



Women Struggle Against Zia's Version Of Islam

THE latest news we have from Pakistan is that the proposed discriminatory *qasas* and *diyat* laws pertaining to evidence and blood money have been approved by the Majlis-i-Shoorat. These proposals have now to go to the law ministry and finally be signed by the president, before they become law. The Women's Action Forum, a coordination body of many Pakistani women's organizations, has consistently been mobilizing opinion against these proposed "laws, and continues to protest even at present. If the laws are passed, the Forum plans to challenge them in the federal Shariat court.

The new evidence law will make it necessary to produce two male witnesses before it is possible to give the maximum punishment for murder and criminal assault. This means that if a man is murdered in the presence of his wife and daughter, or if a woman is killed when no man is present, the criminal cannot be awarded the maximum punishment.

In all other matters, two male witnesses will be required, failing which one male and two females will be considered sufficient. One woman's witness will be considered sufficient only in matters like delivery, menstruation and virginity. This makes the evidence of two women equivalent to that of one man, and the evidence of one woman equivalent to that of half a man. It is, as the Forum points out, "tantamount

to saying that women are only half human beings."

In cases where the victim of murder or assault is a woman, the *diyat* or blood money to be paid will be only half that fixed for a man. This implies that a woman's life is half as valuable as that of a man. On the other hand, a woman who commits such a crime against a man, will have to pay the penalty in full.

Under the already existing *hudoob* ordinance *zina*, four male Muslim adult eyewitnesses to the crime of rape or *zina-al-jabr* are required before a rapist can be given the maximum punishment. It is clear that a man is not likely to rape a woman in the presence of four hostile adult males. This law makes it easy for the criminal to get away, and exposes women to violence. In several recent rape cases, the Shariat court has reversed the judgments of the district courts which had awarded maximum punishment to rapists.

The Council for Islamic Ideology, a government body, has also been discussing whether women should have the right to vote in any future elections, and the banning of all women from holding any public office.

Pakistan's neo fascist Islamic fundamentalist party, the Jamaat-e-Islami, has been pushing the government to ban all women from government jobs, to set up totally segregated educational facilities for women, ban women from the arts and media and even to stop women from driving cars.

Women's organizations have demanded that the Council for Islamic Ideology be dissolved reconstituted with men and women who are able to interpret

the true spirit of Islam. "We are all Muslims and no single body of *mullas* has the right to pronounce what is Islamic and what is not. Islam categorically made provision for women's rights equal to men's and in any Islamic society men must practise respect for women every social level. Unfortunately these government edicts are aimed directly at women and not at society as a whole."

These laws are coming in for a great deal of criticism in Pakistan and their Islamic basis is being disputed. For instance, the Quran nowhere mentions rape. The new ordinance whereby four male witnesses are required to prove rape is based on the Quranic injunctions pertaining to adultery, where four male adult witnesses were required so as to protect the innocent from false accusations. Thus an injunction intended to protect the innocent has been inverted in case of rape to shield the guilty and leave women unprotected.

In its specially prepared position paper on the law of evidence, the Forum points out that this law has no basis in the Quran. Its proponents justify it on the ground that sometimes in the Quran the word "you" is used in the male gender, therefore the evidence of women, unsupported by that of men, is to be excluded. However, the Forum points out that "the male gender is used in a generic sense and not in any discriminatory way." The only *Myat* that specifically mentions the evidence of one man and two women is found in Sura-al-Baqra, verse 282, and is related only to business transactions. Hina Jilani in her article "The law of evidence in Islam" in *The Muslim*, explains that even here one

woman is the primary witness and the other only acts as a helper : “The reason for giving two women witnesses instead of one is given in the *aiyat* itself : ‘so that if one of them errs, the father can remind her.’ It is evident that the necessity for bringing two women witnesses in this particular case is because women in the days of the revelation were unfamiliar with matters of business and finance, and would therefore be liable to misunderstand the terms of a transaction. It is noteworthy that in spite of a lack of understanding of such matters, specific injunction was given in the Quran for the admissibility of women as witnesses even in these cases... the purpose of the second woman’s presence is that the primary witness can refresh her memory by consulting her... In fact women have been awarded a concession in being allowed to be prompted while giving evidence... This view is corroborated by the Hedaya which is considered a reliable authority on Islamic jurisprudence. It says that evidence is founded on three circumstances namely, sight, memory and a capability of understanding, and all these circumstances exist in women.” Islamic history is replete with examples of the testimony of women being accepted to authenticate the traditions relating to the life of the Prophet..

Apart from these specific Quranic arguments against the proposed laws, the Forum and other defenders of women’s rights in Pakistan also emphasize the fact that Islam means “peace”, and is a religion of peace and equality. It is repugnant to the spirit of Islam to treat a woman’s life and being as less valuable than that of a man :

“The holy Quran addresses equally both men and women and lays down principles of equality. The Prophet said : ‘They (Muslims) are equal as the teeth on a comb. There is no claim of merit of an arab over a non arab, or of a white over a black person, or of a male over a female. Only godfearing people merit preference with god.’

‘for Muslim men and women,
for believing men and women,
for devout men and women,

for true men and women,
for men and women who are
patient and constant,
for men and women who humble
themselves,
for men and women who give
in charity, for men and women
who fast and deny themselves,
for men and women who guard
their chastity, and
for men and women who
engage much in god’s praise,
for them has god prepared
forgiveness and great reward.’

From the above it is clear that the Quran



has prescribed duties and obligations for both men and women, the fulfilment of which lead to equal rewards for both and the violations to equal punishments. The principle of equality between believing men and women is thus clearly established.”

In August 1982, the right of women to be appointed judges was challenged in the federal Shariat court. The attorney general of Pakistan relied on Islamic texts to demonstrate women’s ability to hold judicial office. It appears to be contradictory for the government of Pakistan to suggest that women are incapable of giving evidence in their own right.

In December 1982, the Forum organized a seminar at Lahore on crimes against women. Eminent advocates, doctors, psychologists and social workers spoke about the situation and the laws, both existing and proposed. They pointed out that reported incidence of violence against women within the family and by police is on the increase, yet the unreported incidence must be much higher, because concepts of *izzat* make women reluctant to speak about injustice done to them. Shahib Rehman, advocate, said that newspapers are full of reports of woman being killed or maimed by husbands, brothers or other male relatives on the suspicion that the woman had brought dishonour to the family, but no one bothers to acknowledge the unjust situation which denies a woman her rights, such as her right to *khula* which is the Quranic equivalent available to women of men’s right to *talaq* form of divorce. Being unable to obtain divorce, custody of children, maintenance, a woman is forced to take steps which are interpreted as dishonouring the family. So also, since abortion is illegal in Pakistan, even for women who have become pregnant as a result of rape, the woman is often forced to abandon her child, or to be outcasted and take to prostitution. If she undergoes an illegal abortion, she can be booked for murder and the doctor perform! the operation can be imprisoned seven to 10 years.

Similarly, the Zia regime proposes to

“stamp out prostitution” but characteristically sets about doing this by stamping out women rather than exploitation. Thus dire penalties are to be imposed on prostitutes and mild ones on their customers. This despite the knowledge that most prostitutes are forced into the trade by extreme poverty. The law prescribes that a prostitute can be hanged or stoned to death while a man who visits a prostitute can be punished with flogging or a few months in jail. Nearly 100 women arrested for prostitution on April 21 are Currently awaiting trial.

The *zina* ordinances prescribe certain punishments for women which have also been strongly condemned by the Forum and other sections of opinion in Pakistan. On November 26, 1982, for the first time in the history of Pakistan, a woman was

flogged. Again on April 20, 1983, two married women convicted of adultery were flogged in Multan city. One of the women named Azizan, aged 32, nearly fainted as she underwent 20 lashes below the waist before the doctor called a halt. She was to get more lashes later. The other woman, 20 year old Sakina, was given five lashes. Both women are serving three years’ hard labour.

What is most disturbing is the hostility manifested by the regime to all forms of resistance and protest. Not only are women’s and other organizations severely restricted by rigid censorship laws which forbid cyclostyling, and require all printed matter, stage plays or other forms of communication to be submitted to the censor board, and prohibit any form of criticism of the government and police, but

repeated petitions, signature campaigns, statements of protest, demonstrations have not had the slightest effect on the ruling regime, which insists that everything it does is Islamic, de evidence to the contrary.

Can a government impose interpretation of Islam on people who interpret and wish to practise it differently? Is such a government really interested in genuine Islamization or merely in repression? These are the questions being raised by many Women’s Action Forum and many other organizations and individuals in Pakistan who are struggling for regaining of civil liberties by the people.

—based on Women’s Action Forum bulletins, and other news clippings. For further information, see *Manushi* Nos. 12, 13 and 15.

She Refused To Be A Sati Savitri Some Hard Facts About Shashi Kiran

On April 27, some national dailies splashed the story of how Suresh Verma, dying of terminal cancer, had been allowed by the supreme court to meet his son Sakhil who lives with Suresh’s wife Shashi Kiran. **Indian Express** carried a frontpage photograph of Suresh and his father in the hospital, and a long write up under the headline: “Dying father meets son at last” It ascribed the separation of father and son to the fact that Shashi had “walked out on her husband.” **The Hindustan Times**, even though it had, on April, 26 reported how Shashi had been maltreated and maligned by her in-laws, and how she feared harm to her children nevertheless saw fit to wax eloquent on April 27 under the headline “Last wish granted at last”: “Will you come again?” It was a whispered plea. The ailing man lay back exhausted.... Will there be another time? No one knows—” and continued in similar pathetic strain about how Shakhil could not remember his father. On April 29, it bemoaned the fact that after Suresh’s death, his pyre was lit by his younger brother though “under Hindu shastraic injunction, it is the son’s duty to perform the last rites of his parent.” These reports generated a lot of public sympathy for the man and antipathy for his wife who, it was suggested, had, in most un Sati like fashion, left him only because he had cancer. We reproduce below an investigative report by **Karmika** which tells the whole story in detail. It is regrettable that while on the one hand the media seem sympathetic to women who are harassed by husbands and in-laws, on the other hand, they react with such hostility to a woman who struggles to build a new life for herself and her children.

Shashi Kiran did not leave her husband Suresh Verma, now deceased. It was her in-laws who turned Shashi out of the house, because they blamed her for being inauspicious, since her husband’s cancer was discovered after marriage to her, and also because she had given birth to a girl. It is incorrect to say, as is alleged by her in-laws, that she left Suresh because she feared the cancer was contagious. Cancer was detected in 1978 when Shashi and Suresh were living in Shashi’s parents’

house. From 1979 to 1980 Shashi ran from hospital to hospital, to look after her ailing husband. Her father paid for the operations and even sent the couple to Vellore for advanced treatment for Suresh. There are documents to prove all this. Suresh’s family virtually lived in Shashi’s parents’ house during this period, which caused a heavy strain to the now much maligned family.

If Shashi wanted to leave her husband she would have done so in 1978 and would

not have continued to live with him and have another baby, much against doctors’ advice, but on her husband’s insistence. Suresh said: “Why should my wife be free responsibilities and have a good time when I am dead and gone?” So the baby girl was born a caesarian operation. When the baby was only four days old, Shashi was kicked out of her in-laws’ house. This was in December 1980. The in-laws were because she had borne a girl, was not even allowed to take belongings or money. A

Local scooter mechanic took pity on her and escorted her to her parents' house where she has lived ever since.

After throwing Shashi out, Suresh never sent her or his children any money or any of her belongings. From December 1980 to April 1983 no one from the Verma family bothered about the children. Shashi took a job to maintain herself and the children. Her parents also helped her. The Verma family did all they could to harass her. They filed a case for custody of children and another for restitution of conjugal rights, Both cases were dismissed by the courts. Printed posters alleging that Shashi is immoral were pasted on the walls of the colony where Shashi's parents live. Handbills carrying Shashi's name, photograph, address, all kinds of vicious allegations tended to malign her, were circulated.

Suresh Verma never expressed any desire to see his children. A written by him in 1983 says: I do not want to see yourself or children. When I die I shall become a ghost and haunt you all make your life miserable." His petition in the supreme court was signed by his uncle. On April 6, a mob of about 50 people tried to invade Shashi's house and snatch the children. The police had to disperse the crowd. Earlier too there had been attempts to kidnap the son from his school.

The family of Suresh Verma now released to the press a statement thanking the supreme court and the media for assisting them. Suresh's father is stated to have said that the publicity so given to his son and the family has made them immortal and famous.

Our judiciary is still male oriented. Otherwise children would not be treated as toys and women as objects to be placed before those who make undeserving demands on them. Where no love exists, rights should be exercised.

Overheard...

A domestic servant, complaining about her husband, to her woman employer : "He takes my *izzat* (honour) every day, and doesn't even give me any money to run the house."



Neelam Gupta

As we go to press, the news comes that Neelam Gupta, a first year student of BA Hindi Honours at Miranda House college for women, Delhi, has been burnt to death in her husband's house in Hapur.

Neelam, daughter of a cloth merchant, Ramkishor Goyal, was married on February 10, 1983, to Pavan Kumar whose family is engaged in business and money lending. According to Neelam's classmates, her marriage was arranged and finalized within a week. After marriage, she appeared depressed and irritable, but when questioned, always said everything was fine. However her father has now revealed that she had written a letter to him saying : I am in a hell from which some day only my dead body will be sent out."

Neelam's parents had given a dowry worth Rs 50,000 but demands for a scooter and cash were made. Neelam was beaten and tortured. Her grandfather, who also lives in Hapur, says she was often threatened that she would be killed if the demands were not fulfilled.

She was due to appear for her first year examination in May but at the last moment, her father-in-law told her parents that there was no need for her to study further. Her parents acquiesced, saying: "She is yours, you can do what you like." It appears that Neelam's parents had advised her to somehow stick it out in her husband's home, and had told her up to talk about her misery to anyone outside

Are In-Laws Alone Responsible For Neelam's Death?

the family. They had even employed a tailor to give her sewing lessons at home because her in-laws had complained that she did not know how to sew.

On June 8, Pawan Kumar informed Neelam's uncle, who lives in Hapur, that his niece had burnt to death. A huge crowd collected at the house and held an angry protest, demanding public humiliation of the culprits. The police arrested Neelam's husband, and his father, mother and brother.

The post mortem shows that Neelam had swallowed some poisonous substance before being burnt. She was three months' pregnant. Her relatives allege that her in-laws have bribed the police into collusion with them.

Neelam's in-laws now allege that Neelam, being a Mirandian, was a fashionable flirt of immoral character, and was not able to adjust in their house, so she committed suicide. Neelam's parents are demanding return of the dowry to them, and stringent punishment for the culprits.

Neelam has been sacrificed at the altar of her in-laws' greed and her parents' callousness. Why did her parents marry her off in such a hurry without giving her a chance to stand on her own feet ? Why did they ignore her pleas for help and push her back time and again to the house which she called a hell ? Why did they acquiesce to the in-laws' attempt to cripple her by refusing her permission to study further ? They silenced her during her lifetime, but after her death they are eager to protest, and to demand back the dowry,

-R.V