

REPORT OF THE CONSULTATION

**Rights of Muslim Women and  
Institutional Linkages**

Jointly Organised by

**Rajiv Gandhi Centre for Contemporary  
Studies, University of Mumbai,**

**Bharatiya Muslim Mahila Andolan,**

**Multiple Research and Action Group.**

**September 24, 2013**

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### Rights of Muslim Women and Institutional Linkages

The Consultation was organised by Bharatiya Muslim Mahila Andolan, Rajiv Gandhi Centre for Contemporary Studies [RGCCS] and Multiple Research and Action Group [MARG]. The objective of the Consultation was to develop a referral system between the community of Muslim women in Maharashtra and the various institutions for sustained future engagement. The focus was thus to find out ways to engage with state institutions like the Women's Commission and Minority Commission. **The Consultation was attended by Member of the National Women's Commission Ms. Shamina Shafique and Ms. Janet D'Souza, Vice-Chairperson from the State Minority Commission.** The Consultation was facilitated by **Ms. Zakia Soman**, Founder Member, BMMA. Other panellists were **Dr. Chandrakant Puri**, Chair and Professor, Rajiv Gandhi Centre for Contemporary Studies, **Ms. Anju Talukdar**, Executive Director, MARG, **Mr. Javed Anand** from Muslims for Secular Democracy, **Ms. Khatoon Shaikh**, Maharashtra Convener, BMMA, **Dr. Noorjehan Safia Niaz**, Founder Member, BMMA. The inaugural address was given by **Professor Gautam Gawali**, Hon. Director, Western Regional Centre, ICSSR, Mumbai University.

In the inaugural address, **Professor Gawli** said that women and men are equal in their intellectual capacities but women are not getting enough and equal opportunities for their growth and development. Today there are more women than men in the Universities which indicate that given an opportunity woman can achieve their best in any field. It is important to recognise that the Constitution of this country is a very important document which has been formed to protect and promote the rights of its citizens. He reiterated that ICSSR [Indian Council for Social Science Research] will always remain open for such important discussions and dialogue.

**Ms. Shamina Shafiq, Member, National Women's Commission**, New Delhi applauded the efforts of the organisers in arranging such an important consultation. She said it is a historical day as BMMA's efforts along with the support of institutions like University of Mumbai have been responsible for such a gathering of Muslim women. BMMA is the hope for the future of the Muslim women in the country. She said all those who are present in the Consultation are dignitaries and that she is keen to hear the voices of Muslim women.

**Ms. Janet D'Souza, Vice-Chairperson, Maharashtra State Minority Commission** said that she is keen to hear the voices of the Muslim women and that it is important that the community creates a platform for Muslim women to hear and share her concerns and to fight for her rights.

**Ms. Zakia Soman** from BMMA said that Muslim women lives in abject poverty and misery and all she wants is a dignified way of life. She wants education, livelihood and dignity. She does not want charity nor does she want doles from the state. The objective of BMMA is to take these voices of Muslim women to the state. There is a need to work with all state institutions and other stake holders like civil society groups and individuals.

**Dr. Chandrakant Puri** from RGCCS said that it is important to build up linkages between institutions and communities as there are too many problems and not too many solutions. Only effective linkages can help us surmount the problems faced by the

Muslim women. It is a tragedy that nobody wants to talk about the concerns of Muslim women. Especially the Muslim religious bodies do not want to even hear about it. Muslim women are taking leadership not only to change herself but to change the entire community and society. BMMA is doing an important work of changing the mindset. The Muslim women under the banner of BMMA have been able to successfully convince her family and the community to listen to her concerns. Now she is at the next step of convincing the state which so far has refused to listen. The struggle which BMMA has undertaken is not a struggle on the issues of Muslim women but it is a struggle for development. He also said that there is a gap between the people's aspirations and the policies of the state. Policies and programmes cannot be made by sitting in offices and structures which are cut off from people. There is a detachment between the people and the government. What BMMA is doing is something which the government should be doing. Vision 2020 and MDG are mere words if they do not reflect the aspirations of the people and if they don't change people's lives. The vulnerability of the Muslim women has increased because there is an increase in the insecurity faced by the Muslim community. The state must realise this and must take efforts to address this insecurity and vulnerability. The stage is gone where the state was considered the *mai-baap*. The people want to be treated with dignity and as equal partners. The state must buck up and effectively implement all its programmes and policies. If it is not able to do it then the people themselves will snatch away what they rightfully think belongs to them.

**Ms. Zakia Soman** in her presentation said that after the events of 1992 Babri Masjid demolition and after the Gujrat genocide Muslim women have become conscious of herself as a citizen of this country. And she finds no contradiction between being a Muslim and being an Indian citizen. She wants to assert her identity as an Indian Muslim women. Hence BMMA has no issues with calling itself Bharatiya as it means being Indian. Many events in the recent history of the country has altered the way in which Muslim women perceives herself. For instance in Gujrat after the genocide Muslim women in large numbers have protested against draconian laws like POTA. They have and continue to fight for justice because there is a firm belief in the Constitution, democracy and the judiciary. Even if she is burkha clad she will fight for her rights if she is pushed to the wall. Today Muslim women are asking the reasons behind the sheer poverty of the community. She is seeking accountability from the state and from the community. Poverty of the Muslim community is a result of a long process of neglect and the process of marginalisation and deprivation needs to be analysed.

**Ms. Anju Talukdar** from MARG stated that there is a need to ask ourselves why do we need to work with these institutions, if at all there is a need to work with them. There are many reasons for doing so in spite of the fact that these institutions are highly bureaucratic and difficult to work with. First and foremost reason for working with these institutions is that by working with them one is strengthening democracy. There are multiple institutions and there is a need to work with all of them. These institutions must also have linkages with each other so that democracy is strengthened. If civil society groups have to increase their credibility then they must work with these institutions. These institutions also provide legal aid. But if issues of law reform needs to be taken up then these institutions have only recommendatory powers. The community must generate the demand for change and reforms. MARG has been working on the concerns of the minorities because it believes that if in any society the minorities are insecure then it is not a democracy at all. Working for minorities is working for the country itself.

**Dr. Noorjehan Safia Niaz** talked about the legal concerns of Muslim women. She said that Muslim women are legally discriminated by its community. Amongst the many issues of family law, the most troubling is the issue of oral/unilateral divorce and polygamy. She narrated the reasons given by men and the methods used to give divorce to their wives. Muslim men marry more than once thinking that it is their right. In addition Muslim women do not get adequate mehr amounts nor do they get maintenance. Young Muslim girls are married off at the time of puberty. The tragedy is that in this injustice the Muslim men are supported by qazis and muftis. Many times the divorce papers signed by the man are sent to the woman by the qazi on his letterhead. The Muslim community does not have a codified law when all Islamic countries around the world have a codified law. Are we some kind of special muslims or are the muslims in Pakistan and other countries are lesser Muslims than us? The community and religious bodies are not even willing to listen to the Muslim women on this issue let alone discuss and debate. She narrated her experience with the Women and Child Department where BMMA was told categorically that this is a 'sensitive and controversial issues' and that the state will not take it up. So much so that it refused to include the issue of codification in the Women's Policy document which is being prepared by the GOM. So who is going to listen to the Muslim women? Neither the community nor the state.

She stated that the process of codification began in 1937 with the passage of the Shariat Application Act and then continued with the passage of the Dissolution of the Muslim Marriage Act in 1939. The next codified Act came in 1986 and since then there has been no effort by the community nor by the state to address the legal issues of Muslim women. BMMA felt that if legal reforms are the need of the Muslim women then she will need to take the initiative to address that need. *Jiski ladaai uski agwai*. With this vision BMMA began the process of drafting the law. Many consultations were done across the country with Muslim women, lawyers, experts in law, experts in religion and the draft was drawn up. Some of the provisions of the draft are that the age of marriage of a Muslim girl and a boy will be 18 and 21 years. Talaak-Ahsan will be method of divorce by man and woman. During the subsistence of the first marriage a Muslim man will not be able to marry another woman. Mehr amount will be his one full annual salary. The draft has also increased the responsibility of the qazis and has made them more accountable. In conclusion she said that the Muslim men must now get used to hearing Muslim women's voices. For too long Muslim women have kept quiet. If the community wants to enjoy the benefits of a democratic polity then it must also learn to respect the yearning for democracy within the community. The community must get used to dissent, debate and dialogue within the community. Muslim women are also community and they have a right to say what they have to say and they have a right to do what needs to be done for justice. If institutions like All India Muslim Personal Law Board can set up shariah adalats and do injustice to Muslim women why cannot Muslim women set up their own *adalats* to do justice. BMMA has carved out new paths by first creating an alternative law and second by creating structures for implementing this law. She said the state must listen to the voices of Muslim women.

**Khatoon Shaikh** made a powerful appeal to both the Commissions to be responsive to the needs of the Muslim women. She narrated her experience with the State Minority Commission on the issue of *Haji Ali dargah* when the Muslim women were debarred from entering the sanctum sanctorum. The Commission very clearly said that they would not like to get involved in this issue. She had also approached the Commission recently when the conservative *jamati* groups did not allow lights to be put on in the *qabrastan* at the

time of Sandal. On the issue of scholarship she narrated her experience that that nobody in the communities have received any scholarship. The SHG formed by Muslim women do not receive support. On top of it the religious groups declare that taking widow pension from the state or taking interest on savings in SHGs is *unIslamic*. With these responses it becomes very difficult for Muslim women to improve her economic situation. The Muslim community is treated as a vote bank as a result after elections the political parties do not respond at all. The community needs someone from the state to listen and solve the problems. She said that we are the community and our issues are issues of the community. BMMA has taken the lead in preparing a women-friendly *nikahnama* and has also prepared the draft of a codified law. BMMA has also initiated the *Mahila Shariah Adalats* to help poor Muslim women access justice in legal matters. These initiatives are taken as BMMA works with the most vulnerable women and responds to their needs. Hence the government must now talk to the Muslim women instead of just listening to Muslim men.

Apart from these issues, the government has stopped issuing ration cards. Many documents are required in order to avail entitlements. Any work taken to the government by the Muslims is never done. Even the elected representatives also do not listen to their woes. Police also do not respond to the issues of Muslim community.

**Mr. Javed Anand** from MSD said that Muslim women is thrice oppressed; by her class, her community and by her gender. He said the Government institutions have been kept weak deliberately. They do not have any powers except recommendatory. Commissions in other countries have powers to penalise also. In additions what is doled out to the community through allocations is peanuts. While the SCs get Rs. 47500 Cr and STs get Rs. 28600 Cr though they together constitute 16% of the population, the minorities get Rs. 3500 Cr when they comprise 20% of the population. There is no sense of parity here and hence the obvious demand is to increase the allocation on par with the population. On a very serious note he also said that Muslims do not love the Congress and the Congress also does not love the Muslims. But it should now at-least stop taking advantage of the community. The Congress knows that the Muslims do not have a choice and hence has been taking the community for a ride.

He gave some very specific suggestions as follows:

- All schemes should be formulated and implemented like it is done for the SCs and STs
- In all scholarship schemes the fees should be paid directly by the government to the educational institutions
- Scholarships should be paid before the term begins. The system of reimbursements must stop
- The leadership development scheme of MMA was a sham as the implementing organisation was required to have a turnover of Rs. 1 Cr.
- The website of Minority Commission and MMA does not work at all
- The Maharashtra State does not have a Women's Commission since many years now.

He concluded by saying that the time to be polite is over. The community will now scream and shout to let its voice be heard.

After these presentations, the floor was open for comments and suggestions. **Ms. Ranu Jain** from Tata Institute of Social Sciences said that it has so happened that now people have stopped looking at state for their needs. They are looking within the community to resolve their issues. She specifically mentioned about the Shia Muslims who say that they don't have any demands from the state but they do have demands from their own community. The community believes that there is no point in asking because the state will not give. The state will not give house, credit, scholarship, infrastructure, so why ask? She gave the example for Mumbra which has been declared as a negative zone in which case any application coming from that locality is dropped in the dustbin. But Mumbra has also shown high rates of returns in matters of credit. She said that the Commissions are institutions for social justice but they have been kept weak deliberately. Muslim women must have representation in other state institutions as well. She said the work done by BMMA is required and some of their initiatives like the Shariat Adalat are instances of structural change.

**Salim Shaikh** from Muslim Samanway Samiti said that caste validity certificate is a major issue within the community. There are 48000 SC/ST/VJNT Muslims in Maharashtra but they are not able to access the benefits of the state because they do not have documents to prove their caste. He has informed the State Minority Commission about it but there has been no response from them. There are no district offices of the Minority Commission. How can a poor person from a far off district access the Commissions' office in Mumbai. The scholarship application forms should be readily available in the district and taluka schools even with the clerk like it is in the case of SCs and STs. There is no coordination between the wakf board, minority commission and revenue department although they must work in close coordination with each other. The Maulana Azad Financial Corporation has no budget, how do we expect them to work.

**Sonya Gill** from AIDWA said that the government is moving out of public life and has been privatising education and health services. It is our responsibility to push and activate the MMA. The state must immediately activate the State Women's Commission.

**Nasreen Contractor** from WRAG said that the Muslim women's groups must work with other women's organisations on other issues of women. Not just Minority Commission or the Minority Development Department but all ministries and departments must be sensitive to the issues of the Muslim women.

After listening to all presentations and comments, Ms. Janet D'Souza and Ms. Shamina Shafiq gave their responses:

**Ms. Janet said:**

- that she is happy to come and hear about all the problems. She also apologized for all the problems that have been caused by the Commission.
- She assured that she will call a meeting of all ministries and form a state coordination committee of all ministries
- She will also send cases of Muslim women to the Shariah Adalat run by BMMA

**Ms. Shamina Shafiq said:**

- It is very frustrating to see that people who are in power do not carry out their responsibilities
- It is not very easy when one is working for change from within the system
- The struggle of Muslim women is a struggle for development and the strategies should be worked out accordingly
- Muslim women must link the issue of oral divorce with the issues of development
- They must also work to increase their credibility so that they are acknowledged by the state structures
- The NGOs must help the beneficiaries with all the paperwork
- The political participation of Muslim women must increase
- Muslim women must initiate dialogue with secular parliamentarians
- The issue of oral divorce should be put before the National Commission for Minorities. The NCW can also be involved.
- It is better to talk about problems first rather than the solution which is codification of Muslim law
- The Commissions must also be empowered beyond their powers of recommendation
- Site best practices of other states as far as scholarship schemes is concerned.
- We must talk about the economic inclusion of Muslim women.

Dr. Chandrakant Puri, Chair Professor of the Rajiv Gandhi Centre on behalf of all the organisers proposed vote of thank and the consultation concluded with the resolution that there would be close dialogue between the community, university, NGOs and the Government for the betterment of the Muslim women.