

FEATURE

Indian election and Women's Day This Year: Let's Bring Women's Freedom Onto the Political Agenda

Sunday 13 April 2014, by [KRISHNAN Kavita](#) (Date first published: 1 March 2014).

Azaadi - freedom - was the slogan raised last year in the anti-rape movement. How should that azaadi translate into an anti-patriarchy manifesto for the 2014 election?

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One fact stares us in the face: that ruling political formations across the board seem to wilfully refuse to accept women's demand for freedom. Whether 'democracy' is defined in Parliamentary terms or in more radical terms of participatory democracy and mohalla sabhas, political parties are proving to be unwilling to recognise that democracy can't be consistent with patriarchy.

Let's begin with the evocative slogan raised by young women during last year's movement: 'khap se bhi azaadi, baap/bhai se bhi azaadi.' That slogan is actually a rich and insightful one. For those women, 'khap' isn't just some aberrant institution found in Haryana or adjoining regions. They recognised the 'khaps' all around them in various guises - in their own homes, their hostel administrations, their caste and community structures, their own parents and brothers - seeking to take away their freedom in the name of their safety. That slogan displayed an instinctive recognition of the fact that patriarchy doesn't rest only in rapist strangers, but in structures of caste, class, and community. By choosing 'khap' as the symbol for patriarchy, the slogan recognises that the same structures that oppress women, oppress dalits too. Men and women alike raised that slogan: recognising that patriarchy, like khaps, seeks to discipline and control women's sexuality, by laying down moral diktats for women, and profiling and demonising men of 'other' castes and communities. They recognised the 'khap' in the IPC Section 377 that profiles and criminalises gay and transgender people.

When political parties act as defenders and apologists of khaps, they are telling us that the freedom and dignity of women and dalits really do not have much place in their vision of politics. When they tell us "Khaps are fine as long as they don't coerce or kill", they are telling us that oppressive and undemocratic structures are fine, as long as the structures are maintained without overt and obvious violence.

The problem is - those who demanded azaadi last year didn't identify khaps only with 'honour killings': they recognised the khaps lurking in their discriminatory hostel curfews; and in their parents' anxiety to get them married into the 'right' caste; in the daily, obsessive policing, by their own loved ones, of their friendships, their movements, their sexuality, all in the name of their 'safety'. So, they located the oppressiveness of 'khaps' in the normal and everyday patriarchal

restrictions and codes – not simply in the shock of spectacular ‘honour killings.’

As elections approach, with political parties choosing to rehabilitate khaps, we need to reflect on the violence this does to the principles of democracy and justice for women and oppressed castes.

Haryana chief minister Bhupinder Singh Hooda, from the Congress party, sought to rehabilitate khaps by comparing them to RWAs. He’s not that far off the mark: the conduct of RWAs in Delhi’s Khirki or Munirka, or even in Mumbai, show deep-seated caste, communal, racial, and gender biases. In Delhi, the RWAs hold ‘panchayats’ to take decisions. When a body is allowed to ‘represent’ a community, without taking special pains to overturn hierarchies that already exist within those communities, it is bound to reflect and perpetuate those hierarchies.

The BJP used the platform of khap panchayats in Muzaffarnagar to communalise the Jat community, invoking the bogey of ‘love jihad’ and calling to ‘save daughters’ from Muslim men and ‘save honour’. To whip up communal tensions, the BJP used against Muslims, the strategies perfected by khaps against dalits: equating consensual love with dalit/Muslim men with rape; denying women freedoms in the name of ‘saving’ them from rape; and unleashing violence on the dalit/Muslim communities in the name of avenging hurts to ‘honour’.

The fact that the BJP, Congress, SP and so on should patronise khaps is no surprise. What about the AAP, which many hope is forging a bold new political idiom, free from the old compulsions of caste-based politics? Preparing for an AAP rally in Rohtak, AAP National Executive member Naveen Jaihind has said what Congress leaders in Haryana routinely say: “There is no doubt that khaps are doing good work at different levels.”

And the pronouncements of various senior AAP leaders on khaps have been rather intellectually dishonest, not to mention politically opportunist. Since Yogendra Yadav has complained of being misquoted and misinterpreted, let us examine only the statements that he himself has authenticated. In his Facebook post on the subject, he said, “Every community (caste, tribe, ethnic group) has its internal mechanisms for routine dispute resolution. Such communitarian systems are not only permissible but are healthy and indeed essential. Pushing any and every social dispute into courts of law is unhealthy, unaffordable and socially destructive. If this is what Khap Panchayats do and to the extent to which they do this, there is nothing wrong with Khap Panchayats or any other caste/community association. The trouble begins when this dispute resolution becomes coercive and violates the law of the land,” and here he cites fatwas and ‘honour killings.’ In an interview to The Hindu, he has said “if they (khaps) try to resolve disputes by listening to only one community or by coercion, then we as a party do not accept that...All castes and communities have social organisations for internal dispute resolution but no coercion can be permitted. The law of the land is supreme and a murder is a murder.”

It isn’t just killings and fatwas that are coercive. Khaps seek to maintain the dominance of the Jats. They claim to speak for the ‘entire community’, but dalits and women have no place within the khaps. Can institutions dominated by a dominant caste men, be allowed the right to resolve ‘social disputes’ in a democracy, and can such a manner of dispute-resolution be termed ‘healthy’ and ‘essential’? What kinds of ‘social disputes’ do khaps seek to ‘resolve’, after all? If there is a ‘dispute’ over dalits’ occupancy of land, for instance, how on earth can Jat-dominated khaps have any right to ‘resolve’ such disputes?! When Yogendra Yadav says khaps should not resolve disputes by ‘listening to only one community’, is he saying that Jat-dominated khaps can resolve disputes as long as they ‘listen’ to dalits? One of the major crusades of khap panchayats in Haryana has been against women’s right to inherit property – and they have commanded enough political clout to get laws passed by the Assembly to this effect (the laws were eventually denied Presidential assent). What if there is a dispute between brothers and sisters over inheritance – can such openly patriarchal khaps

be allowed to 'resolve' it?

On a TV debate, a prominent woman lawyer representing the BJP said that while khaps and families should not be allowed to pass diktats regarding marriage, they should at least be allowed to express 'opinions'. 'Expressing opinions'; 'resolving disputes' – how benign it all sounds! Can it really be alright for a khap to summon an inter-caste couple to its panchayat, to 'hear' its 'opinion' on a 'dispute' regarding their marriage?! Can we really pretend that khaps do not command terror over such couples? Such couples cannot even count on the police to protect them, since the police too hold the khaps to be healthier than the courts when it comes to 'disputes' over marriage, and consider it "socially disruptive" for people to approach the Courts to assert their rights as individuals. If khaps are allowed by the Government to retain such unrestrained social power and legitimacy, is it not inevitable that the killings of couples and violence on dalits will go on?

Let us accept that Yogendra Yadav and Bhupinder Hooda are not defending 'honour killings' – they say the 'law must take its course' if such killings occur. But are they even admitting that such killings by khaps are rampant – and that they are made possible by patronage and collusion of the state machinery? Arvind Kejriwal's book *Swaraj* – the manifesto for the AAP, makes the point that empowered gram sabhas need not turn into khap panchayats. Granted, gram sabhas can be prevented from turning oppressive and dictatorial. But why does Kejriwal make it a point to distance himself from the suggestion that khaps do in fact order 'honour killings'? He writes, "Whether Khap panchayats had given such orders (to kill couples) or not is a debatable issue." If parties that rule and those that hope to rule, even deny that khaps do order killings, how can one hope to stop those killings?

I would agree that Indians do indeed need – and have been denied – a genuine, participatory, democratic *Swaraj*. What I wonder is, how to ensure that the *azaadi* demanded by women and by dalits and denied in six decades of free India, is an integral part of the imagining of that *Swaraj*? Such *azaadi* is absent in Kejriwal's *Swaraj*. The latter has much on participatory self-governance as the panacea for combating corruption and restoring democracy. This concept is laudable, if it is invoked to assert people's rights over natural resources and decisions concerning development. But it is notable that Kejriwal's *Swaraj* does not seem to acknowledge hierarchical structures, let alone adopt a goal to do away with oppressive hierarchies.

If one goes by Kejriwal's book, it would seem that 'swaraj' for women only involves women's right to cancel liquor licences. The need to ensure that women have 'swaraj' in matters concerning their own lives, love, bodies, marriage, is not recognised. Likewise, what 'swaraj' would mean in the context of the rights of dalits or minorities, or the rights of dissenting individuals and communities (say, Kashmiris), is not discussed in the book. The book invokes the story of the 'nagar vadhu (courtesan) of Vaishali' to depict 'the power of people over Kings' in ancient times. This is the story of the people deciding that a certain woman was to become a courtesan (nagar vadhu = bride of the republic). She demanded, in return, the palace of the King, and the people took the palace away from the King and handed it over to her, asserting that the people, not the King, had the right to dispose of a palace constructed by people's taxes. Kejriwal says the practice of ordering a woman to be a courtesan is wrong, yet cites this story approvingly as one of people's power. It is hard to miss, in this story, that such 'people's power' had the right not only over King's palaces but over women's bodies and choices. Yet Kejriwal manages to miss this point entirely. The problem, he doesn't seem to realise, does not lie merely in ordering a woman to be a courtesan – it would be as bad if they ordered her to be a wife.

So, the task of radically reimagining a *swaraj* that will dismantle the structures that shackle women, dalits, and workers, remains. Meanwhile, as elections approach, how can we frame our political demands in ways that reflect our concern with *azaadi*, rather than with the protectionist politics of

‘suraksha’?

One way forward could be to frame ‘justice’ for women in terms of entitlements and services, rather than safety and punishment. I will share some ideas I have in this regard – by no means an exhaustive list.

Public transport and public toilets could be prominent among such services and entitlements. The absence of public toilets shows the State’s blindness to women’s presence in public spaces; while men, by being able to casually relieve themselves in public, are marking those public spaces as ‘male’.

There was such an outcry over the brutal rape of little Gudiya in Delhi last year. Of course, the rapists must be punished. But can’t we broaden our political imagination enough to demand that the Government create safe spaces – especially in poor, working class settlements – for children to be cared for when their parents are at work?

There is so much public outrage over rape. Can’t that outrage extend to other forms of violence that women face routinely – such as domestic violence? And can’t we demand that the Government provide one-stop mohalla- or district-based crisis centres where every woman who faces violence can get medical care, counselling, experienced legal advice and aid, and also get her police complaint filed, without having to move from pillar to post? Why can’t compensation and rehabilitation be the right of each survivor of rape and acid attack?

Free provision of sanitary pads, consulting women in planning public spaces, ensuring that liquor licences require the mandatory consent of the majority of women of the locality are other demands we could raise.

What about public education against sexual harassment and rape? The current ad campaigns by the police focus purely on the acts of violence and the punitive consequences that can follow. Why can’t we put in place, from schools to colleges to streets and mohallas, a public campaign to promote women’s right to be free, not only from violence, but from the pressure to appear respectable? The right to feel welcome, regardless of what she’s wearing, who she loves and how, and what time of day or night she chooses to be out? Why can’t special efforts be made to introduce people – especially young people – from the more privileged communities to the worlds of minority communities and racial/ethnic groups, oppressed caste communities, slum dwellers, street vendors, domestic workers, sex workers, hijras, gay people and so on? If such efforts were to become routine, it could go a long way to combating prejudice and bias.

Why not demand that Governments stop treating women’s labour as patriarchal families treat it? That is, why can’t Governments stop patronising and protecting the under-payment of women workers? Raising of minimum wages, equal pay for equal work, acknowledging ASHA and anganwadi workers as government employees and paying them accordingly, ensuring toilets, mechanisms against sexual harassment, and health care for women at every work place could be a start.

With these, we could demand various measures to end discrimination and safeguard rights. These could include scrapping of Section 377; state-run support centres for inter-caste and same-sex couples; and zero tolerance for moral policing either by state or non-state actors.

In this election, we could call upon women to ensure that leaders accused of gender violence are not re-elected. Also that leaders who either indulge in or remain silent on victim blaming and sexist language, or who justify stalking either as ‘wooing’ or as ‘protection’, are defeated. Instead, women could campaign to elect those women and men who are committed to the political vision of and struggle for women’s azaadi.

If demands of this nature could take shape in the political imagination, politics could actually reflect a concern for gender justice, rather than be stubbornly resistant to it.

Kavita Krishnan

Fact-finding team into Birbhum Gangrape

At Labhpur in Birbhum in West Bengal, on 21 January night, a 20-year old adivasi woman was gang-raped by 13 men reportedly after a village 'salishi sabha' (akin to khap panchayat), decided to punish her for her relationship with a man from different community (a Muslim.)

A fact-finding team of AIPWA, AISA and district party members including CPI(ML) district Secretary Subodh Ruj and State Committee members Moloy Tewary and Indrani Dutta visited Labhpur on 26 January. The team felt that the villagers are under pressure of local power politics. The AIPWA leaders Indrani and Chandrasmita met the rape survivor and her mother at Seuri Hospital. The victim's mother said that they sought justice against the 13 accused.

An effigy of the Chief Minister Mamata Banerjee was burnt, in a protest organised by AIPWA and CPIML on 27 January. Among others party State Secretary Partha Ghosh and AIPWA State Secretary Chaitali Sen took part in this program.

Remembering Vasudha Dhagamwar (1940 -2014)

(Based on Aruna Burte's piece assessing the legacy of the late Vasudha Dhagamwar, who influenced two generations of feminists and women's movement activists).

Vasudha Dhagamwar, legal activist and academician, passed away on February 10, 2014 in Pune of multiple organ failure. She was 74.

Dr. Dhagamwar was one of the signatories, along with three other renowned law teachers, to the famous open letter written to the Supreme Court of India in the year 1979, which had questioned the acquittal of the rapists in the Mathura rape case. This open letter influenced debates and anchored all the arguments that feminists made on the issue of rape in the 1980s. It became the rallying point of a sustained campaign on the issue of gender-based violence.

Vasudha had set up Multiple Action Research Group (MARG) in 1985 to aid peoples' rights through legal advocacy, which took up questions of displacement and eviction strongly.

Through her activist use of the law, she influenced almost two generations of feminists and activists in other fields. However, even a person of such scholarship was not able to resist the process of communalisation of perceptions, which began distinctly after the fallout of the Shah Bano case. Many in the progressive movement would subscribe to the process of demonising the Muslim community, branding it as 'backward', and especially asking why women in the community did not

organise to reform their backward personal laws.

Vasudha accompanied the National Commission of Women fact-finding team after the 2002 post-Godhra Gujarat genocide. Regarding the fact-finding team, she wrote in The Hindu dated 22.5.2002, 'We had also decided that the Chief Minister, Narendra Modi, was not our direct concern.' The report failed to record or recognise the pain, anguish, loss, injustice, death, rape and more suffered by Muslims – women, girls, children and men – in Gujarat, and state complicity in it. Moreover, the NCW spoke of getting women to do some economic activity in the camps to distract their minds by way of a healing touch. Even a person with such great legal scholarship could be blinded by the majoritarian worldview!

While remembering her lifelong contribution, we also have to remind ourselves that such pitfalls do exist. Not to fall prey to a majoritarian worldview by being on constant vigil would be one way of offering our salute to Dr. Vasudha Dhagamwar and her contribution.

P.S.

* From Liberation, March 2014 :

http://www.cpiml.org/liberation/year_2014/mar_2014/Bring%20Women%20Freedom%20Onto%20the%20Political%20Agenda.html