law reform was mounted was to secure the rights of women, the codified Hindu Law continued to reflect patriarchal ideology and validated Brahminical religious rrituals.

Several pro-women customary practices were discarded for the sake of uniformity (Derrett 1999: 107).

Crucial provisions empowering women had to be constantly diluted to reach the level of minimum consensus. While projecting the reforms as pro-women, male privileges had to be protected. While introducing modernity, archaic Brahminical rituals had to be retained.[3] While claiming uniformity, diverse customary laws had to be validated. While usurping the power exercised by religious heads, the needs of emerging capitalism had to be secured. Only by adopting such maneuvering tactics could the state reach its goal of enacting the statutes. The Acts were neither Hindu in character nor based on modern principles of equality, but reflected the worst tendencies of both. Mensky, an expert on Hindu law, argues:

> In social reality, all that happened was that the official Indian law changed, while more and more of Hindu law went underground, populating the realm of the unofficial law. . . . The conceptual framework and ideologies underpinning multiple ways of life, and hence the entire customary social edifice of Hindu culture, remained largely immune to the powerful wonder drug of legal modernization which had been administered in measured doses before and after 1947 (Mensky 2003 : 24).

While enacting a code for Hindus, the attempt was not to abandon ancient scriptural law or established community customs but to assimilate them within a Code along with principles of English law and, while doing so, establish the law making authority of the newly independent nation, which was, until then, vested with the heads of various religious sects (Parashar 1992).

Despite this, the misconception that Hindus have forsaken their personal laws and have embraced a secular, egalitarian, and gender-just code, which must now be extended to minority communities to liberate 'their' women persists.[4]

**Constitutional Challenges to Discriminatory Personal Laws**

The tension between plurality of legal norms and the desire to impose unity gets foregrounded when we examine the constitutional challenges to the diverse personal laws

Initially the courts adopted a 'non-interference' approach when personal laws were challenged and held that personal laws are not amenable to the test of Part III of the Constitution and hence they cannot be tested against the grain of fundamental rights.[5]

In later years it tested the personal laws on the touchstone of fundamental rights and have attempted to reconcile them, by reading them down, or interpreting them so as to render them consistent with fundamental rights, or struck down the offending provisions as violative of fundamental rights. Following are some such instances.

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[3] Section 7 (2) of the Hindu Marriage Act specifically mentions saptapadi which is a Brahminical ritual as an essential ceremony of marriage, though this ritual is not followed by lower castes and other reformist sects.

[4] See the comments of judges in the *Sarla Mudgal* case (1995) 3 SCC 635. which dealt with the issue of Hindu bigamy but surprisingly the harsh comments in this judgements were aimed at Muslims in India.

[5] The Bombay High Court ruling in *Narasu Appa Mali* (AIR 1952 Bom 84) is a classic example of this where the court held that personal laws are not "Laws in force" as per Article 12 of the constitution.

In *Mary Roy* v. *State of Kerala* [6] which dealt with the inheritance rights of Christian women in Kerala, the court struck down the discriminatory practices which denied them equal rights of inheritance and brought them under the more egalitarian Indian Succession Act.

In *Ammini* v. *Union of India*,[7] the Full Bench of the Kerala High Court struck down the offending provisions Section 10 of the Indian Divorce Act, 1869 which held that the provision to combine desertion or cruelty with the ground of adultery is discrimination based on unreasonable classification.

*C. Masilamani Mudaliar* v. *Idol of Sri Swaminathaswami Thirukoil*[8],, dealt with the right of a Hindu woman to execute a will in respect of the property acquired or possessed by her, under section 14 of the *Hindu Succession Act*, 1956 was upheld.

The *Shamim Ara*[9] ruling invalidated arbitrary divorce and laid out clear guidelines as per Quranic injunctions for pronouncing talaq, This has now been affirmed by the Full Bench ruling in the Saira Bano case of 2017.

The Constitutional validity of the Muslim Women (Protection of Rights on Divorce) Act, 1986 new right to claim a lump sum amount as a divorce settlement has also been upheld in the Danial Latifi ruling in 2001.

**Customary basis of the Hindu Family Laws**

It is not clear how a UCC will treat the existing mandatory requirement of performance of holy "saptpadi" ceremony; Or amendments like those brought about by Tamil Nadu Amendment Act 1967 a presence of a priest is not necessary for the performance of a valid marriage, parties can enter into a marriage in the presence of relatives or friends and finally, marriage could be completed just by a simple ceremony requiring parties to garland each other or to put a ring on any finger of the other or to tie a thali. Questions will also arise as to how it will deal with issues like degrees of prohibited relationships, prohibition under sapinda (cousin marriage), etc. Special Marriage Act.[10]

It is also unknown how a UCC will treat the essential and mandatory Quranic requirements of Nikaah and Mehr for a valid marriage between two Muslim parties or how it will deal with the Quranic method of talaq for valid dissolution of marriage between two Muslim parties.

It will also be interesting to find out as to how a Uniform Civil Code will reconcile varying ceremonies, customs, practices and traditions in marriages from Punjab to Goa to Kerala to Tamil Nadu to North East, etc, which are otherwise considered valid in law.

How UCC will treat the Hindu undivided family or the tax benefits currently accorded to a Hindu Undivided Family; or, how it will reconcile with the regional differences between "Dayabhaga" and "Mitakshara" schools under Hindu succession in Undivided family, i.e. in terms of the differences in who deserves to inherit, or in terms of reconciling the differences in treatment of ownership rights of coparcenary property or in manifestation of intent in partition or in the right of wife to demand partition, etc.

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6 AIR 1986 SC 1011
7 AIR 1995 Ker 252 FB
8 (1996) 8 SCC 525
9 *Shamim Ara* v. *State of U.P.*, 2002 (7) SCC 518
10 For an elaborate discuission on this see Tahir Mahmood, "*Uniform Civil Code : Fictions and Facts*"

**The Way Forward - Towards Uniformity of Rights**

One way out appears to be an optional code. But here we must examine the Special Marriage Act, 1954. Many scholars endorse the view that a step by step approach towards uniformity of rights, would be an effective strategy to break away from the communally vitiated identity politics within which the controversy over the enactment of a UCC appears to be entrapped.

Sanjay Jain argues further that abolition of personal law of minorities or bringing it in line with so called reformed personal law of majority is not a positive move for enactment of a Uniform Civil code as it would reinforce the 'majoritarian construction' of personal laws of minorities and will be marked as a serious erosion of secular values, as it will obstruct the scope to bring into public domain the discriminatory character of the personal laws of the majority.

Advocating the premise of legal pluralism, Prof. M.P. Singh (2014), an expert on Constitutional Law argues that legal uniformity is a myth while legal pluralism is the reality. Or in other words, legal diversity is natural while legal uniformity is forced. Communities live by their group norms, which differ from region to region and from group to group. He comments that our Constitution fully recognises and accommodates the social and legal heterogeneity of the country.

Another option is to enact specific legislations which will apply to women uniformly across communities. The Protection of Women from Domestic Violence Act, 2005, is an example.

The Prohibition of Child Marriage Act, 2006, Provisions under S.125 Cr.PC, Medical Termination of Pregnancy Act, the Domestic Violence Act, etc. have helped to secure the maintenance rights of women across communities. In addition and the Muslim Women's Act, has helped to secure the rights of divorced Muslim women.

One major area of disgruntlement, as evidenced in *Narasu Appal Mali* (cited earlier), continues to the present, is the perceived 'appeasement' of Muslims by priviledging them with the option of bigamy / polygamy and the resulting disentitlement caused to Hindus through the imposition of monogamy. However, the courts have had to grapple with the issue of Hindu bigamy more than the Muslim bigamy. So enacting the Hindu personal law has not helped to curb Hindu bigamy. On other hand, it has rendered Hindu women trapped in these relationships more vulnerable (Agnes, 2016). There are several judgements which addressed this issue.

In 2005, in *Rameshchandra Daga* v. *Rameshwari Daga* [11] the Supreme Court, while trying to grapple with this problem and while awarding maintenance to a woman whose husband had challenged the validity of their marriage on the ground of previous subsisting marriage, conceded that despite codification and introduction of monogamy

In *Badshah* v. *Sou. Urmila Badshah Godse*[12], the court upheld the right of a Hindu woman who had been duped into a bigamous marriage and thwarted the attempt of her husband to subsequently deny her maintenance.

**'Personal Laws' is a unique and distinct feature of the Indian legal structure.**

With its rich and diverse cultural heritage, religious beliefs, and customary practices, India provides a vast, complex, and at times contradictory field of personal laws where the traditional coexists with the

[11] I (2005) DMC 1 SC
[12] 2014 (1) SCC 188

modern and the scriptural intermingles with the statutory.

Rather than excluding women from the realm of rights, we need to adopt an inclusive approach, using the Constitutional provision of right to life under Article 21, which is the corner stone of all fundamental rights, so that women at the margins are not deprived of their right to a life with dignity and sustenance by adopting moralistic principles which are alien to the cultural ethos and customary practices. (Agnes 2016)

Women need to be empowered to negotiate the local and informal systems as well as the formal courts for enforcement of their rights. To extricate rights from informal customary practices, and locate them exclusively within the domain of courts and statutes is not a viable option for a hierarchal and multicultural society. Plurality and diversity need not be construed as inherently inegalitarian. The women's agency and autonomy to negotiate rights from multiple locations is the relevant factor. We need to broaden rights beyond the narrow confines of monogamous marriages, and include all marginalized and vulnerable sections, including those in informal relationships, within the realm of rights. Rather than uniformity, what women need is an accessible and affordable justice delivery system and inclusive models of development which will help to eliminate their poverty and destitution and help to build an egalitarian world.

Our Constitution provides for this diversity and cultural plurality.

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# PLURALISM AND HOMOGENITY : EXPLORING THE DILEMMAS OF UNIFORM CIVIL CODE

ADV. MONICA SAKHRANI

**Personal Law Reform and its (Unintended) Consequences**

The first set of law reforms in the personal domain were driven by politically influential men both Hindu and Muslim during the colonial rule due to the wider economic and social changes seeking to reorganise property relations within the family (Eleanor Newbigin). Eleanor Newbigin argues that the introduction of Shariat law amongst all Muslims over the amorphous syncretic caste and region based law that prevailed in India had the twin objectives of unifying Muslims as a political community and to demonstrate the superiority of Muslim law over the Hindu law on the anvil of gender rights. Hindu Law reform was driven by the need to individualise property rights and later to address the critique of Hindu customs which oppressed women. Thus while Muslim law reform in India was located within the return to the religious law, the movement of Hindu law reform was the movement away from religious law. Corollary to this trajectory is the fact that Hindu customary law could not accommodate modernity with its discriminatory practices and little recognition of individual rights. Thus after independence the Hindu Code Bill which was adopted had to necessarily be premised on western law with few markers of Hindu-ness in it. But this transition was neither smooth nor unproblematic as both Madhu Kishwar and Bina Agarwal have pointed out.

The Hindu law reform was driven by the need to build a modern India and as Sudipta Kaviraj states, the early State believed that "patterns of laws can direct social relations rather than reflect them" (2430). This was in line with the post-independence "passive revolution" adopted by the state through bureaucratic intervention rather than mobilization (Kaviraj, 2432-3). Sudipta Kaviraj points out that the resistance to the reformist policies of Nehru forced him to adopt the "passive revolution logic of bureaucratization, which saw people not as subjects, but as simple objects of the development process" (2433). Therefore, we see a contradiction between the objectives of law reform and the resultant unintended consequences of the same.

The objectives of Hindu Marriage Act for example could be summed up as:

1. Clearing the path for intercaste marriage leading eventually to the eradication of caste hierarchy
2. Legal abolition of polygamy and institutionalisation of monogamy
3. Introduction of the prevailing Western principles of gender neutral fault grounds for divorce and other matrimonial wrongs

But the unintended major achievements of the Hindu Marriage Act were

- Strengthening of the Hindu identity as the definition of a "Hindu" under the Hindu laws included Buddhists, Jains and Sikhs and anyone who is not a Muslim, Christian, Jew or Parsi. This paved the way for the emergence of "Hindu" as a political entity.
- The entire imagination of the personal laws was based on the formal denial of the Hindu Male Privilege leading to the propagation of the belief that Hindu law was gender just while the legal acceptance of the Muslim man's right to commit polygamy and unilateral divorce was seen as the perpetuation of gender unjust laws

- This also helped build the narrative of the modern secular Hindu versus the Traditional "other" which translated into the binary of the civilized versus the uncivilized
- The discourse of the victimisation of the Hindu community and the appeasement of the minority community has dominated the imagination of the personal law and the uniform civil code discussions and debates

What is overlooked in this discourse are the following facts as do not form the building blocks of the mythical discourse of victimization of the "Hindu" (male):

- Though polygamy has been prohibited amongst Hindus, statistics reveal that more Hindu men commit bigamy as compared to Muslim men (Venkatramakrishnan). However what it has resulted in is the deprivation of rights to "second wives" so much so that even the Supreme Court has bailed these women out in several cases and restored some rights to them and their offspring (See for example Badshah vs Urmila Badshah Godse (2014)1 SCC 188 and Revannasiddappa vs Mallikarjun (2011) 11 SCC 1) as has the women's groups drafted Protection of Women from Domestic Violence Act, 2005 that recognizes the rights of women in relationships in the nature of marriage
- The laws have resulted in homogenisation of the Hindu identity and in the process the more patrilineal practices amongst upper caste Hindus has been legalised while the more progressive practices amongst other lower caste Hindus have been ignored in the Hindu code (Kishwar). Thus property allocation is patrilineal rather than matrilineal which practices are derecognized and hence the term "Brahmanical patriarchy" is often (rightly) employed to describe Modern Hindu law
- Though the personal law reform posits the modern state against the traditional community, this is far from the truth as can be seen in the continuing domination of the community in marriage and the lack of space for individual's right to choose their partner. Inter-caste and inter religious marriages are still far and few between with the complicit role of the state and the community in honour killings This can be seen in the repeated need for the Supreme Court to reiterate the adult woman's right to choose her partner (See Lata Singh vs State of UP (AIR 2006 SC 2522) as well as the recent Hadiya case order[1] or that at the time of writing the ongoing case before the Supreme Court prohibiting Khaps from interfering with inter-caste marriages[2]). This iteration of the Supreme Court is contradicted by the High Courts in Hadiya's case as well as the directions issued by the Madhya Pradesh on Arya Samaj weddings without parental consent[3] and the Rajasthan High Court regards inter religious marriages after conversion[4] as well as the criminalization of marriages without parental consent and the complicit role of the criminal legal system in the same (See Chowdhry and Baxi). Given that the procedural labyrinth aided by active bureaucratic intervention deters civil

[1] http://www.livelaw.in/breaking-sc-sets-aside-kerala-hc-judgment-annulling-marriage-hadiya-shafin-jahan/ retrieved on 13th March 2018

[2] http://www.livelaw.in/protection-inter-caste-couples-sc-reserves-judgment-likely-issue-directions/ and http://www.livelaw.in/when-two-consenting-adults-decide-to-marry-no-one-can-interfere-strict-warning-for-khaps-from-sc/ retrieved on 13th March 2018

[3] http://archive.indianexpress.com/news/hc-issues-norms-for-arya-samaj-marriages/1117280/ retrieved on 13th March 2018 which was set aside by the Division Bench of the same court. See http://www.livelaw.in/mp-hc-sets-aside-single-bench-directions-marriage-arya-samaj-mandir-management/ retrieved on 13th March 2018

[4] Judgment dated 15th December 2017 in Chirag Singhvi vs State of Rajasthan retrieved from http://www.livelaw.in/rajasthan-hc-issues-directions-on-religious-conversions-inter-faith-marriages-read-judgment/ on 13th March 2018

marriage in inter-religious relationships, the conversion route has also been sought to be sealed. The use of criminal law provisions of rape and kidnapping all make marriages of choice without parental approval even in case of adults a nightmare and extremely difficult.

- The rampant persistence and proliferation of dowry in marriages which demonstrates the low economic value of women leading to the introduction of the offence of dowry death (Sections 304B as well as Section 498A of the Indian Penal Code) and the failure of law to not only address the same but also its role in shaping the discourse of reverse victimization.
- Women are routinely denied their property rights through the instrument of testamentary disposition of property despite equal property rights on paper

***Way/s Forward and Backward...***

Thus we witness a nexus between the state and the community in perpetuation of patriarchal and regressive practices and in ensuring failure of the "secular progressive" law. According to Kaviraj one of the major requirements for the successful functioning of this system is the existence of a strong constitutional legal system that enforces legal responsibility (2433) which has been disappearing with with state abandonment of the constitutional principles. This saffronization of the state has also led to growing impunity and a homogenous imagination of the nation which results in the exclusion of anyone outside of that vision of the nation as the "outsider" or "other". Within this context, what are the changes in the law that one can anticipate? Thus the big question is what is the way forward, how do we shape our imagination and thus our future? Is the Uniform Civil Code and complete abjuring of the community or plurality the answer?

Nivedita Menon (1998) points out that the modern discourse of law and justice is premised in the movement from context specific (plural) to context free (universal) (PE4). The idea of equal justice based on abstract citizenship claims is problematized as the binary between sameness versus difference or the question "can individuals really be separated from the contexts within which they belong?" and will this de-contextualization lead to justice as per the claims of modern law given the substantive inequality based on multiple factors and further, that there is really no such thing as context free which is itself specific to the ruling elites and hence patriarchal, Brahmanical or western/colonial in context. Thus the notion of universal does not include women, minorities, colonized, lower caste and other marginalized realities which really means that the reality and contexts of large majority of the population is ignored and often leads to their further marginalization. It is in this context that one has to discuss Uniform Civil Code as Nivedita Menon (1998) indicates which as she argues has been premised between the struggle between the secular state and the religious community (both unproblematized and homogenized as a single entity with no contradictions within) ignoring the gender question completely (PE3). Corollary to this worldview of justice is the mutation of rights and law which brings along the challenge of specificity/certainty, exactitude/uniformity/universality, non diversity/plurality (PE5). Within this context of the modernising state and the usurping of the discourse of universalisation, is Hindutva or 'Indianisation" which Naurya (1996) points out is "development of uniform culture by obliterating the difference between all cultures co-existing in the country" and is a term which seeks to insinuate that those who are outside i.e the Muslims are the un-Indian "other". It is within this context and polarising discourse, Menon (1998) states, that we must look at the question of Uniform Civil Code.

Menon (2004) seeks to formulate five models of the Uniform Civil Code/ Personal Law to frame the debate:

1. Compulsory egalitarian civil code for all citizens
2. Reforms within the community with no state intervention

3. Reforms within personal laws applicable to different communities
4. Optional egalitarian civil code
5. Reverse optionality where person has to opt to be governed by personal law

India today adheres to the last option available. The women's groups do not advocate the first for as Kumkum Sangari asks "whether the present conception of the uniform civil code does not replicate some of the assumptions of the personal law, whether uniformity can take existing caste/class stratification and social heterogeneity into account, whether an idea of nationhood based on legal assimilation and uniformity is required at all, and how to set about recuperating its more positive aspect-namely the desire to procure secular, democratic and equal rights for women- without duplicating its problems" (19-20). This is the real challenge as due to the mutation of rights into law and there is little space to discuss rights beyond the law and the problems of modern law are multifarious. As are the problems with the community and the spaces free of law and legal regulation. There are diverse communities in India and diverse laws that are organic to the communities which have both positive and negative aspects to them. Is it possible to socially engineer the communities out of the negative traits or to fashion a new code from the positives of all? Or the question, is the gender just law going to be a replica of western laws as the previous interventions in the Hindu Code and the Special Marriage Act were? The recent "Progressive Uniform Civil Code" drafted by some citizens which was handed to the Law Commission provides for same sex marriages, legal recognition of live in relationships, monogamy, rights to children born out of wedlock, irretrievable breakdown of marriage as a ground for divorce and right to testamentary disposition. The draft replicates the problems of the existing laws which are premised on the notion that formal rights translate to substantive equality[5]. it is also an ode to times gone by. The question is that with the strengthening of the community-state nexus in the current political dispension, what are the changes that we have to be prepared for? The triple talaq bill (The Muslim Women (Protection of Rights on Marriage) Bill 2017) is a case to the point that law reform is not geared towards grant of women equal rights within marriage but to demonize the other (Flavia Agnes). Flavia Agnes spells out, "The Muslim community, like all communities, is not divided along gender lines – women, the helpless victims of triple talaq and the brutish men who pronounce triple talaq are part of the same composite community which is being increasingly pushed to a corner where survival is at stake. They lack a political voice. Economic development has bypassed them. Marginalised from the mainstream, they live a ghettoised existence."

Agnes stresses that the "community" is also a complex and heterogeneous entity and women also differently located based on their class and social/ cultural capital. Conversely as Partha Chatterjee also illustrates how the discourse of the the "degenerate and barbaric" (622) other is employed to maintain hegemony and dominance in the public sphere by the politically dominant classes. Confronted thus, marginalized communities tend to retreat into their inner "spiritual" private domain and seek control over it by entrenching the patriarchal elements and women thus become the bearers of this cultural nationalism and their virtue the symbol of moral high ground of the dominated community. This is the case with Hindus during the period of colonialism giving rise to Hindu Nationalism and the role of women in sustaining the same. This rise of nationalist discourse as "Hindu" also excluded the other communities especially Muslims from the nation making them the perpetual "other" in the Hindu nation and therefore, Chatterjee states, "Reforms which touch upon the inner essence of the identity of the community, can only be carried out by the community itself, not by the state" (632). This has ironically led to the discourse of Hindu victimization. Thus the discourse of victimization places upon women

[5] http://www.livelaw.in/towards-uniform-equality-draft-progressive-uniform-civil-code-placed-law-commission-read-draft/ which contains the draft retrieved on 13th March 2018

from all communities the burden of preservation of its inner sanctum and core values. This resonates even in the present day with dominant discourses of victimization and the deification of all women who transcend the norm that are reflected even in judgments of the courts, popular culture and everyday practices. This makes the task of redefining the law away from the community towards secular, gender just principles a greater challenge given the political climate we live in. Changes in law within this complex reality may require caution if not resistance.

***Future Redefined***

Kaviraj states that for Nehru 'political ideology meant an interpretation of historical possibilities rather than populist gimmicks" (2433-4). This is the time to search for new historical possibilities and to fight against the rollback of rights and forward march through mobilization rather than bureaucratic organisation. The experience of Turkey would be pertinent here.

After the formation of the Republic of Turkey, Mustafa Kemal Ataturk declared the six principles for the creation of a civilized state- republicanism, nationalism, populism, statism, revolutionism and secularism (Yildirim.347). The "road to civilization" (Yildirim.347) included the enactment of modern secular laws including the Turkish Civil Code of 1926 which included reforms of the family law which included abolition of polygamy, provided for compulsory civil marriage and gave equal rights to women in marriage, property, custody, inheritence and divorce replacing Shariat law. Amendments were introduced in 2017 that dilute the Code of 1926 with the reduction in the age of marriage and the recognition of religious ceremonies.[6] India's case with reform of Hindu law resonates with the changes brought in Turkey. The question that confront us is whether we are moving towards a uniform civil law for all or are we moving towards a situation similar to Turkey with the rise of Hindu right?

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# महाराष्ट्रातील भटक्या जमातीच्या स्त्रियांचा संघर्ष आणि नागरिकत्वाचे मुद्दे

**डॉ. नारायण भोसले**

भारत हा जसा विविधतेने नटलेला देश आहे तसा जाती-जमातींनी भरलेलाही देश आहे. परंतु विविधता निसर्गाच्या अनेक अविष्कारा पैकी एक असते तर जाती-जमाती मानवाच्या रचिताचा भाग असतात. जाती-जमातींची गरिबी व त्यानुषंगाने तयार झालेले भेद सामाजिक रचित असतात. त्यात जाती-पितृसत्तेची भूमिका प्रधान असते. भारतीय नागरिकाचे त्यांच्या सामाजिक स्थानानुसार अभ्यासकाने आणि सरकारने विविध गट केल्याचे दिसते. अनुसूचित जाती (माजी अस्पृश्य जाती), अनुसूचित जमाती (अदिवसी जमाती), इतर मागास जाती आणि खुला असे ते गट होत. महाराष्ट्रात महाराष्ट्र सरकारने केलेले विमुक्त जाती-भटक्या जमाती आणि विशेष मागास जाती असे दोन आणखी वेगळे गट आहेत. यात विमुक्त जाती-भटक्या जमाती हा गट महाराष्ट्रातच असला तरी त्याचे बृहत्तर रूप भारतभर सापडते. ब्रिटीश सरकारच्या १८७१ च्या गुन्हेगार जमाती कायद्यानुसार १९६ जमातींना 'गुन्हेगार जमाती' घोषित करण्यात आले. त्यांना नागरिकत्वाचे अधिकार नाकारण्यात आले. भारताला स्वातंत्र्य मिळाले तरी या 'गुन्हेगार जमातींना' नागरिकत्वाचे अधिकार देण्यात आले नव्हते. ३१ ऑगस्ट १९५२ मध्ये या 'गुन्हेगार जमातीं'ना नागरिकत्वाचे अधिकार मिळण्याची सुरुवात झाली. व त्यांना 'विमुक्त जाती-भटक्या जमाती' असे नामाभिधान मिळाले. पाच वर्ष पंधरा दिवस या जमातींना उशिरा स्वातंत्र्य मिळाले आणि तथाकथित नागरिकत्वाचे अधिकार मिळण्यास सुरुवात झाली. परंतु जात-पितृसत्तेच्या बेड्यांनी जखडलेल्या भटक्या स्त्रियांना मात्र आजही नागरिकत्वाच्या अधिकारापासून वंचित राहावे लागत आहे.

१९९९ चा महाराष्ट्र सरकारचा इदाते आयोग, २००८ चा भारत सरकारचा रेणके आयोग, २००८ चा टेक्निकल अडवायजरी ग्रुपचा अहवाल आणि सध्याचे २०१८ चे भारत सरकारचे इदाते कमिशन यात भारतात भटक्या विमुक्तांची स्थिती अन्य प्रवर्गापेक्षा विदारक असल्याचे दाखवले आहे. यात भटक्या स्त्रियांची स्थिती जास्त विदारक असल्याचे पुढे आले आहे. वेगवेगळ्या प्रकारच्या विषमतावादी सामाजिक धारणा आणि सरकारी धोरणे व ती राबवणारी यंत्रणा यामुळे भटक्या स्त्रियांना त्यांच्या प्राथमिक गरजाही (अन्न, वस्त्र, निवारा, आरोग्य, शिक्षण, रोजगार, रस्ते, वीज आणि सन्मान) पूर्ण करता येत नसल्याचे दिसते.

२००८ च्या रेणके आयोगाने विमुक्त जाती-भटक्या जमातीची लोकसंख्या ११ कोटी असल्याचे सांगितले. २०११ च्या जनगणना अहवालानुसार  विमुक्त जाती-भटक्या जमातीची अंदाजित लोकसंख्या १५ कोटी असल्याचे दिसते. इतर अभिजन जाती-वर्गापेक्षा आदिवासी किंवा विमुक्त भटक्या जमातीमध्ये स्त्री-पुरुष प्रमाण समान असल्याचे विविध अभ्यास सांगतात. म्हणजे भारतात साधारणतः १५ कोटी एकूण भटक्यांच्या निम्मे म्हणजे ८ कोटी स्त्रिया विमुक्त जाती-भटक्या जमातीच्या असल्याचे दिसते. मुंबईची लोकसंख्या १ कोटी २० लाख आहे म्हणजे आठ मुंबई होतील एवढ्या भटक्या स्त्रिया भारतात आहेत. जर्मन देशाची लोकसंख्या १० कोटीच्या आसपास आहे. म्हणजे युरोपातील एका देशाच्या एवढी लोकसंख्या असलेल्या भटक्या स्त्रिया भारतात राहतात. एवढ्या मोठ्या लोकसंखेतल्या या भटक्या स्त्रियांची स्थिती मात्र फारच विदारक आहे.

जागतिक आरोग्य संघटनेने (World Health Organization) (जा.आ.सं) माणसाच्या जगण्यासंबंधी सात मुख्य बाबी सांगितल्या आहेत. अन्न, वस्त्र, निवारा, रस्ते, आरोग्य, शिक्षण आणि सन्मान या त्या सात बाबी होत. या सात

बाबी गुणात्मक रित्या पूर्ण करणाऱ्या देशाची यादी तयार करण्यात आली त्यात भारताचा क्रमांक १४७ वा आहे. जर यातून अनुसूचित जाती (माजी अस्पृश्य जाती), अनुसूचित जमाती (आदिवासी जमाती), विमुक्त जाती भटक्या जमाती वजा केल्या तर भारताचा क्रमांक खूप वर जाईल आणि या जाती जमातीच्याच बाबतित विचार केला तर भारताचा क्रमांक खूप खालीही जाईल. आणि त्यात १५ कोटी विमुक्त जाती व भटक्या जमातीचा विचार केला तर तो आणखीनच खाली जाईल. कारण साधारणतः जागतिक आरोग्य संघटनेने सांगितलेल्या सात बाबी न मिळणारे समाज घटक म्हणजे विमुक्त जाती भटक्या जमाती व त्यातील स्त्रिया होय. त्यातही भटक्या स्त्रियाच गृहीत धरल्या तर आपण याची कल्पना करू शकतो जागतिक मानांकनात भारताचे काय चित्र फारच विदारक असेल.

२० आक्टोंबर २०१७ रोजी सौदी अरेबियातील सोफिया नावाच्या रोबोला नागरिकत्व आणि पासपोर्ट बहाल करण्यात आले. पण भारतातील जवळ-जवळ ८ करोड भटक्या स्त्रियांना नागरिकत्वाचे अधिकार देण्यात आलेले नाहीत. नागरिकत्वाचे अधिकार पूर्ण करण्याचे कागदपत्रे भटक्या स्त्रियांकडे असत नाही. त्यांच्या असण्याची नोंद सरकारकडे असत नाही.

## भटक्या जमातीतील स्त्री-संघर्षाचे मुद्दे:

साधारणतः नागरिकत्वाच्या राजकीय अधिकाराने आणि नागरीकरणाने भटक्या स्त्रियांच्या जगण्याचे मुद्दे सुटन्याची शक्यता तयार होईल. किंवा त्यांच्या दुःखाचा विचार तरी होईल. साधारणत:भटक्या जमाती अन्न, वस्त्र आणि निवारा याच्या शोधासाठी सतत भटकत आहेत. त्यांचा इतिहास हा सतत भटकंतीचाच आहे. तरीही भटक्या स्त्रीचा कुटुंबाच्या अर्थार्जनात महत्वाचा सहभाग राहिला आहे. भटक्या समाजात स्त्रीला संपतीच मानली गेल्याने तिला विक्रीसाठी पितृसत्तेच्या बाजारात विक्रीस ठेवल्याचे दिसते. साधारणतः कोणताही समाज जोपर्यंत स्थिर होत नाही तोपर्यंत त्याच्यावर नागरिकत्वाचे समान दर्जाचे कोणतेच संस्कार करता येणार नाही. नागरी संस्कारामध्ये स्थिरतेच्या अनुषंगाने ज्या सोई-सुविधा मिळतात त्या पासून भटक्या जमातीतील स्त्रिया कोसो मैल दूर राहतात. भारतीय नागरिकत्वाचे (समान दर्जाचे) कोणतेच अधिकार ना भटक्या पुरुषांना मिळतात ना त्यांच्या स्त्रियांना. नागर संस्कृतीमध्ये किमान प्रागतिक स्पष्ट कायदे असतात ते भटक्या स्त्रियांना लावले जातील. शेती, शिक्षण, स्थावर मालमत्ता, संस्कृती उभारणी, स्वातंत्र्य-बंधुभाव-समता यांची पेरणी, नागरीकरणाची प्रक्रिया स्थिरतेने सुखर होण्याची वहिवाट सुरु होईल. जातपंचायतीच्या पितृसत्ताक कायद्याचा जाच भटक्या स्त्रियांना सहन करावा लागणार नाही. जातपंचायतीच्या विविध शिक्षेला सामोरे जावे लागणार नाही. रोजच्या अत्यावश्यक गरजासाठी म्हणजे अन्न गोळा करणे, निवारा बंधने या साठी भटकावे लागणार नाही. आरोग्याच्या सुविधा मिळतील. बाळंतपण आणि त्यानुषंगाने होणाऱ्या आजारांना बळी पडावे लागणार नाही. मतदार कार्ड मिळेल. ओळख पत्रे मिळतील. रेशन कार्ड मिळेल. यावर स्वस्त धान्य मिळेल. हाताला काम मिळेल. काही अंशी जमिनीचा सात-बारा नावावर होईल. स्थावर इस्टेट मिळेल. आपणाला संघर्षाच्या काही प्रश्नांची चर्चा करता येईल.

**नागरिकत्वाचा प्रश्न:** भटक्या जमातीच्या ओळखीचे प्रश्न त्यांच्या सततच्या भटकंतीमुळे दिवसेंदिवस कठीण होत चालले आहेत. नागरिकत्वाचे मुलभूत अधिकार त्यांना मिळताना दिसत नाहीत. महाराष्ट्र राज्यात भटक्यांसाठी यशवंतराव चव्हाण घरकुल योजना आहे पण त्यासाठी जागा पाहिजे. ग्रामपंचायत जागा देत नाही. भटक्यांना जागा देण्याचा ठराव ग्रामपंचायत पास होऊ देत नाही. यासाठी कलेक्टर आपले विशेष अधिकार वापरत नाहीत. स्त्रियांच्या बाबत हे वास्तव गडद आहे. त्या-त्या देशातील नागरिकांना अन्न, वस्त्र, निवारा, आरोग्य, शिक्षण, रोजगार, रस्ते, वीज

आणि सन्मान मिळाला तरच त्यांना नागरिकत्वाचे अधिकार मिळाले असे म्हणता येईल. महाराष्ट्रातील भटक्या स्त्रियांना या मुलभूत गरजांच्या पुर्तीपासून दूर ठेवण्यात आल्याचे दिसते. (RENAKE NATIONAL COMMISSION, pp. 24) सततच्या वाटचालीतच भटक्यांची मुले जल्माला येतात. भटक्यांच्या स्त्रियांच्या बाळंतपानाचे कोणतेच खात्रीचे खात्रीचे ठिकाण असत नाही. भटक्यांच्या बाबत बाळंतपणात बालके मारण्याचे प्रमाण अधिक असल्याचे दिसते.

**इतर स्त्रियांच्या तुलनेत भटक्या विमुक्त स्त्रियांचे प्रश्न:** दलित,आदिवासी आणि अन्य सीमांत समूहाच्या स्त्रियांच्या प्रश्नापेक्षा भटकंतीच्या प्रश्नामुळे भटक्या स्त्रियांचे प्रश्न विशिष्ट बनतात. सततच्या जात-पितृसात्तेच्या दलित आदिवासी जाती-जमातीच्यावर होणाऱ्या अत्याचाराला प्रतिबंध करणारे घटनात्मक कायदे आहेत. पण भटक्या जमातीवर होणाऱ्या जाती अत्याचाला घटनात्मक सरंक्षण नाही. जात, पुरुषसत्ता, गरिबी यासोबत भटकंती या बेड्याही भटक्या स्त्रीच्या पायात ठोकल्या आहेत.

**भिक्षा, सतत स्थलांतर:** भटक्यांना जगण्याचे कोणतेच स्थिर साधन असत नाही. त्यासाठी त्यांना सतत भटकावे लागते. नवनव्या आव्हानामुळे त्यांना भिक्षेशिवाय अन्य काही मार्ग सापडत नाही. भिक्षा हे काय जगण्याचे साधन होऊ शकत नाही. आणि स्थलांतर हाही जगण्याचा मार्ग होऊ शकत नाही. स्थिर होण्यासाठी लागणाऱ्या जमिनीचा प्रश्न भटक्यांच्या बाबतीत विशेष असतो. भटक्यांच्यात जमिनीची भूक आणि स्थिरतेची ओढ अनन्य आहे. यामुळे भटक्या स्त्रीचे याहून वेगळे प्रश्न तयार होतात. या स्थलांतरात भटकी स्त्री जास्त पिचली जाते.

**पशुपालन:** काही भटके उदरनिर्वाहासाठी प्राणी पाळतात. यांना सांभाळण्याचे काम विशेषपणे स्त्रियांना करावे लागते. अस्वल, माकड, साप, मुंगुस, म्हैस, गाय, बैल असे ते प्राणी असतात. काही शेळ्या, मेंड्या, गाई, म्हसी ही पाळतात. त्यांना सांभाळतात. गाभण ठेऊन, चार-पाणी देऊन विकून पैसे मिळवले जातात. सांभाळ स्त्रियांनी करावयाचा पण पैसे मात्र पुरुषाच्या हातात जातात. चाऱ्यासाठी मैलोनमैल भटकंती करावी लागण्याच्या काळात लैंगिक अत्याचाराला स्त्रीलाच बळी पडावे लागते. या वेळी सर्व प्रकारच्या शारीरिक आणि मानसिक अत्याचाराला स्वतः बळी पडायचे आणि पितृसत्तेच्या जातापंचायातीने स्त्रीलाच जबाबदार धरावे असे घडताना दिसते.

**भाषा:** भटके रोज नवा गाव, नवी संस्कृतीच्या संपर्कात येतात आणि त्याच गतीने ते शेकडो भाषा शिकूनही घेतात. यात त्यांच्या मुळच्या भाषेवर विशेष परिणाम होतो. त्यांच्या मुलांना मातृभाषाच राहत नाही. शिवाय सततच्या भटकंतीने कोणत्याच एका भाषेवर प्रभुत्वही राहत नाही आणि मातृभाषा मात्र भेसळीचे रूप घेते. अन्य भाषा शिकून घेण्याच्या स्कीलचा नकारात्मक परिणाम होऊन या भटक्यांच्या मिश्र भाषेला पारुशी किंवा सांकेतिक भाषा मानून त्याचा अवमानही केला जातो. त्यांच्या या स्कीलचा वापर शालेय अभ्यासक्रमात भाषा शिकवताना होत नाही. त्यांना नव्या भाषा येतात ही त्यांच्यासाठी खुपदा अडचणीचीही बाबा ठरते. त्यांच्या भाषेच्या अभावात त्यांच्या संस्कृतीचा अभ्यास नीट होत नाही. खूप मोठ्या गतीने भटक्यांच्या भाषा नष्ट होत आहेत. यातून शेकडो वर्षाचे त्यांचे संचितही नष्ट होत आहे.

**आरोग्याचे प्रश्न:** भटक्या स्त्रियांच्या आरोग्याचे प्रश्न फार जटील आहेत. सततच्या भटकंतीमुळे, बालविवाहामुळे, जाती अत्याचारामुळे, कमी वयात बाळंतपणामुळे, योग्य क्यालरीजच्या अभावात भटक्या स्त्रियांचे आरोग्य धोक्यात आले आहे.

(विनायक लष्कर, नारायण भोसले आणि प्रज्ञा दया पवार (संपा.), पृ. ७५ ते ८१ )

**माहिती ज्ञान कौशल्य:** भटकंतीतून मिळवलेले माहितीचे खजाने ज्ञान बनत नाही. आयुष्यभर भटकंतीतून मिळालेले माहिती (ज्ञान) ज्ञानात रुपांतरीत करण्याची समस्या आहे. आधुनिकीकरणात अनेक नवीन कौशल्य असल्याशिवाय भटक्या स्त्रिया जीवन-यापन करू शकणार नाही.

**गुन्हेगारीचा शिक्का:** भटक्या स्त्रियांना १८७१ पासून गुन्हेगारीचा शिक्का मारल्यानं यांना कोणी कसबी किंवा विनाकसबी काम देत नाही. भटक्यांचे भटकेपनाचे, चंचलपणाचे आणि अस्थिरतेचे शिक्के मात्र कायमचे असतात.

**व्यवसाय आणि कष्ट उपसणाऱ्या करणाऱ्या भटक्या महिला:** भटक्यांचे व्यवसायही भटकेच राहतात. वैदू स्त्रिया सुया, बिबे, दाबण, वाळी, कुंकू हळद याचा व्यवसाय करते. जोशी स्त्री दारोदार फिरून भांड्याचा व्यवसाय करते. चाळणी, तवा, पातेल इत्यांदी देऊन जुन्या साड्या गोळा करण्याचे काम भटक्या स्त्रिया करतात. जागतिकीकरणात या भटक्या स्त्रिया खेळणी बनऊन विकतात तर काही कागद, काच, पत्रा असे भंगार वेचण्याचे काम करतात. कचरा कुंडीतील प्लास्टिक कचरा व अन्नाचा कचरा अलग करून ते भंगाराच्या दुकानात विकून आपली उपजीविका भागवतात. विविध शहरामध्ये अशा प्रकारचे काम करणाऱ्या या भटक्या जमातीतील स्त्रिया असतात. दुसऱ्याच्या शेतात राब-राबणाऱ्या आणि संध्याकाळी डोक्यावर मोळी घेऊन येणारी आणि दुसऱ्या दिवशी विकणारी बंजारा स्त्री सर्वत्र दिसते. खलबत्ते,पिना,मनी, हर, पोत घेऊन दारोदार फिरणारी वैदू समाजाची स्त्री शहरात, खेड्यात भटकताना दिसते. जुने कपडे जमा करत त्याच्या मोबदल्यात भांडी-कुंडी देणारी कुडबुडे आणि काशीकापडी जमातीच्या स्त्रियाही सर्वत्र दिसतात. भट चालऊन, घणाचे घाव घालून लोखंडाला आकार देणाऱ्यां घिसाडी स्त्रीच्या घामाच्या धारा आपण पहिल्या असतील.टोपल्या, कणग्या तयार करून दारोदार हिंडून ओरडून विकणाऱ्या कैकाडी स्त्रीचे कष्ट अनन्य आहेत.( खरात शंकरराव, २००३, पृ. १३८ )

**स्थलांतरात:** अन्न, वस्त्र, निवारा, यासाठी भटकणाऱ्या भटक्या स्त्री-पुरुषांना सतत याच भ्रांतीत जगावे लागते. पौष्टिक आहार, बाळंतपणातील समस्या, गुप्त रोग, स्वच्छतेचे प्रश्न, लग्नानंतर आई-वडिलांना वा नातेवायकाला भेटण्याचे प्रश्न, मयताला जाळण्याचे वा पुराण्याचे प्रश्न, सण-समारंभ-नवस-सायास यात कसे भेटायचे ते साजरे कसे करावयाचे असे सगळेच प्रश्न तयार होत आहेत झाले आहेत. भटकंतीच्या ठिकाणी त्यांना अनेक प्रकारच्या अडवणुकीचा सामना करावा लागतो. शौचालयासारख्या मुलभूत सुविधा तिला कधी मिळत नाही. वयात आलेल्या भटक्या मुलीना अनेक प्रकारच्या लैंगिक अत्याचाराला बळी पडावे लागले आहे.

**जातापंचायातीचा त्रास:** सर्वच भटक्या जमातीत जातपंचायत आहेत. लग्ने लहान वयात होतात.(RENAKE NATIONAL COMMISSION pp. 84) त्या वेगवेगळ्या ठिकाणी वेगवेगळ्या कारणांनी वेगवेगळ्या काळात भरवल्या जातात. त्यातीत खटले हे विशेष पणे स्त्रियांच्या बाबत असतात. यात साधारणतः स्त्रियांना आपली बाजू मांडता येत नाही. तिच्या वतीने तिचे पुरुष नातेवाईक तिची बाजू मांडतात. पण यातून दिली जाणारी शिक्षा त्या स्त्रीलाच भोगावी लागते. कान कापणे, नाक कापणे, केस कापणे, जिभेला चटका देणे, उकळत्या तेलातून पैसा काढणे, आंतरजातीय विवाहाला प्रतिबंध असणे, वाळीत टाकणे, आई मुलाची ताटातूट करणे, इतर नातेवायकांशी संपर्काला बंधन घालणे, प्रत्याक्ष्य शारीरिक छळाला सामोरे जाणे, अभक्ष्य अन्न खायला देणे अशा शिक्षेला सामोरे जावे लागते. अशा शिक्षेमुळे भटक्या जमातीतील प्रत्येक जातीतील पाच-दहा टक्के तर मुली-स्त्रिया गायब झाल्या आहेत. हे जातीच्या खोट्या प्रतिष्ठेच्यासाठी खूनच आहेत. ( नारायण भोसले, २००८, पृ. ३९ ते ५७ ) जातापंचायातीमुळे परित्यक्ता स्त्रिया, एकल स्त्रिया, टाकलेल्या स्त्रिया, बहिष्कृत स्त्रिया यांचे प्रश्न जटील बनले आहेत.

**मिथकीय प्रतीमात अडकलेले भटके:** भटक्या-विमुक्तांच्या १००० जाती-जमाती आपल्या भूतकाळातील क्षत्रियत्वाच्या दाव्यासाठी झगडत आहेत. त्यासाठी मिथकाचा वापर मोठ्या प्रमाणावर होताना दिसतो. त्यासाठी स्त्रियांच्या प्रतिमांचे अंकान मोठ्या प्रमाणावर होताना दिसत आहे. त्यातून त्यांच्या घसरलेल्या सामाजिक स्थानाचे उदात्तीकरण घडवले जाते. उदाहरण म्हणून वडार जमातीचे घेता येईल. सीता व तिची चोळी, जस्मा प्रकरण आणि जहमान प्रकरण फार महत्वाचे आहे. जोहारासारख्या कुप्रथाना सामाजिक प्रतिष्ठा यातून दिली जाते ( विनायक लष्कर, २०१५, पृ. १४ ते १५)

**कसरती:** कोल्हाटी, डोंबारी या सारख्या भटक्या जमातीत स्त्रियांना कसरती करून त्यातून मिळालेल्या बिदागीवर जगावे लागते. या कसरती करताना अर्धा फुट लोखंडी कडीतून आपले संपूर्ण शरीर न्यावे / काढावे लागते अशा वेळी पोटभर जेऊन भागात नाही, म्हणून या जमातीतीत स्त्रिया एक भोक्तच राहतात. (विनायक लष्कर, नारायण भोसले आणि प्रज्ञा दया पवार (संपा.), पृ.१२)

**शिक्षण:** सतत भटकंतीमुळे भटक्या समाजात एकूण शिक्षणाचे प्रमाण अर्धा ते एक टक्के एवढेच आहे. त्यातही स्त्रियांचे प्रमाण नसल्यात जमा आहे. (http://ncw.nic.in) बालविवाहाची प्रथा या जमातींत रूढ आहे. प्रौढ विवाह शिक्षित किंवा सरकारी नौकरीला असलेल्या पालकामध्ये आहे पण तेही अपवादानेच. आरोग्य, राहण, नौकरी, विवाह बालविवाह, जरठबाला विवाह, बहुभार्या पद्धती असेही अन्य पण महत्वाचे प्रश्न भटक्या स्त्रियांच्या पुढे आहेत.

त्यासाठी भटक्या स्त्रियांच्या विशेष संघटना नाहीत. ज्या दलित किंवा आदिवासींच्या किंवा अभिजनाच्या ज्या स्त्री संघटना आहेत त्यांनी कधी भटक्या स्त्रियांचे प्रश्न घेतल्याचे दिसत नाही. सरकारी पातळीवर या ११ टक्के भटक्या जमातीच्या स्थिरतेच्यासाठी काही ठोस कायदे व त्याची ठोस अंमलबजावणी झाल्याचे दिसत नाही.

**संघटन:** हल्ली भटक्या विमुक्तांत प्रत्येक जात-जमातीमध्ये संघटन सुरु झाले आहे. प्रत्येक जाती-जमातीच्या महाराष्ट्रात किमान छोट्या-मोठ्या पन्नास तरी संघटना असतील. पण या संघटना पितृसत्ताक बाज कायम ठेऊन स्त्रियांच्या प्रश्नांना सामोरे जात नाहीत आणि भटक्या स्त्रियांच्या संघटना नाहीत. भटकेपण आणि संघटन या दोन विरुद्ध बाबी आहेत.

## विमुक्त जाती भटक्या जमातीची मुख्य वैशिष्टे व त्यात दडलेले स्त्री-प्रश्न:

साधारणतः १८७१ पासून या विमुक्त जाती भटक्या जमातीच्या सामाजिक आर्थिक विकलांगतेचा इतिहास पाहता येतो. १८७१ च्या गुन्हेगार जमाती कायद्याने भारतातील १९६ जमातींच्या स्त्री-पुरुषांना ब्रिटीश सरकारने गुन्हेगार ठरविले. त्यात महाराष्ट्रातील एकूण नऊ जमातींना कायद्याने गुन्हेगार ठरवलं होत. कैकाडी, टकारी (भामटा), पामलोर, बेस्तर, कांजारभाट, छप्परबंद, मांग गारुडी, राजपूत भामटा व फासेपारधी या त्या जमाती होत. यांना जन्माने गुन्हेगार ठरविण्यात आले. भारतीय जाती वैशिष्ट्यानुसार ब्रिटिशानीही पालक (वडील) सुतार असतील तर अपत्यही (मुलगा-मुलगी) सुतारच असतो असे मानून वडील गुन्हेगार तर त्याचा मुलगाही गुन्हेगार मानले. आणि या जमातीच्या स्त्री-पुरुषावर त्यांच्या एकूण हालचालीवर नियंत्रण ठेवण्यासाठी मजबूत तारेच्या कुंपणाच्या वसाहती उभारल्या. त्यातील सर्वात मोठी वसाहत सोलापूरला होती. (प्रा. मोतीराज राठोड, २०१२, पृ.३४) भारताला १९४७ मध्ये स्वातंत्र्य मिळाले पण या गुन्हेगार मानल्या गेलेल्या भटक्यांना १९५२ मध्ये कुंपणाच्या तारा तोडून स्वातंत्र्य देण्यात आले. याच जमातीची व या जमाती सदृश्य लोकांची आजची लोकसंख्या १५ कोटीच्या आसपास आहे.

या जमातींची (पोट जाती-जमातींची) संख्या भारतात १००० पेक्षा ज्यास्त आहे व महाराष्ट्रात २५० पेक्षा ज्यास्त आहे. यांच्या जगण्यात थोड्या फार फरकाने सारखेपणा आहे. या आदिम जमाती स्त्रीसत्ताक-मातृसत्ताक होत्या जातिव्यवस्थेच्या संपर्काने त्या पितृसत्ताक-पुरुषप्रधान बनल्या आणि स्त्रियांच्या दुय्यमत्वाला कारणीभूत ठरल्या. ब्रिटीश काळ आणि भारतीय स्वातंत्र्याचा काळ यात हे दुय्यमत्व विशेषपणे पाहता येते.

याबाबत प्रातिनिधिक स्वरुपात रामनाथ चव्हाणचे निरीक्षण महत्वाचे वाटते. 'पितृसत्ताक कुटुंबपद्धती असणाऱ्या भारतीय समाजव्यवस्थेतून भटक्या जमाती सुटलेल्या नाहीत. या जमातीतही कुटुंबात पुरुषाच्या सत्तेलाच जाणते अजाणतेपणी स्त्रिया पाठींबा देत राहिल्या आहेत. त्यामुळे प्रस्थापित समाजाप्रमाणे भटक्या जमातीतील स्त्रियांनाही दुय्यम स्थानावर राहावे लागले आहे. किंबहुना पुरुषावर अवलंबून आयुष्यभर जगावे लागले आहे. प्रस्थापित स्त्रियांचे जगणे आणि भटक्या स्त्रियांचे जगणे तसे कितीतरी फरकाने आपणास जाणवते. उदा. भटक्या जमातीतील स्त्रियांना व्यवसायानिमित्त बाहेर हिंडण्याची मोकळीक जरूर आहे. मात्र लैंगिक संबंधाचा जिथे प्रश्न येतो तिथे मात्र तिलाच सर्वस्वी जबाबदार धरले जाते. जमातींअतर्गत स्त्र्रीने ठेवलेला अनैतिक संबंध भटक्या जमातीच्या जात पंचायतीच्या न्यायनिवाड्यावर अवलंबून ठेऊन तिच्या वर्तनाचा न्यानिवडा केला जातो, मात्र भटक्या जमातीबाहेरच्या पुरुषाने भटक्या जमातीतील स्त्रीवर केलेला लैंगिक अत्याचार हा त्या पुरुषाचा गुन्हा ना मानता तो सर्वस्वी स्त्रीचा गुन्हा मनाला जातो. जातपंचायत त्या पुरुषाला जाब न विचारता जमातीतील स्त्रीलाच दोषी धरून शिक्षा करते.' (रामनाथ चव्हाण, समाविष्ट नारायण भोसले, २०१२, पृ. बारा)

**सारांश:** भारतीय समाजातील जाती-पितृसात्तेच्या जाचाने स्त्रियांचे दुःख अनन्य बनले आहे. जाती समाजातील स्त्रियांचे शोषण अनेक मार्गाने होत असते. सीमांत समूहातील स्त्रियांचेही शोषण विशेष असते. ज्यांना आपल्या प्राथमिक गरजाही नीट भागवता येत नाहीत अशा भटक्या स्त्रियांचे असणे आणि जगणेच प्रश्नाकिंत व्हावे इतके त्यात शोषणाचे पदर आहेत. आधुनिकतेच्या रेट्याने आलेल्या सर्व प्रकारच्या ज्ञानव्यवहाराला मुक्त करून भटक्या स्त्रियांच्या मुक्त करता येतील. त्यांची घर, जमीन आणि शिक्षणाची युगा-युगाची तृष्णा याची पूर्तता करून मिटवता येईल. सामाजिक मिसळलेपण आर्थिक समान वाटपातून पूर्ण होईल.

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# THE SCHEDULED TRIBE WOMEN IN MAHARASHTRA THEIR STRUGGLE AND ISSUE OF CITIZENSHIP

**DR. NARAYAN BHOSALE**

Indian citizens can be divided into three groups as per their social location.Scheduled caste, scheduled tribes and open class.British government had declared nomadic tribes as criminals.Though India got independence on 15-8-1947, these people got their citizenship only in August 1952.

Edate Commission of 1999 of Maharashtra government, Renee Commission of Indian Government, 2008, Report of technical advisory group, 2008 and Edate Commission of Indian government, 2018 all speak about adverse conditions of N T community as compare to other communities. Inequal social understandings and government policies and their implimentation s lead to non fulfilment of basic needs of NT women.

The population of NT community is about eight times that of Mumbai population.

Many studies have shown that men and women ratio is equal among them.

World health organisation has mentioned seven basic needs of human being.They are, food, shelter, clothing, roads, health, education and dignity.India ranks 147$^{th}$ number in the world with regard to these needs.

There is no atrocity act for nomadic tribes.

NT people move from one place to another for food and shelter.When the community do not settle at one place it is difficult to get identity and hence citizenship.With settlement, the persons get identity and benefit of ration card and voting card.

We have Yashwantrao Chavan gurukul yojna by our government,but grampanchayat refuses to allot land for NT people.

Women is considered as property and hence as sellable object.

There is caste council, but no women can remain present there.

Language is an another issue. They are constantly moving so continuing school is not possible for children.

They have rich experience as they are moving constantly.But it has no value as far as our formal education is concerned.

They are labeled as criminals, so do not get jobs.

They have issues of food, health.

For women, harassment by khap panchayat is common.

Child marriages is an another issue.

Polygamy is also common.

They do not have own organisation to fight for their rights.

Earlier there was matrilineal system among them, but now we see patrilineal system with patriarchy.

Nomadic tribe women is coughs in patriarchy, poverty, caste and constant mobility.

If the civil and political rights of citizenship of NT people is addressed then one can see hope of improving their living conditions.

*Footnote: This is not word to word translation,it is summary of the contents in English.*

# महाराष्ट्रातील आदिवासी महिलांचे प्रश्न आणि त्यांचे लढे

मंजुश्री लांडगे

प्रस्तावना :

भारतीय लोकसंख्येमध्ये आदिवासी लोकसंख्येचे प्रमाण साधारणत: ७ ते ८ टक्के आहे. भारतीय समाजव्यवस्था ही जातवर्गपितृसत्तेवर आधारलेली आहे, परंतु आदिवासी समाज हा प्रत्यक्षपणे या सामाजिक संरचनेचा भाग नाही. परंतु अप्रत्यक्ष पद्धतीने आदिवासी समाजाला जातीवर्ग पितृसत्ताक व्यवस्थेच्या शोषण व दमनाचा भाग बनावे लागते. त्यामुळे आदिवासी समाज हा जरी वर लिहिलेल्या सामाजिक संरचनेचा भाग नसला तरी त्या व्यवस्थानी बाधित आहे. हे मात्र निश्चित असे वास्तव आहे. प्रभूत्वशाली अश्या सत्ताधारी वर्गाकडून राबविण्यात आलेल्या विकास धोरणांचा बळी आदिवासी समाजाला वारंवार व्हावे लागते. आदिवासी समाज वेगवेगळ्या आर्थिक, सामाजिक, व सांस्कृतिक प्रश्नाशी संघर्ष करत आहे.आदिवासी स्त्रिया या संघर्षात बरोबरीने सहभागी असल्याचे चित्र आपणास दिसून येते. प्रस्तुत पेपर मध्ये मी आदिवासी स्त्रिया ज्या विविध लढयांमध्ये सहभागी आहेत त्याचा आढावा घेणार आहे.

महाराष्ट्रामध्ये एकूण ४७ आदिवासी जमाती आहेत, साधारणपणे ह्यामध्ये महाराष्ट्रातील आदिवासींचे तीन विभागामध्ये विभाजन केले जाते ते खालीलप्रमाणे.

सह्याद्री विभाग :

सह्याद्री पर्वताच्या विभागामध्ये महादेव कोळी, वारली, कोकणा, ठाकर, कातकरी, मल्हार कोळी, या जमातींच्या वस्त्या आढळतात. महाराष्ट्रातील एकूण आदिवासी लोकसंख्येमध्ये हे प्रमाण ३८% इतके आहे.

सातपुडा विभाग :

सातपुडा पर्वताच्या रांगांमध्ये भिल्ल,कोकणा, गावित, दुबळा, कोरकू, धानका, तडवी, पावरा या जमाती राहतात . या विभागामध्ये धुळे, जळगाव, औरंगाबाद, अमरावती या जिल्ह्यांचा समावेश आहे.

गॲडवन विभाग :

विदर्भातील डऑगराळ आणि जंगलमय प्रदेशात विशेषतः चंद्रपूर, भंडारा, गडचिरोली, यवतमाळ, नागपूर या जिल्ह्यात गऑड, माडिया गऑड, कोरकू, कोलम, परधान, आंध ह्या जमाती राहतात

महाराष्ट्रातील आदिवासी स्त्रियांचे काही महत्वपूर्ण लढे :

आदिवासी हा भारताचा एक नागरिक आहे, भारताच्या प्रगतीमध्ये त्याचा हिस्सा आहे असे मानले जात नाही. त्यांच्या रोजच्या जीवघेण्या संघर्षामुळे अनेक भागातील आदिवासी स्त्री ने तिच्या न्याय हक्कांसाठी विविध प्रश्नावर वेगवेगळे लढे उभारल्याचे दिसते. भारतात अनेक ठिकाणी याच काळात मालदा, हुबळी, वसीमबाजार, कलकत्ता या भागात माझी, चुडा बागडी, खेरा व सिंहभूम या भागात मुन्दामान चुडा या आदिवासीनी जुलूमजबरदस्ती, जमीन बळकावणे, आदिवासींच्या प्रथा मोडणे अपमानस्पद वागणूक देणे याविरोधी सत्ता व शस्त्रबळाने विरोध केला. यासारखे अनेक आंदोलने देशभर चालूच होते. महाराष्ट्रातदेखील पुरुषांच्या बरोबरीने आदिवासी स्त्रियांची लढे हेदेखील त्या काळामध्ये महत्वपूर्ण योगदान देणारे ठरले.

प्रत्यक्ष कृती आणि आंदोलने तसेच लढ्याच्या माध्यमातून महाराष्ट्रामध्ये अनेक ठिकाणी आदिवासी स्त्रियांचे लढे उभे राहिले. जमिनीच्या ताब्याचा प्रश्न, दारिद्र्याचा प्रश्न, दारूबंदीची चळवळ, जमातींचे कायदे, विकासाचे पण आदिवासींचे शोषण करणारे प्रारूप तसेच कुपोषण, अज्ञान, आरोग्य, बेरोजगारी, अंधश्रद्धा आणि स्त्रियांवरील अत्याचार असे अनेक प्रश्न या लढ्याच्या माध्यमातून पुढे आलेले आपल्याला दिसतात.

वनजमिनीचा प्रश्न (अतिक्रमित जमिनीचा प्रश्न) :-

महाराष्ट्रातील आदिवासी समाजाचा अतिक्रमित वनजमीनीचा लढा हा सर्वात महत्वाचा व प्रमुख असा लढा आहे. अतिक्रमित

वनजमिनीच्या लढ्यातील आदिवासी स्त्रियांचे योगदान सरकारी पातळीवरून स्वांतत्र्योत्तर कालखंडात जे विकासविषयक धोरण राबविण्यात आले त्याचे स्वरूप हे वगळवादी (एक्सक्लूझनरी) राहिले आहे. या धोरणाची चौकट प्रामुख्याने समाजतील विशीष्ट समुहाचे हितसंबंध डोळ्यासमोर ठेऊन आखली गेली आहेत. आणि त्याची अंमलबजावणी करण्यात आली. दुसऱ्या बाजूला मोठ्या जनविभागांना या विकासाप्रक्रीयेमधून वगळण्यात आले किंवा या विकास धोरणाचे प्रारूप ठरवत असताना या पारंपारिकदृष्ट्या शोषित व दुर्बल समाजघटकांचा विचार आला नाही. "झिरप सिद्धांतानुसार विकासप्रक्रियेचा लाभ आपोआप नंतर या जनविभागांनापर्यत पोहचतील असे मानण्यात आले. काही जनविभागांनापर्यत या विकासप्रक्रियेचे लाभ पोह्चलेही आणि त्याचा फायदा घेऊन हे जनविभाग किमान काही एक प्रगती साध्य करू शकले. परंतु आदिवासी समाजाच्या बाबतीत हे घडून येऊ शकले नाही. मुळात सत्ताधारी वर्गाने याचा विचार फारसा केला नाही. आणि दुसऱ्या बाजूला आदिवासीची भाषिक सांस्कृतिक, सामाजिक भिन्नता त्यांना इतर समुदायांपासून दूर राखत होती. आदिवासी समूहांना विकास प्रक्रियेमध्ये सहभागी करून घेणे तसेच इतर जनसमूहाबरोबर त्यांचे साम्मिलीकरण होणे यासाठी सरकारने आदिवासींची वर उल्लेख केलेली विशिष्ठ भूत अशी सामाजिक सांस्कृतिक परिस्थिती लक्षात घेणे आवश्यक होती. ती लक्ष्यात न घेतल्याचा परिणाम म्हणून आदिवासींना रोजगाराच्या संधी अनुपलब्ध असलेल्या दिसून येतात. आपला उपजीविकेचा प्रश्न सोडविण्यासाठी आदिवासींनी जंगल जमिनीवर अतिक्रमण करून ती कसण्यास सुरुवात केली.

जंगलाचा ऱ्हास या नावाखाली सरकारने आदिवासींना जंगले, जमीनिवारून हुसकाविण्याचा प्रयत्न आरंभिला. अतिक्रमित जमीन आदिवासींच्या नावावर करावी आणि त्यांचा जमिनीवरील हक्क मान्य करावा यासाठी महाराष्ट्राच्या विविध भागातील आदिवासींनी अतिक्रमित जमिनीच्या हक्काची चळवळ सुरु केलेली आहे. पोलीस आणि एस. आर. पी. यांच्यामार्फत बाल व दमनाचा वापर करून सरकार ही चळवळ दडपण्याचा प्रयत्न करते आहे. आदिवासी या दमनाचा प्रतिकार करत अतिक्रमित जमीन कसत आहेत. आदिवासींच्या या संघर्ष लढ्यामध्ये पुरुषांबरोबर स्त्रियाही तेवढ्याच ताकदीने लढताना दिसतात. नंदुरबार जिल्ह्यातील नवापुर तालुक्यामध्ये सत्यशोधक ग्रामीण कष्टकरी सभेच्या नेतृत्वाखाली आदिवासींचा हा लढा चालू आहे. त्यात नजुबाई गावित, साजुबाई गावित, भूरीबाई शेंबळे इ. स्त्रिया पुढाकार घेऊन ह्या लढ्याचे नेतृत्व करत आहेत. त्याचपद्ध्तीने शहादा तालुक्यात श्रमिक संघटनेच्या नेतृत्वाकःली हा लढा स्त्रिया लढत आहेत. आक्कलकुंवा, धडगाव, साक्री, रामपूर, राजबर्डी अश्या विविध आदिवासी लोकसंखेच्या भागामध्ये स्त्रिया वनजमीनीच्या हक्कांची चळवळ पुरुषांच्या सोबतीने चालवीत आहेत, यवतमाळ सातपुडा पर्वताच्या भागातील आदिवासींमध्ये सुद्धा ही चळवळ चालू असलेली आढळते व त्यात स्त्रिया महत्वाची भूमिका बजावत आहेत. धुळे जिल्ह्यात शहादा तालुक्यात श्रमिक संघटनेने आदिवासीच्या हस्तांतरित जमिनी परत मिळविण्यासाठी चळवळ केली होती, तेव्हा मोर्चा सभा घेतल्या गेल्या ज्यामध्ये आदिवासी स्त्रियांची संख्याही प्रामुख्याने मोठी होती. प्रत्येक गावांमधून १००-१५० स्त्रिया पुढे यायच्या आणि जमिनीचा ताबा घ्यायच्या कुरुंजी, शिरखेड भागापुर अश्या गावांमध्ये अनेक स्त्रियांच्या चळवळी झाल्या.

दारूबंदीची चळवळ :-

आदिवासी पाड्यामध्ये व्यसनाधीनतेचे प्रमाण मोठे आहे. आदिवासी पुरुष मोठ्या प्रमाणावर दारू पितात. येऊनश्रमिक संघटनेच्या महिलांच्या शिबिरामध्ये अंबर महाराज हे दारू व इतर व्यासानासंबधी स्त्रियांनी पुढाकार घेऊन पुरुषांची दारू सोडविण्याचे प्रयत्न केले गेले. इतकेच काय तर दारू जमीन व जीवनाच्या विविध प्रश्नावर स्त्रिया ह्या नेटाने पुढे येऊन काम करत होत्या.

शासनाची दडपशाही आणि आदिवासी स्त्रीची सुरक्षितता :

आदिवासी भागामध्ये शासन वेगवेगळ्या पद्धतीने दडपशाही व दमनाची यंत्रणा राबवत असते. पोलीसानाकडून होणारे अत्याचार हा त्यातला नेहमीचा येणारा अनुभव असतो. पोलिसांकडून ब-याच वेळा आदिवासी स्त्रियांवर बलत्कार केले जातात त्यामुळे आदिवासी स्त्रियांच्या सुरक्षिततेचा प्रश्न निर्माण झालेला आहे. या सरकारी दमणयंत्रणेच्या विरोधात आदिवासी स्त्रियांनी संघर्ष सुरु केलेला आहे. पोलिसांच्या व एस. आर. पी. च्या छावण्या उधवस्त करणे व त्यांना पळवून लावणे यासारखे प्रयत्न आदिवासी स्त्रिया करतात.

जमार्तीचे कायदे :-

नंदुरबार जिल्यातील काही आदिवासी विभागांमध्ये आदिवासी स्त्रियांनी हिंदू कोड बिल आदिवासी स्त्रीयांना लागू करण्यात यावे अशी भूमिका घेऊन यासाठीचे जोरदार प्रयत्न केलेले दिसून येतात. विशेषतः सत्यशोधक ग्रामीण कष्टकरी सभेच्या नेतृत्वाखालील आदिवासी स्त्रियांनी ही मागणी लाऊन धरली आहे.यामध्ये नजुबाई गावित, साजुबाई गावित, सरोज कांबळे, प्रभा

नारकर इत्यादी स्त्रिया आघाडीवर होत्या. आदिवासी स्त्री हि जमातीच्या  कायद्याने जखडलेली आहे. या जमातीचे जे पंच असतात त्यामध्ये फक्त पुरूषाच असतात. त्यात स्त्रियान स्थान नसते.

आदिवासी स्त्रिया शेतावर सर्व प्रकारचे काम करत असतात परंतु त्यांना जमिनीच्या मालकी हक्कांपासून दूर ठेवले जाते. किंवा ते हक्क जाणीवपूर्वक दिले जात नाही. त्यान चेटकीण व डाकिन असल्याचा संशय घेण्यात येऊन त्यांचा  छळ करण्यात येतो. दुसऱ्या नवऱ्याला पहिल्या लग्नाचा पूर्ण खर्च द्यावा लागत असल्याने इच्छा असूनही पुनर्विवाह करणे आदिवासी स्त्रीयांना कठीण होते. पुरुष मात्र एकापेक्षा अधिक बायका ठेऊ शकतो. त्याच्यावर बंधने नाहीत स्त्रीसत्ताकतेबद्दल जगभर प्रसिद्ध असलेल्या खासी जमातीमध्ये एवढेच नाही तर ख्रिश्चन असलेल्या खासी जमातीतील स्त्रीयांना ग्रामसभेत बसण्याची मनाई आहे. यावरून आदिवासी जमाती यादेखील पुरुषसत्ताक झालेल्या दिसून येतात. त्यामुळे आदिवासी स्त्रीयांना किमान भांडवली कायद्याच्या चौकटीत मिळणारे संरक्षण पुरविणे गरजेचे आहे, असे समजून आदिवासी स्त्रियांनी हिंदू कोड बिल आदिवासी स्त्रीयांना लागू करण्यात यावी अशी मागणी केलेली आहे. आज ज्या TISS मध्ये हे परिषद होते आहे याच TISS मध्ये १७ आणि १८ जानेवारी १९८८ ला एक चर्चासत्र आयोजित करण्यात आले होते. यामध्ये सुप्रसिद्ध वकील इंदिरा जयसिंग यांनी निसंदिग्ध शब्दात आदिवासी स्त्रीयांना हिंदू कोड बिल लागू करावे अशी भूमिका मांडली.

काही स्त्री संघटनाचा याला विरोध आहे. विशेषतः मार्क्सवादी स्त्रीवादी नेतृत्वाकडून त्यास विरोध केला जातो. गोदावरी परुळेकर, अहिल्या रांगणेकर यासारख्या डाव्या स्त्रीमुक्ती संघटनेच्या नेत्यांनी या भूमिकेला विरोध केलेला आहे. त्यांच्यामते भांडवली कायदे आदिवासी स्त्रीयांना लावले तर स्त्रियांचे स्वातंत्र्य निघून जाईल व निर्बंधात अडकतील अशी शंका त्यांना वाटते.

कॉ. शरद पाटील यांच्या नेतृत्वाखाली सत्यशोधक कामुनिस्ट पक्षाने आदिवासींच्या हक्कांचा प्रश्न सोडविला जाण्यासाठी भारतीय स्वायत्त आदिवासी राज्यांच्या स्थापनेची मागणी केलेली होती. या मागणीच्या पूर्ततेसाठी  सत्यशोधक कामुनिस्ट पक्षाच्या महिला आघाडी अंतर्गत आदिवासी स्त्रियांनी मोर्चे काढले तसेच धरणे सभा व्याख्याने पत्रके याच्या माध्यमातून या मागणीचा प्रसार करण्याचे कार्य केले.

जागतिकीकरणातील विकासाचे आलेले प्रारूप जे आदिवासी समुहासाठी शोषण करणारे राहिले आहे :-

जागतिकीकरणाच्या धोरणांअंतर्गत आंतरराष्ट्रीय भांडवलदार भारतामध्ये गुंतवणूक करत आहेत. आदिवासी भागातील मौल्यवान खनिज संपत्ती ही त्याची लक्ष्ये आहेत. तसेच आदिवासी पटट्यातील जमीन सुद्धा ती बळकावू पाहत आहेत. नंदुरबार जिल्ह्यातील साक्री येथील "सूजलॉन" या कंपनीला पवन उर्जा उभारण्यासाठी सरकारने जमीन दिलेली होती.  सूजलॉन कंपनीच्या या प्रकल्पामुळे आदिवासींची जमीन हिसकावली जाऊन त्यांना त्यांच्या उपजीविकेचा प्रश्न निर्माण होऊ शकतो. त्यामुळे त्याविरोधात या जिल्ह्यात प्रचंड मोठ्या प्रमाणावर सूजलॉन कंपनीच्या विरोधात आदिवासी स्त्रिया आणि पुरुष लढा देत आहेत.

या घटनेच्या माध्यमातून सरकारचे आंतरराष्ट्रीय भांडवलदारांशी असलेले हितसंबंधांचे धोरण त्यामुळे आदिवासींच्या हितांना दिला जात असलेला फाटा असल्याचे स्पष्टपणे दिसून येते.

संगमेश्वर तालुक्यातील कोळसाभट्टीवरील २३ कुटुंबाना तीन दिवस तहसील कचेरीसमोर धरण धरल आणि मजुरीची रक्कम वसूल केली. या लढ्यामुळे शेकडो कुटुंबाना लाखोच्या घरात मजुरीची रक्कम मिळाली. या लढ्यातील स्त्रियांनी रस्त्यांवरील गाड्या अडवल्या, धरणे धरले. व अत्याचार आम्ही आता सोसणार नाही, आम्ही लढ्याला हाव तय्यार , कामाचा दाम मिळाला पाहिजे असे पुरुषांच्या बरोबरीने नारे देत स्त्रिया संघर्षाला उभ्या ठाकल्या.

पर्यावरणाच्या नावाने सरकारने कोळसा भट्ट्या बंद केल्या . तेंव्हा जगण्याचा पर्याय शोधताना आदिवासी स्त्रिया एकत्र आल्या. जमिनीच्या मालकीचा प्रश्न समोर आला. जंगल, जमीन आमच्या हक्कांची नाही कोणाच्या बापाची, झाड आम्ही तोडायचो नाय,केला पालट सोडाय्चो नाय अश्या गर्जना करत जमीन हक्कांच्या लढ्यात जवळपास निम्म्या संख्येने स्त्रिया सहभागी होत्या.

या सर्व लढ्यामुळे स्त्रियांमधून नेतृत्व तयार झाले, ज्यामध्ये ठ्गीबाई, भूरीबाई  सरोसतीबाई, विमलबाई, हिकराणा सोनवणे, रुखमाबाई अश्या काही स्त्रिया ह्या त्यांच्या चळवळीतील अनुभवाच्या आधारावर गाणी लिहित व त्यांच्या आदिवासी स्त्रियांच्या चळवळीला मजबूत करण्याचे काम करत व प्रस्थापित व्यवस्थेच्या विरोधामध्ये बंड पुकारताना ह्या आदिवासी स्त्रिया पुढे आलेल्या दिसतात.

२०११ च्या जनगणनेनुसार राज्यात आदिवासींची लोकसंख्या  १ कोटी ०५लाख १०हजार, २१३ इतकी होती. त्यामध्ये

आदिवासी स्त्रियांची संख्या ५१ लाख ९५ हजार १८८ इतकी असून, त्यापैकी २५ लाख ६१८ म्हणजेच ४८.६९ आदिवासी साक्षर होते . त्यामध्ये ५६ % पुरुष तर ४९% महिला साक्षर आहेत तर एकूण आदिवासी लोकसंख्येच्या तुलनेत ९१ % कुटुंब हे दारिद्र्य रेषेखाली आहेत. आरोग्याच्या संदर्भात जर आपण बघितले तर ५२ % आदिवासी पुरुष तर ६२ % आदिवासी स्त्रिया ह्या कुपोषित आहेत. आणि ५२ % आदिवासी हे जगात अर्धपोटी आहेत. या पार्श्वभूमीवर तीनही विभागांमधील आदिवासी जमातींचे शिक्षणाचे, आरोग्याचे, विकासाचे अनेक प्रश्न आहेत आणि त्यासाठी त्यांचा संघर्ष हा विविध प्रदेशानुसार राहिला आहे.

आदिवासी समूह हा निसर्गाच्या जवळचा आहे, जंगल हेच त्यांचे घर आणि उदरनिर्वहाचे साधन राहिले आहे. आदिवासी जमात ही मुख्यत: दऱ्या खोऱ्यात जंगलामध्ये वास्तव्य करत असते. तसेच त्यांच्या वस्त्या ह्या इतर गाव व समुहापासून दूर दूर असतात. अश्या ठिकाणी जेथे कोणतेही उत्पन्नाचे साधन नाही, जमिनीवरील कोणती ही मालकी हक्क नाही, त्याचबरोबर वीज, पाणी आणि निवाऱ्याची काही सोय नाही अश्या वातावरणामध्ये हे समूह आपले जीवन निसर्गाच्या सानिध्यामध्ये कंठीत असतात.

आदिवासीना उदरनिर्वाहासाठी स्वत:ची अशी शेती नाही ज्या काही आदिवासीकडे जमिनी आहेत, त्या सरकारने दिलेल्या आहेत ज्यांची नअॅद सातबाऱ्यावर नाही किंवा त्यांचे नाव अद्याप पर्यंत कागदपत्रांवर आलेले नाही.

त्यामुळे आदिवासींना तुटपुंज्या अश्या उपजीविकेच्या साधनावर जीवन जगावे लागते. आदिवासींना जी जमीन मिळाली ती मुळातच कमी उत्पादकता असलेली जमीन आहे. शासनाने जी जमीन दिली ती अद्यापही त्यांच्या नावावर न झाल्या मुले शासनाच्या कोणत्याही योजनेचा लाभ घेता येत नाही. तसेच शिक्षणाअभावी आधुनिक तंत्राने शेती करण्याचे अज्ञान असल्यामुळे परंपरागत शेती करूनच उत्पादन घ्यावे लागते. आदिवासी स्त्रिया ह्या मजूर म्हणून काम करतात. आदिवासी स्त्रियांचा शेतीतील मजूर म्हणूनचा सहभाग हा बदलत्या कृषी अर्थव्यवस्थेमध्ये संपविला जात आहे. याला कारण म्हणजे शेत जमिनीचे होणारे व्यापारीकरण किंवा औद्योगिक भांडवालादाराना दिले जाणारे प्रोत्साहन, यामुळे शेतीतल्या रोजगारावर विसंबून असणाऱ्यांच्या हाताला काम मिळत नाही, किंवा वीटभट्ट्या कामगार, मजूर यासारख्या कामांवर आपले उदरनिर्वाहाची साधनावर समाधान मानावे लागते. त्यामुळे पुरुषाचे रोजगाराच्या शोधात होणारे स्थलांतरणाचे प्रमाण एकीकडे वाढते. यामुळे कुटुंब म्हणूनचे त्यांचे काही प्रश्न निर्माण होतात.

यासार्व परिस्थितीमध्ये आदिवासी स्त्रीचे जीवन हे दिवसेंदिवस कठीण होत चालले आहे. जी गोष्ट शेतीची आहे तीच पाण्याचीही आहे. दुर्गम आदिवासी पाड्यांवर पाण्याची कोणतीही व्यवस्था नसल्यामुळे स्त्रीयांना मैलो दूर पाण्यासाठी भटकंती करावी लागते. कुटुंबाची गरज असेल तितके पाणी भरणे , साठविणे व ते दिवसभर पुरविणे ही सर्व जवाबदारी पितृसत्ताक समाजामध्ये स्त्रियांचीच आहे असे मानले जाते. यासर्वामुळे अर्थातच तिचे वाढलेले श्रम आणि कष्ट याला सामोरे ह्या आदिवासी स्त्रिया जात असतात. यामुळे मानवाच्या ज्या अन्न, पाणी आणि निवारा या मुलभूत गरजासाठीच आदिवास्याना प्रचन संघर्ष करावा लागतो.यावरून शिक्षण, आरोग्य, रोजगार या विकासाच्या प्रश्नासाठी त्यांना काय काय सोसावे लागत असेल याची प्रचीती येते.

समारोप:-

आदिवासी स्त्री ही दोन पातळ्यावर तिचे जीवन जगते आहे एक म्हणजे जगण्यासाठी अस्तित्वाची व उपजीविकेची लढाई याचा संघर्ष व त्यासाठी त्यांना द्यावा लागणारा लढा, तर दुसऱ्या बाजूला त्यांच्या जमातीतील जाचक कायदा, दारू यासारख्या बाबींसाठी सुद्धा त्यांना लढावे लागते आहे. (डाकिन, चेटकीण व बहिष्कृत) समजणे यासारख्या मुद्द्यांवर त्यांना लढावे लागत आहे. एक अभ्यासक कार्यकर्ती म्हणून मला असे वाटते आहे की, विकास म्हणूनची जी काही संकल्पना आहे त्यामध्ये शिक्षण, आरोग्य, रोजगार या महत्वपूर्ण प्रश्नासाठी नव्याने अजूनही मोठ्या प्रमाणात लढा द्यावा लागणार आहे. आदिवासी स्त्रियांमध्ये कुपोषणाचे प्रमाण हे आजघडीला साधारणत: ६२ % एवढे आहे. आणि शिक्षणाचे प्रमाण जर बघितले तर आपल्याला असे दिसून येते की, आदिवासीमधील लिंग गुणोत्तर हे इतर समूहापेक्षा निश्चितच चांगले आहे मात्र आदिवासी मुलींचे शिक्षणातील प्रमाण हे नगण्य असेच राहिले आहे. या सर्वामुळे पुन्हा या आदिवासी स्त्री - पुरुषांना रोजगाराच्या संधीपासून तो कायम दूर राहताना दिसतो आहे. व पारंपारिक जे काही उदरनिर्वाहाचे साधन आहेत त्यावर समाधान त्यांना मानावे लागत आहेत. मुख्यप्रवाहातील विकासामध्ये या आदिवासी समूहाला आणण्यासाठी त्यांचे प्रश्न समजून घेणे महत्वाचे वाटते.

आजही आदिवासींचे, आदिवासी स्त्रियांचे प्रश्न सुटलेले नाही, भारत २१ व्या शतकात विकसनशील राष्ट्र म्हणून ओळख निर्माण करत असताना त्याच भारतातील आदिवासी जमात विकासाच्या प्रक्रियेपासून कोसो दूर आहे . जमीन,जंगल पाणी, अन्न यासारख्या मुलभूत गरजा साठीच त्यांना प्रचंड संघर्ष करावा लागत आहे पर्यावरणाचा होणारा

विनाश आदिवासी भागातील जीवविविधेतेचे नुकसान मनुष्य करतो आहे. त्याचा प्रत्यक्ष - अप्रत्यक्ष परिणाम हा आदिवासीच्या जीवनावर होताना दिसत आहे. त्यांची संस्कृती आणि त्यांच्यावर लादलेला भ्रामक विकास हे त्यांच्या समोरचे भीषण प्रश्न आहेत. आदिवासी स्त्रीयांना पाणी, लाकूडफाटा, चारा आणण्यासाठी एकीकडे त्यांचे कष्ट वाढत आहे, तर दुसरीकडे भारताचे नागरिक म्हणून ज्या काहे नागरी सुविधा त्यांना मिळणे गरजेचे आहे त्यापासून हा समूह कायम वंचित असा राहिला आहे. या पार्श्वभूमीवर शासनाच्या धोरणातील एक महत्त्वाचा जो नारा दिला जात आहे तो म्हणजे "सबका साथ सबका विकास". या सर्व विकासप्रक्रियेमध्ये दलित आणि आदिवासी स्त्रिया व हा समूह कोठे आहे आणि त्यांच्या विकासाची चर्चा कशी आणि कुठे सुरु आहे याचे भान देणारी ही "The Question of Citizenship of Women in India" ही परिषद महत्वपूर्ण ठरते असे मला वाटते.

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# ADIWASI WOMEN IN MAHARASHTRA: ISSUES AND STRUGGLES

MANJUSHREE LANGDE

In India, adivasis form about 7 to 8 % population.Indian society is based caste.Adivasis are not the part of caste based society, however they are oppressed by patriarchy.

They have many social issues such as, illiteracy, poverty, malnutrition, unemployment, land rights, violence against women and superstitions.

There are 47 subdivisions of Adivasi in Maharashtra.They can be divided in 3 groups, namely, Sahyadri, Satpuda and Gondvan.

Sahyadri division: Mahadeo koli, Varli, Kokana, Thakar, Katkari and malhar Koli are found in this region.They are about 38 % of adivasis population in Maharashtra.

Satpuda division: Billa, Kokana, Gavit, Dubara, Kokru, Dhanka, Tadvi and Pavra are seen here.They are mainly in Dhule, Jalgaon, Ahamdabad and Amravati.

Gondvan divisin: Gound, Madiya Gound, Kokru, Kolam, Pardhan and Audhra are seen here.They are at Chandrapur, Bhandara, Gadchiroli, Yavatmal and Nagpur.

The major struggles by adivasi women include issues of encroachment on their land by the government,selling of liquor ,safety of women,malnutrition,illitracy,unemploymentJamat rules and regulations .About 62 % adivasi women are malnurished and almost all are illiterate.

In Maharashtra, along with men women have actively participated in the struggle for their rights.

As per 2011 census, 10510213 is advivasi population and among them, 5195188 are women.The literacy rate among adivasis is 48.69 and among them,49 % are iliterate women.Among adivasis,about 91% are below poverty line.

Adivasis do not have own agricultural land and fixed source of income.They do not have proper place to stay,water and electricity.With globalisation for development, the adivasis are losing their natural wealth.They need to be given due importance in the development planning.

Adivasi women face many problems and their issues need to be addressed.We are in 21 st century, world is progressing but adivasis are not gretting any benefit and hence addressing their citizenship rights is very significant.

*Footnote: This is not word to word translation,it is summary of the contents in English.*

## VALEDICTORY SESSION

Chaired by **Prof. Vibhuti Patel**. Chief Guest **Prof. Lakshmi Lingam**

While expressing her views on the topic seminar, she mentioned that institutions practice different form of patriarchy.

Women occupy different positions in society with respect to caste, class and religion. Concept of citizenship is changing continosly. She mentioned that women movements are working on this issue. The national health survey show that indicators are poor with respect to low education and scheduled castes. Dalit movements work for rights of Dalits but often miss gender component.

Citizenship rights are identity rights. It should include development component, schemes implementation and allotment of budbet for it. Whild discussing citizenship of women we need to look into these aspects.

In India, women's identity is associated with family. After marriage, her name from ration card of parental family is removed and included in new family. But in case if it is not included then that woman have no proof to prove her identity. Aadhar card serves as identity proof for many women such as single, widow or deserted women.

Life experiences of all women are not identical. We need to see intersectionality. Recognition of right of citizenship differ for different.

One need to take into consideration what are points or levels from where people are talking about citizenship rights and negotiations for the same sections of women. Violation of citizenship rights must be attended.

It is essential to recognise and document the same.

# CONCEPT NOTE FOR SEMINAR
# "THE QUESTION OF CITIZENSHIP OF WOMEN IN INDIA"

In pre-capitalist social formations the right of citizenship was limited to specific social groups. In class society these included the upper classes such as kings, feudal lords, nobles, etc. Since Indian society is based on caste, here those rights were restricted to men from the upper castes. Weaker exploited communities like upper-caste women and men and women of the lower castes were excluded from the rights of citizenship. After the establishment of capitalism, when a regime of capitalist law came into existence, this limited scope of citizenship rights was widened, and they became available to all. But the possession of rights had a limited sense for the lower classes. Even though all were considered equal before the law, in fact it was only the upper classes who enjoyed the benefits of capitalist laws.

After British rule was imposed in India, they implanted capitalism within the existing society. And so capitalist laws became prevalent in India too. And for the first time in India, there was a law that was formally equally applicable to all, in contrast to prevailing inequality based on Brahmanical religious laws prevailed.

Even though a capitalist law that treated all subjects as equal was imposed during the era of British rule, still Indians remained excluded from several rights of citizenship because of their political subjugation. Towards the end of the nineteenth century, a political movement which was a movement for political independence emerged. This movement struggled for political rights and awakened a desire for political rights among the Indian people. The other side of this was that the exploited and backward communities that had been excluded from kinds of rights by Brahminical religious law, found space to struggle for social rights on the basis of capitalist laws; and in various parts of India movements against caste and for social reform came into being.

In Maharashtra in the second half of the nineteenth century, Mahatma Jyotiba Phule started the Satyashodhak movement. At the beginning of the twentieth century Dr. Babasaheb Ambedkar made his entry as a leader on the stage of Indian politics. He took on the anti-caste, anti-patriarchal legacy of the Satyashodhak movement and widened the scope of the Dalit movement. He awakened an urge for gaining social rights among the dalits who were the lowest stratum of the society, and made them ready to struggle for those rights. He was very clear that citizenship in independent India should be inclusive of these lowest strata of the society.

After independence, through the Indian Constitution, 'civil' rights were granted to all Indian citizens. Accordingly, every individual had certain fundamental rights. Besides this, the occupational restrictions imposed by the caste system were lifted, and citizens gained the right to take up any occupation or form of service of their own choice, and if required then migrate in order to find jobs of their choice. After independence, a policy centred on industrial growth in the metropolitan cities came into effect. The Dalit social groups who had suffered cruel oppression under the caste system in the cities, took the road to big cities (like Bombay and Pune in Maharashtra) in the hope of finding employment. But in a situation where they had no education and /or skills, dalit immigrants to the cities were forced to take up available jobs and to build huts in slums in order to live there. In this way slums or settlements came up in these cities, in which with rare exceptions mostly dalits or former untouchables, people from the nomadic and 'denotified tribes', and over the course of time Muslims, were the main residents. These residents have to put up a tremendous struggle for civil rights and basic amenities.

In Indian society Dalit women are at the lowest level. In the everyday struggles of urban living mentioned above, they are in the forefront. They are the greatest sufferers from lack of civic amenities. Whether it is a battle for getting ration cards, or for roads, water or electricity supplies.

This seminar aims to discuss the concept of Citizenship and take account of feminist contribution to it. Along with the concept of citizenship it will try to trace its historical evolution and dynamics in modern India. It will also try to look upon the relation between caste, class, gender and citizenship with respect to women in general and dalit, muslim, obc, adivasi women in particular.

## SEMINAR SUMMARY

### Day 1

Started with inauguration and introduction.

We started off this session with Dr.Sujata Chavan's brief about the initiative, where she talked about the right of citizenship in the capitalist context. She mentioned the Satyashodhak movement, and the role of Babasaheb Ambedkar in making Dalits conscious of their rights. She flagged the issue of migration and connected it to the issue of civil rights. Caste, class and tribal struggles, the relations of the citizens to the state and the feminist critique of it were highlighted. The feminist critique seeks to break the binaries of the private and public spheres, and critique the idea of community.

Prof Ramakumar then gave us a brief history of the right to citizenship, starting from the enlightenment and coming to the present day, expounding on the idea of the social contract, and echoing the words of Ambedkar, pointed out that we are a political democracy, but not really a social democracy. He emphasized on the fact that we have not made adequate advances on the economic front – and how the coming of the neoliberal agenda has derailed this process even further. He highlighted the fact that whatever rights we have now were the result of a mass movement, and that mass mobilization is essential to get substantive equality and citizenship rights for everyone.

**Prof Wandana Sonalkar** gave a keynote address. She mentioned the following:

- achievement of rights is always through a mass movement.
- liberal conceptions of rights are exclusionary – they privilege men and communities that cannot conform to their POV
- Equal treatment actually perpetuates oppression – because formal equality does not guarantee substantive equality
- Critiques of the liberal conception come from the anti-caste and feminist movement
- State protects the interests of the ruling class – seeks to create a homogenized version of history
- She ended on an optimistic note that there is and has always been resistance

**Adv. Flavia Agnes**

- gendered citizenship and the need for an intersectional framework
- the debate around the abducted women around the time of partition and how women were not individuals, but symbols that bore the honour of the nation
- how the hindu woman that carries the honour of women and has become the norm
- dichotomy between the street woman and the good homely woman
- growing violence against dalit women, and the impunity granted by the state
- how Padmavat vilified muslims and women

**First session:**

Chaired by Prof. Vibhuti Patel, was about gendered notions of citizenship, and the speakers were Dr. Gaurang Jani from Ahmedabad and Sneha Gole from Pune.

**Dr. Gaurang Jani** started off with an incisive critique of the Gujarat model of development

- the problem of the skewed sex ratio, and how men from the Patel/Patidar community are

forced to marry tribal women

- spoke about the peculiar conditions of sex workers in Ahmedabad, that most of the sex workers are home based, and part of families
- types of sex workers, and their caste composition
- spoke about the conditions when he started his work in 1992 and no NGOs were ready to work with sex workers – and now sex workers have their own CBO, also how students were unwilling to work with sex workers
- working with the police and educational institutions to reduce stigma both around HIV and sex work – the tying of rakhis to the police (to which some audience members raised concerns), inviting sex workers to educational institutions to give speeches, as well as student visiting the Jyoti Sangh offices to interact with sex workers
- building solidarities with sex workers around india

**Dr. Sneha Gole:**

- Understanding gendered citizenship: looking at citizenship as a site of struggle
- Citizenship concept and feminist engagement and what is the relationship between the women and the state in a patriarchal setup
- Neoliberal state – failed attempt of maha state govt to write a new women's policy

How the Maharashtra government appointed MAVIM as the nodal agency for framing this policy in 2010, rather than women and child development committee or state commission of women. Their methods were not transparent and patently exclusionary, and also MAVIM promoted a very neoliberal agenda that put the onus of bettering their conditions on women themselves and absolved the state of responsibilities – by suggesting techniques such as the formation of self help groups. The SMASS led the protest and called for broad based consultation and emphasized the political nature of policies – how they could have the right language but still be empty of all content

- As a result, policy making is not a site of negotiation, and the process has become depoliticized – agenda pushing by the UNFP

Prof.Vibhuti then gave a brief history of how the Maharashtra state women's commission was actively silenced– because it was too militant

**Session 2:**

Chaired by Prof. Meena Gopal , and the speakers were Hasina Khan and Dr. Raziya Patel

**Dr. Razia"**s speech:

- Historical contributions of Muslim women are not acknowledged, which in a way has implications for the discussion of citizenship rights for Muslim women.
- Even since independence whenever the issues of Muslim women have been raised, they always pertained to the ambit of personal law and not citizenship at all.
- Even though there is diversity within the Muslim communities, a monolithic picture is painted as if all Muslims regardless of class, caste and gender have common concerns and problems. That is why the issues of Muslim women who are the marginalized of the marginalized are not taken up.
- Political parties following majority fundamentalism have used the issues of Muslim women for political propaganda in order to use these against the Muslim community itself.
- Article 25 of the constitution guarantees freedom of faith and conscience but this freedom to

should not be exercised to exploit certain groups. Thus it raises important questions of whether the issue of citizenship rights of Muslim women would be looked at on the basis of constitutional values or community values.

**Hasina**'s speech:

- Sachar report had pointed out the process of marginalization of Muslim communities. It has been observed that the governments have been quick in garnering votes from these communities but have nothing to support them or improve their conditions. Segregation and ghettoisation has not only led to the more marginalization of these people, but when communities are backward, the women of these communities bear the greatest brunt of this marginalization and backwardness.
- Neither the state nor the Muslim community wants to report on the recommendations of the sachar report. It has been observed that the question of Muslim women's rights are often raised within the ambit of the community in such a manner that it projects a scenario where it is the community vs the nation or personal law vs secular law.
- This has implication for Muslim women as their identity is created only within the community and perhaps is imposed by the dominant members of the community.
- The space to raise dissent and different viewpoints is lacking for Muslim women, which makes it difficult for them to talk about citizenship as the community becomes the representative in front of the state, where women are not given any space to voice out their opinions.
- Lack of space both from the state structures as well as from within the community for women to table their concerns and demands

**Session 3**

Chaired by Dr. Bindhulakshmi, and papers were presented by Dr. Sai Thakur and Dr. Sujata Chavan

**Dr. Sai Thakur**'s presentation:

- how cultural practices are not all regressive, are sometimes a source of respite, and it is possible to recast them in a way that removes the sexist or misogynist underpinnings
- the importance of a caste based census
- some data about how OBC representation in universities and the parliament is less than 20% - and segregated data is not available

**Dr. Sujata** then talked about the peculiar problems faced by the women of the Sonar and Shimpi OBC castes. She found that these women tended to emulate upper caste women – very few were resistant.

- Their education is not a priority – they have very little mobility – and bhakti or satsang helps them find some level of freedom to go out
- Complete loss of freedom post marriage – arranged marriage to ensure no intercaste marriage occurs
- Do only the jobs that are considered okay for women – teacher, anganwadi worker etc.
- Generally not given preference for nutritious food, Health depends on whether they give birth to a girl or a boy – yet must be physically fit to be able to take care of the family
- We need to raise the issue of brahmanical patriarchy

**DAY 2**

**Session 4:**

Chaired by: Sangita Thosar, Presenters: Ashwini More, Amit Kumar

**Ashwini More**:

She presented the issues of dalit women.Her paper was based on her study conducted in slum areas at Aurangabad.Many people are migrants from Jalna.They do not get basic necessities for life.There are no public toilets,no water facility.Majority are from below poverty line.

She also said that Aurangabad is going to be smart city but these slums are not getting basic facilities.

**Amit Kumar**:

His presentation focused on Valmiki women and the question of citizenship. The major issues highlighted were:

- The identity of valmiki women and men, and their labour as domestic workers and as persons who clean the sewage systems makes for an image of them that is often dismissed and used against them. People are based on their names.
- There is violence against women. The community even after getting education is also likely to perpetuate certain problematic ideas that are inherently brahminical like hiring some other valmiki woman to clean toilets.
- Education is extremely crucial to empower the women but it's equally important to introduce gender within education from an earlier stage so everyone can understand how patriarchy and caste patriarchy functions.

**Sangita Thosar**:

She summed up the session with a personal story where she expressed that even though legal rights have been guaranteed to everyone, the history of the struggle that was so personal and that is not valued enough. Rehabilitation has inevitably resulted in a new but old set of issues like water, electricity and sanitation but this time in a govt provided building and not an area that people from the community struggled to acquire.

The questions included questions on sex work, anukampa, who these dalit women are and ideological differences in how issues are approached in the academia and in the movement. The Homogenisation of dalit women can be equally problematic within the dalit movement.

**Session 5:**

Chaired by Dr.Asha Achuthan. Speakers: Adv.Audrey D'Mello, Adv.Monica Sakhrani and Hasina Khan.

The sessions focused on the Uniform Civil Code and its need or the lack thereof.

**Adv.Audrey:**

- From historically being uniform to becoming optional to now again being spoken about to flatten our pluralistic society.
- Personal laws have also evolved over the recent past
- Women need affordable and accessible justice over uniformity.

**Adv.Monika**:

- The historical view of the Hindu marriage act and reflecting on the state intervention in the issue. Given a choice, hindu women would not like to go back to pre Hindu marriage act days at all.
- The UCC cannot be drafted without dialogue and negotiation from all people concerned. The current government makes it hard to put any faith in.

**Hasina**:

- Muslim women have been ignored by the AIMPLB and everyone else who is now accusing muslim women for deceiving the community but it's this marginalisation that has forced muslim women to look to the state for help. There has been no improvement in the status of muslim women and this has left women with very little choice in the matter but to look at the government.
- The secular discourse needs to interact with feminist ideas. There is a pressing need to talk about muslim women and all women beyond heterosexual marriages.
- Gender just laws must address ALL gender unjust laws within all cultures because women must be seen as full citizens with civil rights.

The session was wrapped up by the chair and the panelists by answering questions and realising that there is a pressing need to speak beyond the UCC and laws as the current state of judiciary and it's inaccessibility continue to keep women marginalised even after laws have been put in place to uplift them.

**Session 6:**

Manjushri Langde and Dr. Narayan Bhosale, chaired by Prof.Ritambhara Hebbar

**Dr. Narayan Bhosale:**

Spoke about denotified and nomadic tribes and their perpetual invisibilization in the discourse about citizenship rights. He pointed that even though their population has increased in the recent years, the state and civil society happens to overlook their issues and problems even after the report of the balkrishna renke commission. Their concerns about food, shelter, education and dignity are not talked about anywhere. The condition of women is even worse as they are constantly at the receiving end of injustice and humiliation at the hands of the patriarchal caste councils.

**Manjushri Langde:**

She spoke about the tribal groups in Maharashtra and their composition. They make up 7 to 8% of the indian population. Some of the major issues that were highlighted included:

- Land related- encroachment by government, livelihood since that's connected to land and supposed development. Losing land leads to unemployment. Life and occupation being so closely related to land has caused a lot of people to migrate due to droughts.
- Safety- from the police and SRP
- Social- socially isolated, students at educational institutions find it hard to cope up with language requirements, equal male-female ratio but lesser female representation, witch hunting and alcoholism continue to disrupt peace for women in these communities
- Political participation: panchayats only have men, development flows through the state and people from adivasi communities are not made a part of this process. Development means very little and in fact has negative effects on the tribal community.

Seminar ended with valedictory session and vote of thanks.

# Seminar Schedule

| **17th February, 2018 (Saturday)** | |
|---|---|
| 9.30 am to 10.30 am | **Registration** |
| 10.30 am to 12.00 pm | **Inauguration**<br>Welcome address Prof Ramakumar, Dean, School of development studies<br>Keynote address: Prof. Wandana Sonalkar<br>Guest Of Honour: Adv.Flavia Agnes |
| 12.00 pm | **Tea Break** |
| 12.15 pm to 1.15 pm | **1st Session:** "The Question of Citizenship of Women in India"<br>Chair: Prof.Vibhuti Patel<br>**Speakers:**<br>• Dr.Gaurang Jani: "Gender and Citizenship of Women in Gujarat; Experiences of Ahmedabad Sex workers"<br>• Dr.Sneha Gole: "Understanding Gendered Citizenship" |
| 1.15 pm | **Lunch Break** |
| 2.00pm to 3.00pm | **2nd Session**: "Nationalism and Muslim Women"<br>Chair: Prof.Meena Gopal<br>**Speakers:**<br>• Dr.Razia Patel: "Politics of Nationalism and Issues of Muslim Women"<br>• Dr.Hasina Khan: "Issues of Citizenship of Muslim Women in India" |
| 3.00 pm | **Tea Break** |
| 3.15 to 4.15 pm | **3rd Session**: "Citizenship and Issues of OBC Women"<br>Chair: Dr.Bindulakshmi<br>**Speakers:**<br>• Dr.Sai Thakur:"Citizenship:Bahujan Women and Politics of Identity"<br>• Dr.Sujata Chavan:"Issues of Sonar and Shimpi Women in Maharastra" |

| 18th February, 2018 (Sunday) | |
|---|---|
| 10.00 am to 11.00 am | **4th Session:** "Citizenship and Issues of Dalit Women"<br>Chair: Ms.Sangita Thosar<br>**Speakers:**<br>• Ashwini More: "Dalit Women and Civil Rights with Special Reference to Slums in Aurangabad"<br>• Amit Kumar: "Issues and Challenges of the Domestic Women Sweeper of Balmiki community in Haryana" |
| 11.00 am | **Tea Break** |
| 11.15 am to 12.45 pm | **5th Session:** "Uniform Civil Code"<br>Chair: Dr.Asha Achuthan<br>**Speakers:**<br>• Adv.Audrey D'mello: "Uniform Civil Code: Its Inclusion and Exclusion"<br>• Adv.Monika Sakhrani:"Pluralism VS Homogeneity: Exploring the Dilemmas of Uniform Civil Code"<br>• Dr.Hasina Khan: Gender Just Law |
| 12.45 pm | **Lunch Break** |
| 1.45 pm to 2.45 pm | **6th Session:** "Rights of Adivasi Women and their Citizenship"<br>Chair: Prof.Ritambhara Hebbar<br>**Speakers:**<br>• Dr.Narayan Bhosale:"Struggles of Nomadic Women in Maharashtra"<br>• Manjushri Landge:"Issues and struggles of Adivasi Women in Maharashtra" |
| 2.45 pm | **Tea Break** |
| 3.00 pm to 3.45 pm | **Summary Report** |
| 3.45 pm to 4.45 pm | **Valedictory Address** by Prof. Lakshmi Lingam<br>Chair : Prof.Vibhuti Patel<br>**Vote of thanks** |