



NATIONAL COMMISSION FOR WOMEN



Voice of the Voiceless

Status of Muslim Women In India

Syeda Saiyidain Hameed

ओरे विधाता, बिनती करुं परुं पड़्यौं वारम्बार ।
अगले जन्म मोहे बिटिया न कीजो, चाहे नरक पे दीजो डार ॥
-पूर्वांचल का लोक गीत

(O my creator I plead before you implore you time and again
Next incarnation don't make me a girl child in hell instead let me wane)

- An Eastern U.P. Folk song quoted by Qurainain Hyder in *Clear Newsletter*

The National Commission for Women

Voice of the Voiceless
Status of Muslim Women in India



Syeda Saiyidain Hameed
Member,
National Commission for Women

*This report is dedicated to
thousands of Muslim Women who had the
courage to stand up and speak for themselves.*

Acknowledgements

At the outset I want to thank the Chairperson, Mrs. Vibha Parthasarathi and Members of National Commission for Women for their continued inspiration and support in this project. For her initiative in defining Muslim Women as a thrust area for National Commission for Women, the credit goes to former Chairperson Dr. Mohini Giri, who with former Member Mrs. Padma Seth, remained a source of strength in pursuing this work.

Members of the Expert Committee Shri Kuldip Nayar, Dr. Asghar Ali Engineer, Dr.(Mrs.) Kamla Sankrityayan, Ms. Bader Sayeed, Ms. Flavia Agnes, Shri Vivek Krishna Tankha and Shri P.P. Rao gave valuable advice and suggestions throughout this period. I also thank Shri H.D. Madan, Mr. Anis Ahmed and Ms. Samina Mishra for their help.

And last but not the least, my thanks are also due to the officers and staff of NCW, specially my personal staff, who were always at hand during the life of the project. Finally I thank the publisher Printpack Graphics for bringing this project to an aesthetic conclusion.

Syeda Saiyidain Hamved

Contents

1. Introduction
 2. Women Speak
 3. The Setting
 4. Legally Oppressed
 5. State Sponsored Schemes
 6. Causes and Comparisons
 7. Best Practices
 8. Conclusions and Recommendations
- Appendices

NCW PUBLIC HEARINGS FOR MUSLIM WOMEN



Introduction

Muslim women are the weakest link in the generally disempowered chain of Indian womanhood. Their plight was the first to be examined by National Commission for Women in its overall programme to investigate the status of all minority women.

The National Commission for Women carried out the investigations under Section 10 of the *National Commission for Women Act 1990*, empowering the Commission to do the following:

Section 10 (1) The Commission shall perform all or any of the following functions, namely -

- (a) investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
- (b) present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of the safeguards;
- (c) make in such reports recommendations for the effective implementation of those safeguards for improving the conditions of women by the Union or any State;
- (d) review, from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations.

A preliminary discussion paper 'Women and Islam in India' was prepared in 1997. An Expert Committee examined the paper under Section 8(1) of the Act. Plans for conducting Public Hearings of Muslim women in various parts of the country were made consequent to suggestions of the Expert Committee. Apart from desk studies, the Commission decided to listen to and record the voices of the women across the length and breadth of the country. To gain first hand knowledge of the condition of women in their own streets and mohallas and not rely on secondary sources, the Commission approved a scheme of Public Hearings. This scheme entailed, first of all, the identification of NGO's working for Minority women in various areas of the country, second, providing them with modest funding to hold the Hearings in places which were easily accessible to complainants and, finally, listening to and recording their depositions both with a view to redress as well as to gain insight into the problem. Consequently, all Hearings were arranged by local NGO's in places such as, Chennai, Jabalpur, Calcutta, Thiruvananthapuram, Bangalore, Tezpur, Ahmedabad, Hyderabad, Mumbai, Indore, Kolhapur and Aligarh. The Commission travelled from Kerala to Kashmir and from Calcutta to Surat in quest of its mission. Everywhere the stories were filled with pathos. Economically, socially, educationally and politically deprived women came out in hordes. In public venues they stood up and narrated before a bench of retired Judges, social workers, eminent citizens and Members of the Commission the circumstances of the oppressive daily grind

of their lives. Oral testimonies were recorded. The stories we heard from women, whether they spoke in Hindi, Tamil, Telegu, Bengali, Malayalam, Gujarati, Kannada or Urdu had identical ring. It made little difference where the Commission worked, whether in Tezpur, Jabalpur, Chennai, Calicut or Indore. The commonality of their problems was borne out by their testimonies. Their story was the same.

While the process of these public hearings was underway, we decided to take stock of the programmes put in place specifically for Muslim women by the Government of India and State Governments. The Commission invited over sixty Departments and agencies from the Centre and the States for a meeting on 31.5.1999. Invitations were also extended to the National and State Minority Commissions because, like us, they too are entrusted with the same duty. The findings of the NCW vis-à-vis the efficacy of the programmes offered for minorities in general and minority women in particular are included in this Report.

This Report is an attempt to provide a comprehensive view of the status of the Muslim women. It combines the first-hand experience gained by the Commission during its two years of work, with statistical data which substantiates the earlier empirical evidence. As per the mandate given to the Commission by the NCW Act, the report concludes with certain specific recommendations to the Government, the NGOs, and Civil society on how to combine their efforts in bringing this important segment of our population within the mainstream of Indian polity. ■

CHAPTER II

Women Speak

Three girls - Marzina Khatoon, Khairunissa Khatoon (both aged 14 years) and Rezina Khatoon, (13 years) came back from school one afternoon and consumed insecticide. They were from village Kumrai, Murshidabad District, West Bengal. They committed suicide because they were unable to convince their parents that they wanted to study and did not wish to be married off. These three were close friends, the daughters of poor beedi workers whose parents had no choice but to adhere to the customary practice of child marriage.

This story which appeared in *The Indian Express* on 21.12.99 vivifies our experience of Public Hearings across the length and breadth of India and violates the provisions for women in the Constitution of India (Appendix I)



Salma Bibi (mother) & Faiz Banu (daughter) of Millat Nagar, at the Ahmedabad Public Hearing.

Thiruvananthapuram 5.6.1997

The Public Hearing was organised by the Kerala Women's Commission. A large number of Muslim women gathered in the Town Hall. This particular meeting took a different turn because it was misread as an attempt to tamper with Muslim Personal Law. Some Muslim women used angry and derogatory language and declared that they had no complaints against the existing system of *triple talaq* and multiple marriage. One woman extolled polygamy saying that it helps poor girls get married. Interestingly, this was the only Public Hearing at which some members of a

political party appeared and joined the protesters. Many women who had come from different parts of the State to depose before the NCW were not allowed to speak. Some of them, however, strongly protested against this sort of intolerance and narrow mindedness. The Chairperson of Kerala State Women's Commission asked what she should do with the "Khadijas, Fatimas and Suhras who come to my house at odd hours seeking protection?"

Chennai 4.6.1998

The first Public Hearing was held at Chennai on 4th June, 1998. It was conducted by Roshini and Pennurimai Iyakkam, two NGO's working with poor and destitute Muslim women. A hall with a capacity of three hundred and fifty was packed with women not only from Chennai but also from Madurai, Tiruchy and Coimbatore. Their depositions were heard by a bench consisting of Chairpersons of the National and the State Women's Commissions, retired Judges and respected residents of Chennai. It is significant that over 90% of them came from among poorest of the poor. One overwhelming demand of these women was education for their children. Equally compelling was their concern for lack of health facilities, lack of hygiene, no housing, no vocational training. Women complained bitterly of being deserted by husbands, of multiple marriages, of triple talaq, of non-payment of *mehr* and maintenance and of dowry harassment.

Hajra Begum, Mumtaz, Janila, Malika, Bismi, Nazneen stressed the urgent need to upgrade schools, of absence of teachers in the classroom, of the 'majhori' of sending children to work at the cost of their schooling and of the general apathy in mixed schools for the children of minorities. Sharifa from Saidapet drew attention to the fact that girls were prevented from going to school after puberty. Problems of desertion, of daily torture due to the dangling threat of triple talaq, of zero maintenance and multiple marriages were narrated during the second part of the day. Woman after woman appeared before the bench with her story. Bano of Neelampasha Dargah was the third wife of her husband who forced her to lead an immoral life and when she did not comply, threatened talaq. Aliya of Saidapet demanded that there should be written permission from the first wife in case a second marriage was contemplated. Hafiza, an advocate from Madurai, spoke about the innumerable cases of maintenance and multiple marriages that she handles. Shamshad stated that she was deserted by her husband after two months of marriage. Khairunisa's husband took retirement, collected the pension benefits, and, at the tail end of their married life, gave her instantaneous triple talaq. Madina, a labourer from Madurai, complained that her mother-in-law was looking out for a new bride to marry off her son a second time.

The next Session was devoted to other problems of human rights. Women stated that they are very often targets of the communal frenzy. Whenever there is a communal flare up they become victims of both the rioters and the police. The bench heard depositions from Ruqaiyya, Rameeza, Qamrunisa, Dilshad and Ayesha who were victims of the Coimbatore riots. Although the official toll was 19, the unofficial toll they said was over 50. Mothers were searching for their sons. The women stated: "We were terrified. The only help we got was from the Hindu women". An urgent petition was received by NCW from People's Union for Civil Liberties (PUCL) on behalf of Mufseera Begum, Arifa Begum and Habiba Begum asking for investigation into the case of policemen and policewomen entering their houses and without showing any warrant or identity taking away the male members of the family.

Chennai II 28.12.99

Eighteen months later the Commission returned to Chennai for a follow-up hearing. Nothing had changed for the women who, once again, recounted the oppressive grind of their daily lives.

Lateefa

I live in a *Qabristan* (graveyard). Husband has left. My children work. I received no mehr, no maintenance. He has remarried. I was married at fourteen, now it is 22 years since then. I work as a domestic.

Shakira Sultana

I am eighteen years. I have five children. One year ago I was given Talaq. No mehr, no maintenance. I cook at peoples' houses.

Shaheen

I am 33 years. I have three children including a 17 years old daughter. He has taken away my children. I am with my parents. When I was married, I did not know he was already married.

Hasan Banu

I am 32 years. I was married in 1992 having completed my B.A. He started beating me and asking me to get money from my parents. I have one child. He left me and I went to Court for my maintenance. Now he threatens to kill me and my parents.

Chennai has a strong reform movement among the Muslim women. Even before the NCW had undertaken its study, the women of Chennai had got together to voice their protest against these archaic practices. Bader Sayeed, an advocate and former Chairperson, Minorities Commission, Tamilnadu, who also runs a women's organisation called Roshni, strongly felt that polygamy should be abolished forthwith. She advocated that the Muslim women should live in dignity and be entitled to Human Rights. She stated that there were as many *fatwas* as the *ulemas* and hence the laws needed codification. She strongly urged the Muslim women to organise themselves and work to introduce desirable changes before the changes were imposed on the community.

Hyderabad 30.6.1998

More than three hundred women gathered to narrate their heart-rending stories in the walled city of Hyderabad. Problems were the same : instantaneous triple talaq, large families, no maintenance, no mehr. There was no evidence of Wakf Board ever lending a helping hand to these hapless women. The Chairperson of National Commission for Women, lamenting their state, said " Many of them have eight to nine children and their husbands have divorced them by merely saying talaq. Even the Wakf Board does not have money to finance them and they are in a miserable state".

Hyderabad II 22.2.2000

At a gathering organised by the AP Taj Mahila Welfare Society at Darul Shifa, several women deposed before the Commission:

Najma

My name is Najma. My husband is Taufiq. I have four children. My husband has remarried and gone away with his second wife. I have no means of support.

Amina

I am Amina. My husband is Aijaz. I have four children. Because my husband has absconded I had to go back to my paternal home. We have no means of support.

Khursheed

I am Khursheed, the second wife of Ghulam Rabbani. He has left me but since the intervention of AP Taj Mahila Welfare Society, he is giving me maintenance.

Durdana

I am Durdana, twenty years old. I was married for seven years to Syed Sadiq Ali. I have three sons. My husband is getting remarried. We have no means of support.

Mohammadi Begum

I am Mohammadi Begum. I have been married for ten years. I have one son. Husband has gone to the Gulf where he earns Rs. 16,000. I live with my in-laws and I get Rs. 100 per month for my expenses.

The Commission visited a predominantly Muslim slum, Hafiz Baba Nagar located at a short distance from the walled city. The NGO, COVA (Confederation of Voluntary Associations) which was running a programme of awareness arranged for NCW's interaction with the women. Some positive signs were seen in young girls like Rahmat who was training in videography and intended to set up a business. Self help groups had been formed. Link volunteers Sadija and Ghausia informed that there were 200 women who contributed one rupee each and now they had built enough corpus to give loans, even to their husbands from whom they were able to get hundred percent recovery. A dowryless marriage had been arranged by two women, Sabira and Sultana. But all women complained of the problem of water, drainage, toilets and no school facility for girls after class seven.

The Commission learnt about other slums such as Farooq Nagar, Mustafa Nagar, Chirag Ali Nagar, Vattopalli and Fatima Nagar. Problems of women centred around poverty. Their men were generally unemployed and they were forced to work as domestics. "Rozgaar hona" they said with one voice. Postal talaq and triple verbal talaq was widespread. Purdah had become very strict since the fall of Babri Masjid. Dowry was a growing menace; one of its saddest fallout was the growing incidence of teenage girls being married to old men from the Gulf in exchange for lumpsum payment to their destitute families. Another variant of this "bride sale" was when men from the North (Kashmir, Delhi, Rajasthan) arrived and married local girls without demanding 'dowry' only to take them back and force them into prostitution. Government schemes such

the State Minority Finance Development Corporation had failed because their stipulated conditions could never be met either by the beneficiary or the guarantor. Minorities Welfare Department's programmes for girl child education have also collapsed because the people who administer them are just not interested. The standard of schools in their areas is such that children from class 10 cannot write their names. Regardless of the system, their own preference is to place boys in English medium private schools and girls in Urdu medium government schools. Girls' education is at the lowest premium. Women spoke bitterly of communalization of police and how at the slightest excuse young boys are rounded up and taken away and placed on a list as "rowdy sheeters" thereby destroying their entire life and careers.

Mumbai 3.7.1998

The seminar-cum-Public Hearing organised by the Institute of Islamic Studies and Centre for Study of Society and Secularism.

The Seminar had participants from Kerala, Karnataka, Gujarat, Tamil Nadu, Andhra Pradesh, U.P, Delhi and various parts of Maharashtra. At the Seminar it was stated that the Gopal Singh Commission appointed in 1980 found that in the economic and education field Muslims had fallen behind the dalits. The question of the standard *Nikahnama* was also raised. A Member of the Muslim Personal Law Board spoke on the Standard *Nikahnama* which a group of Muslim women have drafted. She explained its various conditions and said that more than 1000 ulema have approved these conditions. One of the conditions of *Nikahnama* is *talaq-e-tafwiz* i.e. delegated right to wife to divorce her husband in case he misbehaves and violates its conditions, like not taking a second wife or not providing her with proper residence of her choice etc. She also said that the ulema suggested that as a penalty the Mehr amount could be doubled in case of violation of conditions of *Nikahnama*. Although it was not a public hearing in the sense in which the Chennai hearing was, an activist group *Awaaz-i-Niswan* brought four young women to the meeting. All of them had been victims of the profligate use of triple talaq:

Mumtaz

I am Mumtaz Topia. My husband gave me talaq because I wouldn't bring money from my father. When my father gave him Rs.25, 000, he brought a fatwa invalidating the talaq. But eight months later, instigated by his family, he got the same mufti to say that the first talaq was valid. He gave me Rs.3, 500 as my Iddat amount. I have a three year old son".

Almas

"I am Almas. I was married in 1996 and divorced two months ago. My husband used to beat me over small things. One day when we were at my aunt's home, as he was going out, he turned around and told me, "Talaq, Talaq, Talaq" ".

Naseem

"I am Naseem Naik. I was married in 1980. My husband was very suspicious. After undergoing paternity tests for all three of our children, which proved that he was the father, he divorced me. Then he got a *fatwa* revoking the talaq and remarried me. And now he has gotten married to another".

Zubeida

"I am Zubeida. I could not adjust to village life after marriage, being a Mumbai girl. I was frequently ill from working in the fields. My husband, who had earlier promised that we would live in the city, decided to live in the village, and, irritated by my inability to cope with the work, would pick me and throw me into dung-filled ditches and slimy ponds. When I married him, I never knew that I was his second wife. Then he married again, and tried to divorce me in front of the village jamaat. But I insisted that he do so in the court. He just disappeared. It's thirteen years now since I got married, and I am waiting for him, neither divorced nor married".

These women had been mentally and physically tortured, brutally thrown out of their houses, made to fend for themselves by husbands who continuously threatened them with triple talaq and second marriage.

This meeting was as revealing as the Chennai meeting because it combined some elements of Public Hearing with intellectual discourse and discussion by grass roots activists. The overwhelming view was that time had come for the Muslims to deeply introspect and not treat their Personal Law as something which may not be touched. Before the situation of Muslim women becomes so abysmal that changes are imposed upon the community, it was essential that the Muslim women organise themselves and work to introduce desirable changes. The National Commission for Women, with its mandate for alleviating the sufferings of all women across religious, class and creed lines, was considered a natural ally and entrusted by this group, with certain responsibilities for carrying this message to the All India Muslim Personal Law Board. At the end, a resolution was passed unanimously to urge upon Muslim Personal Law Board to enter into dialogue with National Commission for Women and other representative organisations to solve problems such as triple divorce, polygamy and economic hardship following divorce.

Resolution

It is resolved to open a dialogue with Muslim Personal Law Board in connection with necessary reforms in personal law as it operates today in India. Islam has been very fair to women and has given them rights that no legal system had given until then. However, certain practices such as triple divorce, polygamy and lack of economic support on divorce have been causing problems and must be resolved in the Qur'anic spirit. It will give great relief to the suffering Muslim women. Islam lays great emphasis on justice and the spirit of justice should inform Islamic laws.

The Muslim Personal Law as it operates today in India was enacted by the British and was called Anglo-Mohammedan Law and was administered by the British Courts. It cannot be called Shariat law in the strict sense of the term. Also, the Muslim Personal Law acquired rigidity which it did not have when the Qadis administered it, as the British judges mostly went by precedent and not by individual situations. The Ulema led by Maulana Ashraf Thanvi had taken commendable lead in drafting the *Dissolution of Muslim Marriages*.

Act 1939 which gave much needed relief to those women whose husbands were missing. There is need for such initiative on the part of Muslim Personal Law Board even today.

We the participants of this seminar thus request the Chairperson and Members of Muslim Personal Law Board to take initiative in bringing about much needed reforms after evolving broad consensus.

We resolve to request National Commission for Women also to start dialogue with MPL Board. We also request the Institute of Islamic Studies to make all possible efforts in this direction.

Jabalpur 6.9.1998

The Public Hearing at Jabalpur was organised by the All India Women's Conference (AIWC). More than three hundred women attended and narrated the stories of their lives. We visited Muslim dominated mohallas such as Naya Mohalla, Thakkar Mohalla, Madar Tekri and Char Khamba. The conditions in these bastis were deplorable and appalling. The conditions in all the Muslim bastis visited by the Commission were identical. The report of the Committee of Governors (1997) summarized the situation of the bastis as follows:

Health and hygienic conditions constitute an important area needing a special focus, in so far as minorities are concerned. Especially in urban areas, where poorer members of minority communities live in conditions of acute congestion and poor public facilities, communicable diseases usually assume alarming proportions. Death and disability from cholera, gastro-enteritis and jaundice are considerably higher in the areas of minority concentration than elsewhere. Similarly, the vital demographic indicators, especially infant mortality rate and maternal mortality rates are considerably high in minority inhabited areas.... The ghetto type living for economic or security reasons makes them frustrated in life and develop defeatist tendencies.

Most of the poor Muslim women and children of the bastis were engaged in weaving and bidi-making due to which 80 percent of them were afflicted with diseases such as TB and asthma. They lived in small houses. Due to large families, they were forced to sleep in shifts. The bazaars remained open for twenty-four hours. Women were ready to adopt family planning methods but stated that their men were opposed to them, because, 'it is against the tenets of the Quran.' Women said that they made use of family planning methods without letting the men know. They emphasised that there was need for educating the Mullahs and convincing them that 'family planning' is not only in the interest of the country but also in their own interest.

Calcutta 8.11.1998

In Calcutta, the Public Hearing was held under the auspices of the Rahnuma Women's Society. It was attended by 250 women. The hearing brought to the forefront issues of economic development and self-reliance.

Some young Muslim girls protested against dowry demands, non-payment of Mehr, multiple marriages and indiscriminate use of triple talaq. Khaleda Khatoon and Razia Khatoon from Howrah learned for the first time at this meeting that Muslim Law permits *Khula* i.e. women to divorce their husbands and to demand maintenance for their children. Manohara Khatoon, a twenty five year old, deposed before the Commission that she had been given talaq four years ago and her husband had remarried. While she was left to care for her son, her husband went scot free. Shabana Fatima, Razia Hasan, Begum Suraiyya, Husnara Begum spoke on the need for self-reliance and also brought to light the fact that the practice of demanding dowry is a social menace, is gaining ground among the Muslims and needs to be eradicated.

A question was raised by a participant that when it comes to the matter of women's rights, the Quran is quoted to them but the other injunctions of the Quran like cutting off the hands of a thief when he steals, are brushed aside on grounds of Human Rights and the fact that we are living in the 20th Century. Her plea was : why is the same not said about the rights of women, that we are living in the 20th Century and hence, the old laws should not apply?

Tezpur 5.12.1999

At Tezpur, Assam, women from gullies, mohallas and bastis of the town, and its surrounding rural areas as well as Kharupetia and Mangaldoi districts collected in the Town Hall for the Public Hearing. The bench comprised Members of National Commission for Women, the Acting District Collector, and President of Tezpur District Mahila Samiti, the NGO which had organised the hearings. Women appeared one by one and deposed before the bench. Their testimonies are given as spoken.



Ayesha Khatoon and mother Shabbiran, Tezpur Public Hearing.



Feroza Begum and mother Fatima, Tezpur Public Hearing.

Ayesha

"I am Ayesha Begum from Dulabari Gaon. My husband deserted me when I was three months pregnant. No mehr, no maintenance (was ever given)".

Nureza

"I am Nureza Begum from Kharupetia Village. My husband deserted and left me with my mother".

Kamla

"I am Kamla Begum w/o Hazrat Ali of Kharupetia Village. I am fifteen years old. My husband left me after three months of marriage and went to Dubai".

Hajira

"I am Hajira Khatoon from Dulabari. I am fifteen years old. I was married four years ago but for the last two years he has abandoned me. I am his second wife. He used to drink and beat me up".

Noori

"I am Noori Begum, fifteen years old, married to Yusuf Ali. He has left me since one and a half year and threatens to remarry".

Ayesha Khatoon

"I am Ayesha Khatoon, eighteen years old. I was married to Afzal Haq for fifteen days. I have been separated for two years, now he wants to give me Talaq".

Shamimara

"I am Shamimara Begum. I was married for six years. My husband Abdul Majid said three Talaqs in one sitting. But now he is regretting. How can we stay together as husband and wife?"

Zahida

"I am Zahida Begum from Valokikhoa. I was married for ten years to Arjan Ali from Naugaon. He demanded money from my parents so I brought Rs.20,000. But he continued to inflict atrocities on me under influence of alcohol. I have a four-year-old son. He has taken away all my dowry and remarried".

Amina I

"I am Amina Khatoon from Guttlung. I was married to Hazrat Ali. He has left me and married another and given no talaq, no mehr. We have one meal a day. I have three sons who are trying to study".

Amina II

"I am Amina Khatoon also from Guttlung. My husband Ismail is a rickshaw puller. He is living in the same house with another woman. Has taken away everything that I had made with my own hands".

Mumtaz

"I am Mumtaz Begum. I was married to Ikraam. When I was seven months pregnant, he left me at my paternal home, stranded in the middle of the road. I have one son. He has not come to see his own child. I want maintenance".

Mahjabeen

"I am Mahjabeen Begum. I was married to Mehfuzuddin Hazarika. He got angry with me over some kerosene. Left me at my mother's house and said he would give me talaq. He kept all my ornaments".

Ajmira

"I am Ajmira Begum. I was married to Nizam Choudhry. I am twenty years old. I was told by my in laws, 'You don't fit into our custom'. Whenever I go to my husband's home, they chase me out. I have a Nikahnama. My mehr is Rs. 31,000. I have received nothing".

Nazrun

"I am Nazrun Begum. I am twenty-two years old. My husband is Taseer Ahmed. We were married for ten years. He sent me to my parents' home and then informed me that he has remarried. I don't want him, I want maintenance".

Feroza

"I am Feroza Begum, twenty five years old, from Dulabari, married to Ashraf Ali. I have three girls. I am expecting a fourth child. Everytime I became pregnant he went off. He remarried after I delivered my third daughter. Now he lives with both of us."

Ajooba

"I am Ajooba Khatoon, the second wife of Abu Talib for fourteen years. He has been beating and torturing me. I want support".

Phoolbanu

"I am Phoolbanu Begum. I am forty years old. I was married to Abdul Hasan at age nine. I have six children. My husband has married six times. He is a *mistri* (artisan), is presently ill and so unable to earn. He has not given me talaq. I want ownership of the land on which we are living".

Indore 12.8.1990

A large function was organised in Indore by the Islamia Karimia Trust. Girl students from their various colleges participated and after the initial speeches, it turned into a Public Hearing. Islamia Karimia runs nine educational institutions in Indore, in which 17,000 students are enrolled. The girls were asked to speak before the NCW and Madhya Pradesh State Women's Commission on what they perceived to be the problems of Muslim women, and what they, as the younger generation, wanted out of their own lives. All the girls who spoke were from class 11 or 12. Their testimonies, being the voices of youth, are given verbatim.

Niloufer Qureshi

"Why do we allow parents marry off their daughters when they are fourteen or fifteen years old? Can the National Commission for Women stop it?"

Mahjabeen

“When boys do not want to study parents push them to study. But girls - even when they want to study – are stopped. Why can't society do something about this?”

Sanjida

“Why are boys always placed in front and girls pushed behind?”

Saba

“Why do girls have to observe purdah? (*Started crying*) Only because of Purdah my friend could not go to school. ”

Amina

“Purdah is a great impediment to education”.

Rukhsana

“How can we stop our parents from forcing us to marry when we are very young?”

Tasawwur

“Can we go into the Army or Air Force while we are in Purdah?”

Musharraf

“Why does society allow dowry atrocities on women?”

Farzana

“Why do girls allow themselves to go to pieces if they are deserted by their husbands?”

Sabiha

“Can I become an IAS Officer?”

Asma

“Why are Sundays for boys but never for girls?”

Sheeba

“Why can't the backward mohallas (like Toda Mohalla) get any means of education?”

Fizza

“If women have to observe purdah, why not men?”

Sanjida (2)

“Why is there happiness when boys are born and sadness when girls are born?”

Roohi

“What can we do if we are invited to appear in advertisements on television?”

Bangalore 20.11.1999

The Public Hearing in Bangalore was organised by the Al Ameen, Women's Wing. The women appeared before a bench comprising of NCW, the Lady Governor, former Member of Karnataka State Minorities Commission and former Chairperson of NCW. The women had been mobilised from the bastis and slums of Bangalore City.

Noorjehan

I am a TB patient. I am regularly beaten up by my husband. I need health care. My children don't care.

Mehboob

I have been married for twenty years. My husband drinks. I have four sons and one daughter. I do domestic work in two houses. My husband beats me and then demands money. He is too drunk to understand anything.

Nasreen

I have to get my husband operated. I work in two houses for Rs.500. I have four children aged 10, 8, 6 and 4. Earlier he used to drink and beat me up.

Khursheed

I have four children. I am an Agarbatti maker. We make Rs.150-Rs.200 per week with every family member contributing.

Bibi Jan

I am a destitute widow. I have one son who does not care. I have to beg to support myself.

Ameenabi

I live in Tilak Nagar Qabristan. I am a widow. I have three children. I live with my brother who is a gravedigger. I work in one house as a domestic servant and earn Rs.300.

Shamshaad

My husband left me seven years ago. Took a second wife. I have four children, three sons, and one daughter. Daughter is seventeen years. They are asking for Rs.20,000 dowry. I earn Rs.100-150 making agarbattis. I am not educating any of my children.

Zakira Begum

I am a widow. I work in an *agarbatti* factory. I have two daughters, eight and eleven. They are going to school. We all make Rs.150 a week rolling *agarbattis*.

Sarvatun Nisa

I am thirty-nine. My husband remarried and has disappeared. I have four daughters, one son. Two daughters and me make bidis. We earn Rs.150-160 weekly. For rolling 1000 bidis we get Rs.22-25. The rest of the wage is cut for the raw materials. Although we get less leaves or spoilt leaves they still cut the same amount. The work causes backache and breathing problems. We have no money for buying a sewing machine for my daughter, who has learnt to sew.

Sajida

I am eighteen years old. I was married for five years. I have two children - three years and two years. My husband has absconded. I am staying with my brother. I make agarbattis. My brother has four of his own children to support. My children are getting no education.

Akhtar

I am a widow. My two sons are gravediggers. We have no other means of earning. I did not educate my children.

Mastan-bi

I am sixty years old. I have two girls and one boy. All are married. I stay with my daughter. My son does not look after me. I work as a domestic servant and get Rs.300 per month. I have no old age pension.

Abida Begum

I am thirty-five years old. I have been married for seven years. I have four children. My husband and mother-in-law threw me out of the house. They demanded Rs.50,000. Within one year of marriage they started demanding money. I have children aged seven, five, two, and ten months. My husband has got remarried. When I was pregnant, I was thrown out.

Farzana

I am nineteen years old. I was married a few months ago. My husband took me to Bombay and there he tried to burn me. (*Here the victim started crying bitterly and the mother spoke for her.*)

Zeenatunisa (mother): They troubled her and tried to burn her. One truckful of dowry I gave her. Her husband works in the fish market. Father-in-law asked her to sleep with him. She is an educated girl.

Samina

I am twenty years old. My husband is a quli mazdoor. I work at home. Two boys, one and two years. My daily wages are Rs.40-50. The Tamilians don't like us Muslims. They even tease us. In our area, New Baglur Layout, there is communal tension. Within a radius of 5 kms there is no police station.

Shabeena

I am twenty years. I have been married for twelve years. I have four children, eight years son, six year girl, five year son, and four year son. My son is a coolie for Rs.40 daily wage. I am a domestic help getting Rs.100 each from two houses. I live in New Baglur Layout. There are 30% Muslim houses in our area. Whenever new projects are started, Muslims are discriminated against and not given work at the sites.

Shareefa Bi

I am fifty years old. *My children find it difficult to live in the locality because of discrimination by the Tamilians.*

Amirunisa Khanum

I am a social worker. There is no police station at the Baglur Layout. Problems arise when Tamilians make illicit liquor and store it in Muslim houses. Muslim girls are being kidnapped and forcibly taken away. We have requested Ministers to intervene and get us a Police Station, but nothing has happened so far.

The second session was held with NGO's of the area. Each spokesperson presented the problems she had encountered in her work:

Amera, representing the Girls Islamic Organisation, read a paper on "Rights of Women in Islam" specially prepared for the occasion.

Amathur Rahman Rahmani, representing Muslim Mahila Organisation (MMO) stated that parents do not educate their daughters because they fear censure from the community. In marriage, the background of the boy is hardly ever asked. She wanted that a list should be attached to the Nikahnama containing the items of dowry. There should be a slot in it for the boy's occupation. The parents-in-law of the girl should file an affidavit that they will not harass her. Copy of the Nikahnama should be placed in the custody of the girl's people as well as in the Masjid. Mehr should be given to the girl immediately. Very often the woman is forced to forego the mehr. She complained that it was very difficult to register cases at the Police Station. It is essential to have Mahila Police in all Police Stations, such as the Hannur Cross Police Station.

MMO holds legal awareness and social awareness camps but the police never participates in these camps. There are many schemes of the Government for Muslim women. "When we study them we feel that all our problems will be solved but when we approach the authorities, we get bureaucratic delays and zero results. When we approach the Wakf Board we are told that the NGO should be registered with them. When we do, then they start interfering in the working of the NGOs". About Wakf she said that it has never done anything for destitute widows after being given the responsibility by the *1986 Muslim Women's Act*.

Benazir Baig of Raza Education and Social Welfare Society for the eradication of child labour and the rehabilitation of women said that women need to have at least one attribute, education or skills. "Our files never move forward because we are Muslim NGOs. We approached KMDC for a zari-embroidery course. We had to spend Rs.5000 in the process itself. Since one year the application is pending. To move our files we have to spend the money".

Zarine Taj runs a school for disabled children. There are 210 handicapped children in her school. She has no aid from Government. There are disabled teachers working in her school.

Sheema complained that some schools and organisations practice discrimination against women who wear hijab.

Ahmedabad Public Hearing 11.2.2000

The Public Hearing in Ahmedabad was organised by the NGO Sanchetna and Sahr Waru

at the Chhipa Community Centre located in a Muslim mohalla of the city. Approximately 750 women deposed before a Jury consisting of NCW, legal luminaries and human rights activists. Women deposed with candour and confidence on domestic violence, matrimonial rights, divorce and maintenance, child sex abuse, property rights, widowhood and experience of political participation. Their voices were strong and uninhibited, a tone which had not been heard in any of the other Public Hearings held by the NCW. Most of the women who deposed were the ones who had appeared before the Mahila Nyaya Panchayats which had been formed by Sanchetna (the organising NGO) in the mohallas in which their work was going on.



Women listening to depositions, Ahmedabad Public Hearing.

Shamim Banu, Chandola Mohalla.

I lived with a man for six years but when I asked him to marry me, he refused. On my insistence however, we got married. But his atrocities increased. He took me to Bombay where he began to resent my talking with men. I asked, "If you talk to women, why can't I talk to men?" He left me without any maintenance. I have one child.

Noorjehan, Chandola Mohalla

I was married at 16 years to my cousin. He had only one arm. Before marriage I was in love with another man. People made him suspicious about my past. He began to beat me up. I said, "I have married you, how can I love any one else?". I poured kerosene on myself. My father took me home. Then I got remarried to the man I loved. We were initially happy. Lived with him for fourteen years and had three children. Then he abandoned me. When I asked for my right, he gave me talaq. Will I ever get justice? (She started crying). Where should a woman go for justice?

Nadira, Millatnagar

I am a widow. My husband was killed in revenge shooting. He and his brothers were going to take revenge for their father's murder. I tried to stop but was told it was a matter of 'izzat'. My brothers-in-law gave me nothing. No one took care of my children. I was a widow

'izzat'. My brothers-in-law gave me nothing. No one took care of my children. I was a widow at age 30. How could I manage? My sister-in-law stood for me. I have five children. "Our brother died" they told everyone. "Our Bhabi has gone mad". I decided to dress in my husband's clothes and went to them and said "You come out and I will show you!"

Saira, Chandola Mohalla

I went to work and left my five year old girl with an elderly neighbour. He stripped himself and stripped my girl and made her lie down and forced himself on her. The neighbours raised alarm and two of my sisters rushed in. He threw my girl from the cot. I went to the Rambagh Police Station. Police said, "You go home. Your case is registered". There was no case. The man is now dead but my daughter is ruined. I was married at fourteen and had three daughters. My husband said, "Only one is mine – the others are by your own father". He gave me Talaqnama only six days after the birth of my third daughter. No mehr, no maintenance. The question is, how safe are our children?

Imdaad Bibi, Chandola Mohalla

It is difficult to have the courage to talk. But our men have led us to a point when we must break the silence. I am from Bareilly. I was given talaq after three years of my marriage. Then I got remarried in Ahmedabad. Now I have been married for eleven years. He beats me and tries to push me out. Thrice he threw me out. Tried to molest my daughter. Says to her, I will do with you what I do with your mother. I do not have any one of my own. My daughter is fifteen years. He tries to stop me from going to Sanchetna for help. Don't I have a right on my home?

Razia Banu, Chandola Mohalla

I was married at fourteen. I had six girls, two boys. Father used to abuse the daughters. Reported at the Police Station. They refused to register FIR. When the Sanchetna workers went, the report was written. Now the women's groups are being threatened.

Rahmat (field worker, Sanchetna) narrated her experiences:

1. I saw a woman sitting in an auto with two kids, crying bitterly. She said, "My husband gave me talaq. In front of the neighbours he spoke three talaqs. I was late finishing work, so he gave talaq. The Mahila Nyay Panchayat went and asked why did you give her talaq? He said, "Because she does not cover her head". We got a fatwa from the maulvi and sorted out the incident.
2. This incident occurred in Jamalpur. One day we heard a commotion. "Someone has been burnt". The girl Suhana, was rushed to the hospital. We learnt that her husband burnt her and said to the neighbours, 'Go, she is burnt. Go if you want to save her'. At the hospital she did not complain because she was afraid there would be no one to look after the children. She died seven days later. Her murderer is still scot-free.

Amina, Kukas, District Mehsana

My husband killed in the communal riots in 1998.

Irfana

My father was killed in the communal riots in 1997.

(Both mother and daughter broke down. Mehrunnisa, a neighbour spoke)

Mehrunnisa

Badal Khan worked at the Zilla Gram Panchayat. Government announced relief for flood victims. He took up the cause of poor Muslims for flood relief. This angered the other community because they did not want Muslims to benefit. They broke his house and killed him brutally.

Farzana

Badal Khan was my uncle. His family got Rs. 1 lakh. But most of it has gone in the court case. The case is pending. There is no relief.

The organisers (Sanchetna) had tried to arrange 20 women to depose from Amod, District Baruch. They were prevented from coming due to fear of backlash.

Faiz Banu, Millat Nagar

I was married to Rais, Son of Pir Mohammad. He is my cousin and a dyer by profession. I was married at seventeen. I have studied till Grade 8. He has sent me home. I am six months pregnant. Threatens to take away the child and give me talaq. (Started crying. Mother, Salma Bibi continued the testimony).

Women and Politics

The general feeling was that Muslim women were finding it difficult to have their voices heard in the Corporation.

Amina Machiswala, Sarpanch, Maktampura.

I have completed five years. I feel women can work honestly. Thekas can be given honestly. Women work with patience and peace. Out of twenty-three members, we are eight women. Communal riots had broken out in Gupta Nagar and Sarkej located at the outskirts of Ahmedabad. We had to deal with the situation.

Kausarbanu Mirza, Vejalpur Nagar Palika

Generally women are harassed.

Pathan Shamim

I am a taxi driver for ladies. I can drive 700 Kms a day. Driving at night is no problem for me. I tried many trades like milk delivery, scooter repair but nothing worked. I have seven brothers but I am entirely on my own. I had a love marriage but it did not last. So I said let us break. Then I bought an old car and took passengers. But I wanted a new car. Although I had a little money but no financial institution would come forward. Finally I broke that barrier. I have a son in boarding school. They ask who is the boy's father? I say, "I am". He bears my name.

Shaheen, Shah Alam Mohalla

I have studied only till class 7. My father took me out of school and got me married at nineteen. I was only six months in my matrimonial home. Now I have been at my father's home for nine months. My in-laws wanted to burn me but I have no way out. Now I have to return on the first of next month.

Zebunnissa, Chandola Mohalla

At fifteen years I felt why don't women get enough rights? When I was married for only two months my husband started to beat me. He didn't work but I had to work in houses. (Started crying). The Mahila Panchayat called my husband. He said 'why don't they have an office?' They sat under a tree and got me my rights.

Gulshan, Chandola Mohalla

I was married by fraud. My husband took me to Bombay. There he committed atrocities. Used to beat me all weekend. I have three children. All that he earns goes in drinks. I escaped and took refuge at a neighbour's home. I am afraid he may burn me and the children.

Indubhai Jain, Writer and Human Rights Worker

Communal Riots in Kukas, Mehsana. Badal Khan was murdered. Still the family has not received justice. In Amod there was point blank firing at Muslims. In cities like Ahmedabad, if flats are purchased by Muslims, they are asked to leave the building. Why does the police discriminate against Muslims?

Jameela

I was married to Saleem Chhippa for five years. He drank and gambled. He wanted me to prostitute myself.

Amina, Panchkuan Mohalla

I was married for ten years. I have four daughters. He left me. Now I have got remarried. He has also got remarried but does not support the girls. They live with their grandmother. I want him to support his children.

Khadija, Sone Ka Khet Mohalla

He drinks. We have six children, five daughters, one son. My hand is broken because he kicked me there.

Fatima, Shah Alam Mohalla

Mother made me get married. After a few days the violence started. Many times I tried to reason with him. But now I don't want to return. He had been married thrice already. I have been abandoned since five years. He says, "If you come again, I will hang you from the fan". People say I am not a home maker. I am not a burden on anyone and have gathered a lot of strength.

Zubeida, Millatnagar.

Father died. Mother remarried. Stepfather used to beat me, my brother and my mother. She asked her brother to look after us. We went to my uncle's house. Uncle starved us. When I was six or seven, he sold me for Rs.60. There I was beaten and made to work. They married me to their son. He too used to beat me and make me work. I had two sons. I was advised to go to my brother at Ahmedabad.

The Public hearings brought out the universality of the problems faced by the Muslim women all over India, whether they lived in the north or south, east or west. There was a common appeal underpinning the women's voices, "Free us from oppression". Without exception, all women had been victims of the patriarchal social order and they sought from society nothing more than their personal right to live with dignity, and their constitutional right to be treated with equality. The Public Hearings were occasions for women to break their silence and speak out, although more in anguish than in anger. Without aiming for it, they were able to leave a profound impact on their listeners, representing the society which, in the name of tradition, raised no fingers against gross injustices and had slammed the door in their faces. Society was reminded of the fact that "custom" and "tradition" were only veils drawn over its eyes and needed to be torn apart to enable it to see how human dignity was being crushed under its garb.

These Public Hearings were, equally, an opportunity for the NCW to expose the ground reality and misery in which our Minority women live. Their poignancy, their wretchedness, their desolation and their helplessness brought home to us the neglect in which they had been allowed to suffer male-generated indignities. It steeled the resolve of the NCW to pursue more vigorously its mandate of investigating and examining constitutional safeguards for women and bringing their violations before the Government, in order to put an end to a system which tilted the social and economic scale in favour of the powerful and the oppressor.

■

