

## **Communalizing the Gender: A threat to Internal Security**

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### **Abstract:**

The term gender is a homogenous word. It denotes women as a group. But the rise of third wave feminism has challenged the 'Sisterhood' concept which was propagated by first and second waves of feminism. The gender identity of a woman is a larger identity when compared to religious identity and caste identity. But it is being marginalized whenever it came in to contrast with the religious and caste identities. Many incidents from the 'shabano case' to the recent past are proving the same. Women as a group have power. When all the women united together despite of their narrow identities can bring out a productive outcome. But the institutionalized patriarchal tendencies in the Indian social system are grouping women in to different clusters. This is not only propagating patriarchy but also violence as men treating woman as the property of their own identity and also assigning them alien identities. This paper wants to address the issues where the identity is being marginalized in the dominance of the other identities like caste and religion by taking examples from recent past. The author also wants to examine how the communalization of gender can be a threat for the unity of the women and also for the internal security of the nation.

**Keywords:** Gender, Threat, issues, communalization, security.

In the realm of contemporary political analysis, gender issues being discussed and debated vigorously to reconstruct the established gender notions. The sphere of activity of women is restricted to private field, where the role of women is limited to household activities. But the present century is witnessing movement of women in the public sphere very rapidly. This development not only helped women to prove themselves but also the nation in developing the economy. The increased labor force in the economic sphere showed positive impact on the productivity and on national income. Though the arena of politics lagged women in active participation', still we can see the mark of women leaders since the time of independence. Socially women are fighting for their rightful place', challenging the patriarchal tendencies. Women are able to mark significant contributions from the field of agriculture to astronomy. But their personal security is being threatened with the increased rapid movement. (Freedman;23)

This century has experienced grave violation of rights of women. Historically speaking, whether it was ancient India or the medieval India, the status and respect of woman was always at stake and discriminating. Talking about subcontinent, mixture of Muslim and Hindu women, socially, women have faced infinite atrocities in the hands of the men. However, if compared, Muslim women were much better off for their religion as it had set special injunctions for the maintenance of their virtue, rights and status. Whereas, the Hindu women of those times were worthless in front of all, owing much to their own religion and holy scripture.(Okin :49)

Hinduism is amongst the most followed religions of the world, prevailing predominantly in the subcontinent area. The Hindu women have long since been striving to achieve socio-cultural grading and still are in progress. Hinduism, as a religion opposes the fundamental rights of the female clan. The Vedas, Scripture of Hindus is quite hostile to its women no matter what. According to it, women happen to be inhuman and are subject to no primary civil liberties. The society, thus, ignored all kinds of rights owned by the women and thus, in ancient era all led a hopeless life.(Mohanthy:19)

In a country like India where the political activity is severely influenced by identity politics, gender is integrated with other identities. Women are used to denote the patriarchal identities. In this process women are losing their autonomy and self respect. This debate has taken place in India in the case of" Shahbano" . This case was a milestone in the Muslim women's search for justice and the beginning of the political battle over personal law. A 60-year-old woman went to court asking maintenance from her husband who had divorced her. The court ruled in her favour. Shah Bano was entitled to maintenance from her ex-husband under Section 125 of the Criminal Procedure Code (with an upper limit of Rs. 500 a month) like any other Indian woman. The judgment was not the first granting a divorced Muslim woman maintenance under Section 125. But a voluble orthodoxy deemed the verdict an attack on Islam.(Naraian:62)

The Congress Government, panicky in an election year, caved in under the pressure of the orthodoxy. It enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986. The most controversial provision of the Act was that it gave a Muslim woman the right to maintenance for the period of *iddat* (about three months) after the divorce, and shifted the onus of maintaining her to her relatives or the Wakf Board. The Act was seen as discriminatory as it denied divorced Muslim women the right to basic maintenance which women of other faiths had recourse to under secular law.

The Bharatiya Janata Party saw it as `appeasement' of the minority community and discriminatory to non-Muslim men, because they were still bound to pay maintenance under Section 125, Cr. PC. However, lawyers who have seen the Act in operation say that there is good reason to take another look at the Act. It contains provisions which have left it open to liberal interpretation. Flavia Agnes, a Mumbai-based lawyer, says that liberal interpretation has not been wanting. Clause A in Section 3 (1) of the Act says that a divorced woman shall be

entitled to "a reasonable and fair provision and maintenance to be made and paid to her within the *iddat* period by her former husband." The injunction that 'a reasonable and fair provision is made' and 'maintenance paid' leaves enough scope for gender-sensitive judgments.

Ms. Agnes cites a slew of rulings in States such as Kerala, Maharashtra, Gujarat and Andhra Pradesh, which have awarded sums as maintenance, and 'reasonable and fair provisions' in the form of a one-time lump sum payment that Muslim women have never received before. Apart from this, Ms. Agnes says, the 2001 ruling of the full constitutional bench of the Supreme Court in the Daniel Latifi case, in effect, gave Muslim women a law on maintenance. While the 1986 Act appears to have worked better than it was expected to, what remains a concern to many is the inherent discrimination in excluding divorced Muslim women from a provision of law outside the realm of personal law, which is applicable to all other women.

A huge uproar on this law had made Rajiv Gandhi government to take it back and put it under the custody of Muslim Welfare Board. Because of the opposition from the Muslim patriarchy the historic judgement was proved to be invalid. This was an incident where the minor Muslim identity was able to dominate the larger gender identity. (Narain :72)

A similar kind of case in recent times known as 'love jihad case in Kerala, where the Supreme Court has acted as patriarchal institution. A few years back, the Supreme Court came to the rescue of a sitting Rajasthan High court judge's daughter, allowing her to go with a man she wanted to marry. The girl was kept under house arrest by her father, Justice RS Rethore, because the man she intended to marry was outside her caste. The top court, however, ascertained the wishes of the woman and let her go with the person. A similar incident played out in the Supreme Court more than 20 years ago. Two Delhi-based advocates, Vipin and Jaspreet Gogia, approached the top court seeking protection from the woman's father, a civil servant in Punjab. Jaspreet's father was opposed to the marriage as she was a Jat Sikh and Vipin a Khatri Hindu. Despite the court's intervention, the couples were allegedly abducted by a team of Punjab Police from outside the court premises. The then Chief Justice of India, MN Venkataswami, threatened the Punjab Police chief and Delhi Police of consequences unless the couple returned safely. Days later, the couple returned and Supreme Court blessed the union. In landmark judgment, the Supreme Court stood up for inter-caste and inter-religion marriages.

"This is a free and democratic country, and once a person becomes a major, he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter-caste or inter-religious marriage the maximum, they can do is that they can cut off social relations with the son or the daughter," court said.

"Inter-caste marriages are, in fact, in the national interest as they will result in destroying the caste system," it added.

But a recent interfaith marriage between a Hindu woman and a Muslim man in Kerala has become a matter of national security, with the top court asking the National Investigation Agency (NIA) to probe the marriage between Shafin Jahan and Akhila. The woman's father claims the marriage was forced and was a case of love jihad, a term right-wing groups use to allege an Islamist strategy of converting Hindu women through seduction, marriage or money. He has sought custody of his daughter saying his daughter's conversion to Islam was an instance of love jihad and that efforts are underway to send her to Syria to join the international terror outfit, Islamic State. However, a preliminary probe suggests that the Muslim man and people who helped him get married are under the scanner in a separate case of forced conversion. A trial in the case is yet to take place. While all of this plays out in this Kerala case -- legal experts have called the Supreme Court ordering a NIA probe "absolutely horrific". "I am horrified. In every case of inter-caste or inter-religion marriage, the first instinct of the court is to ascertain the wishes of the girl and protect her from any influence. But here, the court has decided to first let police investigate the matter and in the end speak to the girl," said Sanjay Hegde, a senior advocate. The Kerala high court -- responding to a plea by Akhila's father -- declared the marriage invalid. The verdict had sparked a wave of protests across Kerala, with rights groups criticising the court for curtailing the rights of an adult woman. It not only limited the rights of women but interlinked the security of the nation to secure religious identity, in turn linked the issue with internal security by interrogating love jihad.

The recent movements on Triple Talaq Bill also can be discussed under this debate. This bill gives protection to the large number of muslim women. Many women organizations despite of eligious barriers supporting the Bill as it empower the women. But as the gender identity coming in to conflict with religious identity putting the approval of the Bill at stake. Many religious leaders standing in the way of the bill though the beneficiaries are muslim women. This also makes it more clear and remembering the case of Shahbano.

These incidents make us clear that many times the benefits and rights of women are marginalized to prove the religious and caste identities. Even though woman has equal right to chose her identity but it is being influenced by the patriarchal identities which are narrow but strong. This is posing a severe threat to nations internal security because tensions are being created in dominating one identity over the other. This is not only disturbing the peace fabric of the nation in larger sense in a way it is not allowing women to have a strong association with unity as homogenous and universal group. This process resulting in lack of a special organization for women which can address all women problems at one stage.

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