

Who Should Throw The First Stone ?

—A Comment On Laws Pertaining To Women

In *Manushi* No. 25, we had written about Mary Roy's challenge to the Travancore Christian Succession Act, under which daughters do not inherit equally with sons, but are only entitled to a dowry or, failing that, to a quarter of a son's share or Rs 5,000, whichever is less. On February 25, 1986, the supreme court ruled that on the coming into force of the Part B States (Laws) Act 1951, the Travancore Succession Act stood repealed (and the Indian Succession Act, 1925, under which daughters inherit equally with sons, became applicable).

Mary Roy writes : "This is a big step forward for women in this state. The only unfortunate point is that the Act was not struck down on the basis of gender justice but on a technical point. As I had told you before, the genesis of my taking the matter to the supreme court was an article on public interest litigation that I saw in *Manushi*."

Brought up in an orthodox Christian family, Mary chose to marry a Bengali Hindu, Mr Roy, with whom she lived for several years. When he left her, she returned to Kottayam and established a school, *Corpus Christi*. In this article, Mary recounts the story of her life and points out how women in all communities and creeds are exploited in similar ways.

FOR the first time in the history of independent India, parliament has passed a law which openly harms women. This should be a cause of concern to all of us.

However, I am not a little amused at the righteous indignation voiced by other communities about *talaq* and about bigamy. Can Hindus or Christians afford to throw the first stone ? By tradition and by law, the Christian community is monogamous. By modern legislation, Hindu society too is now monogamous. But neither tradition nor law deters a man in these societies from practising "instant divorce" or indulging in bigamy.

Let me briefly tell my own story. I am married to a sarswat brahman. I am not divorced. My husband has contracted two or three other marriages. (His particular variety of brahman can officiate as the *pujari* at religious marriage ceremonies). None of these marriages have been terminated even with the courtesy of a *talaq*.

Are the other marriages legal ? Are the other marriages bigamous ?

I really am not concerned with the answers to these questions. I am not concerned because I am an educated and employed woman. I can confidently support myself and my two children.

A colleague of mine, a 22 year old Christian, with a baby, is in a similar position. Her husband took up a job in Africa. Within months, he wrote : "Jesus Christ himself has asked me to have nothing more to do with you and the child. He has asked me to live my life with another. Together we will work for His glory."

No *talaq* was necessary. Oh yes ! There are laws which "protect" her. But pray, how does a 22 year old woman, with a child, go about demanding such protection ? Her father is dead, her mother an invalid. Other relatives pretend

that the mother and babe do not exist. She is working now. At 19, when she was doing her third year degree course, she was told that the marriage proposal was so good that it could not wait for her to complete the course. So, she is now without a basic degree, and has a baby to support.

These are just two instances to show that neither Hindus nor Christians can afford to point a finger.

And what about other violations of monogamy, such as the "contract" marriages of rich Gujarat and Bombay businessmen ? What about the brides that are burnt daily so that the husband can get a second dowry and a new bride ?

Let women frame laws pertaining to themselves. Let not men in their chauvinistic superiority make laws for the "protection" of women. Let women who have experienced violation speak. How much is to save family prestige, and because of fear !

I repeat, I have not divorced my husband. Nevertheless I number among the outcasts—women separated from their husbands. For the first year after I left my husband, I lived in my mother's home with my two children. I did not go out anywhere. That was easy. Where was there to go ? When visitors came to the house, I hid in a room at the rear of



Mary Roy

the house. This too was easy. No one really wanted to find m'e.

I joined the Carmel Education College to do my B Ed. I travelled to and from college in an old fashioned hand pulled rickshaw. Whether it rained or not, I pulled up the tarpaulin that covered and protected against rain and sun. I did not want to be seen. I realised how effective *parda* could be to hide my shame from the eyes of society.

At home, the humiliation was unbearable. I did get Rs 500 as maintenance from my husband. This amount was sent by cheque. I did not know about cheques. So, every month, the cheque was taken from me by those that did know. Today, I am told that I lived on the generosity of my relatives. What happened to those cheques ?

How was I humiliated ? It is painful even now to recall the thousand different ways in which pain can be inflicted on the mind. Maybe, an outing from which my children alone were excluded. Maybe, a harsh reprimand, which came only to them and not to their cousins.

I was most hurt when "the blessed" came home. "The blessed" are those who have husbands, and I was "accursed" because I had not one—at least not to be seen !

Other grandchildren were sent to their grandmother when they had mumps, jaundice or chicken pox. It was almost as if I and my babies did not exist—the kids already with a grandmother.

What hurt most is the realisation that my mother had been through even worse times. She had been thrashed and kicked, until the blood flowed from her wounds. That is my earliest memory—my mother with her clothes all bloodied ! Her husband had taken her, and her four children (us) to *their* grandfather's home, and then deserted them for many years. And yet she silently watched all this happen again to her daughter ! Of course, I eventually got thrown out of the house. The terrible ache in my heart! I never dreamt that there could be any deliverance !

In the end I rebelled. Taking my two little ones with me, I set up house in Ooty.

I got a job as a school teacher. And what did people have to say to this atrocious behaviour ?

You know what! I have since learned not to listen to what people say ! But in those days when I was young, I heard one comment, which has not been forgotten : the local dentist's wife, introducing me to someone, said in a whisper well within my hearing: "She is one of those who has been chewed and spat out. She is a used woman.

Before they pass a bill like the present one, let our law makers in-terview women



like me—who can tell them about "protection of wo-men after divorce by relations, and institutions" (like the church, for instance).

The only way women can resist persecution is: *education* first, and then a *paid job*. These are the only things that will lend confidence and security to women.

Mariakutty Thomattj who was a primary school teacher and now earns a pension of Rs 25 and Aleykutty K.C., a nurse, had the confidence to join me in filing the petition challenging the TCSA because of their status as earning women.

No man should be able to discard a wife without due consideration for the services she has already rendered him, without payment. She made his home, she cooked his meals, she cleaned the house, she bore his children, she provided him with the circumstances to

work and come back to a "home", she gave him unpaid sexual pleasure.

Maybe a clause should be added to the Act that while the wife is "in service" she should be paid Rs 50 minimum per day—that is cheap, even if she were replaced by a prostitute and a bonded labourer !

Only then would it be fair for the husband to leave her, with no commitments. □

Making A Case For Matrilineage

Kailash Chand Pista Devi has for years been fighting for the cause of tracing one's lineage through one's mother. Founder of the Society For The Cause Of Mother's Lineage, he first made electoral history in July 1957 by getting himself registered on the voters' list under his mother's name. This victory came after a long bureaucratic and legal battle but succeeded in setting an electoral precedent for all time. Consequently, any Indian voter wishing to adopt a name that shows parentage through the mother is free to do so.

This victory spurred him on to another battle with the ministry of external affairs regarding the substitution of his mother's name for his father's name on his passport. The ministry refused his appeal on the ground that it contravened the international convention of using one's father's name on one's passport. He moved the courts, this time going all the way to the supreme court, but to no avail. The chief justice, Syed Jafar Imam, summarily dismissed the case, accusing the petitioner of "creating confusion" and "wasting the precious time of the courts."

Nevertheless, this defeat generated publicity on the issue of matrilineage, resulting in the introduction of the Mother's Lineage Bill in parliament, by Madhu Limaye. However the bill died a natural death when parliament was dissolved before it could be passed. Mr Kailash Chand continues his propaganda campaign.