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Gender, Religion and Democratic Politics in India

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Introduction

India's success in building and consolidating a vibrant democracy remains unequalled in the post-colonial world. It runs contrary to the widely held view that rich societies are more likely to be democratic and that heterogeneous societies with diverse population are prone to instability and civil war (Frankel 2000: 3). India has succeeded against considerable odds: low income, widespread poverty, and illiteracy (Kohli 2009: 3 - 4). Indeed, 'the formation of an Indian nation out of an extraordinarily disparate population riven by caste, class, gender, and other oppressions is one of the most outstanding achievements of our times' (Patnaik 2009). Apart from a period of 20 months between 1975 and 1977, when Prime Minister Indira Gandhi declared an Emergency and suspended civil rights and personal liberties, democracy has not only survived, but has thrived and been institutionalized. Constitutionalism, the rule of law, a free press, a vibrant civil society, and regularly held free and fair elections are indicators of an institutionalized democratic system. Today, India has a strong democracy and a robust civil society; the social base of the polity has widened considerably through the expansion of democracy. This has ensured that the political actors do not come only from the traditional upper caste social élite although they continue to have a disproportionate presence in public institutions and influence over policy-making (Jaffrelot and Kumar 2009).

India's democratic politics is marked by significant shifts that can be traced to the defining period from 1989 - 91 when the neo-liberal restructuring of the economy and the rapid rise of political organizations that espouse Hindutva (Hinduness), a self-defined ideology of Hindu supremacy that believes Hindustan (India) is a Hindu *rashtra* (nation), changed the contours both of its economy and politics. The Congress government in 1991 altered the development strategy which led to a major policy shift from state-regulated to a more market-centred economy. In recent years, growth has dramatically accelerated, the last five years having witnessed an economic growth of 8 per cent per annum. As India's wealth increases, the gap between rich and poor is also on the rise. In truth, economic and income inequalities have widened, and the numbers of poor, unhealthy, and illiterate are unacceptably high. This notwithstanding, the central and state governments are unwilling to roll back neo-liberal economic policies, which virtually all political parties support, many of which have been pushed through without much opposition or dissent. The Congress-led United Progressive Alliance (UPA) government elected to power in 2004 and re-elected in May 2009 has to some extent tried to correct these imbalances through several pro-poor measures such as the National Rural Employment Guarantee Act (NREGA)¹ which provides for hundred days on employment on public works on demand to one member of a rural household. There is much less consensus in the realm of secularism or the need to keep religion out of politics; indeed, there is often a refusal to accept the logic of diversity and its accommodation in a secular democracy.

In India, the relationship between religion and politics is highly contingent, and as such it defies any generalization. In recent decades, religion has had much greater impact upon politics than it did in the early years following Independence. India's main ruling party has been the Indian National Congress, a secular (nonreligious) political party, which was the dominant party for over four decades after Independence. But in

¹ The UPA government introduced the NREGA in Parliament in 2005 to provide a minimum guarantee of employment to poor households. Described by the UPA as the largest programme for rural reconstruction, it is probably the biggest ever-public employment initiative anywhere in the world. Providing wage employment to the rural poor was the principal idea behind NREGA, it essentially addresses the issue of deprivation and the need for employment and livelihood to prevent endemic hunger that can lead to destitution.

1998, in the twelfth general election, a coalition led by the Bhartiya Janata Party (BJP), won a majority of seats in the Lok Sabha (The House of the People), and formed a government in New Delhi. In both the 1998 and 1999 elections the BJP emerged as the single largest party winning 182 out of 543 seats Lok Sabha seats. This marked a crucial turning point in modern Indian politics as, for the first time the BJP, India's main right-wing political party and the front party of a family of militant Hindu organizations (known as the Sangh Parivar) formed a government at the Centre ending decades of erstwhile political isolation. The most prominent organizations have been the Rashtriya Swayamsevak Sangh,² the Vishwa Hindu Parishad (VHP) and the Bajrang Dal, a religio-political organization. The BJP was founded on the ideology (set of beliefs) of Hindutva; it proceeded from a conception of India divided among majority and minority religions, equating India with a Hindu nation. Many of its party's leaders belong to the RSS or the VHP. Both groups support recognizing India as a Hindu nation. Most of the BJP's electoral support has come from India's northern, northwestern and western states.

Although the BJP set aside the most contentious aspects of its agenda such as the adoption of a uniform civil code (which is opposed by the minorities) to forge an electoral coalition, its growing influence, nevertheless, posed a threat to secular democracy and constitutional safeguards for minority rights. Hence, the electoral victory of the UPA in the 2004 and 2009 elections, defeating the BJP-led National Democratic Alliance (NDA), has been seen as a respite for secular politics. However, the defeat of the principal anti-secular party, the BJP, did not spell the end of the role of religion in politics and society. Rather, this phenomenon has had considerable impact on the functioning of the state, civil society, and women's and minority rights. Be it the communalization of the polity, or the anti-Muslim pogrom in Gujarat in 2002,³ communalizing national security, educational policy, and gender issues, the BJP's legacy is, to say the least, disquieting.

Apart from six years of the BJP-led coalition government in Delhi, India has not been governed by a political party or a coalition of parties that make explicit appeals to religion. Nevertheless, religious and identity politics is an important force in India's public life. It assumed greater prominence during BJP rule but that party alone has not been responsible for the increasing role of politicised religion. Even secular parties have found the idea of scoring quick electoral gains by tampering with secular principles and institutions too tempting to resist. Political leaders are eager to curry favour with religious leaders in order to use them to marshal political support. Parties seeking to stake out a position as pro-Hindu, or simultaneously pro-Hindu and a protector of the minorities, has given a fillip to the emergence of anti-secular politics.

This analysis is not however about religion or religious leadership, it focuses on the politics of identity rather than organized religion. The emphasis on identity politics is necessary as it would be hard to construct the Indian story primarily around the growth of the RSS and BJP which have met with limited success, but identity politics including religion has had enormous impact. Identity politics when people of the same caste, tribe or religion mobilize around a candidate of the same background has long

² The RSS (National Volunteers Organization) was founded in Nagpur in 1925 by Keshav Baliram Hedgewar. Also known as the Sangh, it is a Hindu revivalist organization associated with Hindu militant movements. It suffered a severe setback in 1948-9 because of the assassination of Mahatma Gandhi by one of its members Nathuram Godse. Jawaharlal Nehru banned the RSS in 1948. The RSS is a conservative and reactionary organization which represents a form of militant Hindu nationalism.

³ More than 1500 Muslims were killed in waves of violence that swept through the state, over 150,000 were displaced and scores of women raped in what was one of the most brutal carnages in the history of independent India (Z. Hasan 2007).

been a part of India's political landscape. In the contemporary context, it refers to movements, campaigns, party strategies and group assertions that mobilize electoral support around caste and religious identities to gain access to political power and public goods, services and resources of the state. Thus identity politics attempts to attain empowerment and recognition of social groups by asserting the very same markers that distinguish and differentiate them from others and utilize these markers as an assertion of self-identity based on difference rather than equality. In India, the state is seen as an active contributor to identity politics through the creation and maintenance of state structures which define and then recognize people in terms of certain identities. These assertions have impacted the women's question so much so that the coherence of the women's category itself has come to be seriously questioned and debated.

More specifically, this paper seeks to examine the implications of the interface between politics and religion for women's rights and minority women's rights, as well as for India's democracy and the Indian model of secularism. It will seek to show how women's and minority rights are used instrumentally by the politics of religion which has sidelined the women's rights agenda.

This analysis aims to address a range of issues in relation to women, politics, and religion in contemporary India. First, what are the social and political repercussions of religious and communal politics assuming a more prominent public and political role?⁴ More specifically, what roles have women played in Hindutva politics and its campaigns, and what role has it played in relation to the rights of women?⁵ What are the gender strategies of the Hindu right and what are the effects of communal mobilization on women's rights issue? Has its increased support among women and advanced women's agendas or does it aim to further an agenda of discrimination by focusing on religion as the principal basis of identity while erasing the cross-cutting cleavages that are the basis of India's pluralistic and democratic society?

A second issue concerns the effects of the politicization of religion on minority women's rights and the strategies deployed by minority groups to preserve their distinctive identity in response to threats to it, on the one hand, and to enhance women's rights, on the other.

The third set of questions relate to women's groups, and how different strands of women's movements have positioned themselves vis-à-vis other political actors in these contexts in defense of women's rights? Is there any learning and cross-fertilization between secular women's groups and those that identify with particular religious world-views?

The analysis comprises five principal sections. The first introduces the key issues of diversity, secularism, and women's legal status; the second briefly outlines the status of women in the context of significant changes in government policy towards women since the early 1980s; the third section looks at the ways in which religion and

⁴ Communal politics in India denotes attempts to promote primarily religious stereotypes between groups of people identified as different religious communities and to stimulate conflict and violence between those groups. This phenomenon is represented by the word sectarianism outside South Asia. In India, communalism is seen as existing primarily between Hindus, Muslims, Sikhs and Christians. Political parties are generally considered to play an important role in stimulating, supporting and/or suppressing communalism.

⁵ Hindu right refers to organizations and parties that subscribe to the ideology of Hindutva or Hindu primacy, are socially conservative and favour a strong quasi authoritarian state. It would include organizations such as the RSS, VHP, Bajrang Dal, BJP and Shiv Sena, an ally of the BJP in the western state of Maharashtra. Sena's ideology is based on the idea of Hinduness and the sons-of-the-soil that is 'Maharashtra for Maharashtrians'.

politics have been interlinked in India and the role of major political parties in this process; the fourth focuses on the Hindu women's political engagement and activism; and finally, the fifth on the approach and strategies of influential political parties, women's movements, and Muslim women's groups towards legal reform and the question of a uniform civil code.

1. The Indian Model of Secularism

India is home to about 1.13 billion people comprising approximately one-sixth of the world's population. It is perhaps the largest and most plural society in the world where people speak an array of languages and use a wide range of scripts. The country is host to all conceivable religious faiths: Hindus, Muslims, Christians, Sikhs, Buddhists, Jains, Jews, and Zoroastrians, four of which were born here, while the others were brought in by the successive political and cultural invasions, and assimilated by its people. Indian Muslims constitute the world's third largest Muslim population, accounting for 13.4 per cent of the total population. The other minorities add further richness to India's diversity, but their comparatively small numbers accentuate the overwhelming proportion of Hindus, constituting approximately 81 per cent of the population. The Hindus, although they share a common religious tradition, are themselves divided into a myriad of sects and are socially segmented by scores of castes and sub-castes, hierarchically ranked according to tradition and regionally organized.

The foundational principles of the nation-state were enshrined in the constitution adopted in 1950. It guaranteed certain fundamental rights, including the right to private property, freedom of religion, assembly, movement, and association. The Indian model of secularism has to be viewed in the post-colonial context. It was a specific response to India's extraordinary pluralism and the need to accommodate minorities in the aftermath of Partition in 1947.⁶ Partition necessitated secularism, and at the same time it was a contested idea when the constitution was framed, sometimes provoking acrimonious debate in the discussions leading up to the Preamble (Needham and Sunder Rajan: 2007: 15). The term secularism did not enter the constitution until 1976. However, this notwithstanding and serious differences of interpretation, secularism has been a central feature of the Indian project of modernity, democracy, and development.

The Indian constitution does not embody a strict separation of religion and state: religion has not been disestablished. Departing from the disestablishment model, the state has chosen to interpret secularism as the responsibility to ensure the protection and equality of all religions and provide for regulation and reform, rather than the strict separation of religion and state (Bhargava 2007: 28- 28). Yet, there is no mistaking the overall secular design articulated in three salient principles. The first is the principle of religious freedom, which covers not just the right to religious thought, but every aspect of faith, including belief and rituals, and also freedom from discrimination on grounds of religion, race, caste, place of birth, or gender (Dhavan 1987). The second principle of the secular state is articulated in Articles 17 and 25(2), 30(1 and 2) which permit the state to intervene in religious affairs, regulating or restricting any economic, financial, political, or other secular activity which may be associated with religious practice.

⁶ The Partition of British India in 1947, which created the two independent states of India and Pakistan, was followed by one of the biggest migrations in history. An estimated 12 to 15 million people were forcibly transferred between the two countries. The religious fury and violence that it unleashed caused the deaths of some 2 million Hindus, Muslims and Sikhs. At least 75,000 women were raped. The trauma incurred in the process has been profound and has had a lasting impact on the politics and relations between the two states.

The third feature was the emphasis on social welfare and reform. In pursuit of this agenda, the state abolished untouchability and threw open Hindu temples to all sections of the community (Dhavan and Nariman 2000). Additionally, the state is involved in administering religious trusts, declaring holidays for religious festivals, preserving the system of personal laws for different communities, undertaking the reform of religious law, and besides all this, secular courts interpret religious laws.

One issue most relevant to secularism and the religion-politics relationship is that of minority rights. The question of whether minorities should be accorded special treatment by the state remains a matter of bitter conflict and controversy in India, especially in recent years when the Hindu right, by persistently attacking minority rights, has questioned the link between secularism and minority rights (Bhargava 2002). It has been particularly severe in its attack '[w]henver secularism has meant providing for substantive equality for religious minorities, it has drawn the ire of Hindutva ideologues' (Needham and Sunder Rajan 2007: 21).

2. Constitution, Women's Rights and Personal Status

A related issue pertains to women's rights. Indeed, one of the major rationales of secularism was its promise of gender equality and support to women. Equality before the law is a principle that seeks to promote gender inclusiveness and Articles 14 and 15 explicitly state this. Thus Article 14 holds that the state shall not deny to any person equality before the law or the equal protection of the law. Article 15 prohibits state discrimination 'on grounds only of religion, race, caste, sex, place of birth, or any of them. Other rights that are extremely relevant to gender equality include Article 13 (invalidating all laws inconsistent with the Fundamental Rights); Article 16 (equality) of opportunity in public employment); Article 19 (protection of freedom of speech and expression, freedom of association, freedom of travel, freedom of residence, and freedom to form labour unions); Article 21 (stating that no citizen shall be deprived of life or liberty except according to the procedure established by law); Article 23 (prohibition of traffic in human beings and forced labour); and Article 25 (freedom of conscience and religion).

One of the greatest challenges relating to gender equality pertained to the domain of personal laws.⁷ In colonial times, India as a whole was subject to a common criminal code drafted in the 1880s. There was however no attempt to replace personal laws with a common civil code. After Independence, reform of personal laws became necessary to meet the needs of secularism and modernization, and in order that personal laws were fair, just, and non-discriminatory. India's post-colonial modernist leadership

⁷ The term personal laws refers to family law that governs the domestic relations of Muslims in India, it is not the same as Muslim personal laws followed in other Muslim countries or the Muslim majority states of South Asia. Personal laws operate in matters relating to inheritance, marriage, divorce, maintenance, and adoption, which are regarded as personal issues because they relate to the family or personal sphere. Regarding the content of Muslim personal laws, four aspects should be noted. The first is concerned with inheritance: Muslim personal law requires that women share in property of the parents roughly half the amount granted to male descendants. The other three aspects relate to marriage, divorce and maintenance. Of these much debate and controversy exists on polygamy and the positions on *Talaq* (divorce) are well known too: if convinced that the marriage has broken down the man can quietly pronounce *Talaq*, which becomes effective after the period of *iddat* (roughly three months). If the man does not retract during this period the marriage is dissolved. The man can revive the marriage provided the woman consents. This renewal is permitted twice during the lifetime of the couple, however. With the third pronouncement of the *Talaq*, the marriage is irrevocably dissolved. If divorced, the woman gets alimony but only till she is re-eligible for marriage, which, once again is roughly three months.

demonstrated a willingness to intervene in matters of personal law which are widely seen as the domain of religious and traditional authorities, and where religious and customary precepts (the latter often giving women even fewer rights than the former) continue to hold sway. However, only Hindu laws were singled out for reform (Chatterjee 1998).

Hindus, like Muslims, have considered personal law based on the 'dharmashastra', a part of their religious tradition.⁸ Nonetheless, the Congress government under the leadership of Jawaharlal Nehru went ahead within a year of Independence to enact a number of progressive laws in relation to marriage and divorce (1955), adoption and maintenance (1956), minority and guardianship (1956), succession and inheritance (1956), etc. These broke away from the shastric tradition and represented the initial but important steps in the direction of, first, the liberalization and secularization of Hindu personal law and, second, the eventual formulation of a uniform civil code (Parasher 1992).

Nehru hailed this reform as revolutionary and 'the most outstanding achievement of his time' (Som 1994). These changes went quite far in the direction of gender equity but not complete equality. In later years, women's organizations were to argue that it did not go far enough, not in practice giving equal rights to women, and most of these laws are flouted with impunity. (*AIDWA: Not A Uniform Civil Code But Equal Rights, Equal Laws: 1999*).⁹ For example, the Hindu Marriage Act 1955 permits the marriage of a girl at eighteen, but not of a boy until the age of twenty-one. Similarly, the Hindu Succession Act provides for different schemes of intestate succession for male and female intestates.

More contentious than the shortfalls of Hindu law reform was the state's reluctance to adopt a similar approach towards reform of the religious personal laws of minority communities, i.e. Muslims, Christians, Sikhs, and Parsis to bring them in line with modern notions of gender justice. The critics have directed their energies on what they perceive as unequal exercise of power of the state, providing for reform of the institutions and practices of Hinduism, while not deploying this power in relation to Indian Islam. This created an aberration in the very notion of equal citizenship: if it was accepted that the state could intervene to provide equal rights to members of one community, then what ground was there for not doing the same for others?

Although Nehru considered legal reform of all personal laws necessary and a uniform civil code for the country as whole essential and a vital element for national development, he was apprehensive that any imposition on minorities, without their consent, would be imprudent.¹⁰ Hence, the policy of merging personal laws of different re-

⁸ Dharmashastra is ancient Indian body of jurisprudence that is still fundamentally the family law of Hindus. It is not primarily concerned with legal administration, though courts and their procedures are dealt with comprehensively, but with the right course of conduct in every dilemma. Some basic principles of dharmashastra are known to most Hindus brought up in a traditional environment. These include the propositions that duties are more significant than rights, that women are under perpetual guardianship of their closest male relatives, and that the king (*i.e.*, the state) must protect the subjects from all harm, moral as well as material.

⁹ Established in 1981, All India Democratic Women's Association also known as AIDWA is the largest women's organization in the country and works for women's rights and for their education, employment and status, along with issues like casteism, communalism, child rights and disaster aid etc

¹⁰ Uniform civil code refers to codification and the legal unification of the civil codes of different religious communities in India. In India no unified law applies to all citizens in relation to marriage and divorce. The legal system is pluralistic in at least two ways. It is pluralistic in the sense that there are distinct personal laws for adherents of different religious faiths. A state-sponsored system of codified law

ligious communities into a set of uniform and equal laws was indefinitely postponed until such time as the minority communities were ready for it and/or willing to initiate it. The aspiration for a uniform civil code was placed in the non-justiciable Directive Principles of State Policy (Article 35 in the draft constitution and Article 44 in the present constitution), leaving personal codes in place. However, given the changeable nature of cultures, Nehru, ever the advocate of secularism, pluralism, and equality, expected that these provisions and concessions to the minorities would be subject to change in the direction of greater equality. He hoped that Muslim communities would, in the fullness of time, respond to the winds of change. Meanwhile he insisted they should have the right to this as and when they chose. However, in retrospect this has proven more difficult than anticipated by Nehru and his colleagues at the time.

Post-Independence, the personal laws of minorities remain unchanged and unreformed and Hindu legal reform applies only to Hindus. Muslim leaders, with some notable exceptions, have vocally opposed a uniform civil code, insisting that personal laws are an intrinsic part of their religion, and therefore, the state should not legislate on it. They claim protection of their personal laws under Article 25 and 26 of the constitution which guarantees the right to religious freedom. Hindu leaders had taken the same position but were overruled, but this was possible because the majority in parliament comprised Hindus who were agreeable to changing these laws (Mehta 2008). On the other hand, in regard to minorities there was reluctance to impose the will of the majority on a minority that was disadvantaged and under-represented.

3. Public Policies and the Status of Women

India's constitution was a milestone for women's advancement; the right to non-discrimination on the basis of sex is guaranteed in the list of justiciable fundamental rights, as also protection under the law and equal opportunity in public employment (Nussbaum 2000). The importance of women as a vital human resource was recognized by the constitution, which not only accorded equality to women but also empowered the state to adopt measures of positive discrimination in their favour. In addition to the reform of Hindu family laws, the past few decades have seen the introduction of a range of pro-women legislation to protect women against social discrimination, violence, and atrocities, and also to prevent social evils such as child marriage, dowry, rape, practice of widow immolation, and the like. The 1980s, especially, saw a range of extraordinary legislation. As Flavia Agnes points out: 'If oppression could be tackled by passing laws, then this decade would have been adjudged a golden period for Indian women. For a variety of reasons, however, the transformative potential of such measures remained limited' (Agnes 1992).

Official thinking and policies changed very significantly in the 1980s with the emergence of a cohesive women's movement and the recognition that the socio - economic status of women has remained much the same, or even declined. The most striking change that came about was the acknowledgement that women are equal participants in the development process for which they need to be empowered, and women's interests and participation could not be discounted or ignored (Raju 2006). This marked a shift in approach from protectionism and welfare to active participation in development programmes and empowerment (Ibid.). Following this, there has been much greater emphasis on integrated projects for women's participation in the development

and civil and criminal courts coexist with a family court system. Legal pluralism in the above matters coexists with uniform territorial law in criminal, administrative, and commercial issues (Vatuk 2001).

process and on expanding employment opportunities through skill development. Two significant initiatives in relation to the rights of women and improving their status during this period were the establishment of a Ministry of Women and Child Development in 1985 and the introduction of the *National Perspective Plan for Women* in 1988 to mainstream women's issues in policies and programmes.

Notwithstanding these policy initiatives and institutional mechanisms and a strong focus on empowerment, progressive legislation, policies and programmes over the past six decades, socio-economic indicators continue to reflect unsatisfactory progress on almost all important human development indicators relating to the status of women. There exists a wide gap between the gradually broadening notion of women's rights and the limited realization of these. This is evidenced by a falling sex ratio; rising levels of poverty and unemployment, starvation deaths linked to the denial of the right to life and livelihood, increased violence in all spheres of activity, and under-representation of women in decision-making despite increased women's political participation.

In addition to all the deprivations that Indian women face in gaining access to opportunities for education and employment, religious minority groups are subject to further disadvantages. Amongst these, the low socio - economic status of Muslim women due to their social, economic, political, and educational backwardness, and development deficits, is an issue of concern. A Muslim Women's Survey (MWS), the first national level and multi-issue survey of its kind conducted in 2002 showed that they are triply disadvantaged: as members of a minority: as women, and most of all as poor women (Z. Hasan and R. Menon 2004). For Muslim women, gender discrimination coalesces with class inequalities and pervasive hierarchies and patriarchies. In other words, Muslim women's disempowerment and disenfranchisement can only be understood as a combination of public and private processes (Ibid.). While the public face is that of being heavily over-represented in the poor, self-employed group, the private realities are early marriage, lack of mobility, and the like, which are no different from that of Hindu women (Ibid.).

Over the past three decades, however, there have been significant changes, many of these positive, in the political, social, and economic status of women. On most key indicators there has been progress towards greater sex equality, but the gap in economic participation and educational attainments remains high. The increased number of women in formal political institutions, particularly local government, is an area where very significant advances have occurred. The 73rd Amendment to the constitution in 1992 sought to democratize local governance and provide one-third reservation for women in all village, block, and district level bodies, and in the posts of chairperson and vice-chairperson across all these institutions. The 74th Amendment extended the same provisions to municipal corporations in urban areas. As a result, women are today very well represented in local government institutions: after only one round of elections, over a million women entered local government.

Women are not well-represented in the higher echelons of political life. The number of women candidates fielded by national parties has remained almost stagnant. Women form 9 per cent of the legislators (MPs) in the central legislature and 10 per cent in the state assemblies. The percentage has risen from 4.41 in 1952 to over 10 per cent in 2009. Most parties blame women themselves for their under-representation even though there is no evidence that women candidates represent a greater risk (Deshpande 2004). The success rate of women candidates is satisfactory. For example, in the elections held between 1957 and 1996, women candidates belonging to parties won twice as often as they lost. Voters accepted women candidates no differently than their male

counterparts, which indicate that women's under-representation is in all probability the product of gender biases rather than voter preferences for male candidates.

From all accounts, women politicians find it difficult to participate in politics in the face of continuing structural disadvantages. Not only is it more difficult for women to get into power, but it is also more difficult for them to stay in power and develop the necessary political networks to forge an effective career. The perception that politics is a world for men for which women are ill-equipped has been actively encouraged. Abhilasha Kumari and Sabina Kidwai contend that such perceptions have been unquestioningly accepted because most male leaders subscribe to traditional notions of women's roles or status in society (Kumari and Kidwai 1996: 3). 'Political participation has been primarily associated with political activity in the public realm, whereas women have been primarily perceived as belonging to the private realm' (Ibid. 3).

Women constitute roughly 10 per cent of the membership of political parties and are generally invisible in the actual decision-making bodies and rarely influence the more significant party debates and policies. Those responsible for making decisions relating to the selection of candidates for an election are mostly men as they dominate all important decision-making bodies. The few women who are in leadership positions often lack the necessary lobbying and networking skills. Once elected, there is a tendency to give them 'soft portfolios' and these women are rarely found in leadership positions in their parties. It is therefore logical that those responsible for the recruitment and selection of candidates for an election party list are mostly men and, consequently, the political competition within the party is unfair to women.

One issue on which women's movements and political parties worked together closely was on a Bill supporting reservations for women in parliament and legislative assemblies. The first bill was introduced in 1996 and has been hotly debated ever since. It has been tabled several times, most recently, in the Rajya Sabha (Upper House) in May 2008, without an agreement being reached. Nearly every political party has endorsed the bill in their election manifestos and yet all governments have failed to pass it. Most parties claim to be strong advocates of women's reservation, but in practice have resisted legislative reservations. Opposition has come from segments of the women's movement too. This is partly a reflection of the distrust of political parties and partly a concern that quotas could form a ceiling rather than a minimum to be improved upon (Basu: 2005: 0 - 31). Another concern is that quotas treat women as a homogeneous group, which increases the prospect of upper caste women being elected from reserved seats, and therefore a very strident demand has come from caste parties to provide for a sub-quota for Other Backward Classes (OBCs).¹¹

4. The Congress Strategy and the Rise of Identity Politics

For over four decades after Independence the Congress occupied a pivotal position in Indian politics. The Congress's political supremacy began to decline from the late 1960s, and with it India's secular framework began to be weakened. From the early

¹¹ The term OBCs has had a variety of local usages but in spite of the use of the word class the category has not been defined solely on the basis of economic criteria. The contemporary usage suggests a list of castes and communities which are economically and socially depressed or backward such as lower castes that are not considered untouchables or other similarly disadvantaged non-Hindu communities. Unlike the Scheduled Castes and Scheduled Tribes, the groups identified under the OBC category are not enumerated in the decennial censuses. The National Commission for Backward Classes determines which groups are to be listed as OBC. Their population is estimated to range from 25 per cent to 52 per cent.

1980s, the Congress was confronted with a politics of segmentation and sectarianism arising from identity conflicts in the political process (Aiyar 2003). Before this period, the political impact of religion was limited and communal parties won few seats. Even in the face of pressures from Hindu communalists, Nehru never countenanced a political role for religion, as that would endanger India's national integrity. While Indira Gandhi retained a strong commitment to India as a secular state, the clear separation between politics and religion required to maintain the secularist polity became blurred. The readiness to overstep the bounds of constitutional propriety on matters of religion and secularism created the space for the rapid rise of an anti-secular alternative.

A series of events, some unintended, others calculated, helped anti-secular forces to gain a foothold in the political system. The unravelling of the secularist fabric began with demands for regional autonomy in Punjab and the manner in which the Indian state responded to those demands. In response the Congress decided to play 'the Hindu card' to undercut the popularity of its regional rival, the Akali Dal party. Indira Gandhi refused to take stern action against Jarnail Singh Bhindranwale (Sikh preacher turned extremist) thereby allowing him to run amuck and turn his wrath against Hindus (Ganguly 2003). The Congress expected the Hindu reaction in northern India to consolidate behind the party and also help it regain political support in the rest of the country. However, the attacks against Hindus orchestrated from the Golden Temple in Amritsar spun out of control, and could only be contained after Indira Gandhi ordered an army assault on the temple to eject the militants who had taken control of it. This decision inflamed Sikhs, and this in the end led to the assassination of Indira Gandhi in 31 October 1984 by her Sikh bodyguards.

The second step was the decision of the Congress government led by Prime Minister Rajiv Gandhi to enact the Muslim Women's Act (Protection of Rights on Divorce) Act, 1986, (MWA) declaring that Muslim women would not have access to civil law in matters of marriage and divorce. This was done to placate the disquiet of the religious leadership to override the judgment and unequivocally exclude Muslim women from the purview of the Criminal Code, to which all citizens otherwise had recourse. The Supreme Court's in a landmark judgment delivered in April 1985 granted a small maintenance allowance to Shah Bano, a seventy three year old Muslim divorcee, to be paid by her husband under the Criminal Code.¹² The apex Court was asked to pronounce on the relationship between these sections of the Criminal Procedure Code of 1973 and religious personal law.¹³ The Court ruled that Section 125, as part of the criminal rather than civil law, overrides all personal law and is uniformly applicable to all women, including Muslim women. This was the final decision in a long series of suits and appeals in which her ex-husband argued that he had discharged his duty according to Muslim law. The decision to overturn the Shah Bano verdict breathed life

¹² Shah Bano had been married to Mohammed Ahmed Khan, since 1932. Khan married again in 1946, and in 1975, on account of property related disputes between the two wives, Shah Bano and her children moved out from their family home in 1975; in 1978, she filed a maintenance suit against her husband in the Judicial Magistrate's Court, appealed to Section 125 of the Criminal Code, and pleaded for Rs. 500 as monthly maintenance. To avoid maintenance under this section, Khan divorced Shah Bano by irrevocable triple *talaq* (divorce).

¹³ Under the old Criminal Procedure Code (Cr. PC) of 1898, all neglected wives, including Muslim women were granted maintenance. But frequently, when Muslim women went to the court to secure maintenance, the husband divorced her, thus freeing him from payment of maintenance beyond the three months. To check this malpractice, the Cr PC of 1973 amended the relevant Act to include divorced women in this category. Muslim orthodoxy objected to this amendment, complaining that it violated their religious laws.

into the ideology of the Hindu nationalists who condemned the Congress for its appeasement of Muslims though this legislation.

The third and most far-reaching in this series of events that damaged and destabilized secularism was the mishandling of the Ayodhya dispute. During this period the BJP and its affiliates launched a nationwide campaign to construct a Ram temple at the site of the Babri mosque in Ayodhya. Hindu activists had been claiming that the mosque stood at the exact spot believed to be the birthplace of Lord Ram. Several decisions of the Congress, which included unlocking the disputed site, launching the party's 1991 electoral campaign from Faizabad a town near Ayodhya in the state of Uttar Pradesh in north India, and allowing the foundation stones of the proposed temple to be laid near the mosque were aimed at arousing Hindu sentiment for electoral purposes but had the effect of compromising the secular principle of separation of religion and politics and encouraging the BJP to intensify its campaign for a Ram temple. (Ibid. 16 - 20). Overall, the decision to turn a dispute between two religions over a piece of holy ground into a national issue was intended to appease the majority community which was unhappy with the government's decision to overturn the Shah Bano court verdict (Ibid.).

Even as Congress flirted sporadically with the politics of religion, it was eventually to become its principal victim paving the way for the emergence of BJP as a major political force in the name of protecting the majority community against the excesses of minority appeasement and the vote-bank politics of the Congress. It undermined its secular credentials by giving one concession to a particular community and offsetting it by granting concessions to other communities in a process that emboldened both Hindu communalists and Muslim fundamentalists. The BJP's representation in parliament rose from 2 to 88 seats while the Congress failed to devise a counter-mobilization strategy to regain lost ground.

After these events unfolded identity politics assumed a decisive position in politics and has altered the dynamics of the political system resulting in political fragmentation and the breakdown of several political parties. These identity assertions have impacted women's rights as the coherence of the women's category itself has begun to be questioned and debated (Pappu 2001). Feminist politics has found itself pitted against identity politics and has had to reckon with issues raised by a variety of groups which have emphasized one particular identity or another.

Over the past two decades, one-party dominance has evolved into a multi-party system with three principal political tendencies: centrist, centre-left, and right. Within this framework there are at least three significant national parties and many regional ones competing for power. The three significant parties with a national presence are the Congress party, the BJP, and the CPM. While the CPM is a left-leaning party and the BJP a religious, right-leaning one, the Congress (I) is an essentially centrist party. The end of Congress dominance marked the creation of a multi-party system within which identity politics generally, and caste and communal politics have come to play a much greater role.

5. The Hindu Right

5.1 Politics of Religion and the Rise of the Hindu Right

Over an extended period of time identity politics based on religion, especially majoritarian assertiveness, has been a major source of conflict and has helped the BJP to increase its political clout. Although Hindu nationalists have been around for nearly a century, it is only from the 1980s that there has been a resurgence of their influence in In-

dia's public life which was deeply affected by this development. During the first four decades after Independence, the BJP was unable to gain substantial political influence. Notwithstanding the fact that India went to war with Pakistan on two occasions, in 1965 and 1971, the party failed to gain any momentum because of an overwhelming consensus in favour of secularism and civic nationalism. The secular consensus held dominant sway over public life well beyond the Nehru era, meeting serious challenge only in the late 1980s. This coincided with an erosion of the Congress model of centrist accommodation of the earlier decades largely because of its failure to reconcile universal citizenship with specific identities. The growing appeal of Hindutva and its inherent antagonism towards Muslims was an expression of social tensions between caste groups, especially lower castes, breaking out of their subordination within the Hindu caste system (Shani 2007: 3). These shifts have coincided with broader processes at work, particularly the deepening of democratic process, overlapping networks of regional and national education systems and print media, the growth of information technology, the expansion of ownership of television sets and videos, and the creation of one of the largest markets for consumer goods in the world (Ahmad 1998). The restructuring and dislocation of politics and society affected by these tendencies of integration, on the one hand, and differentiation and fragmentation, on the other, needed an ideology that political Hinduism sought to provide (Ibid.).

The RSS is at the centre of a constellation of forces and organizations, which includes the BJP, the VHP, and the Bajrang Dal (Jaffrelot 2005). Together these organizations and their affiliates aim at establishing a Hindu Rashtra (state) by playing down the horizontal divisions among Hindus; it strives for an integration of all castes, communities and sects into a homogeneous whole. There are however obvious difficulties in the advancement of this project as all Indians are not Hindus. An even greater hindrance is the diversity of Hindus, who are divided into numerous castes and sub-castes. In order to overcome this obstacle they have cast Muslims as the 'Other' and the enemy against whom all Hindus need to unify. The Hindutva campaigns have consistently sought to exploit a sense of anxiety about Hindu identity and the alleged partiality of the state towards religious minorities, especially Muslims. What is significant is that this force has legitimized itself on the basis of the feeling that Hindus were subject to discriminatory treatment even though upper-caste Hindus dominate all political institutions in independent India and are economically and culturally powerful. Even so, they have created a pervasive sense that Hindus have not received their due even after the Partition of India (Bhargava 2003). Such ideas appeal to sections of people who need something to cling to, someone to blame, for the social and economic problems that have plagued India since Independence. A distinguishing feature of this movement lies in the way this sense of vulnerability has been communicated through the claim that minorities do not condemn terrorism sufficiently, conversions, and the influx of Bangladeshi immigrants. It was designed to produce an image of Hindus suffering from an external danger at the hands of minorities. The effort is to inculcate a sense of Hindu victimhood not just in relation to special treatment of Muslims but against all public institutions for not bending to the positions of the BJP. This approach posits Muslims as the adversary for all Hindus regardless of their internal differences, beliefs, and practices. It derives its charge from an external principle of coherence which is central to establishing unity among Hindus (Vanaik 2006: 183). There is an obsessive focus on the Muslim danger, even though India faces no serious threat from this minority. Nonetheless, the Sangh combine harbours relentless antipathy towards Muslims and 'and also against the secular-minded who desire equal citizenship for all Indians' (Bhargava 2002). That is to say, it seeks to unite Hindus not by what they share but by what they oppose, which is the common opposition to the 'enemy' within (Vanaik 2001).

Although the BJP is not a denominational party, it seeks to promote Hindu interests as though they were an undifferentiated community. Its expansion was aided in large measure by the several political campaigns launched by the RSS - VHP in the 1980s and 1990s, especially in northern and western India, the traditional strongholds of Hindu chauvinism. The party succeeded in taking advantage of various grievances of the middle-classes, notably the introduction of measures of affirmative action for the backward castes that opened up fissures in Hindu society. The turning point came in 1989 when the Central government-appointed Mandal commission decided to implement the long-standing government report that recommended mandatory reservations of 33 per cent in government employment for the OBCs.¹⁴ The decision prompted widespread disturbances and violence in several parts of the India. Incensed by the possibility that reservations would heighten caste consciousness and thereby undermine Hindu solidarity, the BJP organized a *rath yatra* (carriage procession) throughout the country. During the 1991 election campaign, the BJP/RSS/VHP mounted a campaign led by Lal Krishna Advani which focused on the issue of Ayodhya. Activists marched towards the disputed site carrying with them the BJP's electoral symbols (a lotus) and pressed on by loudspeakers relaying his speeches and militant religious songs. Advani made it a point to emphasize that this was not a religious crusade. 'This [*rath yatra*] is a crusade against pseudo-secularism and minorityism which I regard as a political issue' (Cited in Nussbaum 2007: 175). 'Don't be under the misconception that I have become religious,' later reiterating 'I am a politician' (Ibid. 175).

The Ayodhya strategy illustrates the broader logic of the Sangh Parivar which accords a central place to religious symbols but ultimately its appeal has more to do with politics than religion as is clear from the context and the Mandal decision which gave it a fillip. The Janata Dal state governments in Bihar and Uttar Pradesh blocked the march, prompting the BJP to withdraw support to the minority government led by V.P. Singh. The Janata Dal government at the Centre collapsed in the process, as did the vote share of the party in the 1991 elections while that of the BJP rose as it benefited from the VHP's campaign and the resentment over state action in halting the march which was interpreted as an anti-Hindu action. The party won 120 parliamentary seats and 20 per cent of the vote, and succeeded in increasing its influence further in some states, especially Uttar Pradesh. Many upper caste voters, embittered by the Janata Dal's decision to implement the Mandal commission's recommendations, switched support to the BJP.

Ensclosed as the major opposition party after the elections of 1990-1, the BJP faced pressure from the RSS cadres and the movement that had catapulted the BJP to centre-stage which now pressed it to focus on the Ayodhya issue. The VHP too sustained the pressure by organizing Ram processions in many regions. Hindu pilgrims and RSS activists continued to flock to the site, and on 6 December 1992 they entered the disputed area and demolished the mosque. In one way, the demolition of the mosque helped the BJP by showing that it was capable of uprooting what it described as a powerful symbol of humiliation, but in another way it deprived it of a focus for mass mobi-

¹⁴ Reservations policies refers to laws, regulations, administrative rules, court orders, and other public interventions for lower and backward castes to provide government jobs and admission into schools and colleges, on the basis of membership of a caste group. The access of these castes to public institutions was traditionally low. Though the government's position in 1950 was that only two groups—the Scheduled Castes and Scheduled Tribes - are entitled to reservations, it had been extended to OBCs in public employment in 1994, but not to the legislatures. Reservations of 27 per cent for the OBCs in government employment were put into practice at the national level in the 1990s after Prime Minister V.P. Singh decided to accept the recommendations of the Mandal Commission and after the recommendations were modified by the Supreme Court. Fifteen years later, in April 2006, the UPA government introduced reservations for the OBCs in elite institutions of higher and professional education.

lization. These dilemmas apart, the major consequence of the prolonged Ayodhya movement were several waves of violence that left thousands dead across northern and western India.

During this period, politics began being dominated by religion in contrast to the politics and movements prior to the 1980s which focused on broader social and material issues. The period was also marked by waves of communal rioting culminating in the election of the first ever BJP-led National Democratic Alliance (NDA) government at the Centre. In 2002, the state of Gujarat was engulfed by brutal communal violence against Muslims. It is estimated that 2000 people were massacred. In one way the violence, in Gujarat stands out from the innumerable incidents of communal violence in India over half a century: the BJP government in the state was directly involved in acts of omission and commission. Gujarat is a vivid example of the politics of religion going horribly wrong, when a political party bases its appeal on ideas of religious nationalism and ethnic homogeneity, and when violence is aided and abetted by the highest levels of government and no action is taken against those who perpetrated it.

In addition, there were attempts to change the secular foundations of public policy, most notably in education. Under Murli Manohar Joshi, a BJP politician with close links to the RSS/VHP, the Human Resources Development Ministry of the NDA government, launched a campaign to 'saffronize' (Hinduize) all levels of education by revising textbooks, instituting regulatory changes, and appointing sympathetic officials to key positions. A key battle in the campaign was a struggle over textbooks issued by the National Council for Educational Research and Training (NCERT), particularly those in history and social science. The new textbooks published in 2002-3 immediately became the subject of criticism for their innumerable distortions of history and, above all, the Hindutva perspective embedded in the National Curriculum Framework (NCF) 2000 for primary and secondary education which was also the basis of the new school textbooks (Mushirul Hasan 2004). A group of activists approached the Supreme Court challenging the constitutionality of the NCF. The critical legal issue concerned the treatment of religion in the curriculum, which they claimed was in violation of Article 28 of the constitution, which states that 'no religious instruction shall be provided in any educational institution wholly maintained out of State funds'. A three judge bench of the court rejected the religion argument. The court verdict aside, there is little doubt that the NCF was a huge step backwards (Bhog 2000). It was also widely pilloried for jeopardizing the government's own commitment to gender-just education. Critics point towards a gender-biased move to ensure that women play their traditional roles as good mothers, wives, and daughters within the family and the nation (Ibid.). Accentuating the bias in favour of traditional roles for women was the collapsing of the distinction between value education and religious education, which raised new questions about the objectives of girls' education. The 2004 election which brought the Congress-led UPA to power brought an end to the need for court intervention to reform textbooks. Both the NCF and the textbooks were withdrawn by the Congress government subsequently.

5.2 Hindu Women's Activism and Political Mobilization

The leadership for Hindu women's activism comes from three organizations: the RSS affiliated Rashtriyasevika Samiti, the VHP's Durga Vahini, and the BJP affiliated women's organizations, the Mahila Morcha.¹⁵ The Samiti is the women's wing of the

15. Rashtriyasevika Samiti was established in 1936 and works in close proximity to the RSS. Its founders were K.B. Hedgewar who founded the RSS in 1925 and Laxmibai Kelkar. Its stated goal is to prepare women for the Hindu nationalist cause.

RSS. It consists of a small, highly dedicated cadre of women whose lives are guided by RSS principles (Basu 1998: 168). It was formed eleven years after the formation of the RSS in 1925. Its stated goals are to make women conscious of their 'divine identity' and to prepare them for the Hindu nationalist cause (Bachetta 2005: 115). Women of the Samiti come from conservative middle-class and upper-caste backgrounds (Sarkar 1999: 98-99). Its support is largely restricted to traditional BJP bases in north and north-western India. Socially, geographically, and numerically its expansion has been quite modest; there has actually been stagnation and even decline in Delhi, for example, even though the BJP was in power at the Centre for six years (Sarkar 2005: 181)

It is organized in the mould of the RSS and functions roughly in the same way in terms of the ideological training it offers to women. Members are given basic lessons in Hindutva politics, that is to say Hindu supremacism. This education is intended to familiarize women with Hindu scriptures and customs. This does not extend to learning the Hindu texts themselves; leave alone a critical study of them (Ibid.). As in the case of the RSS and other such fascistic organizations, there is considerable stress on physical training and the martial arts. Notwithstanding all this outdoor activity, there is an overwhelming stress on domestic values. Women can assume activist roles without violating the norms of Hindu womanhood challenging patterns of inequality within the home and the world (Sarkar 1999: 99).

During the Ayodhya movement in the 1990s, the Sangh combine intensified the mobilization of women with the assistance of these organizations and the women leaders they had thrown up. During this period it was keen to project its women leaders in public places and roles, and also its elected women members in legislative assemblies. For the first time it won recruits from educated middle-class families and professional backgrounds for the Hindutva cause. It was a major advance insofar as it succeeded in activating women and brought them into the politics of the Hindu right. Most of these women did not come from women's organizations or movement, and therefore were indifferent to women's issues and problems. In fact, they performed mostly sex-linked roles in the public domain. Their activities in the public arena re-enacted their private roles, for example, preparing food packets etc for *karsevaks* during the Ayodhya campaign.¹⁶

The association of women was not however limited to supporting roles in the Ayodhya movement. Many of these women were also actively involved in the campaign for the demolition of the Babri mosque in December 1992. Indeed, the most powerful voices heard in the course of the Ayodhya movement urging the destruction of the mosque were those of women goading Hindu men into violence against Muslims. Sadhvi Rithambhara, Uma Bharti, and Vijayaraje Scindia were three prominent women in this campaign. Bharti and Rithambhara were both present in Ayodhya in December 1992 and were seen to be aggressively goading Hindu mobs to destroy the mosque (Basu 2005).

One of the alarming features of Hindu women's activism was their complicity and direct participation in violence against Muslims. During these incidents, Hindu women were often leading processions through Muslim neighbourhoods with *trishuls* (tridents) and shouting inflammatory slogans. They were seen directing Hindu mobs towards Muslim localities and, what is worse, preventing the police from helping Muslim families (Basu 1999). Likewise, the spate of mass violence in Mumbai (1992 - 3),

¹⁶ Karsevaks refers to volunteers who offer their services to a religious cause. In recent years it has been used mainly to describe Hindus who have offered their services or have been associated with the Ram temple movement organized by the VHP in the early 1990s.

which followed the demolition of the Babri mosque, showed the involvement of a large number of women engaged in violence and looting the shops and homes of Muslims (Bedi 2006). Both the electronic and print media reported numerous cases of Hindu women forming part of mobs attacking Muslims and participating in the looting of shops and arson in Gujarat pogrom in 2002. It is clear from these episodes that the leadership of the Hindu right does not advocate pacifism; rather, it implicitly sanctions and encourages women's participation in sectarian violence. Immunity from punishment has further emboldened and encouraged violent action as the perpetrators of violence are confident that they will never be punished or be held to account for their acts of violence.

The BJP does not however always deploy religious rhetoric to represent women. Its policies are often cast in the language of formal equality (Basu 2001). The Hindutva ideologues take pride in the fact that women were out on the streets campaigning for Hindutva and establishing a Hindu community identity through aggressive and visible religiosity. Many leaders projected the public participation of women as a sign of the emancipation of Hindu women. Tanika Sarkar however remarks that while the Sangh combine brought women into the public domain, it did so in ways that do not fundamentally challenge their traditional roles within a generally conservative domesticity (Sarkar 1999: 141). She also notes that it permitted and encouraged education, employment, and activist politicization only on the basis of communal violence and commitment to an extremely inegalitarian social perspective (Ibid.). The communalized public identity of Samiti women reinforced conservative ideas about women and their status. They rarely raised issues of gender justice and seldom participated in struggles against gender oppression (Ibid. 141). For Samiti women, their work was different from other women's organizations which educate women about their rights, in that while they tell them how to sacrifice themselves to hold the family together and by being a good mother (Ibid. 150) they do nothing to emancipate themselves as women. In other words, the ideology of the Samiti 'is a form of surrender to patriarchy' because the primary goal is not taking forward women's issues but the cause of the RSS and transmitting its ideas (Ibid.). The orientation of radical women's organizations encouraged women to protest against injustice, to question familial ideology, to think and act on their own. Thus, while the women's movement challenges notions of women's subordination within the family and society, Hindutva ideology places them squarely within private spaces and propagates a patriarchal model even though it brings them out into public spaces (Bedi 2006).

As the BJP's primary objective is to gain power it has encouraged women to come forward and participate in politics in different capacities, most strikingly to campaign in elections. It proudly puts up front-elected women members in legislative and executive bodies. The party claims to be a strong advocate of women's rights and of reserving a third of seats in parliament for women. The need to give nominations to women is self-evident in view of the steadily growing women's constituency, but the party has not given a large number of nominations to women. Indeed, the Congress party has fielded more women candidates than the BJP; though their overall performance has not been impressive. The Congress party has nominated more women to contest elections and most women elected to parliament belong to it (Basu 2005).

On the face of it, the Sangh Parivar appears to promote women's activism which has helped the BJP in marshalling fresh support since 1989 (Basu 1999). Participation in the activities of the Rashtriya Sevika Samiti brings women into the public domain and this helps them to cultivate engagements beyond the confines of family and kinship. This activism is not however concerned with women's issues, problems, and demands. The most noticeable feature is its lack of consistency in relation to women's issues. Hence expediency rather than gender equality appears to govern its approach to

women's activism and women's issues (Ibid.). In some contexts, it seems to encourage women's activism, and in others defends the conservative Hindu conception of a woman's place in family and society, and fights against equality in the name of Hindu tradition. Even so, many women participants feel empowered by the experience of public activism on behalf of Hindutva. This is because many of these campaigns offered women an escape from the world of domesticity. Less noticed however was the fact that the women who participated in the Ayodhya movement also quickly returned to traditional roles, working within the confines of their family and community and routinely spreading the ideology of Hindutva and the BJP. Consequently, women's activism did not really change their outlook because they were not in the first place drawn to it by its advocacy of their rights; their principal attraction was Hindutva's emotional charge. Thus, Hindu women's activism works in the service of Hindutva and not in support of women's interests as such.

Clearly, there is considerable tension between religious politics and notions of gender equality especially in relation to the Muslim minority. Even though women's empowerment is not central to the Hindutva project, they appear to be keen to promote Muslim women's rights. On the one hand, it derides and decries the principle of minority rights, a key feature of Indian secularism, as an unwarranted privilege (Prakash 2007) in order to decouple secularism and minority rights, but on the other hand, they support Muslim women's rights only to draw attention to the unreformed character of Muslim personal law and seek its abolition. This helps them to compensate for the attack on minority rights by appearing to support Muslim women's rights. This support was staged in order to establish their liberal credentials even as they do little to advance Hindu women's rights. The BJP seeks to demonstrate its own commitment to constitutional principles by using the liberal language of equality and women's rights to pit women's rights against minority rights. In the end, it is less committed to women's rights than to the denial of Muslim rights. It highlights the inequities of Muslim law even as it is silent about the discriminatory traits of Hindu law (Basu 1999: 178). Most notably, a politics of religion and religious self-assertion claiming to speak in the name of majority and minority communities seeks to negate the divergent interests and rights of individuals and social groups. For the BJP, democracy means the rule of an ethno-religious majority, and it seeks to forge a new consensus based on the assimilation of minorities into a majoritarian conception of culture and national identity (Bhargava 2002: 92). Its notion of 'secularism' derives from its belief that Hinduism is the most tolerant of all religions and therefore the most conducive to secularism. In other words, it is not constitutional principles and laws but the natural tolerance of Hinduism that can make 'secularism' safe in India.

6. Feminist Politics

6.1 Religion and Feminist Politics

Historically, the women's movement has focused its attention primarily on the relationship between women and the state, especially with regard to the rights of women in the legal domain and the relationship of women and politics in relation to political representation (Radha Kumar, 1993). The most important campaigns of the women's movements have centred on issues of dowry, rape, and personal laws, and more recently women's reservation in legislatures. The last two decades have contributed to the opening up of the 'woman's question' in India in ways that have challenged the existing systemic discriminations and deprivations in a way never envisaged by any of the political

tendencies or groups that had hitherto espoused the cause of societal change. It is also a network which encompasses party-based, professional and independent groups.

Over the years the debate on religion in the women's movement has shifted from a position that virtually ignored religion to an attempt to work for religious reform from within (N. Menon 2001: 11). This shift occurred at a time when the communalization and politicization of religion was apparent in the series of events discussed in section 3.1 that led to the waning of secularism and attacks on minority rights. As the issue of minorities catapulted to centrestage Muslim women's rights became a subject of considerable debate, typically with reference to the status of Muslim personal law and the conflicting claims of personal law, identity, and gender. This was most clearly underlined during the Shah Bano controversy resulting in the 1986 Muslim Women's (Protection of Rights on Divorce) Act (MWA), 1986, which denied divorced Muslim women the same rights to maintenance as other Indian women under the Cr Pc.

At stake in the Shah Bano case was the right of a divorced Muslim woman to claim maintenance from her former husband under the Cr Pc. Avoiding the constitutional question of equality, the court dilated at length on the compatibility of the Cr Pc and the Quran. The judgment sparked off a major political uproar which the Rajiv Gandhi government pacified by means of the MWA, to override the judgment and thus exclude Muslim women from the purview of the Cr Pc, to which otherwise all citizens have recourse. The law created huge problems not only for sex equality but also for non-discrimination on grounds of religion: Muslim women were the only ones denied this remedy under the criminal code (Hasan 1998).

The backlash provoked by the reversal of the Shah Bano verdict led to the intensification of communal politics in the 1990s, and this hardened communal boundaries. While it is doubtful how much Muslim support Rajiv Gandhi garnered in terms of Muslim votes in the 1989 parliamentary election, his move certainly alienated a large section of the Hindu community, especially the media and middle-classes which saw him as 'appeasing' Muslims. From a mere two seats in 1984, the BJP increased its tally to 89 seats in 1989. Following the passage of the MWA, Hindu organizations stepped up their advocacy of uniform laws, primarily as a means of eradicating the 'privileges' of minority men. One of the promises made by the BJP when it came to power in 1998 was the promise to institute such a code. This has politicized the issue resulting in backpedalling by liberals who had earlier favoured it as they are wary that the BJP's real interest is in imposing a Hindu code.

The MWA provides that a divorced Muslim woman is entitled to, (a) 'a reasonable and fair provision' within the period of *iddat* (a period roughly three months imposed upon a woman who has been divorced or whose husband has died, after which a new marriage is permissible); (b) two years maintenance for her children; (c) *mehr* (dower) and all other properties given to her by her relatives, husband, and husband's relatives. In cases where the woman is unable to maintain herself after the *iddat* period, the magistrate can order those relatives who are entitled to inherit her property, to maintain her in proportion to what they would inherit in accordance with Islamic law. If the woman has no such relatives, the magistrate would ask the State Wakf Board to pay maintenance. Over twenty years later the overwhelming numbers of cases filed for maintenance are under the existing Section 125 of the CrPC, and not the MWA, 1986, obviously contradicting the religious leadership's claim that Muslim women do not wish to be governed by secular provisions.

Several groups challenged the MWA, its violation of several articles on fundamental rights, and its discriminatory character vis-à-vis Muslim women. In giving its verdict, the court ruled that a divorced woman is entitled to a *reasonable and fair provision*

of maintenance to be made and paid to her within the *iddat* period by her husband, but this includes future needs. The word *provision* indicates provision in advance for meeting future needs, and reasonable and *fair provision* may include provision for her residence, her food, her clothes, and other necessities.

The Latifi verdict was thus a step forward on the road to sex equality inasmuch as it provides a predominantly social, rather than religious grounding for maintenance provisions (Nussbaum 2007). Notwithstanding this liberal interpretation, the issue of discrimination on the basis of religion has not gone away: it remains significant. Only Muslim women are denied maintenance in the CrPC.

6.2 Uniform Civil Code and Women's Groups

The BJP is the strongest advocate of a uniform civil code while Muslim conservatives are among its strongest opponents. The Muslim leadership fears that such laws would inevitably lead to uniform cultural practices and alien customs being foisted upon them. In between are many who believe uniform laws are desirable, but that as a country we are not quite ready for it and therefore it is best not to raise the issue at this juncture. The overlaps and convergences between the Hindu and Muslim positions are striking, though, both are overtly communitarian and covertly patriarchal impelled by the need to preserve gender hierarchies as well as retain their own religious authority and autonomy (Rajan 2003).

In 1998, the BJP promised to institute a uniform civil code if it came to power. Until then, the party had raised the issue of a uniform civil code principally to embarrass the Congress party which was reluctant to change the status quo in the face of Muslim opposition to it. The BJP was keen to draw a parallel between the Congress party's capitulation to Muslim conservatives in the 1950s and again in the 1980s in the Shah Bano case to underscore this tendency. Its campaign sought to highlight Muslim appeasement to critique secularism as pseudo-secularism. By proclaiming its own commitment to 'secular' principles, the BJP tried to seize the high moral ground to castigate the Congress government for its indulgence of minorities. To its way of thinking, leaving Muslim law untouched implies unequal and asymmetrical treatment. This asymmetry has formed the basis for the charge that secularism, especially secular practice, implies pandering to Muslims for electoral gains. Hence, the party criticized the unequal exercise of the power of the state which intervened to reform the Hindu personal laws whereas the same was not done in relation to Muslim personal law. The criticism notwithstanding, it also gives the dominant Hindu community a sense of 'liberal superiority' over other 'unreformed' communities, in particular Muslims (Desai: 1998: 194 - 5).

From the outset, the problem with the uniform civil code debate was its gratuitous emphasis on uniformity which found its reflection in terming it a uniform civil code. Both in judicial pronouncements and public debate, the need for a uniform civil code was justified as essential for national integrity, and plural systems of law undermine it. For a long time it was rarely articulated in the public consciousness as a feminist issue (N. Menon 2001: 30). It became a debate about uniformity versus minority rights, secularism versus religious laws, and modernization versus tradition, in the context of the new nation-state (Rajan 2003). As Tahir Mahmood, an expert in personal laws, points out, the ultimate object of Article 44 (which enjoins the state to move forward towards uniform civil code) is secularity in family law: 'the call for uniformity is merely the means' (cited in Baird 2005:152).

In recent years, the issue has become considerably more complicated with the changing positions of women's groups and sharp divisions on a range of issues relating

to it. The decisive shift occurred in the wake of the Ayodhya conflict and the dramatic growth of the BJP, and with it Muslim fears of the imposition of a 'Hindu' code (Z. Hasan 2000). There is agreement that all religious personal laws are discriminatory and must therefore change. There are however disagreements over the means to achieve this objective, whether through a state-sponsored civil code or internal reform. The uniform civil code has been discredited because the BJP was using it as a rhetorical device to attack minorities. Aware that legal change cannot be isolated from wider political conflicts and majoritarian politics, women's groups made an attempt to distance feminist positions from the Hindu right's demand for a uniform civil code (Agnes 1994). The women's movement has since moved away from an either/or position on the uniform civil code to a more nuanced position which combines the options of reform from within personal laws, with the formulation of gender-just laws deriving from the concept of a common civil code (Kazi 1999: 21). For example, Kumkum Sangari, argues that the opposition between a uniform civil code and personal laws is 'manichean and politically peremptory'.

The possibility of gender equality, democratic rights, and full access to equitable laws cannot be recuperated without changing the terms of the debate. The question is not whether women should come under the patriarchal jurisdiction of the state or that of the community. Such a formulation ignores feminist agency. The stake should not be the state or the community but gender justice as a principle and a social horizon' (Sangari 1995).

The change is most explicit in the case of the AIDWA, which not very long ago promoted a uniform civil code, but now favours a gradual change in personal laws in recognition of the difficulty of pushing change through state initiative. It supports a two-pronged strategy to achieve reconciliation between gender-just laws as well as reforms from within. It has actively engaged in mobilizing Muslim women and encouraging community initiatives for legal reform, codification of personal laws, and at the same time demanding legislation with regard to matrimonial property and the custody of children, etc.

A number of proposals have been mooted by women's groups to enlarge the scope of gender justice. One is to devise secular laws and encourage people to opt for them. Such an idea was advanced as early as 1945, when it was suggested that the uniform civil code be made optional. After independence, the Special Marriages Act or the Indian Succession Act offered a number of options. However, the government failed to create the machinery for implementing an optional code. Had it done so, it may well have expanded the ground of secular laws, besides building up pressure for reform of community laws. More recently, as mentioned above, efforts have been made to move the debate from the comparative rights of communities and the nation to the rights of women as citizens. A Delhi-based Working Group on Women's Rights has argued in favour of a comprehensive package of legislation providing equal rights for women in terms of access to property, guardianship, right to matrimonial home, equal rights in the workplace, and anti-discriminatory provisions in recruitment and promotions. It was further suggested that all Indian citizens should fall under the purview of common laws but enjoy the right to choose at any point to be governed by personal laws if they so desired. Such options would then result in the regime of personal laws becoming voluntary.

6.3 Muslim Women's Activism and Reform From Within

In the context of the controversies surrounding legal reform, an important development over the past few years has been the emergence of Muslim women's activism seeking to promote women's rights rather than focusing all energies on changing personal laws to enhance rights. Muslim women in India face considerable challenges as citizens and as members of the largest minority. Their poor socio - economic status reflects a lack of social opportunity which, though not a feature exclusive to Muslim women, is exacerbated by their marginal status within an overall context of social disadvantage for most Indian women. Muslim women suffer from many disadvantages in areas such as education, employment, and access to welfare programmes. The status of Muslim women broadly indicates the shortage of three essentials: knowledge (measured by literacy and average years of schooling), economic power (work and income), and autonomy (measured by decision-making and physical mobility) as the defining feature of women's low status (Z. Hasan and R. Menon 2004).

It isn't religion or religiously-ordained customs and laws that affect the status of Muslim women. However, when it comes to Muslim women's rights there is an inordinate emphasis on personal laws as though they were entirely responsible for all their problems. Scholars, policy-makers, and the women's movement tend to focus on legal status almost to the exclusion of everything else, and this has reinforced the centrality of personal laws as a determinant of status. Both Muslims and Muslim women continue to be defined by birth-bound identities, and consequently the notion that Muslim women's status is attributable to certain intrinsic, immutable, 'Islamic' features is widely prevalent. All the debates tend to revolve around either the desirability of reform within, i.e., within the community and with religious sanction in order to preserve a Muslim identity; or on the need to transcend community and end the gender discrimination inherent in personal laws by working towards a uniform civil code that will govern all citizens. This preoccupation has meant glossing over the economic, political, and social problems that define the everyday experiences of Muslim women.

On the other hand, the appropriation of Muslim women's issues by a vocal and politically influential and conservative male Muslim leadership poses a challenge to Muslim women's empowerment (Katakam 2004, 2005). The emergence in recent years of forums and associations of Muslim women is an important step in facilitating a public debate on women's rights. The alliance of Muslim women's groups with the women's movement, together with movements for secularism, democracy, and human rights, has also been crucial in broad-basing the struggle for women's rights. Two Mumbai-based groups -- Women's Research and Action Group (WRAG) and Aawaz-e-Niswan -- are important such initiatives which have gone beyond personal laws to promote gender equality (Sikand 2005). They aim to provide aid and support to poor, illiterate, and marginalized women, while at the same time raising their consciousness about the gender inequities that exist in our society and the need to strive to overcome them. Their engagement with legal reform is an outgrowth of these broad-based activities. Much like other women's groups, Muslim women's groups engage with a range of issues that include education, employment, and domestic violence (Vatuk 2008). Although these efforts have not to date inspired the development of a major reform movement among Muslims, they represent vital steps in seeking to build a rights-based movement. There is, for the first time, the beginnings of serious debate on social reform.

The project of legal reform is greatly complicated by the problems confronting the Muslim minority which is a vulnerable minority in India. A recent high level committee on the status of the Muslim community, known as the Sachar Committee, has

shown that they are impoverished, marginalized, and under-represented in public institutions.¹⁷ They do however have the right to have their own personal laws and to continue to practice these under state protection. From the point of view of Muslim women it has meant that the articulation of gender interests has been tightly controlled and articulated within the terms of an identity discourse. Political negotiations over personal laws have invariably favoured conservative voices among Muslims to the detriment of women's voices and women's rights. However those who argue for reform within Muslim personal laws as the best strategy for enhancing the scope of Muslim women's rights ignore the fact that such an approach tends to freeze identities within religious boundaries. Very little attention has been given to the multiple cross-cutting identities of Muslim women based on class, language and region among others. Implicit in this approach is the assumption of a homogenous Muslim identity, which fails to hear the different voices within the community. Legal reform becomes tricky because the moral and legal framework on which it is based is supposed to be immutable. It is besides projected as an important issue for all Muslims because it defines their identity.

Clearly, the system of personal laws has created a legal and social quagmire. It raises the question whether personal laws should have been allowed to continue in the first place. To have replaced the system of personal laws with a uniform civil code would have resolved and prevented many problems that haunt us. The problem however was that in the immediate aftermath of Partition it would have given a signal of inferior status to the Muslim community, which was already reeling under a sense of insecurity, no matter how neutral and how carefully framed such a code might have been. Internal reform of personal laws to bring them in within the ambit of equal protection and other fundamental rights has proven to be just as complicated. It will be difficult to accomplish this goal even with the best intentions and will, and even with the considerable involvement of Muslim women (Nussbaum 2007).

7. Conclusion

Over the past twenty years or so the politicization of religion has made considerable headway but it has not overwhelmed secular politics significantly. Even as Hindu nationalism enabled the BJP to shift India's political agenda in the 1990s, it has so far not been able to change the foundations of the secular state or enlarge its political support in a major way. The saffron surge of the 1990s helped the BJP to form the government at the Centre and in several states but it has not been able to snuff out political secularism. In reality, the Hindu right has encountered serious structural barriers and substantial opposition amongst different groups of India's extraordinarily diverse population. The stunning verdict in favour of a secular government in two successive parliamentary elections (2004 and 2009) is an indication of the strong opposition to the politics of religion and sectarianism. The continued existence of a secular state in a deeply religious

¹⁷ Prime Minister Dr Manmohan Singh constituted a *High-Level Committee on the Social, Economic and Educational Status of the Muslim Community of India* in 2005. The committee chaired by Justice Rajender Sachar and charged with investigating the socio-economic status of Muslims, submitted its report to the prime minister in November 2006. The Sachar Committee Report (SCR) found stark under-representation of Muslims and systematic evidence to show that they are an under-class on par with the lowest Hindu caste groups. It showed that in the twenty-odd years since the submission of the report of a High Power Panel on Minorities, Scheduled Castes, Scheduled Tribes, and Other Weaker Sections (1983) appointed by Prime Minister Indira Gandhi, the Central Government and those of the states have done very little to rectify the backwardness and under-representation of Muslim.

society and in a context in which ethnic nationalism remains a powerful force in the world and especially in India's neighbourhood is a matter of great significance. Indian political experience shows that high levels of religiosity, a notable feature of everyday life in India, does not seem to contradict social pluralism. As it happens, identity politics and secularism seem to go hand in hand. Hence, the most important issue is not the growth of religious politics but the inordinate play of identity politics in public life which has resulted in two paradoxes. India is secular and yet ordinary Indians no longer have access to public institutions except on the basis of religious and social identities. The other is the protection of conservatism among Muslims which is the effect of a secularism that envisages state intervention in the affairs of the majority religion but strict non-intervention in minority religions, paradoxically, in the name of secularism.

The Hindu right has demonstrated an enormous capacity to mobilize women but this was not progressive or emancipatory politics even though women's participation in such movements and campaigns may help to marginally improve the status of individual women at home and in patriarchal family structures. There are occasions when the BJP has supported women's rights but this was invariably to garner support for the larger goal of attaining political power. Overall, religious politics negates women's gender identity which is obvious from the politics of the Hindu right which has used women instrumentally to gain legitimacy and to broaden its support to emphasize the liberal orientation of Hindu groups. The BJP's stint in power at the Centre (1998-2004) offered very little indication of interventions or policy initiatives to secure women's rights. This is hardly surprising given that the major goal of women's political engagement was never the transformation of the lives of women but basically to marshal support for the advancement of the project of Hinduising India and promotion of the ideology of Hindutva. The principal goal therefore remains the construction of a women's constituency to enlarge the social base of the party in order to help it to acquire formal political power.

Hindu women's activism provides a compelling example of the instrumentalisation of women for the achievement of the political goals of the BJP and the Sangh. Every time the BJP takes up issues such as the uniform civil code it has done so for reasons of political expediency. It has focused on it primarily to corner and embarrass its principal rival, the Congress party, which is clearly reluctant to press ahead with legal reform of personal laws for fear of alienating Muslims, especially the conservative leadership on which it depends for electoral mobilization. The vociferous support to the uniform civil code is therefore not so much to endorse women's rights as it is a pointer of its opposition to minority rights or any special concessions to Muslims. Thus through its advocacy of the uniform civil code the BJP wished to signal that the party and the Hindu community it claims to represent are committed to equal rights and gender equality, whereas the Congress party and Muslims the ruling party protects only want to safeguard personal laws.

The resistance of minority communities to legal reform in the name of preserving their religious identities undoubtedly poses a problem. In this regard, the major issue is the eagerness of the state to put up with an enlargement in the influence of conservative leadership which has resulted in propping up of identity politics and strengthening the hands of forces that oppose women's rights. Even though women's groups have strongly opposed religious politics and religious patriarchies in all communities nevertheless they have had to contend with minority claims to recognition and negotiate with their sense of vulnerability which has pushed women's rights aside. This was the most critical predicament that the women's groups have had to deal with taking into consideration the intensification of communal politics in the past two decades. Muslim women frequently pushed into the conservative fold of the community have paid the price of

such compromise. The irony of Indian secularism is that the protection of diversity and minority rights has resulted in a sheltered retreat into conservatism.

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6, 2010, pp 939-954. Gender, Religion and Democratic Politics in India. ZOYA HASAN ABSTRACT This article examines the impact of identity politics on gender equality.Â regulation and reform, rather than the strict separation of religion and state.1 Yet there is no mistaking the overall secular design articulated in three salient principles. The first is the principle of religious freedom, which covers not just the right to religious thought, but every aspect of faith, including beliefs and rituals, and also freedom from discrimination on grounds of religion, race, caste, place of birth, or gender.2 Article 30(1) recognises the rights of religious minorities and, unlike other articles applicable to citizens qua individuals, it is. As gender inequality in India persists against the backdrop of economic growth, policy initiatives are increasingly needed to empower women.Â Cultural institutions in India, particularly those of patrilineality (inheritance through male descendants) and patrilocality (married couples living with or near the husband's parents), play a central role in perpetuating gender inequality and ideas about gender-appropriate behaviour. A culturally ingrained parental preference for sons "emanating from their importance as caregivers for parents in old age" is linked to poorer consequences for daughters. Contrary to the argument that religious politics does not always negate gender equality, the article argues that the Hindu religious politics and women's activism associated with it provides a compelling example of the instrumentalisation of women to accomplish the political goals of the Hindu right.Â It shows how women's and minority rights are used within the politics of religion to sideline the agenda of women's rights. Discover the world's research. 20+ million members. However, the Indian society is divided so finely that it is not possible for one particular caste to get a majority by itself. Criteria For Success We can say that a democratic process is successful if it represents the wishes of the majority of the population. For e.g. if the government of the day enjoys the support of 50% of voting population. Our Current Status By that criteria, no government in independent India has EVER been truly representative of the people. Continue Reading. Indian Leftists.Â Why do Indian politics use caste and religion as major weapons for their winning? How do politics affect castes in India? On what is the caste system in India based? Is it a religious or political institution? Home. Gender, Religion and Democratic Politics More details. Gender, Religion and Democratic Politics in India. Year of publication: 2010. Authors: Hasan, Zoya. Published in: Third world quarterly : journal of emerging areas. - Abingdon : Routledge Journals, Taylor & Francis, ISSN 0143-6597, ZDB-ID 4418955. - Vol. 31.2010, 6, p. 939-955. Saved in: Check Google Scholar | More access options. In libraries world-wide (WorldCat). In German libraries (KVK). subito order.Â Similar items by person. Politics and the state in India. Hasan, Zoya, (2000). Region and nation in India's political transition. Hasan, Zoya, (1999). Political awareness of lower class women in Uttar Pradesh during the 1977 elections.