

Responses to Manushi

Refreshing and Unusual

I look forward to **Manushi** because in addition to all the reasons you give for subscribing, it often takes a non-politically correct stand. This is very refreshing and unusual. Whether one agrees or not it is important to hear another viewpoint.

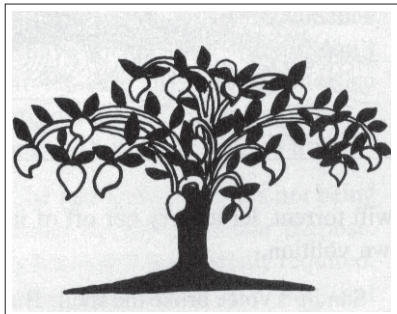
Mandira Sen, Calcutta

Confusing Civil Code

Your comment on the Anjali Kapoor case in **Manushi** (No. 89) is the first clear-headed comment on the case I have read. Thanks for providing it, even if late. The other features in the issue which I loved reading were Chitra Mudgal's story (though the translation was weak) and your article on the uniform civil code. Remarkable though your communication skills are, you still failed to convince me that an optional civil code will work in a society where the only options women have are the ones given to them by men. It also needed some comment how the matter would be resolved should there be a conflict in the options sought by different members of the same family.

Prajapati Sah, Kanpur

At present, the Hindu Marriage Act and other family-related laws including the Hindu Succession Act (HSA) are supposed to apply to all Hindus. Yet in actuality, most



communities continue following their respective customs in these matters rather than go by the letter of the law. For instance, Karewa marriages involving bigamy are fairly common in Haryana despite the fact that the Hindu Marriage Act prohibits bigamy. In most cases, who is to inherit what share of family property is almost always decided within the family and without reference to the courts. Women rarely have access to the provisions of the HSA to enable them to obtain even their few unequal inheritance rights under it. The courts can do precious little at present if women fail to claim their share of property by asserting their rights under the HSA, or sign away their property rights to their brothers.

Thus, in effect, even reformed Hindu law merely provides an option though it claims universal applicability over all Hindus. Similarly, by calling a newly enacted law the uniform civil code, we will not

be able to ensure that it is uniformly followed.

People of all communities, not just Muslims, will, in all likelihood, continue with aspects of their respective community customs. The uniform civil code would be involved only in those cases when someone approaches the court. And yet when the majority presses for uniform law to apply to a reluctant minority, it provides a convenient handle to those in the community who are opposed to women's rights. They can easily project what is actually anti-women politics as a defence of their community's rights and autonomy.

An optional common civil code does not impose its provisions on an unwilling community. Nor does it allow the community to impose its will on any of its members who are unwilling to abide by its dictates in the name of religion. Those who believe in the sanctity of their personal laws and find the arrangement satisfactory can continue being governed by them.

At the same time, under the optional code, it will not be possible for some of the litigants in a family dispute to get a judgement from a personal law court in their favour against unwilling family members who choose to opt for the common civil code. Any family member who does

not agree to be governed by the community's personal law can have the entire family dispute brought under the jurisdiction of the civil courts using the optional common civil code. In such a case the common civil code would become the sole legal basis for a judgement; it would take precedence for all family members party to the dispute.

The situation would resemble that prevailing for non-resident Indians (NRIs) living in North America, Europe or Australia. NRIs are not prevented from marrying according to their own religious personal laws (though almost all NRIs also register their religiously conducted marriage to gain the state's recognition), or even voluntarily agreeing to divide their family property in accordance with their community laws, provided all voluntarily agree to accept the judgement and decide not to appeal to the country's civil courts. However, should a dispute arise within the family and any one family member decide to accept the jurisdiction of the North American, European or Australian civil courts, the entire dispute would be decided by the secular laws of that state.

-Editor

Western Bias

I have long been an avid reader of **Manushi**. I would like to respond to the articles in **Manushi** (No. 88) which focused on the dangers of adopting western ideals of beauty. This is linked to my interest in how the mainstream media in Australia depict Indian women. In general, like the media in other 'developed' countries, the image of India is pretty stereotyped: a nation of exotic maharajas and maharishis and overwhelming masses of dumb, illiterate and starving peasants. The



image of Indian women is equally stereotyped: they are either exotic creatures who spend all their time cooking curries, dressing up in saris and engaging in esoteric practices like chanting — or they are completely oppressed, devoid of agency and autonomy, with little to characterise their lives beyond caste wars, female foeticide, dowry deaths, immolation of widows and forced marriages. The following is a fairly typical characterisation:

The Indian wife is a chattel and it shows. Even in wealthy families unhappiness and boredom are written all over the face.... Learning that her Western sisters can dump their bullying husbands and claw their way out of horrific situations has only embittered the Indian wife further... It is like guzzling caviar in front of beggars and they just hate us for it. (The Age, March 11, 1993)

Occasionally, a journalist concedes that changes are occurring, but the examples chosen are odd indeed:

Two Indian women recently won respectively the Miss World and Miss Universe contests and they have become super-celebrities as a result.

They have also, even if not in ways approved by orthodox feminists, challenged the traditional subservient, unassertive role of Indian women. (The Weekend Australian Review, February, 11-12, 1995)

The same article applauds the inroads of the multinationals who are considered to be one of the biggest factors in changing the lives of Indian women. The example given is of a young woman in Delhi who can afford to live in a rented two-room apartment only because she works for a multinational:

Without working for a multinational she could never afford either an independent apartment or a car.... She has a female relative who is regularly beaten by her husband, also common in India. When the beatings get too bad she comes and stays for a few days. All this independence would not be possible without the multinationals. (The Weekend Australian Review, February 11-12, 1995)

Of course, concedes the author, her earnings do not yet equal that of her western counterparts. However, he does not censure this, since his major

contention is that she is still so much better off than those who do not work for multinationals. There is, of course, no mention of the conditions of poor rural or working-class women who end up working directly or indirectly for multinationals.

The same paper carries regular features by the travel editor who intersperses her horror at the poverty in India with gloating over how well she has learnt the art of bargaining: for instance, she and her friends managed to buy Christmas gifts for their families and friends for just five dollars: the price of a cup of coffee and a sandwich in an average Australian cafe.

Finally, I would like to add a rejoinder to the letter by Prahlad Singh Shekhawat about the need to emulate “essential western values like individual independence.” While I would support the need to ensure individual rights, I am dubious about the value of untrammelled individuality. Some white Australian feminists have also come to similar conclusions: many community-based organisations now function on the collective principle, to ensure that high-fliers do not completely subjugate less assertive workers. Australia also has the highest rate of suicide amongst young men in the western world: at least part of this has been attributed to a breakdown of community structures. Anyway, I look forward to more exciting issues of your journal.

**Indrani Ganguly, Brisbane,
Australia**

Lack of Choice

I recently had a discussion group meeting in my house to talk about love and marriage, based on the article you wrote and the feedback it got. Your

article provoked a very interesting discussion. No consensus was reached, except that although marriage is unequal by definition and constrains women, they really have no choice in South Asia. One woman told a story of a friend who decided that she wanted to have a child, but did not want to get married. She managed to get pregnant by a friend, a married man, who then made her his second “wife”, but she lives an entirely independent life with her child who is now 10 years old. Apparently, she was able to use the cultural system to get what she wanted.

Pamela Collett, Islamabad, Pakistan

Caption Error

This is with reference to my article “*Confidential and Secret*” — *The Sardar Sarovar Project and Access to Information* — that appeared in Issue No. 90. The photograph that accompanies the article captioned “Narmada Dam” is clearly not of the Sardar Sarovar dam, as would be implied by the context. Do kindly check up from your source about this and clarify.

Shripad Dharmadhikary, MP

We regret the lapse. We got the picture from a local newspaper and we were led to believe that it was a photograph of the Narmada dam.

Editor

Errata

We regret that in **Manushi** Issue No. 91, we inadvertently omitted the credit for an excerpt (*The Seismic Gap in the Himalayas*, page 12) by Kathy A. Svitil from her article entitled “The Coming Himalayan Catastrophe” in the July 1995 issue of *Discover* magazine. In the same issue, we wrongly credited three photographs in Frederique Apffel Marglin's article *Of Pirs and Pandits* to Bibhuti Mishra instead of to the actual photographer, Sanatan Pani. **Manushi** apologises to all concerned for these oversights.