

**GLOBAL FEMINISMS:
COMPARATIVE CASE STUDIES OF
WOMEN'S ACTIVISM AND SCHOLARSHIP**

SITE: INDIA

**Transcript of Flavia Agnes
Interviewer: Rebecca Rosen**

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Flavia Agnes, born in 1947, is a women's rights lawyer and writer and has been actively involved in the women's movement for the last two decades. She has written extensively on issues of domestic violence, feminist jurisprudence and minority rights. Her books are widely acclaimed and are popular among advocates, paralegal workers, law students and women who have been victims of domestic violence. Currently she co-ordinates the legal centre of MAJLIS and is also engaged in her doctoral research on Property Rights of Married Women with the National Law School of India.

The Global Feminisms Project is a collaborative international oral history project that examines feminist activism, women's movements, and academic women's studies in sites around the world. Housed at the University of Michigan, the project was started in 2002 with a grant from the Rackham Graduate School. The virtual archive includes interviews from women activists and scholars from Brazil, China, India, Nicaragua, Poland, and the United States.

Rebecca Rosen: I'm here with Flavia Agnes. She is a women's rights lawyer and writer from Mumbai, India. She is in town for a, "Seeking Social Justice in South Asia" conference, and we have the pleasure of interviewing her again for the Global Feminisms Project, after her interview in 2003, in India. So I wanted to reflect on the time that has passed between interviews, and I was thinking about starting with political context. But, as the personal is political, maybe you can talk about your personal journey since 2003. and what has changed for you - in your life personally, in your life professionally, with Majlis, anything.

Flavia Agnes: Well I think our organization, Majlis, has really done well in these years. Our legal center has consolidated over the years. I think in 2003 we had, politically, we had a right wing, BJP government. After that, the Congress government came to power for 10 years, 2004 to 14, and the issues I raised in my earlier interview had subsided, because I think when I did the interview in 2003, the 2002 Gujarat riots had just happened, [so there was] a lot of turmoil.¹ But 2004-2014 were the years when the congress-led coalition was in power, and these issues of minorities rights did not come up. In 2014, the same chief minister who was the chief minister in Gujarat when the riots happened, became the Prime Minister. So that 2014-2017 have been more turbulent years for minorities, and since our organization, apart from working with gender, we also work on minority rights. And various other NGOs working on minority rights are pushed to the back, and there's a lot of funding constraints, surveillance, a lot of things have happened. But on the front of gender and women's rights, our organization has done well in terms of litigating for women and getting justice. So that is going on, but another thing that has happened for me personally is that my organizational responsibilities have come down, so I have more time to write. So I have more time to look at issues that the organization is doing, and then put them in a more public sphere to have articles, have discussions, etc. And in the meantime, there's a lot more avenues today in social media, apart from formal publications, to engage with issues. So that's also happened. That is a new thing that has happened since 2003 to 2017.

Rosen: So how do you see your writing impacting the legal work, and the legal framework within India? Do you see that impact?

Agnes: Yeah I see a lot of it when I write, now we have also social media networks to circulate those articles. So I see it going to many, and people in turn putting it on their Facebook and their networks, so the power of the social media today is immense. So you.. so the article reaches to people who engage with it. Earlier, when you write in an academic journal, when you publish a book, you didn't know if people are actually reading it, is it actually making a difference? But today you can see a lot more engagement with those writings.

¹ The 2002 Gujarat pogrom/ riot was a three-day period of violence in the western Indian state of Gujarat that began in response to the burning of a train in Godhra that killed 58 Hindu pilgrims. This inter-communal violence left 790 Muslim and 254 Hindu people killed, and thousands more dead or injured. ("2002 Gujarat Riots." Wikipedia. April 14, 2018. Accessed April 15, 2018. https://en.wikipedia.org/wiki/2002_Gujarat_riots.)

Rosen: Do you see that engagement turning over into the communities that are seeking the support? Or do you see it happening in the people affecting the policy? Or is it just the ground level?

Agnes: It is affecting the people who are, like, in the particular social milieu. Academicians, activists, more urban, more English-speaking, at a particular level. And there you can see a lot of turning happening, a lot of grouping happening, a lot of intersectionality happening, and some of it spills onto the policy level as well. But on the ground level, I do not know how much it is going to people who actually need this. And whether individual women are getting benefited by it, are they getting access to justice in their lives? Because we also have had lots of things change today, where the government has receded its responsibility in the public sphere; it's become more privatized and globalized, and government is only doing more surveillance. So the poor and the marginalized are pushed to the wall. And on one level we have a lot of affluence that is happening, and on the other level, the poverty levels have really increased, and there's a wide disparity. And most of them are rural, small towns. Even in urban cities - women from the poorer classes - I don't think we're reaching out to them.

Rosen: But Majlis does training, advocacy and education work. Can you talk a little bit about that journey, did it always start with outreach like that? How did it start, and how has it grown?

Agnes: We always had this... You know for me, since Majlis started, now we are 25 or 26 years old. We started in 1991, we registered, our work started in 1990, and I have been there continuously. And for me, one of the important things about law was demystifying law. Making it more simple, making it more reachable, making reach to the woman who actually need it, and to the NGOs working on the ground. So I have written a lot on informal, small booklets, publications, workshops, legal literacy camps, a lot of that was happening in 1990 to 95, 96. In between, I think, we concentrated more on working with lawyers; making lawyers understand what the law is, making lawyers and to feminist lawyers. Into a district-level, reaching out networks. We had a project of engaging rural women lawyers into the feminist discourse, we had a long time ago. And I think in that period, I think we did less of advocacy and reaching out to NGOs on the ground level here in Mumbai. But again, we are going back again to going out much more legal advocacy at the doorstep, reaching out to NGOs, going there, reaching out to schools, reaching out to colleges in a very big way, because that's where the youth is and they understand what their rights are. Because we have a lot of domestic violence, we have a lot of sexual abuse, we have a lot of violence in the workplace, so now we have a lot of laws in place to deal with it, but access to justice is where we are really suffering. And there is a blockage in people's minds, in woman's mind, that they are afraid of courts, they are afraid of the police, and they're afraid of the law and they are afraid of lawyers. And though you know, okay, I have a right under the domestic violence act, I should not be beaten. I have a right, I should not be sexually abused. But you do not know where to go or what to do and whether when you take that step, what will be the logical end of it. How long it will take, how expensive is it, and what will happen to you as the victim there. Are you going to get justice in the system? So these are the fears that people have, and Majlis engages a lot in teaching people strategies. Because I feel

these legal strategies after pre-litigation time are very, very important in order to get so-called "justice". Justice doesn't happen just out of the blue, you have to prepare yourself, you have to get your documents and place, you have to have a proper statement which does not have contradictions, which captures actually what you are going to say, it should not be a mechanical statement etc. So now what we have done is, in Majlis not everyone is a lawyer. We have a team of about 25 people, but it is admin staff, the lawyers, and there are social activists, social workers, and you cannot make out a difference between the two - who is a lawyer and who is a social worker. We want to bridge that gap and make the law accessible to lawyers and non-lawyers alike. A lot of work that we do for victims of sexual abuse is the support work. Working the journey with the victim from the time that the first information is recorded by the police, then there are so many steps that the victim actually goes through, until she comes to the court for the trial, which may be a year later, which maybe two years later. And she might be a young illiterate girl, she might be at school dropout, she might be a lot, and maybe the person is a family member, somebody close to her, and there's a lot of pressure in the family, in the community. How do you have this girl to walk this journey, and see that she is not being victimized by the system, see that her dignity and her integrity is protected when she walks through this journey, and to see where there are lapses. Lapses on the police side, lapses on the prosecution side, lapses on the part of the judge. You make them visible. And I think to this, we have done a lot of work. And this work, now we want to, our work with domestic violence and sexual violence victims, we want to take it to the NGOs. NGOs working on the ground. And they also have social workers, and they're much closer to the victim, so they understand when violations happen. So we have right now adapted like 5 very, very local NGOs working on the ground, and we asked them to give us two or three social workers, and our social workers and lawyers work with them about the cases that come up in from their organization, rather than just making a reference to us and then they don't have responsibilities. We have told them that, you must walk the journey with us and the victim, and that's how we will learn the system. So this is a new project that we have started, and let's see what impact it has.

Rosen: That's great. In your autobiography, you wrote about Mutual support centers, and I think that a lot of these movements start as just support, right? Connecting with one another as women, as survivors. Can you talk a little bit more about how Majlis has grown to be reaching out to communities, and reaching out to NGOs, and was there anything lost? Like did it start as a community group smaller, and has now, as it's grown, been able to reach out to those small community groups. And has anything been lost?

Agnes: Actually, what we started, I mean that was a long time ago in the 1980s when it came out, it was like a small Mutual support group of a particular class and, within this class structure, Urban class structure, we were able to support each other it's been a long journey after that.² After that I finished my graduation, I did my law, I became a lawyer, and one of the important areas I felt is that

² The class structure of India is complicated and often overlaps with the longstanding caste system, which has defined the stratifications of Indian society for centuries. The Urban Class structure includes a diverse subset of people, including those who are middle-class and hold occupations as public servants, entrepreneurs, industrialists, politicians, etc. (India - Caste and Class. Accessed April 15, 2018. <http://countrystudies.us/india/89.htm>.)

you may get social support of a lot of women's group, a lot of women's group supporting each other, but whatever time you enter the legal to main you have to go to a proper professional lawyer. So I wanted to be there, you know, get that professional degree so that you are understand, you have insights, you understand the law. You understand the women that want to come. But on this you have a professional degree, you cannot enter the space of the court arena. So from there I moved, and by the time that Majlis started, the whole idea was to be a much more professional domain where a team of women lawyers helped victims, women victims. And that's a very like, new model, and nobody else was doing that. And, I mean, human rights this thing itself was on this side, as compared to corporate law or mainstream law or criminal law or constitutional law. And then you have on this side human rights. But into the human rights, women's rights were pushed to the side, and nobody really was doing women's rights at the time. To make the women's rights acceptable, to put it on the mainstream, that been the struggle at the time. But over the period, many things politically happened, globally happened, so women's rights became in the forefront. In every sphere: rape, domestic violence, laws campaigning etc. And they're more on the campaign side. But we were on the implementing side, always on the implementing side. Like we think less of what the law should be, how the law should be, You know we weren't [saying] "this is not there, this is not, that is not there, something more we need, to give rights to women". And our thing was okay, let us look at what is there, and let's see how well we can reach out and implement that. So that has been our major focus, and has continued to be so. And a lot of young lawyers are getting attracted to this idea. They come, they work with us for some time, they intern with us from various law colleges in India, outside, and young lawyers working with us. Our problem is working with young lawyers has its own limitations. Because, of all women, there lots of phases in life where they have to migrate, they're not able to work, and they get married or have children. So the organization always has very good, very committed lawyers, then dropping out for these reasons, and then you're all the time reinventing yourself. But we have not compromised on an all-women team, because we think that's a major ideology that we have to commit ourselves to. Although we're entering the legal space, we're entering it from the space of women's experiences. But today this space and this work, gets more recognition. It's not like pushed to the background as I told you when we started. And recently we got a very prestigious award for being an all-women team, because they were looking at gender sensitivity. The board is called Martha Feron award, and this woman was committed to gender politics, had worked a lot and creating sensitive gender spaces, and then she was killed when she went to Afghanistan for a UN job. And then they set up this award, and this was the first year of this award. There were a lot of I organizations there, and the fact that we have this particular space for women that work in the organization, now we can see that this gets a lot more recognition.

Rosen: Congratulations!

Agnes: Thank you.

Rosen: Yeah, it's beautiful that [Majlis] is comprised of women, because the focus, your tagline, is "transforming victims into survivors". Can you talk a little bit more about your experience in that transformation? And also, it doesn't seem like it necessarily stops there,

or maybe it does, or maybe the role of survivor entails becoming a role model, but you've gone so beyond becoming an agent of change in your community, and your country and world. So what does that transition look like from victim to survivor to agent of change?

Agnes: You know what happened, at some point a few years ago, say 4 or 5 years ago, we started calling all victims survivors. It was fashionable to do that, it was feminist to do that. So the minute a rape happened, a gang rape happened, we call her a survivor. But then we had this major case of this woman who was raped and brutally attacked on the bus, in a moving bus and Delhi in 2012.³ And you can't call her survivor because she died. She died a victim. But there are many who are victims, and continue to be victims. They retract in the court, they go back to the same situation. There's a lot of victimhood that happens even after you report a case, where even with the cases reported by the police, by officials etc. You may be having 10 year olds, 12 year old, 14 year old, who is raped by members of her family, she doesn't even know that she is abused. She goes to the hospital for something, and then you find out that she's pregnant, like 5, 6, 7 months pregnant. And she was not even aware of it. So then the rape case is recorded, and then you call her survivor. And then she's with a pregnancy, she is 14, she is 13, she comes from a poor background, she has to deliver this child, she has to give this child up for adoption. The whole system goes on a part of the legal process. How can you call her survivor? She's a victim of this entire thing! Of patriarchy, of neglect, of family violence, she is a victim of all these things. So what we say is, she can become a Survivor, but it is a process. It is a process that the legal system itself should not re-victimize her. This process should be an empowering mission for her. That while she walks through this, she finds how the system works, she's able to give evidence in court very coherently, she's able to go back to school, where she was a drop out before. She has safe shelter or a place to stay, her education continues, skill development happens- it's a very long process. Maybe it takes, the legal case may take a year or two, but the coming out this victimhood, to become a survivor, to be able to support herself and others. Maybe it will take like at least 3 to 4 years for her to stand on her own two feet. And to say yes, I was raped, but I have come out of it. Or, I was victim of domestic violence, but now I'm here. Even for me, like when I came out in 80, it took a long time, as I put in my autobiography. There's so much of back-and-forth that happened, there's so much support from other feminists that you take in order to move forward, otherwise you would have gone back again and again. So I seriously believe that this transition is a process, and NGOs working on the ground, one of their major responsibilities becomes "hand-holding". That you know, here's this victim who remains a victim, but I have to hold her hand and I have to take her through the system that tomorrow she will become a survivor. Only then can I use the word survivor for that victim. So it's not a question of changing the nomenclature, just takes one fine day to say, oh she's a Survivor. You don't even know, I mean not even you don't know, you don't even know, you don't even care. You're a journalist, you're writing and you use the word survivor. You don't know what situation she is in, like many of our victims, after the cases registered, she attempts to commit suicide three or four times. You're not aware, you've got up story. And you have a nomenclature that says, ok this is a

³ More information about this case can be found here. Content Warning: Rape, violence, graphic physical trauma. (Timmons, H., & Gottipati, S. (2012, December 28). Woman Dies After a Gang Rape That Galvanized India. Retrieved April 15, 2018, from <https://www.nytimes.com/2012/12/29/world/asia/condition-worsens-for-victim-of-gang-rape-in-india.html>)

survivor and this is a story and sensation writing, and after that, then what? So this is our challenge. So this, that is a tagline to change victims into survivors.

Rosen: So as a survivor yourself, of domestic violence, what caused you to move forward and advocate for other women?

Agnes: I came out of an exciting time in the women's movement that was a very exciting and mutually supporting time. And my friends were not battered or they had not experienced abuse. But the fact that I was going through that, and when I spoke to them, they came out very willingly to support me. In many different ways. I had small children, I had no money, I needed a job, I needed a place to stay, I needed a hundred different things. And if that support was not there, I would never have become a survivor. So what I realized is that support at that particular juncture is very important in any victim. It is what is there between a suicide and a survivor. That is the choice that women have. They want to come out. If the family doesn't support, if the people doesn't support, where will you be? So she goes back and she commits suicide, because she thinks there's nothing left working for her. You may have the best of laws. So here, that's what we think, but we are not the first support. And we don't do direct, usually. Would work through an NGO because support has to be grounded. Somebody finds some work that's going on. It might be on nutrition, it might be on shelter, it might be on any of the other issues, literacy, and then you find a woman who is battered. And then you look at her in her own surroundings and say, she's a part of your program, she's a part of everything else, but she also has a problem with her husband, or she's abused, sexually abused, domestic violence. Then, they should be able to pick her up and tell her, counselor, do whatever is necessary, prepare her mentally, and then bring her to us. And then we did the next step of counseling her, explaining her rights, and then making her ready to go through the legal journey. So, that connection becomes very important. I don't know whether they're there are programs like that here, but this is how [we do it]. Because we don't have social support, we don't have state support, so it has to be from the community or the family, and through NGOs that you have to build a support in to.

Rosen: Yeah, where is your support come from over the years? And has it been domestic, it's only community? Have you received any overseas support?

Agnes: We get some funding from the overseas for the organization. For me personally, I had some very good friends who had supported me immensely and unconditionally. Like, not only shelter, not just have faith in me, but also gave a direction that education is very important. This particular friend, her name is Sona Schickler, now she is like, old, and she has been a very strong support, and anchor for me, who explained how important education is for me, because I was at school level educated, and she gave me such immense support to graduate. And then once you've done that, with the law and everything falls in place and it becomes easier. And the law became important because we had set up a mutual support center called "Women's Center". And there, all the time we had to refer women to lawyers outside who did not have the framework we did. So that's why I started doing law. By the time I finished my law, I was out of that group, the group itself over the years had collapsed, but then setting up of Majlis, we had a very strong approach to professional

lawyering. So earlier we had only lawyers working with us. And everybody else is just stating there, people with a Social Work background, or any other experience cannot work at Majlis. Then you put out a very strong message that anyone can work in the organization, there's community work to do, there's writing work to do, there's reports, funding, there's lots of things that an NGO has to do apart from just lawyering. So now we are more well-rounded in our approach, and working with the communities.

Rosen: Great, thank you. I want to make sure that we talked about your work with intersectional feminism, and kind open the floor. You opened your talk on Friday with a really powerful sentiment, maybe you could dive into that a little bit more, and then we can go from there.

Agnes: Yeah here when we talk about intersectionality, what we are talking about there, the Muslims women's rights. They are in the forefront. And we had a case in 1985, which is like the watershed, it's called, Shah Bano case.⁴ And there was a lot of political activity on both sides, whether the one side is Muslim Fundamentalist, other side is feminist and human rights activist, and they're like poles apart, and the law was under secular law the woman would get maintenance. And there was a whole political mobilization from the Muslim fundamentalist side, and a new law was enacted in 1986. And that's called the Muslim Women's Act.⁵ And all of us felt at the time that, you know, all this personal laws in different communities should not be there, we should have Uniform Civil Court.⁶ This was in 1986. 1992, the right-wing political mobilization, and anti-Muslim

⁴ The Shah Bano Case was a lawsuit that occurred in India in 1985 regarding the right of a Muslim women to collect alimony from her husbands after a divorce. When Shah Bano was divorced by her husband in 1978, she filed a criminal suit in the Supreme Court of India where she won the right to alimony from her husband. However, this ruling was then nullified by the Indian National Congress, who had succumbed to political pressures of many Muslims who claimed that the original ruling was in conflict with Islamic Law. As a result, the Indian National Congress passed the Muslim Women (Protection of Rights on Divorce) Act in 1985 which limited the amount of time that Muslim women divorcees could collect alimony to 90 days, pursuant to the period of Iddah in Islamic Law in which a woman cannot remarry after she is divorced or widowed. The Shah Bano case provoked a series of conversations and protests regarding the establishment of a Uniform Civil Code and recognizing women's rights in India. ("Mohd. Ahmed Khan v. Shah Bano Begum." Wikipedia. April 30, 2018. Accessed May 06, 2018. https://en.wikipedia.org/wiki/Mohd._Ahmed_Khan_v._Shah_Bano_Begum.)

⁵ The Muslim Women's Act of India passed to nullify the decision in the Shah Bano case, and establish protection for Muslim women who have been through a divorce. According to this act, a Muslim woman is to receive fair provision and maintenance from her former husband/ husband's family. This provision is to be supplied within the period of iddah (a time of observation after the death of a spouse or divorce) and the woman is also forbidden from re-marry during this time period. (The Muslim Women (Protection of Rights on Divorce) Act 1986. (2018, April 14). Retrieved April 15, 2018, from [https://en.wikipedia.org/wiki/The_Muslim_Women_\(Protection_of_Rights_on_Divorce\)_Act_1986](https://en.wikipedia.org/wiki/The_Muslim_Women_(Protection_of_Rights_on_Divorce)_Act_1986))

⁶ The demand for a Uniform Civil Code was initiated by Indian women in the 1930's in India in an attempt to eradicate India's personal laws and establish a common law system that would provide more rights for women. Personal laws differ among religious groups and allow each community to set their own system of family law governance. (TNN. (2017, August 23). Why India doesn't have a uniform code - Times of India. Retrieved April 15, 2018, from <https://timesofindia.indiatimes.com/india/why-india-doesnt-have-a-uniform-code/articleshow/60200314.cms>)

agenda started coming into the forefront, and it was happening from 90s onward, but the major thing that happened in '92 was the demolition of the 400 year old mosque in a place called Ayodhya because it was believed that there was a Mandir of the god Ram, and so this has to be destroyed and that Mandir⁷ must be built. So there is a big political campaign. The case was going on in the court, and they filed an affidavit that allowed us to do some Puja⁸, but...not destroy the Mandir. After the affidavit, they destroyed the Mandir. And it was like an acquiescence from the government, from the state government, from the secular government, and it led to riots country-wide. And the riots were like: the Muslims agitated, and the police open fire. And Mumbai, Bombay where I stayed, it did not have communal riots, even when the country partitioned.⁹ It was supposed to be secular. It had a working culture, it was supposed to be progressive. And the riots broke out in the city of Mumbai, and it came as a shock to us. We had a labor movement, we had feminist movement, we had progressive movement on both sides. We said, how can this happen? And then suddenly realize [in] all these movements, secularism was never at the main issue that we looked at. Even within feminism. It was gender, it was all women are the same. And that was for me the turning point, because for the relief work, we worked with the same group who we had labeled as fundamentalist. Because there's nobody else doing the work. And the women were sheltered in the mosque, the dargahs, some women whose fingers were cut, various kinds of women whose houses had been burned, whose sons had been killed. And the riots came in two ways. One was a week-long riot in December, and again it erupted in January, which was much more fierce. And we had a congress government ruling, but it was the right-wing government, the right-wing political parties, and the police colluding, government looking the other way. And you could really see how it actually works. And there was a committee that was set up, a commission that was set up, one was a formal commission, one was an informal commission. Now all the secular and human rights groups also worked with Muslim groups. And at that time I wrote a paper which I will share with you[00:29:32],¹⁰ you know somehow the women's movement has to redefine its agenda and bring secularism into the context because this is the need of the hour. Because my issue is that the Muslim women who is there in that shelter, in that dargah, taking recourse, she cannot be divided as this is gender and that is identity. Gender and identity both come together. Like she is being beaten by her husband, but her son has been killed by police. Both are important issues. Her house has been burnt. These are all of her concerns. And when her son is killed or houses burnt, she'll put the domestic violence on the background, because she will not go to the police and complain, because of immediately her husband will be arrested. And she doesn't want that to happen. Like suppose a Hindu woman goes and complains about domestic violence. Police will say 'no this is okay, you should go back'. But if Muslim woman goes and complains, immediately he [her partner/ husband] will be arrested, and any kind of charges can be labeled against him. So now the issue domestic

⁷ A Mandir is a Hindu temple. (Schools - Religion - Hinduism. (n.d.). Retrieved April 15, 2018, from <http://www.bbc.co.uk/schools/religion/hinduism/>)

⁸ "Puja" means worship, which takes place in the Mandir. (Schools - Religion - Hinduism. (n.d.). Retrieved April 15, 2018, from <http://www.bbc.co.uk/schools/religion/hinduism/>)

⁹ Mumbai (known as Bombay until 1995) is the capital city of Maharashtra and is the most populous city in India. (Mumbai. (2018, April 14). Retrieved April 15, 2018, from <https://en.wikipedia.org/wiki/Mumbai>)

¹⁰ See Flavia Agnes's Bibliography (2017) on the Global Feminisms Project site: <https://globalfeminisms.umich.edu/>

violence becomes much more complex for the Muslim woman, and we have to understand that complexity and we have to reach out to her beyond that complexity.

By the time we already got this organization registered as Majlis, and Majlis is an Urdu name, so people started confusing us of being Muslim, and Muslim means terrorism, because bomb blasting happen and all these things it happens. That was my political awakening about identity politics. And that the need to put gender within identity politics, and we cannot have a, 'okay, this is where I'm working with gender, but this is where I'm talking on identity'.¹¹ The same rules going here and there. But the woman is the same with two different political agendas! So how do you have a more nuanced understanding? This was 1994, I published this article[00:31:25]¹². And after that, we looked at all the laws, including the new act that came, which came which is the Muslim woman's act after Shah Bano, and realized that courts are giving rights to Muslim women, and there are lump sum settlements Muslim women can avail of, and nobody is talking about it. Various high courts you can see these judgments happening. So we started working very much on that, saying that countering the view that Muslim women have no rights unless a Uniform Civil Court happens, then Muslim women do have rights, similar to how Muslim Hindu women do have rights, and we should make these rights happen. But, my survey has been 1994-1995 until now, but the same notion continues in the women's movement even today. That very, very, few people, in fact Farina asked me, why don't more people write about this?¹³ There are some Islamic scholars, Muslim feminist Scholars, who attempt to write. But somewhere there I think get pushed back to put community and gender concerns together. Look at Hindu law and Muslim law and see where Muslim women are affected etc. And then what happened with this certain item, it receded, then we had the Gujarat riots. And in Gujrat riots, women were so violently mutilated, I have a small book on this, in fact if I have an article I will email you.¹⁴ Were sexually mutilated.[00:32:54] To a scale which you did not think after the partition we would ever experience again. It was there at the partition when we thought, oh that is all behind us. Women were in shelter homes, newspapers were talking about sexual abuse, we did one study in the shelter homes, and they were not at all ready to speak that I was violated. It was always somebody else was violated. And women came with bleeding vaginal injuries, the men had to help them take out the splinters that were in their vaginas. They were pregnant and they gave birth in the heat of Ahmedabad in the month of May, they were just left open.¹⁵ Hospitals were not catering to them. They're afraid to go to the hospitals seeing that, you know, there will be cases labeled against them, the men with injuries. It was so horrible. [That was]

¹¹ Identity politics is the tendency for people to diverge from traditional, broad political groups to focus on issues that pertain to their smaller group identities, including religion, social class, race, ethnicity, etc. (Identity Politics. (n.d.). Retrieved April 15, 2018, from [https://www.merriam-webster.com/dictionary/identity politics](https://www.merriam-webster.com/dictionary/identity%20politics))

¹² See Flavia Agnes's Bibliography (2017) on the Global Feminisms Project site: <https://globalfeminisms.umich.edu/>

¹³ Farina Mir is a historian and professor at the University of Michigan. Her studies are focused on colonial and post-colonial South Asia with a particular attention to the social, cultural, and religious history of late-colonial north India. (Farina Mir. (n.d.). Retrieved April 15, 2018, from <https://lsa.umich.edu/history/people/faculty/fmir.html>)

¹⁴ See Flavia Agnes's Bibliography (2017) on the Global Feminisms Project site: <https://globalfeminisms.umich.edu/>

¹⁵ Capital of the Gujarat Indian State.

2002. So after that, many more groups just stopped asking for Uniform Civil Court. Because the right-wing government, and all the time when you went there, the Hindu side would say, this is happening to them because there is no Uniform Civil Court. But the violence happened because there's no Uniform Civil Court. The Muslims appeased, so that's why this is happening. But violence has no relationship to personal laws! And this is one of the questions I was asked in the seminar on law that I took - will it ease communal tensions? The communal tensions are there on the minor issues. Caste tensions are there on things like manual scavenging,¹⁶ it has nothing to do with the Hindu laws, the Muslim laws, the issues at the political level have nothing to do with Uniform Civil Court. And yet this bogie gets created that if we have one law then everything will be fine. Assumption being that Hindus have a good law. And Hindu women do not have problem. Which is not the case at all. If you see our dowry deaths, 100% of Hindu women were killed.¹⁷ Or who are subject to extreme violence. We don't even start talking about them.

And then what happened more recently, and there are certain women Muslim groups that came up. They did a study about women Muslim lives, and there are about 84 questions they're asking what happens about divorce, about inheritance, about child custody about illiteracy about poverty about marginalization. They released a report after the new government came, at a press conference, and they flagged issues of triple talaq and polygamy.¹⁸ Which were picked up by the entire media. And according to me, it sort of matches with the global islamophobia. And it's got a currency. You write articles and you know like one talaq happens here, you go and interview that woman, you put her there etc. Certainly our Supreme Court made a reference contrary to the committee, because Muslim women have no rights. There's polygamy, there is triple talaq, and we need to look at it. So the Judgment that came is a very nuanced judgment, it's a long judgment, but it says that triple talaq is invalid.

My concern here is that we have been taking women to court, looking at the judgments that have come across the years, and particularly a Supreme Court judgement which came in 2002, which said that this is not the way to do triple talaq, talaq has to be to Qur'anic. Before that, there was a supreme court judgement in 2001 that, when a Muslim woman is divorced, she is entitled to fair and reasonable lump sum settlement. Now these two judgments, one is called Danial Laitifi¹⁹

¹⁶ Manual scavenging refers to the practice of manually cleaning human excreta from the dry latrines and sewers in India. It is a job typically reserved to people of a lower caste. (Breaking Free: Rehabilitating Manual Scavengers - UN India. (n.d.). Retrieved April 15, 2018, from <http://in.one.un.org/page/breaking-free-rehabilitating-manual-scavengers/>)

¹⁷ Dowry is property or money brought by a bride or her family to the husband for marriage. (Britannica, T. E. (2015, June 16). Dowry. Retrieved April 15, 2018, from <https://www.britannica.com/topic/dowry>)

¹⁸ Triple talaq is an Islamic divorce law where a husband can divorce his wife by simply repeating the Arabic word for divorce, "talaq" three times. (Suri, M. (2017, December 29). India inches closer to criminalizing Muslim practice of instant divorce. Retrieved April 15, 2018, from <https://www.cnn.com/2017/12/29/asia/india-triple-talaq-bill-intl/index.html>)

¹⁹ Danial Laitifi was Shah Bano's lawyer in her Supreme Court case. In Danial Laitifi v. Union of India, Laitifi challenged the Muslim Women (Protection of Rights on Divorce) Act of 1986 on the basis of its constitutional validity. (Kushwaha, A. S. (n.d.). Danial Latifi v UOI Case Analysis. Retrieved April 15, 2018, from http://www.academia.edu/32830641/Danial_Latifi_v_UOI_Case_Analysis)

judgement and the other is called Shamim Ara²⁰ judgment. Now if you put these judgements together both in Supreme Court, Danial Laitifi is a constitution event, 5 judges and Shamim Ara is 2 judges. 2001 and [200]2 I'm talking about, we are in 2017. And if you put out this information, so many women would have been benefited, and have been benefited. Every single high court has held that the procedure for triple talaq has to be followed, which involves a woman. A woman who has gone to court asking for maintenance, husband says I have give her talaq, court says no, this is not the correct procedure. Husband has gone to high court against it. And the high court has held this, so many of them, I can give you a long list. But that didn't matter at all. It didn't come in the public space, even Islamic scholars were not aware. But they're Scholars, they're not lawyers, they don't go to court actually. I mean there were lawyers that was taking them to court, but they were like ordinary lawyers, they don't have a political clout. A very simple thing, but we have done it for so many women. So suddenly, when this reference happened, the issue got very polarized, and the Supreme Court had to constitute a five judge bench. Now what the Chief Justice did, he himself is a Sidharth, a minority, and he constituted five judges. Only one was Hindu, and four were minorities. Christian, Parsi, Muslim, Siddhartha, and a Hindu. Five judges. And that only showed his approach toward multiculturalism against the Uniform Civil Court. So what came, finally, was just the 2001 judgment got upheld here. It didn't do anything new, it did not give any new rights to women, unfortunately. Woman would still have to go to court and do exactly what she had to do in 2002. So, legal literacy becomes important. And lawyers become important. How will she go to court when litigations are expensive? We are not rich, she is so scared, so somebody has to guide her. So when the case came out to Supreme Court, a lot of NGOs working at the local level.. whenever a woman said 'I have been given talaq', rather than going to the local court and forcing her rights, they all jumped into this political fray and put their cases in there. So at the end, these women became famous, and they said oh my God, for the first time woman has come, woman is challenging. You didn't look at all the women that went, challenged, and got their rights! Right of Maintenance, various other rights.²¹ Custody of children, something else. Women have made complaints against her husband for rape, against their husband, against their father-in-law. These are the women going to court. And still we think Muslim women have no rights, Muslim women do not go to court. And this notion, which has a political agenda in the country, but also matches with the global agenda, is so ingrained that whatever you say counter to it, just doesn't hold water.

So I'm now writing a book, putting all of my essays to say, okay, now let us see where we are going. Why we are saying this. But I know it's very difficult today, but what is interesting is that our right-wing government gave it a lot of boost. Our prime minister talks about it, cried for Muslim women in this UP²² campaign, for the state election. Then after the election BJP came with a thumping

²⁰ In Shamim Ara v. U.P. & ORS, the Supreme Court rejected the use of the "talaq" as divorce between Shamim Ara and Abrar Ahmad. This case called into question the interpretation of the Muslim Personal Law and the validity of oral "talaq" when a wife is physically absent. ((n.d.). Retrieved April 15, 2018, from <https://indiankanoon.org/doc/332673/>)

²¹ Right of Maintenance is when a man is required to required to support/maintain his ex-wife and children after a divorce. (ADvantage. Maintenance: Under Hindu, Muslim, Christian And Parsi Laws. Accessed April 15, 2018. <http://www.legalserviceindia.com/articles/hmcp.htm>.)

²² Uttar Pradesh is a state in northern India.

majority, and again they put again extreme right-wing, organization out which we called “RSS”—Rashtriya Swayamsevak Sangh—and he is a Muslim basher made prime minister, chief minister.²³ And the representation of Muslim is reduced from 75 to 25. In the same period, 2014 to ‘17, we had things like “beef ban”. In the state that I am beef is banned. So many states have banned beef. There's a law against slaughter of animals, which is again a Muslim trade. And there have been lynchings of Muslims, young men, old men, on the mere suspicion they're having beef in their fridge, or they are planning to kill cows etc. Or that they look Muslim. A boy, 16 year old, was killed in the train, on the ground that oh, he looks Muslim.²⁴ And no one came to his help. And he was beaten brutally, his body was beaten and he was thrown out, for 45 minutes he was at the station, and finally he died. This happened parallel. The lynchings happened parallel to the triple talaq. We had this Independence Day where the Prime Minister addresses the nation, and he talked about Muslim women, do not talk about lynchings at all. So this: Muslim women, Hindu women have a problem. But Muslim women have no rights becomes a political issue, and Muslim women are then taken out of the community context, but they're still Muslim, they're part of the same community which is pushed in the background. Their literacy is so low, there's so much marginalization, they are like secluded. There is no political voice there. In this entire UP election, BJP did not field a single Muslim candidate. In the center, in the Parliament, we have 4% Muslims today. And the court now said, this judgment, which is very well-crafted, doesn't go towards UCC. It says that personal laws, religious beliefs, are fundamental, and we have to protect them. Even if we bring in law, this belief has to be protected, that means you're going away from UCC. But the Prime Minister, the UP chief minister and everybody else is rejoicing, but Supreme Court said enact a Uniform Civil Court. In fact some newspapers ran a whole series about Uniform Civil Court for and against arguments, bringing Uniform Civil Court on the board. So my concern is that you must give Muslim women the right. You must give Hindu women the right. You must protect the community identity, and you have to frame the right within this debate. It's a very complex thing, but I hope somewhere I will succeed.

Rosen: Thank you so much. I really appreciate your honesty and your hard work. I think that'll do it.

Agnes: Thank you.

²³ The Prime Minister of India is Narendra Modi, who came to power in May, 2014. ("PMINDIA." Prime Minister of India. Accessed April 15, 2018. <http://www.pmindia.gov.in/en/>.)

²⁴ Junaid Khan, a 16 year old boy, was stabbed to death on a train by a group of people who accused him and his companions of having beef in their bags. (Singh, Pratap. "The Train That 16-Year-Old Junaid Took Is A Horror On Wheels." NDTV.com. June 28, 2017. Accessed April 15, 2018. <https://www.ndtv.com/india-news/the-train-that-16-year-old-junaid-khan-took-is-a-horror-on-wheels-1717788>.)