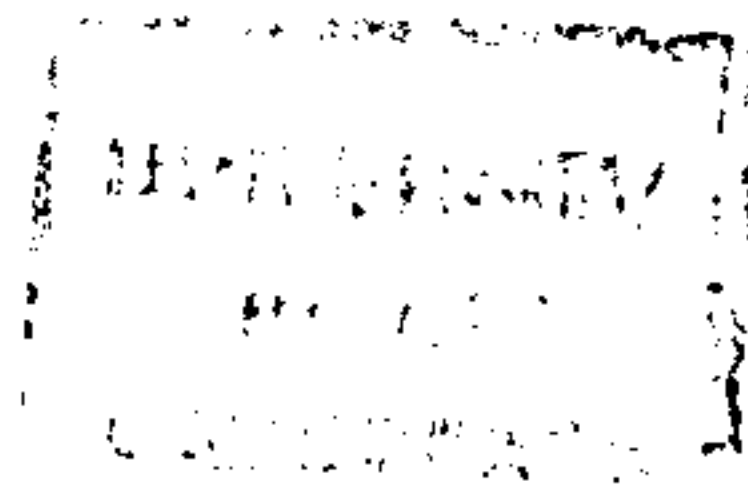


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MUSLIM WOMEN IN COLONIAL NORTH INDIA
CIRCA 1920-1947: POLITICS, LAW AND
COMMUNITY IDENTITY



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ABSTRACT

This dissertation explores the relationship between gender and Muslim community identity in late colonial India. It pursues two broad themes. The first of these is the way in which gender issues were used symbolically by Muslim religious and political leaders to give substance to a community identity based largely on religious and cultural ideals in the three decades prior to independence. The second is the activities of elite Muslim women in social reform organisations and their entry into politics. Most of the recent literature on the development of a distinct Muslim identity during this period focuses entirely on politics and thus on relatively short-term factors leading to Partition. However, gender makes us look again at the longer term, especially the way in which it gave substance to the imagining of an all-India Muslim identity. I examine the various constructions and stereotypes of the Muslim woman and the ways in which she was seen as being in need of special protection in the political sphere while being in an advantageous position with regard to Muslim personal law. Of particular importance here are the discourse on purdah, which had become communalised during this period even as purdah practices were changing, and the ways in which Islamic law became considered as a 'sacred site' for Muslims in the late colonial period. I argue that the focus on gender issues by certain political and religious leaders was a 'universalising' factor: while it was difficult to portray all Indian Muslims as constituting a definitive and united group, all Indian Muslim women could be depicted as being alike, with the same interests and problems. These tendencies were strengthened by the Indian Muslim awareness of a wider Muslim community.

In terms of practice, I examine women's entry into the political sphere, as well as their relationship with national women's organisations. I show that women were not passive onlookers to the debates on gender, but contributed to them, although their interest was more on improving women's rights than on formulating community identities. The dissertation examines women's conflicting identities as women and as Muslims, particularly as the initial unity among women on social reform issues was eroded due to communal antagonism in the realm of politics. The focus of the dissertation will be on the public sphere, which is where one can best examine the interactions between men and women, Hindus and Muslims, and Indian and British representatives. Given the diversity of the Indian Muslim experience, I concentrate on and give examples primarily from the United Provinces, but owing to wider connections between women I also look at other north Indian examples.

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GLOSSARY

- adab*: virtuous or ethical behaviour, moral conduct, training; also good breeding, refinement, etiquette
- adalat*: court
- alim*: a Muslim priest, or a man learned in Islamic legal and religious studies (plural: ulema)
- anjuman*: an association or society, usually of Muslims
- aql*: intellectual and reasoning power
- ashraf*: term used to describe Indian Muslims descended from immigrants into India (who trace their ancestry to the Prophet, his companions, or to the Mughal and Pathan ruling classes), taken from the plural of the arabic *sharif*, or honourable
- begum*(also *begam*): Muslim woman, especially a married woman; also a woman ruler
- burqa*: a loose garment covering the clothes, form and sometimes face of a woman in purdah, enabling her to go out of the house
- chador*: a shawl-like garment used to cover the head and upper body
- dauli* (also *doolie*): a palanquin or sedan chair, used by women to travel in purdah
- fatwa*: a formal opinion on a point of Islamic law, usually delivered by a mufti or alim in response to a query posed by a layman
- fitna*: social chaos or disruption
- hadith*: the record of the sayings and doings of the Prophet; an important source of Islamic law
- haram*: forbidden by the Sharia
- izzat*: modesty, chastity, honour
- jahez*: dowry, money and movable goods given to a bride by her parents at the time of marriage
- karch-i-pandan*: the 'expenses of the pan box', or a woman's monthly allowance, usually given by the husband
- karewa*: widow remarriage, usually to the husband's brother
- khandani*: from an aristocratic background
- khatun*: lady, noblewoman
- khilafat*: the Caliphate, or successor to Prophet Muhammad as the temporal head of the Muslim community; political movement in India from 1919-24 which saw unprecedented cooperation between Muslims and the Indian National Congress against British rule
- khula*: the only form of divorce possible for a Muslim woman until 1939; entails asking her husband to divorce her and forfeiting claim to her unpaid mehr
- lakh*: one hundred thousand
- maktab*: a religious school
- maulana*: title usually applied to an alim, but during the Khilafat movement, a title assumed by or given to western-educated Muslim politicians

maulvi: an equivalent of maulana
mehr (also mahr): the marriage portion settled on a Muslim bride in the marriage contract; usually consists of either money or property, of which part is paid at the time of marriage ('prompt dower') and part is called 'deferred dower'
mehram: permitted person, one with whom marriage is not legal (in the context of the purdah system, one with whom is permitted contact)
mohalla: a division or neighbourhood of a town
mufti: a legal scholar
muta: a form of temporary marriage under Muslim law
nafs: undisciplined impulses
nawab: Muslim princely ruler or wealthy landed aristocrat
nikah: Muslim marriage
nikahnama: the marriage contract
palki: a closed box with curtains in which pardanashin women were carried
pandit: a Hindu priest or one familiar with the Hindu texts
pardanashin: one who observes purdah
purdah (also parda, pardah, purda): the custom of veiling and seclusion of women
qasbah: a country town, seat of regional administration and economic activity
qazi: a judge trained in Islamic law
rivaj-i-am: record detailing customary law
sati: the custom of burning a Hindu widow on the funeral pyre of her husband
shadi: marriage
sharia (also shariat): the path to be followed; the divinely revealed law of Islam
sharif: noble, well-born, respectable
shia: followers of Ali, the fourth caliph, who formed a heterodox sect of Islam
sunni: an orthodox Muslim
tahsildar: district official
tehsil: a district subdivision
talaq: Muslim divorce
talaq-i-tafwid: 'delegated divorce' or stipulations in a marriage contract permitting a Muslim wife to initiate divorce proceedings
talukdar: term used in UP to denote a large zamindar who collected revenue both from his and from other estates
tonga: horse-drawn carriage
ulema (also ulama): plural of alim; men learned in Islamic teachings
ustani: a female teacher or governess
vakil: a lawyer or legal representative
waqf: a charitable endowment which was often created to prevent the division of an estate
zamindar: a holder of the right to property in land, who had the right to collect rent and the duty to pay rent to the government
zenana (also zanana) : the women's apartments in a Muslim household

ABBREVIATIONS

- AIML: All-India Muslim League
AIMLC: All-India Muslim Ladies Conference
AIWC: All-India Women's Conference
CSAS: Centre for South Asian Studies, Cambridge
EPW: Economic and Political Weekly
ILR: Indian Law Reports
ISR: Indian Social Reformer
JUH: Jamiat-al-Ulama-i-Hind
LAD: Legislative Assembly Debates (National Assembly)
LWA: Lucknow Women's Association
MAS: Modern Asian Studies
MLA: Member of the Legislative Assembly
MLC: Member of the Legislative Council
NCWI: National Council of Women in India
NMML: Nehru Memorial Museum and Library
NPC: National Planning Committee
NWFP: North-west Frontier Province
NWP: Northwestern Provinces (the name of UP before it was combined with Oudh)
NWPNNR: North-western Provinces Native Newspaper Reports
OIOC: Oriental and India Office Collections, British Library
OWC: Oudh Women' Conference
RTC: Round Table Conference
SOAS: School of Oriental and African Studies, University of London
UP: United Provinces (today Uttar Pradesh)
WIA: Women's Indian Association

INTRODUCTION

In the past two decades there has been an outpouring of research on Indian women by scholars spanning several disciplines. Different aspects of women's lives and history have been examined in detail, including women's writings,¹ the discourse on gender issues and nationalism,² and women's involvement in the nationalist movement.³ However, such specialised studies, as well as general works and collections of articles on Indian women, have effectively been almost solely concerned with Hindu women, with little reference to the specificities concerning Indian women of other religious affiliations.⁴ Detailed work on Muslim women from a historical perspective has been less common, with the exception of Gail Minault's work on the late nineteenth-century social reform movement and women's education.⁵ The bulk of research on Muslim women has been either sociological or anthropological in nature, and has focused on the latter half of the twentieth century and on women's legal status. Moreover, the important relationships between gender and the wider concerns of nationalism and the formation of community identity have not been examined with reference to

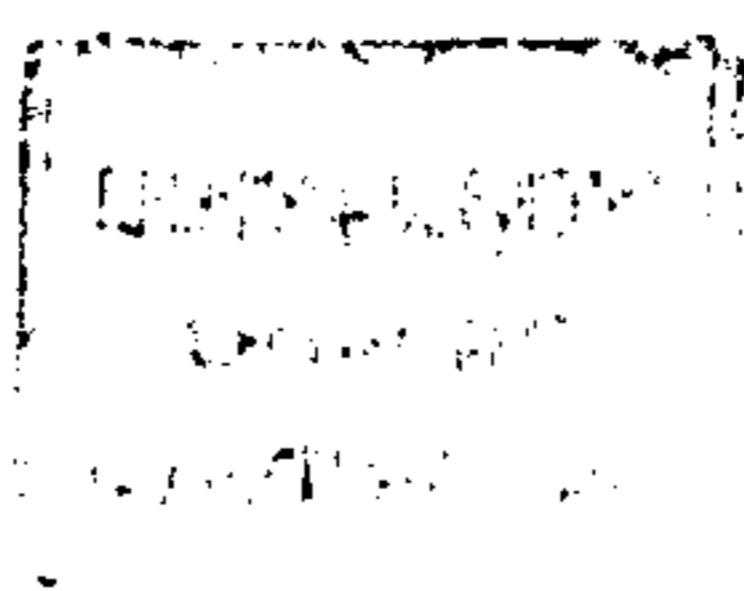
¹Notable examples include: Susie Tharu & K. Lalita, Women Writing in India (New York: The Feminist Press, 1991); Malavika Karlekar, Voices from Within: Early Personal Narratives of Bengali Women (Delhi: Oxford University Press, 1993); and Rosalind O'Hanlon, A Comparison Between Women and Men: Tarabai Shinde and the critique of gender relations in colonial India (Madras: Oxford University Press, 1994).

²See Tanika Sarkar, "The Hindu wife and the Hindu nation: domesticity and nationalism in nineteenth century Bengal" in Studies in History 8, 2, n.s. (1992); Partha Chatterjee, "The Nationalist Resolution of the Women's Question" in Kumkum Sangari and Sudesh Vaid, eds., Recasting Women: Essays in Colonial History (Delhi: Kali for Women, 1989); and Lata Mani, "Contentious Traditions: the Debate on *Sati* in Colonial India" in Sangari and Vaid, eds., Recasting Women: Essays in Colonial History (Delhi: Kali for Women, 1993).

³See Dagmar Engels, Beyond Purdah? Women in Bengal 1890-1939 (Delhi: Oxford University Press, 1996); Manmohan Kaur, Role of Women in the Freedom Movement 1857-1947 (Delhi: Sterling Publishers, 1968); Madhu Kishwar, "Gandhi on Women" in EPW (October 5 & 12, 1985); and Leela Kasturi and Vina Mazumdar, eds., Women and Indian Nationalism (New Delhi: Vikas, 1994).

⁴Several excellent collections of articles include Kumkum Sangari and Sudesh Vaid, eds., Recasting Women: Essays in Colonial History (Delhi: Kali for Women, 1993) and J Krishnamurthy, Women in Colonial India: Essays on Survival, Work and the State (Delhi: Oxford University Press, 1989). General works include Geraldine Forbes, Women in Modern India (Cambridge: Cambridge University Press, 1996); and Vijay Agnew, Elite Women in Indian Politics (New Delhi: Vikas Publishing House, 1979).

⁵Gail Minault, Secluded Scholars: Women's Education and Muslim Social Reform in Colonial India (Delhi: Oxford University Press, 1998).



Muslim women in late colonial India.

The difficulties of drawing connections between gender issues and Indian Muslim identity has been further compounded by the fact that most studies of the emergence of Muslim nationalism during the decades before 1947 have tended to focus on politics either at the national or regional level.⁶ Particular attention has been paid to the Muslim-majority provinces of Bengal and Punjab, and to the United Provinces (UP), which has been seen as the seat of Muslim separatism.⁷ One key issue relating to the development of Muslim separatism is the 'inevitability' of Partition. Differences of opinion have emerged between historians such as Jalal, who suggests that Partition was largely the result of relatively short-term political manoeuvres on the part of Mohammad Ali Jinnah,⁸ and others who have traced the development of longer-term trends which served to unify Muslims. For example, Freitag argues that the "public arena" had a crucial role in constituting communal identities from the 1870s to the 1930s, while Page focuses on the important role of constitutional developments between 1919-35 and the particular structure of provincial politics as contributory factors to explaining the rise of Muslim identity.⁹ I believe that my material concerning gender will add substance to the argument that there were longer-term forces in favour of communalisation and the growth of a Muslim separatism formulated around symbolic issues concerning religion and culture.

⁶Such works include Mushirul Hasan, ed, India's Partition: Process, Strategy and Mobilization (Delhi: Oxford University Press, 1993); and Ayesha Jalal, The Sole Spokesman: Jinnah, the Muslim League and the Demand for Pakistan (Cambridge: Cambridge University Press, 1985). One exception, which focuses on ground-level activities, is Ian Talbot, Freedom's Cry: The Popular Dimension in the Pakistan Movement and Partition Experience in North-West India (Karachi: Oxford University Press, 1996).

⁷For example, Joya Chatterji, Bengal Divided: Hindu Communalism and Partition 1932-1947 (Cambridge: Cambridge University Press, 1996) [Indian Edition, published by Foundation Books]; Lance Brennan, "The Illusion of Security: The Background to Muslim Separatism in the United Provinces" in Modern Asian Studies 18,2 (1984); Francis Robinson, "Municipal Government and Muslim Separatism in the United Provinces, 1883 to 1916" in Modern Asian Studies, 7,3 (1973); Francis Robinson, Separatism Among Indian Muslims: The Politics of the United Provinces' Muslims 1860-1923. Delhi: Oxford University Press, 1993 [1974]; and Ian Talbot, Punjab and the Raj, 1849-1947 (New Delhi: Manohar, 1988).

⁸Jalal, The Sole Spokesman.

⁹Sandria B. Freitag, Collective Action and Community: Public Arenas and the Emergence of Communalism in North India (Berkeley and Los Angeles: 1989); and David Page, Prelude to Partition: The Indian Muslims and the Imperial System of Control 1920-32 (New Delhi: Oxford University Press, 1982)

Numerous scholars have focused on various aspects of the cultural and political development of the Indian Muslim community and the factors which contributed to the formation of communal identities, including the role of the colonial state in defining the diverse Indian Muslim community as a distinct category and formalising the principle of separate representation, the machinations of political elites who manipulated sensitive religious and cultural issues to safeguard their own position in society, the emergence of antagonistic Hindu groups such as the Arya Samaj and Hindu Mahasabha, and the role of the "public arena" in fostering ideas of community.¹⁰ However, there have been few attempts to analyse the interplay between gender and Muslim nationalism in India and the ways in which gender issues were used by political elites, as Chatterjee, Sarkar and Mani have done for Indian nationalism more generally. For example, debates concerning the formation of a Muslim community identity, such as the 'instrumentalist' argument put forward by Paul Brass, in which political elites manipulated certain Muslim symbols such as Urdu in order to protect their own position, or the argument advanced by Francis Robinson, which recognises the fundamental differences between some aspects of Muslim and Hindu culture, do not shed any light on this issue.¹¹ Moreover, studies concerning the relationship between gender and national identity have tended to focus on nationalist groups more Hindu in orientation.¹²

However, the perspective of gender can provide us with powerful and important new insights into the ways in which the idea of an all-India Muslim identity gained substance and currency in north India in the decades before Partition. During the period under study we can see both a clear use of gender issues by Muslim male elites, as well as the active participation of a significant number of Muslim women on behalf of the Muslim League and the ideal of Pakistan. In the development of communal identities from "highly localised relational forms" to "more abstract ideologies", the focus on

¹⁰See Paul Brass, Language, Religion and Politics in North India (Cambridge: Cambridge University Press, 1974); and Gyanendra Pandey, The Construction of Communalism in Colonial North India (Delhi, 1990); as well as Freitag, Collective Action and Community, and Page, Prelude to Partition.

¹¹Paul Brass, "Elite Groups, Symbol Manipulation and Ethnic Identity among the Muslims of South Asia" in David Taylor and Malcolm Yapp, eds., Political Identity in South Asia (London: Curzon Press, 1979); and Francis Robinson, "Islam and Muslim Separatism" in the same volume.

¹²Tanika Sarkar, "The Hindu wife and the Hindu nation"; see also Partha Chatterjee, The Nation and its Fragments, (Delhi: Oxford University Press, 1994), Chapters 6 & 7.

gender issues by certain political and religious leaders was a 'universalising' factor: while it was difficult to portray all Indian Muslims as constituting a definitive and united group, all Indian Muslim women could more easily be depicted as being alike, with the same interests and problems.¹³ UP leaders in particular employed gender to add substance to the notion of an Indian Muslim identity. Beginning with the late 19th century social reform movement based in Aligarh, continuing with groups of ulema based in Deoband and Lucknow who became prominent during the Khilafat movement, and ending with the Muslim League, male religious and political leaders used issues relating to women, purdah observance, and Islamic family law to depict Indian Muslims as distinctive, with separate needs and aspirations. The primacy of the UP in relation to Muslim politics, social reform, and religious revivalism adds urgency to the necessity of a study which examines gender issues from a provincial viewpoint. I argue that gender provided one important avenue in late colonial India through which communal identities were constructed. Parallel to this is my examination of Muslim women's political activity, which early on stressed women's unity but later stressed Muslim unity. Throughout the dissertation, therefore, there will be ongoing and complementary examinations both of the discourse on gender issues as well as on elite Muslim women's actual practice and experience.

Of course, the use of gender issues for wider socio-political purposes had well-established precedents throughout Indian society. The nineteenth century in India saw the emergence of a wide variety of movements which advocated social and religious reform. Hindu reformers sought to respond to British criticisms of their culture and society as well as to set in motion a process of regeneration of Indian civilisation which involved blending ancient traditions with ideas selectively imported from Europe. An overriding theme of reformers was a chronological depiction of their cultural and religious progress, from a past 'golden age' of glory and achievement to a present state of stagnation and decay. As reformers presented it, their aim was to revitalise their respective religious traditions, to raise the group to its

¹³The literature on communal identities has been discussed by Rosalind O'Hanlon, "Historical Approaches to Communalism: Perspectives from Western India" in Peter Robb, ed., Society and Ideology: Essays in South Asian History (Delhi: Oxford University Press, 1993). Throughout the dissertation, despite the problematic nature of the word 'communal', I have chosen to use this term rather than another, as it was used extensively in the 1930s debates which I will be examining. I use the term to allude to the delineation and division of Indian society along religiously demarcated lines.

past heights of prosperity and enlightenment, and to counteract the British presence and potential threats to their religion and culture. The preoccupation of most reformers with women followed on from this focus on the regeneration of religious and social values. Often in conjunction with the colonial state, reformers attempted to change a variety of social practices which they felt were symbolic of the present degradation of their society.¹⁴ An important result of these efforts, as many historians have described, was the development of a new reformed ideal for middle class Hindu women to emulate: the educated yet genteel and accomplished housewife who would be able to preserve both the family and the Hindu religion and culture from the dual onslaught of colonialism and degrading popular customs.

Although social reform issues largely disappeared from nationalist political agendas by the 1880s, the connection between women and the health of the nation continued, with the utilisation of women as both symbols of the nation and defenders of a reconstructed Indian tradition by the growing nationalist movement. In contrast to the social reformers, who viewed the realm of the domestic as a potential area to be reformed, the emerging nationalist movement viewed the domestic realm as a pure and sacred site, beyond the reach of the colonial state and emblematic of Indian culture. This dichotomy of opinions between the reformers and nationalists regarding issues of gender and domesticity became apparent for the Hindu community in the last decades of the nineteenth century, and crystallised during the debate over the Age of Consent Bill in 1891.¹⁵ Several scholars have explored the way in which women were upheld as the keepers of 'authentic' Indian traditions and the domestic sphere became an inviolate inner space. For example, Partha Chatterjee has pointed to the fact that women's issues disappeared from the national agenda as nationalist sentiment gained ground, and argues that gender issues became part of an inner core of tradition that was not to be debated with the colonial state.¹⁶ Tanika Sarkar has similarly relocated "some of the vital beginnings of...nationalism...into the politics of relationships within the family."¹⁷ How far similar trends and tensions concerning women's roles and status were present in the Muslim

¹⁴For an example of this process, see Lata Mani, "Contentious Traditions".

¹⁵For an examination of the controversy surrounding the Bill, see Tanika Sarkar, "Rhetoric against the Age of Consent: Resisting Colonial Reason and the Death of a Child-Wife" in EPW (4 September 1993).

¹⁶See Chatterjee, The Nation and its Fragments, Chapters 6 & 7.

¹⁷Tanika Sarkar, "The Hindu wife and the Hindu Nation".

community, although within a different time-frame, is a key question. One difference which will be explored in this dissertation was the focus of the 'nationalist backlash.' Whereas in the Hindu instance the home came to be seen as the primary sacred space which represented the culture and identity of the community, for Muslims the home remained a site of 'backwardness' which was in need of reform. Instead, as I shall argue, for Muslim ideologues the realm of Islamic law became one of the sacred and inviolate markers of their identity and traditions during the 1930s, and a return to the 'purity' of Islam became their goal.

These complex relationships between gender, community and nation are best approached through the examination of a number of different themes. The first is the development of a discourse on women and gender issues by predominantly male social reformers and political leaders within the Indian Muslim community. The idea that a woman's position was intimately tied to the community's progress was introduced in the late nineteenth century, when male reformers criticised the status of women and developed various constructions of the ideal *ashraf* Muslim woman, who would be able to play a key role in the regeneration of the Muslim community through her skills in educating her children, home-making, and propagating social and religious values.¹⁸ After the turn of the century, the discourse on women expanded and in addition to the debates on women's education and ideal role as 'angel of the house', it encompassed women's role in public life and their legal status as well. By the 1930s, Muslim leaders were increasingly preoccupied with delineating a separate community identity, to which women's issues were increasingly important. Women's social and legal positions in Islam were held up as examples of both the difference and the superiority of Muslims vis-a-vis the Hindus. However, their role was still seen as a predominantly private one in which they remained largely within the sphere of the household. Indeed, the custom of *pardah*, or seclusion of women, was held up by some as the ideal behaviour for Muslim women and a marker of Muslim identity, although there was a considerable amount of debate on the issue. Interestingly though, as the movement for Pakistan gained ground, women were urged by both Jinnah as well as prominent female leaders to enter the public sphere, to fight for the cause of Islam, and to become active participants in saving their community. Elite

¹⁸For a comprehensive survey of these male reformers and their ideas, see the articles by Gail Minault listed in the bibliography, as well as her Secluded Scholars.

Muslim women played a significant role both in reiterating this discourse and in urging other women to become politically involved on behalf of the League.

This discourse on women and gender was developed through two particular themes which were seen to be crucially tied to the position of Muslim women: the practice of purdah and Muslim personal law. By focusing on the issue of purdah I hope to highlight the historical background to a social practice which has predominantly been discussed in terms of its anthropological meanings and implications.¹⁹ I trace the construction of purdah in public discourse throughout the period, and by doing so examine the ways in which purdah, although practiced by both Hindu and Muslim women, became viewed as a solely Islamic practice and thus acquired a 'communalised' connotation.²⁰ The question of how far purdah became a symbol of Muslim identity during this period is also crucial. Several scholars have suggested that in response to an increasingly communalised atmosphere, the observance of purdah was supported by both male and female Muslims as a necessary tenet of Islam, in a manner akin to their resistance to changes in Islamic law. For example, Jalal raises the point that "Quite as much as the Shari'a, the purdah symbolised the Indian Muslim's identity and the integrity of the community as a whole."²¹ Brijbushan has noted its support by politicians and community leaders, who made appeals to tradition in order to "maintain community cohesion"²² among Muslims, while Amrita Chhacchi, while commenting on the polarisation of the women's movement during the 1930s, says that "Muslim women fearing that they would be swamped as a minority in an India ruled by a Hindu majority, began to defend passages about the veil in the Quran."²³ However, the evidence examined here suggests that the debate on purdah during this period was considerably more complicated than they suggest. One can see

¹⁹For an excellent volume on purdah, see Hanna Papanek, ed., Separate Worlds: Studies of Purdah in South Asia (Delhi: Chanakya, 1982).

²⁰Maitrayee Chaudhuri, Indian Women's Movement: Reform and Revival (Delhi: Sangam Books, 1993), 159.

²¹Ayesha Jalal, "The Convenience of Subservience: Women and the State in Pakistan" in Deniz Kandiyoti, ed., Women, Islam and the State (London: Macmillan Press, 1991), 81.

²²Jamila Brijbushan, Muslim Women: In Purdah and Out of It (Delhi: Vikas Publishing, 1980), 80-81.

²³Amrita Chhacchi, "Identity Politics, Secularism and Women: A South Asian Perspective" in Zoya Hasan, ed., Forging Identities: Gender, Communities and the State (Delhi: Kali for Women, 1994), 79.

constant debates over the issue of whether purdah was religiously sanctioned or based on custom, and whether the strict purdah as practiced in India was in need of reform. A clear distinction was made between 'Indian' purdah, in which women remained secluded within the household, and 'Islamic' purdah, in which women could leave the house modestly covered, with many discussants advocating a return to the 'purer' Islamic form. Thus purdah became a means of identifying Indian practice with the wider Islamic community. A clear trend is not really discernable, which suggests that attitudes towards purdah remained ambivalent during the period and did not crystallise as they did in the case of Islamic law. However, the important point is that the Sharia became the referent for determining correct behaviour. Nevertheless, publicly active women could still gain acceptance provided that their actions were justified in terms of a religious or political cause, such as the Khilafat movement, and modifying or discarding purdah could be seen as 'Islamic' depending on the context of the situation.

As we shall see throughout the dissertation, Muslim personal law became a key marker of Muslim identity during the late colonial period. I therefore analyse common patterns of marriage and divorce, as well as the relationship of women to the colonial legal system (which was in fact a hybrid of Sharia and British law) and any benefits they may have gained from it. During the colonial period, as we shall see, Muslim women had more legal rights concerning marriage and inheritance than their Hindu or Christian counterparts and Islamic law was seen to be more beneficial to women than other laws in India.²⁴ Therefore, it is not surprising that Muslim personal law was considered to be a positive force and could be a source of pride for Muslims generally. It was the argument that Islamic law was better for women, and thus superior, which gained currency during the 1920s and was supported by a variety of groups. Muslim women favoured Muslim law because they could regain rights of inheritance and divorce. The ulema, who considered themselves the guardians of Islam in India in the absence of a Muslim temporal ruler and who had become significant political players

²⁴Throughout the dissertation, the terms 'Islamic law' and 'Sharia law' will be used interchangeably. The main component of Islamic law under study here is Muslim personal law, or those portions of Islamic law which concern women, marriage and the family. Islamic law or Sharia law is based on several foundational principles: the Quran, Hadith (recorded sayings, views and explanations of the Prophet), Sunna (model behavior based on the Prophet's conduct), Ijma (consensus among community of believers), Qiyas (analogical reasoning), and Ijtihad (original thought or research based on Qiyas). Amin, The World of Muslim Women, 46-7.

during the Khilafat movement, campaigned vociferously in support of the Sharia as a way to reform and unify Indian Muslims. And as David Gilmartin as described, urban elites, particularly in the Punjab, supported the Sharia as a way of protesting against British support for 'tribal' customary laws which were at odds with the Sharia.²⁵ As we shall see, with the deterioration of communal relations in the 1930s, Islamic personal law was used by political and religious leaders with wider political agendas, and arguments concerning women and law played a crucial role in helping to delineate the community along religious lines. The return to a 'purer' form of Islam as exemplified by the Sharia provided a symbolic issue around which Muslims with differing opinions could unite. By the 1940s, Islamic personal law had been 'sacralised'; it was considered to be an essential facet of Indian Muslim identity and any attempts to change or reform it were seen as an interference with Muslim culture.

An examination of gender issues also reminds us that Indian Muslim reformers, politicians and women saw themselves as belonging to a wider Islamic community, which served as a comparison and guide in the period under study. Although the study of Middle Eastern women's history is also a relatively new field, there have recently been a number of studies of both the position of women in colonial Islamic societies and the male-dominated nineteenth-century reform movements, as well as the early women's movements in various countries of the region.²⁶ As Kumari Jayawardena has pointed out, the movements for social reform and improvement of women's status were remarkably similar in a number of countries in Asia and the Middle East, and we can see a number of parallels between the Indian situation and that of other predominantly Muslim countries.²⁷ Nineteenth century male reformers focused on remarkably similar themes in their mission to rectify women's position: female education, the reform of practices affecting marriage, and the institution of purdah. They all argued that

²⁵David Gilmartin, "Kinship, Women and Politics in Twentieth Century Punjab" in Gail Minault, The Extended Family: Women and Political Participation in India and Pakistan (Delhi: Chanakya, 1981).

²⁶For an introduction to Middle Eastern women's history, see Nikki Keddie and Beth Baron, eds., Women in Middle Eastern History: Shifting Boundaries in Sex and Gender (New Haven: Yale University Press, 1991); Deniz Kandiyoti, ed., Women, Islam and the State (London: Macmillan, 1991); Margot Badran, Feminists, Islam and Nation: Gender and the Making of Modern Egypt (Princeton, NJ: Princeton University Press, 1995); and Lois Beck and Nikki Keddie, eds., Women in the Muslim World (Cambridge, Mass: Harvard University Press, 1978).

²⁷Kumari Jayawardena, Feminism and Nationalism in the Third World (London: Zed Books, 1986).

women's position should be ameliorated in order to make them more productive members of society as well as more effective transmitters of Islamic values. It is well known that in the early twentieth century, Indian Muslims were influenced by political changes in the rest of the Muslim world; the Khilafat movement was in part a response to the perceived threat to Islam in the Middle East. The link between Indian Muslims and the rest of the Muslim world can be seen in the sphere of social reform too. As well as being influenced by developments in Victorian England and within the Hindu social reform movement, Indian Muslims regarded these primarily Muslim countries as guides; reforms and reinterpretations of Islam in these countries were seen to be acceptable to Islamic strictures and thus possible for Indian Muslims to emulate.²⁸ The primary examples in the early twentieth century were the issues of child marriage, changes in the strictness of purdah practices, legislation concerning women's role in politics, and marriage practices such as divorce and polygamy. When speaking of the situation of Indian Muslim women, constant references were made by both men and women to the wider Islamic world, particularly to Egypt and Turkey, which were undergoing similar processes of 'modernisation' during this period. Most reformers advocated a return to a 'pure' form of Islam untainted by local customs which had been detrimental to women's position. These wider Islamic links have generally been underestimated in the scholarship concerning the development of communalism in India.

In addition to these complex questions concerning the relationships between gender issues, Islamic law and practice, and community identity, the dissertation also explores the actual position and experiences of elite Muslim women in the decades preceding independence. The increasing participation of Muslim women in the public sphere in this period has been overlooked, as most historians have been concerned with uncovering the hidden or private world of Muslim women, which has included examinations of the zenana or household, early women's writings, and the beginnings of education among traditionally cloistered women.²⁹ Therefore, it is on Muslim women's public activities that I wish to concentrate, with a focus on the formation of women's social service organisations and on women's emergence into the

²⁸This point is also made by Sonia Nishat Amin, The World of Muslim Women in Colonial Bengal, 1876-1939 (Leiden: EJ Brill, 1996), 4.

²⁹The primary works on Muslim women from a historical perspective are Minault, Secluded Scholars and Amin, The World of Muslim Women.

political sphere, which included their activities on behalf of the Khilafat movement as well as their presence in legislative bodies, political parties, and commissions interested in furthering constitutional reform. As new participants in these public arenas, they were forced to present and defend their views and opinions before British officials, as well as Indian men. My interest is in Muslim women's participation in these arenas and in the formation of a discourse concerning gender issues in these same arenas, which involved interactions between men and women, Hindus and Muslims, and Indian and British representatives. From the 1920s onwards, women were able for the first time to present their consolidated opinions on issues which vitally affected women, such as the legislative reform of practices affecting marriage and divorce, including child marriage, as well as the extension of the franchise and representation for women in the legislatures. Although their voices were heard, they were not always listened to, especially when women themselves were unable to present a unified stance on an issue. However, my study shows that rather than being passive onlookers to the debates on gender issues, Muslim women did actively express their independent opinions concerning purdah, Islamic law, and their wider role in an ideal Muslim society.

Another important theme concerns Muslim women's involvement in the nascent women's movement in India, the early cooperation between women of all communities on social reform issues, and the developing tensions between Muslim women's identities as women and as Muslims. The north Indian professional and *taluqdari* elites had to some extent a shared culture and social life, and this extended to the female sphere as well; social circles which encompassed elite women of all communities were formalised in the late 1920s by the establishment of local and national women's social service groups in which women cooperated on issues of educational development and social reform. As well as detailing the early cooperation between women at both the local and national levels, the dissertation attempts to trace the growth of a more exclusive sense of Muslim identity among elite women which occurred as a result of heightened communal tension in the political arena. I also intend to examine the implications of this for the women's movement in pre-independence India. Muslim women's identities were further strained by the outright split between the Congress and the League after 1937, and their loyalties to the women's movement were tested by the newly-formed women's branch of the

Muslim League, which as we shall see discouraged their participation in other organisations, particularly the All India Women's Conference (AIWC), and even frowned on friendships with Hindu women. Women's unity during the late 1920s proved to be unable to wholly withstand communal pressures, and as I shall argue, politics divided women along religious lines.

The dissertation seeks to examine these inter-related themes in chapters which reflect both the rough themes as well as the necessarily chronological development of Indian Muslim politics during the period. Given the diversity of the Muslim experience in various parts of India, it makes sense to focus on a specific region which can then be examined in some depth, and the UP is especially important because of its association with Muslim separatism.³⁰ Throughout the dissertation, therefore, I concentrate on evidence from UP as well as using some material which concerns north India more generally, as both women's activities and the use of gender issues transcended regional boundaries. I also use case studies of a small number of elite women, predominantly from UP, to highlight the conflicts women faced between their identities as women and as Muslims, and how they reconciled these different pulls on their loyalties. The women selected for detailed study all came from families who formed part of the new, reform-minded elite who had responded to the ideas of the nineteenth-century social reformers. The women themselves were able to take advantage of new opportunities, first in the field of education and later in other areas such as social reform and politics. As pathbreakers for other Muslim women, they frequently acted as symbolic representatives for 'the Muslim woman' in discussions with the colonial state, as well as in women's organisations. Finally, as UP was so important in the development of Muslim separatism, a detailed examination of the beliefs and activities of the elite Muslim women of this region will provide a gendered dimension to the field of existing literature on Partition. The women under scrutiny here form a small elite but were critically placed to take both an active part in politics and social reform as well as to contribute to the debates under examination in the dissertation.

³⁰There has as of yet been no detailed historical study of Muslim women in UP as has recently been attempted in the cases of Bengal, Punjab, and the princely state of Bhopal. See Sonia Nishat Amin, The World of Muslim Women; Dushka Haider Saiyid, Muslim Women in British Punjab (forthcoming); and Siobhan Hurley, PhD Dissertation, (SOAS, forthcoming). Studies of Muslim women during this period which are larger in scope include Shahida Lateef, Muslim Women in India: Political and Private Realities 1890s-1980s (London: Zed Books: 1990); and Azra Asghar Ali, "The Emergence of Feminism Among Indian Muslim Women, 1920-47," PhD Dissertation (Royal Holloway College, University of London, August 1996).

In this dual study of both practice and discourse I have relied on a wide range of sources, including private papers, official government records, newspapers and journals, biographies, fiction, interviews, and the writings of western observers. Some of these sources have been examined previously, but not with the aim of examining attitudes towards gender issues. In addition, my dissertation makes use of previously under-utilised oral material. I have tried to balance private voices and individuals against official accounts, and ideological perspectives against practical experience. As the focus of the dissertation is on the public sphere, by which I mean the fora in which men and women, Hindus and Muslims, and Indians and British interacted, I have made use of primarily English-language sources.

In the first chapter, I begin with a survey of the Muslim elites of UP, their changing socio-economic fortunes, and the impact of these changes for women. In particular, female education and purdah practices will be examined. I then analyse the focus on women's issues by a selection of influential socio-religious reform leaders who emerged from among the north Indian Muslim elite during the late nineteenth century. In a variety of forms of literature, they created an image of the ideal reformed Muslim woman, who was distinct both from the unreformed Indian woman as well as the overly Westernised woman.³¹ By focusing on this image of the ideal woman, as well as on purdah, women's education, and Islamic law, I show the importance of gender issues to the larger discourse concerning the political and social rejuvenation of the Muslim community during this period. It is also critical here to introduce the families who feature in the dissertation. Thus, the chapter will examine both the ideas of selected nineteenth-century reformers as well as the impact of their ideas on elite women from relatively educated and liberal families.

An examination of the relationship between Muslim women and the law in India provides information about both the stereotypes which prevailed about Muslim women in the late colonial period as well as the actual position of Muslim women during this period. My second chapter details the

³¹Several scholars, most notably Gail Minault and Barbara Metcalf, have considerably contributed to our understanding of this period through translations of the works of some of the main reformers as well as analyses of their writings and motives. See Gail Minault, Secluded Scholars; as well as Barbara Metcalf, Perfecting Women: Maulana Ashraf Ali Thanawi's Bihishti Zewar (Delhi: Oxford University Press, 1992).

development of Anglo-Muhammadan law, which was an amalgamation of British legal precepts and Sharia law, as well as examining the tension between Sharia and customary law and its impact on women's rights. I then look at legal reports detailing disputes about marriage, divorce, and property rights. The rights of Muslim women as stipulated by the Quran were generally enforced in colonial India.³² The arena of law was also an area where stereotypes about Muslim women prevailed. The British construction of the helpless and childlike *pardanashin*, or woman in purdah, gave Muslim women additional legal rights but also contributed to a negative image of their capabilities.³³ The chapter also provides the necessary background for my later examination of legal reforms which further contributed to the crystallisation of women's legal identity in the 1930s.

The third chapter focuses on the emergence of elite Muslim women into the public sphere, through discussions of changing purdah practices as well as the debates on purdah and Islamic law which continued during this period. Firstly, organisations for Muslim women will be examined, with a stress on their opinions regarding these two key issues. Muslim women's emergence from purdah will then be detailed; their first steps into the realm of the public usually came when they assumed positions of leadership within the social reform movement, or more rarely, nationalist politics via the Khilafat movement. The Khilafat period proved to be an important turning point as it marked the ascendancy of the ulema in Indian politics; in the late 1920s, they were to provide an important source of leadership for politically divided Muslims through their use of the symbolic issue of Muslim personal law. In order to examine Muslim women's activities in the sphere of social reform as well as their developing identities as women, I focus on their participation in the nascent women's movement in India. These early women's organisations had several purposes: they existed to provide a forum for women (including women still in purdah) to meet and discuss issues of concern to them, they served to promote the causes of female education as well as an end to customs which impeded women's access to education, particularly child marriage and purdah, and they provided a national body

³²The United Provinces was one of several areas of India where customary law was given precedence over Islamic or Sharia law. Therefore, women's claims to inheritance were frequently dismissed.

³³Maitrayee Mukhopadhyay has detailed aspects of present day legal cases concerning Muslim women in "Brother, there are only two Jatis - men and women': Construction of Gender Identity: Women, the State and Personal Laws in India", PhD Dissertation, University of Sussex, August 1994.

which could act as a pressure group vis-a-vis the colonial state on social and political issues concerning women. Although study has been made of several of these organisations and their concerns, the role of Muslim women within them has yet to be systematically examined.³⁴ I focus on the AIWC, which became the largest and most representative organisation of women during the pre-independence period. An examination of official AIWC resolutions shows that during the early years of the Conference, women cooperated with each other to condemn practices which affected both Hindu and Muslim women, such as child marriage, purdah, and legal disabilities. Muslim women in particular also showed an awareness of the international context of social reform; they pointed to developments in countries such as Egypt and Turkey which had recently passed legislation benefiting women, and argued that similar reforms in India could not be considered un-Islamic if they had already been carried out in other Muslim countries. The chapter concludes with an examination of local-level activities of the AIWC in Oudh (UP), which shows a similar awareness of developments in the Muslim world as well as cooperation between women of different communities.

Due to increasing political tension between Hindus and Muslims throughout the 1920s, issues discussed above regarding the connections between gender issues and community identity both in the socio-legal and political spheres become increasingly apparent beginning in the late 1920s. Chapter IV thus focuses on the debate over an important piece of legislation, the Sarda Child Marriage Act of 1929, in which these issues first became apparent on the national stage. Although women's organisations were united in their opposition to child marriage and their support of the bill, there was a divergence of opinion among Muslim men and an unexpectedly fierce opposition to the bill by a section of the Muslim community on the grounds that it interfered with Islamic law. The ulema, who had become involved in Indian politics during the Khilafat movement, argued that Islamic law was sacred for Muslims and that the bill was an imposition which threatened the primacy of the Sharia. This chapter and the following one together examine the ways in which the image of Muslim women was constituted in public discourse in both the socio-legal and the political spheres. Community spokesmen were increasingly differentiating Muslim women from Hindu women on the basis of their religious identity. As such,

³⁴Aparna Basu and Bharati Ray, Women's Struggle: A History of the All India Women's Conference 1927-1990 (Delhi: Manohar, 1990); Geraldine Forbes, Women in Modern India.

they were seen as an integral part of the Muslim body politic, and were expected to conform to male attitudes regarding reservations and separate electorates in the political sphere, and to Islamic tenets of law in the social sphere.

Chapter V traces the emergence of this gendered rhetoric from 1929-35 through an examination of the debate on women's political rights and roles, which encompasses the fight to grant women the franchise and the right to stand for office, as well as the Communal Award and its implications for women. I argue that in public discourse, women's political identities were increasingly shaped by growing communal concerns rather than a desire to ascertain the opinions of women themselves and improve their position. The development of communalised political identities for women also had serious implications for women's organisations such as the AIWC. The early cooperation between women on social issues became increasingly tenuous as the AIWC entered the realm of politics. I chart the growing communal divide among women within the AIWC, which started in 1932 with the government's introduction of the Communal Award, which enshrined the principle of separate electorates for the Muslim community. One can obviously see that women's solidarity on gender issues, which emerged clearly in the late 1920s with the passing of the Sarda Act in 1929, was shaken by communalism, and that their early cooperation with their Hindu 'sisters' was replaced by a growing insecurity among Muslim women, and for most, a feeling that their loyalty to Muslim interests had superseded their concern for women's issues.

Returning to the theme of practice rather than discourse, Chapter VI examines Muslim women's activities in the spheres of politics and social reform in the final decade before independence, taking the majority of the evidence from UP. Beginning in the mid-1930s, a small number of elite Muslim women became involved in provincial politics. I detail women's participation in the elections of 1937 as well as their involvement in provincial government, and show that they were largely subject to communal concerns in the political arena. The chapter also continues the story of Muslim women's involvement in the AIWC. At the local level, Muslim women continued to participate, but this may have been due to the fact that local AIWC branches tended to avoid political topics and concentrated on social reform issues which would not be a cause for

contention. However, nationally there was a decline in their participation which corresponded with increasing communalism in the political sphere, the antagonism between the Congress and the Muslim League, and the increasing popularity of the League and the idea of Pakistan.

Covering the same time period but concentrating on the discourse which progressively tied gender, law and community firmly together, Chapter VII examines attempts at legislative reform of women's socio-legal position from 1937-45. Recently, Maitrayee Mukhopadhyay has examined the content of social reform legislation both before and after independence and the ways in which it has affected communal stereotypes as well as women themselves.³⁵ She argues that personal laws were colonial constructions of the 19th century, which favoured the rise of identity definitions of Muslim and Hindu groups, making gender relations the site on which group identities were forged and state power was articulated, adding that the main concern of the legislation in the 1930s was to establish Muslim and Hindu identities in the state domain.³⁶ However, she only examines the debates concerning legislation which dealt with Muslim women and the Sharia, thus leaving out legislative debates which grouped all women together, where Muslims were able to more clearly position themselves vis-a-vis the Hindu community. Therefore, I analyse the way in which gender issues were used in the national Legislative Assembly debates concerning three key proposed enactments: the Shariat Application Act, the Dissolution of Muslim Marriages Act, and the 'Resolution re Status of Women under Existing Laws', as well as the efforts of the Congress-sponsored National Planning Committee to put forward suggestions concerning legal reform. These debates were crucial as they further strengthened the relationship between gender issues and law; they gave substance to the ways in which women's legal rights and personal law were seen to be an important and unchangeable part of Muslim identity in the period immediately preceding independence. In addition, throughout the debates we can see the development of the Muslim League as an opposition force in the National Assembly and the ways in which it was also able to use gender issues to its political advantage.

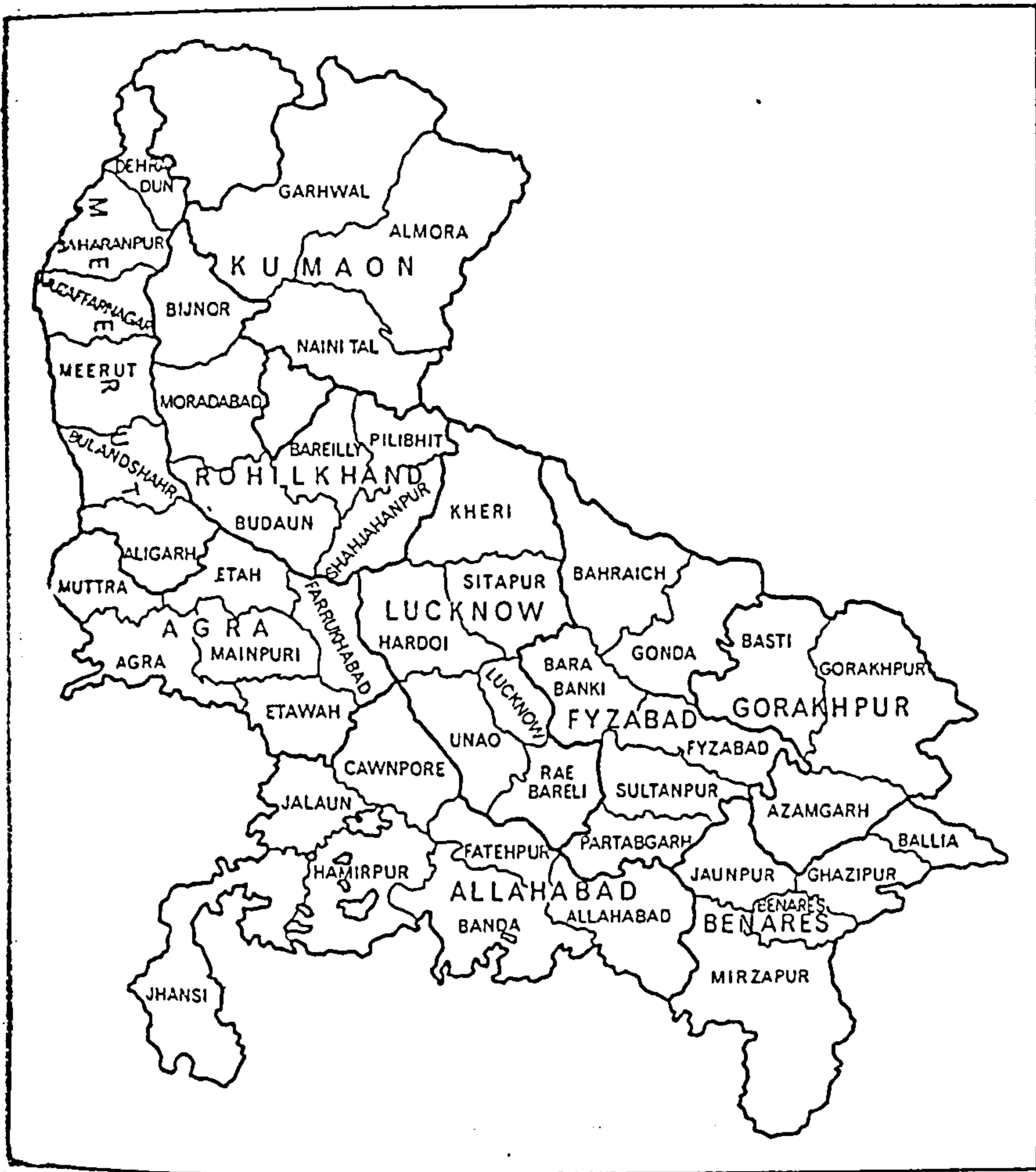
The final chapter combines both discourse and practice in an examination of the the relationship between women, gender issues, and the

³⁵Maitrayee Mukhopadhyay, "Construction of Gender Identity".

³⁶Ibid., i.

Muslim League. A key development in women's political activity came with the resurgence of the Muslim League after 1937, which coincided with women's increased involvement in the organisation. Women's activities on behalf of the League are studied, as is the discourse employed by the League in terms of exalting women's role in Islam, which helped to draw women into its folds as well as to empower them to take part in the movement for Pakistan. This discourse was employed primarily by Jinnah and also by prominent politically-active Muslim women who wished to carve out a niche for themselves within the League structure. Interestingly, this marked a radical departure in League strategy as women and gender issues had been virtually ignored by its leadership in its earlier years. However, although the League employed gender issues relatively late, the ground had already been laid by groups of ulema such as the Jamiat-al-Ulama-i-Hind (JUH) and by women, who had both raised issues of personal law in earlier decades. In particular I focus on the idea put forward by both Muslim men and women that it was time for women to step forward and fight with men as had happened in the early days of Islam.

In a larger framework, this dissertation argues for the importance of gender in the formation of a Muslim community identity. Gender issues, particularly issues concerning purdah and women's political and socio-legal identities, became seen as being emblematic of Muslim distinctiveness and were used to create a sense of unity among Muslims which transcended regional differences and political wrangling. Gender thus became a universalising and unifying factor for Muslim political and religious leaders in the decades before Partition, giving substance to the imagining of a positive all-India Muslim identity, particularly given the awareness of a wider Islamic community. Thus although high-level political linkages between all-India political organisations and Muslim religious leaders were not made until very late, the substance had been built up beforehand, and as we shall see gender played an important role in this. The dissertation also aims to break new ground in terms of examining elite Muslim women's participation in politics and social reform in these crucial decades, their relationship with Hindu women and the women's movement in general, and their agency in contributing to debates on gender issues during this period.



The United Provinces: districts and divisions, 1911



The United Provinces: municipalities, 1911

CHAPTER I

GENDER AND MUSLIM SOCIAL REFORM IN INDIA circa 1870-1920

Before engaging with the primary issues of the dissertation it is important first to examine the nineteenth-century context for later developments and to introduce the women and families whose activities and viewpoints will be under examination throughout the dissertation. First, I provide an overview of the specific circumstances of the UP elites who formed the basis both for the nineteenth-century social reform movement to be discussed in this chapter and for the families under study in the period before independence. In addition, the position of women in nineteenth century *ashraf* Muslim society will also be examined, with a focus on educational opportunities and purdah practices among elite women. As I intend to argue, these two broad areas of women's lives were not static. Educational opportunities for elite women were in decline, while purdah practices were also being modified. As we shall see, these changes were the result of both shrinking economic resources as well as the trend of 'ashrafisation' by which lower class Muslims tried to emulate the habits of their social superiors.

The idea of socio-economic and cultural decline, which affected women as well as the Muslim community in general, was the primary impetus behind the movement for social reform initiated by the north Indian *ashraf* towards the end of the nineteenth century with the aim of regenerating the Muslim community. At the centre of this movement lay an attempt to define the ideal *ashraf* Muslim woman, her place in society and the family, her education, and her adherence to the purdah system. I examine their prescriptions and the relation of these to the development of a wider sense of Muslim community during this period. At the end of the chapter, I introduce the women and families at the centre of this study.

1.1 Elite Muslim society in nineteenth-century north India

In the nineteenth century Indian Muslims were divided by region, language, traditions, religious sect, class, and occupational and social

structure. In the social sphere, Muslims can be roughly divided into the descendents of immigrants to India, or *ashraf*, and the descendents of indigenous converts, although similarly to the Hindu caste system there are many further subdivisions which determine one's social status. The majority of *ashraf* Muslims, who formed the social and political elites within the community, were concentrated in old centres of Mughal power in northern India which had evolved into largely independent principalities during the eighteenth century.¹ In UP, which became the centre for reform efforts, the Muslim gentry, who had served under the Mughals and had been compensated for their services with the right to collect revenues from certain lands, evolved in the nineteenth century into a professional middle class who still gained a proportion of their income from land but who also had other sources of income.² This service class was a primarily urban group who were well represented in both educational establishments and government employment.³ However, their earlier dominance was being increasingly threatened in the latter half of the nineteenth century by changes that arose as a result of colonial rule, as well as by the responses of the Hindu majority to these changes. It was to preserve this dominant position that the elites of UP organised themselves, first to promote social reform and later to promote their specific political interests.

Under British rule, certain changes were made which affected Muslim elites.⁴ Attempts to reform government bureaucracy through closer supervision, competitive recruitment, and more stringent educational standards meant that concrete qualifications increasingly took precedence over the systems of patronage which had prevailed earlier.⁵ In addition, the British became interested in maintaining some kind of proportional representation of different castes and religious groups in the bureaucracy, which meant that previously dominant groups such as the Muslim aristocracy no longer had unrestricted access to channels of power. In the field of education, many Muslims were slow to take advantage of British

¹Notable exceptions were the Muslim state of Hyderabad in South India, as well as the descendents of the Muslim nobility of Bengal.

²Minault, *Secluded Scholars*, 4. For works that further define the service gentry, see C.A. Bayly, *Rulers, Townsmen and Bazaars*, (Cambridge: Cambridge University Press, 1983), 189-93.

³Peter Hardy, *The Muslims of British India* (Cambridge: Cambridge University Press, 1972), 34.

⁴The following points have been taken from Francis Robinson, *Separatism Among Indian Muslims*, 33.

⁵*Ibid.*, 41.

attempts to expand government education on a Western model due to their religious beliefs, although small pockets of the emerging middle class did avail themselves of these growing opportunities. These were the disparities which prompted Sir Sayyid Ahmad Khan to establish the college at Aligarh which combined traditional Muslim religious instruction with Western scientific knowledge. As a number of historians have illustrated, the arena of local government also became a communalised space where Hindus and Muslims competed for power. In a study of municipal government between 1883 and 1916, Robinson argues that under British rule, the power of Muslim officials on municipal boards was replaced by the increased representation of non-official members, most of which were Hindu.⁶ To compound the problem, from the 1880s politics in the towns became more communalised, especially in western UP. Thus, the community which held power in local government frequently imposed rules of a religious nature (e.g. regarding cow slaughter), and Muslims, defined numerically as a minority, came to see the need to control local government as a way to safeguard their interests.⁷ However, sections of this Muslim elite were able to respond positively to these pressures; by adapting their lifestyles and supplementing traditional sources of income such as revenues from land with professional employment (most commonly government service or the legal profession), they were able to preserve their position.⁸

Muslim professional classes initially responded to these pressures much as their Hindu counterparts had, through the medium of social reform efforts, but by the early twentieth century, as Robinson has described, local-level politics had become tinged with communalist tensions. Muslims also felt threatened by Hindu revivalism and a growth of anti-Muslim feeling in socio-religious groups such as the Arya Samaj. As is well known, they began to forge a separate political agenda using the Muslim League, formed in 1906, as a platform to air their concerns. As Jalal, Robinson and others have described, Muslim elites from UP became the most energetic claimants to represent Indian Muslims, and came to be dominant in organisations such as the League.⁹ They were anxious to retain their administrative and social

⁶Francis Robinson, "Municipal Government and Muslim Separatism".

⁷Ibid., 409-27. As a result, there was a demand from Muslims for separate representation on municipal boards, which was granted by the UP Municipalities Bill of 1916. Ibid., 435.

⁸The ulema also had to adapt to the changing situation; for a discussion of their response, see Barbara Metcalf, *Islamic Revival in British India: Deoband, 1860-1900* (Princeton: Princeton University Press, 1982), 87-137, or Gail Minault, *Secluded Scholars*, 60.

position in UP and used the stereotype of the educationally and economically 'backward Muslim' in need of special protection, which applied predominantly to Muslims in Bengal, to their own advantage. The UP Muslim leadership successfully safeguarded their political position in the Lucknow Pact of 1916, entered into with the Congress, in which they were granted separate representation in governmental bodies based not on numbers but on their 'political importance', and in which UP Muslims gained a high proportion of seats at the expense of the Muslim majority provinces of Bengal and Punjab.¹⁰ They had thus managed to consolidate their political position, which, as Lance Brennan argues, was maintained until 1937, when the Congress ministry took power in UP.¹¹

The *ashraf* Muslim service classes in UP had evolved a distinct lifestyle and world-view which was based on their past position under Mughal rule as well as the constraints of the later nineteenth century as detailed above.¹² These socio-economic changes had significant implications for women's myriad roles within the family and opportunities; their roles as transmitters of culture as well as household managers became increasingly important during this period as *ashraf* Muslims tried to maintain their socio-economic standing with fewer resources. While the evidence presented below clearly shows that there had been a well-established tradition of learning among elite Muslim women dating from at least the Mughal period, we can also see that due to economic changes in the late nineteenth century, these educational opportunities were being increasingly circumscribed. Significant changes were also taking place in purdah practice, with women's traditional seclusion within the home giving way to a greater freedom of movement outside the home, due to the increasing popularity of the *burqa*, which allowed them to retain standards of respectability while becoming somewhat more independent.

These changes need also to be set against some broader emphases within the Islamic tradition regarding women and their place in society.

⁹Ayesha Jalal, The Sole Spokesman.

¹⁰Peter Hardy, The Muslims of British India, 187.

¹¹Brennan, "The Illusion of Security."

¹²For a comprehensive discussion of their milieu, see David Lelyveld, Aligarh's First Generation, 35-92. Zohra Segal has also described growing up in a 'khandani' or aristocratic family in Joan L. Erdman with Zohra Segal, Stages: The Art and Adventures of Zohra Segal, 49.

Ahmed and Mernissi have persuasively argued that these emphases developed most strongly as Islam came into contact with societies in the medieval Middle East which had a considerably more negative view of women.¹³ In these societies, as Devji has described, women did not have a role in the public sphere or in upholding Islam, but were part of a domestic realm composed of women, slaves and youths, who were all considered "weak", "pagan", and potentially dangerous.¹⁴ All three were considered sources of *fitna* (social chaos or disruption) and as such were portrayed as being overtly sexualised beings who could disrupt the ordered world of men. In addition, women's physiology and sexual and reproductive natures made them particularly vulnerable to *nafs*, the undisciplined impulses of the 'lower' self, and less well endowed with the qualities of *aql*, intellectual and reasoning power, which was seen as being much better developed in men.¹⁵ Thus, women's powerful and unbridled sexuality was seen as being in need of controlling mechanisms such as the institution of seclusion, in which women's contact with unrelated men was regulated. This traditional image of women as being a threat to order stands in contrast to the developing view, which shall be discussed throughout the dissertation, that women were the guardians of Islamic morality, culture and traditions.

The changes occurring in late nineteenth-century India were placed in a larger context in which men's and women's spheres of existence were separated both spatially within the household and in terms of any interaction between them. This meant that women had considerable power within the *zenana*, or women's quarters, which was considered to be their domain.¹⁶ The importance of women within the household and family was emphasised by male authors in the nineteenth and early twentieth centuries, and has also been examined by scholars such as Minault.¹⁷ The descriptions of such

¹³See Leila Ahmed, Women and Gender in Islam: Historical Roots of a Modern Debate (New Haven: Yale University Press, 1992), Chapters 4-6, and Fatima Mernissi, Women and Islam: An Historical and Theological Enquiry (Oxford: Basil Blackwell, 1991).

¹⁴Faisal Fatehali Devji, "Gender and the Politics of Space: the movement for women's reform, 1857-1900" in Zoya Hasan, ed., Forging Identities.

¹⁵Barbara Metcalf, "Reading and Writing about Muslim Women in British India" in Zoya Hasan, ed., Forging Identities, 5-6.

¹⁶For a late eighteenth-century account of women's considerable power over their husbands and households by an Indian man, see Mirza Abu Taleb Khan, "Vindication of the Liberties of the Asiatic Women," in *Asiatic Annual Register* (1801).

¹⁷Gail Minault, "Other Voices, Other Rooms: The View from the Zenana" in Nita Kumar, ed., Women as Subjects (Calcutta: Stree, 1994), and Gail Minault, "Political Change: Muslim Women in Conflict with Parda: Their Role in the Indian Nationalist Movement" in Sylvia A.

women provide a view of the power and responsibility of these 'traditional' women within the household; although they had been educated at home, they assumed primary responsibility for raising the family as well as running the house and caring for its sometimes numerous inhabitants. One depiction concerns the mother of Sayyid Ahmad Khan, the founder of the Aligarh school and an educational pioneer among Indian Muslims. She had had a traditional education and remained in purdah throughout her life. However, she was largely responsible for his early education, teaching him the Quran and making him repeat his lessons before her.¹⁸ In a biographical study of Sir Sayyid, Hali described her other merits in the following way:

"Sir Sayyid's mother performed many charitable works, for which she always reserved five per cent of her income. For instance, she helped a number of young girls to arrange their marriages and secretly came to the aid of many respectable women who found themselves in financial difficulties. She would help young widows from poor families to contract a second marriage and detested those who frowned on the practice of remarrying. She used to visit the homes of poor relations and always found some discreet way of helping them. A few members of her own family had married women who were not considered quite respectable. However, Sir Sayyid's mother often visited their homes and treated their children with great kindness."¹⁹

Clearly, women had multiple roles within the extended family and community as well as their household duties, the most important of which was providing children with a firm basis for their education. As children were raised largely in the *zenana*, women's role as teacher of her children was especially important. It was this role which was deemed to be particularly crucial by the late nineteenth-century social reformers whose views will be examined later in the chapter.

As female education was the primary issue which preoccupied the social reformers to be discussed in the following section, it is important to first gain an accurate understanding of Muslim women's educational opportunities in the nineteenth century. We shall see below that commonly

Chipp and Justin J. Green, eds. Asian Women in Transition (London: The Pennsylvania State University, 1980).

¹⁸Altaf Husain Hali, Hayat-i-Javed, Translated by David Matthews (New Delhi: Rupa, 1994), 14, 34.

¹⁹*Ibid.*, 17.

held perceptions of Muslim educational 'backwardness' did not wholly apply to the elite Muslim women under scrutiny. Although negligible percentages of girls attended schools, this did not mean that all were illiterate or untaught. During the Mughal period, both girls and boys received primary education in a *maktab* or religious school, and opportunities for further study were available to women of the upper classes who could learn a variety of subjects from educated ladies who were attached to the household.²⁰ This tradition continued through to the colonial period; the English traveller Fanny Parks observed in 1850 that "it is general amongst the higher and middle classes of females in Hindostan to be able to read the Kuran in Arabic, and the Commentary in Persian" and social reformer Nazir Ahmad noted that "although it is not the custom in this land to teach reading and writing to the secluded sex, still, in the big cities there are a few good families of which the women...do keep up the practice of reading among themselves the translation of the glorious Quran and the vernacular treatises on the precepts and doctrines of religion."²¹ Children's education traditionally began at the age of four when they would recite the first verse of the Quran at the *bismillah* ceremony. Younger girls could be taught by a male religious teacher or *maulvi* alongside their brothers, where they would first be taught to recite the Quran from memory and later might learn to read Persian books.²² After being put into purdah, daughters of the house were occasionally taught at home by older women or by an *ustani* (female teacher) to read vernacular tracts as well as becoming well-versed in Persian and Arabic; more commonly, they would learn a smattering of Urdu or Persian from their fathers or brothers.²³ However, knowledge of writing was generally forbidden, as it was feared that this could lead to various types of impropriety by women such as writing love letters, and was thus not common among women.²⁴ As the primary goal of education was to teach a

²⁰See Zinat Kausar, Muslim Women in Medieval India (New Delhi: Janaki Prakashan, 1992), 144-6.

²¹Fanny Parks, Wanderings of a Pilgrim in Search of the Picturesque, Volumes I&II (Karachi: Oxford University Press, 1975 [1850]), 230; Nazir Ahmad, The Bride's Mirror, Translated by G.E. Ward (London: Henry Frowde, 1903.), 1. The common pattern of education for most *ashraf* women in nineteenth century India can be seen through the example of Bibi Ashraf (b.1840), who first wrote the story of her life in the reformer Mumtaz Ali's newspaper *Tahzib un-Niswan*. See C.M. Naim, "How Bibi Ashraf learned to Read and Write" in Annual of Urdu Studies 6 (1987).

²²Joan Erdman with Zohra Segal, Stages, 49-50.

²³Minault notes that the presence of *ustanis* suggests the existence of a service class of literate females, who were probably the wives, widows or daughters of maulvis. Minault, Secluded Scholars, 23-4.

girl the necessary housekeeping skills required to be a good wife, mother, and manageress of the household in her new home, the emphasis was on the practical rather than the literary, although some knowledge of reading and of religious and moral tracts was considered to be a desirable part of an *ashraf* girl's upbringing.

An idea of educational opportunities for Muslim girls in the late nineteenth century can be gleaned from the testimony of witnesses appearing before the Hunter Education Commission in 1882. They dispelled the idea that Muslim girls were completely ignorant, noting that although only a tiny percentage of Muslim girls attended school, more did receive a rudimentary education at home. Munshi Durga Parshad, the Assistant Inspector of Schools in Oudh, mentioned that "amongst some respectable Muhammadan families some girls are sometimes taught how to read the Kuran and some religious books in Urdu, but not how to write."²⁵ Sayyid Ikbal Ali, the Officiating Subordinate Judge of Gonda, Oudh, added that "amongst the respectable classes old maulvis teach them, and when they become pardanashins they receive instruction from their relatives, male or female. In my own family the girls have been taught in the same way....After teaching the alphabet, they introduce the Kuran, and then make their pupils commence some religious Urdu or Persian book."²⁶ Sayyid Ahmad Khan explained the system of education in the following way:

"A sort of indigenous education of a moderate degree prevails among them, and they study religious and moral books in Urdu and Persian, and in some instances in Arabic. Among my own relations there are ladies who can speak and understand Arabic very fairly, can read and teach Persian books on morality, and can write letters in Persian, and compose verses in their own language. But this is not a new or rare thing. I myself read elementary Persian books with my mother, and received from her other moral and instructive lessons in my early youth....In

²⁴Although there was a long-standing tradition of educating women in Islam, the prohibition against women writing had been a common stricture in earlier Muslim literature, and even as late as the 1850's it was not considered proper for women to know how to write. It was largely as a result of the efforts of male social reformers that writing became an acceptable part of a standard education for women. This trend fostered the growth of women's self-expression, mainly through the medium of vernacular journalism, as the nineteenth century drew to a close. C.M. Naim, "Bibi Ashraf", 112-14. Mary Billington also noted the Muslim fear of writing in *Woman in India* (London: Chapman and Hall, 1895), 21.

²⁵Hunter Education Commission, Report by the North-Western Provinces and Oudh Provincial Committee (Calcutta: Printed by the Superintendent of Government Printing, India, 1884), 188.

²⁶*Ibid.*, 226.

families of the better classes there have been ladies in comparatively recent times who possessed a high degree of ability....I admit, however, that the general state of female education among Muhammadans is at present far from satisfactory..."²⁷

Thus, it seems that a tradition of home-based learning had been common for the girls of Muslim *ashraf* families, which focused on religious themes and stressed reading rather than writing.

However, it also seems that this tradition of domestic learning was declining among the *ashraf* in the late nineteenth century. Sir Sayyid remarked in his evidence that "the poverty of the Muhammadans has been the chief cause of the decline of female education among them" and Lady Wazir Hasan wrote that "Following the ruin and disorganisation of the Muslim upper class in 1857, all culture and education even among the women of the privileged sections of our community either died out completely or existed only in a stereotyped and formal state" and women were educated only in literary and theological fields so they could become "a better ornament in the household."²⁸ The poet Hali decried this trend, commenting "What has happened to the daughters of respectable households! Why have they given up learning to read and write? How come ignorance is spreading like a shadow in so many homes?"²⁹ He explained this outcome by pointing to the materialistic nature of contemporary society, in which "fathers and mothers are willing to educate their sons because they think they will get a share of the earnings, but they think it is a waste to educate their daughters. They educate the boys so that they can profit from them in the future."³⁰ This suggests that as a result of economic changes which limited household resources and which placed an emphasis on sons entering government service or the professions, both of which required educational qualifications, *ashraf* families could no longer afford to provide

²⁷Ibid., 299.

²⁸Ibid.. See also Sakinatul Fatima Wazir Hasan, "Indian Muslim Women - A Perspective" in S.K. Nehru, ed., Our Cause: A Symposium by Indian Women (Allahabad: Kitabistan, 1941), 22.

²⁹Hali, Majalis un-Nissa, Translated by Gail Minault as Voices of Silence (Delhi: Chanakya, 1986), 34.

³⁰Ibid., 35. Minault also makes the point that due to the spread of English education after 1857, the quality of vernacular education declined, which affected families who had traditionally taught their girls in the vernacular. Gail Minault, "Purdah's Progress: The Beginnings of School Education for Indian Muslim Women" in J.P. Sharma, ed., Individuals and Ideas in Modern India, (Calcutta: Firma KLM Private Limited, 1982).

girls with the breadth of education which had been more common earlier. In addition, growing conservatism of social mores due to 'ashrafisation' meant that even girls from the lower classes, some of whom had attended government-run schools, were being given decreasing educational opportunities and were increasingly being confined to the home in stricter purdah. That Muslim women's educational opportunities had atrophied in the late nineteenth century is an important consideration which has not been sufficiently appreciated by historians.

During this same period, purdah practices, which vitally affected the lives of *ashraf* women, were also changing. We shall see that far from being an unchanging set of norms which governed women's lives, purdah was also undergoing modification during the late nineteenth century. The term 'purdah', which is derived from the Hindi/Urdu word '*parda*' or 'curtain', refers to a custom which Papanek describes as a "system of secluding women and enforcing high standards of female modesty."³¹ Two major aspects of purdah are the custom of sequestering women in separate quarters within the household, and the habit of women in purdah to veil themselves both within the house and when in public.³² In nineteenth-century South Asia there were two major types of purdah, practiced respectively by Hindus and Muslims. Muslim women were secluded within the house and veiled themselves in public but were usually allowed informal interaction with close male relatives with whom marriage would be forbidden. However, for upper-class Hindu women, purdah applied both to contact with the outside world and to contact with a woman's in-laws; women would usually conceal their heads and faces with the end of their saris in public, and applied the same modest behaviour within the household when senior male and female members of their husband's family were present.

The origin of the practice of purdah in South Asia is unclear, and it is difficult to track a detailed history of the evolution of the practice. By the nineteenth century purdah had become ingrained in the fabric of north

³¹Hanna Papanek, "Purdah: Separate Worlds and Symbolic Shelter" in Separate Worlds: Studies of Purdah in South Asia, Hanna Papanek and Gail Minault, eds., (Columbia, Missouri: South Asia Books, 1982), 190.

³²However, purdah can also be thought of as a comprehensive and heightened modesty code, pervasive in many cultures, which regulates interaction between men and women (and in some cases between women), and which includes restrictions of many different kinds on attire, body language, and speaking.

Indian society, and was practiced to varying degrees by Hindus and Muslims alike. Purdah was generally associated with more urbanised settings, and was dependent on factors such as age, socio-economic status, and the social aspirations of the household.³³ Complete observance of purdah was a privilege of the upper classes and castes, and purdah was seen as one of several indicators of social status in colonial India for both Hindus and Muslims, particularly for lower-middle class or caste groups who were interested in raising their ritual and social status. Thus, purdah was practiced both by the upper classes and by some lower-middle and middle class groups who were trying to emulate their habits.

Purdah for most elite Muslim women in the nineteenth century meant almost complete seclusion within the household; according to one popular saying, a woman should leave the house only twice during her lifetime, when she was carried into her new home in a palanquin at the time of marriage, and when she was carried out after her death. In reality, women could leave the house more frequently, but moved around only in completely enclosed conveyances. A description of purdah observance was provided by an English woman who married into an *ashraf* family and lived in Lucknow from 1816-28:

"Those females who rank above peasants or inferior servants, are disposed from principle to keep themselves strictly from observation; all who have any regard for the character or the honour of their house, seclude themselves from the eye of strangers, carefully instructing their young daughters to a rigid observance of their own prudent example. Little girls, when four years old, are kept strictly behind the purdah, and when they move abroad it is always in covered conveyances..."³⁴

Another Englishwoman also noted that when Muslim women went visiting, they usually travelled in a *palki*, or closed box with curtains.³⁵ However, in the late nineteenth century, women's mobility was enhanced by an increasing

³³Carroll McC Pastner, "Accommodations to Purdah: The Female Perspective" in Journal of Marriage and the Family 36:2 (May 1974), 409-10. In fact, one recent author makes the valid point that purdah is not an Islamic institution but an 'elite' one, as it cannot be practiced by all classes due to poverty and economic need. See Mazhar ul-Haq Khan, Social Pathology of the Muslim Society (Delhi: Amar Prakashan, 1978), 19.

³⁴Mrs. Meer Hassan Ali, Observations on the Mussulmauns of India, W. Crooke, ed., (Karachi, Oxford University Press, 1974 [1832]), 172.

³⁵Mrs Colin Mackenzie, Life in the Mission, the Camp, and the Zenana; or Six Years in India, Volume I (London: Richard Bentley, 1853), 214-16.

use of the *burqa*, an all-enveloping sheet or cloak-like garment which shielded them from public view while allowing them to proceed from their houses on foot, and which had been relatively uncommon in India until this period. The traditional style enveloped women completely but was impractical because it did not allow them to use their hands. One missionary woman described it in the following way:

"The Muhammadan pardah lady's out-door costume - the white linen burqa - is a voluminous, surplice-like garment without sleeves, enveloping her from head to foot, the only aperture for light and air being a small piece of silk netting...over the eyes...."³⁶

In response to changing norms of seclusion and the growing use of the *burqa*, more practical and stylish types of *burqas* became popular during this period. Fashion was influenced by trends in women's clothing from the Middle East, which is another example of the socio-cultural links between India and other Muslim countries. The actress Zohra Segal details three types of *burqas* worn by Indian women in the early twentieth century: the traditional 'shuttlecock' as described above, which consisted of a large sheet of white cloth held in place by a skull-cap and falling to the ground, completely enveloping the wearer, with a small mesh peephole in front for breathing and seeing; the 'modern', which included a full petticoat covering the body from waist to foot, and a cape covering the woman from head to waist, which had a thinner veil to cover the face (which could be thrown back, as it is often worn today) and left the hands free, usually in a light shade of silk or cotton; and the 'Turkish', which combined a similar cape with a full-length dressing-gown with long fitting sleeves, usually in a dark shade.³⁷ Of these three, the first style, as the most simple and economical, was worn by poorer women, while the latter two were adopted by middle-class and elite women. These latter two new-style *burqas* were among the best-selling items at a store for women in Delhi in 1905.³⁸ *Burqas* were advocated by reformers such as Mumtaz Ali (who will be discussed in the next section), and were popularised by the first generation of Muslim women to emerge from the home.³⁹ For lower class women who were trying to emulate elite norms but who for

³⁶Irene Barnes, Behind the Pardah: The Story of CEZMS Work in India (London: Marshall Brothers, 1897), 48.

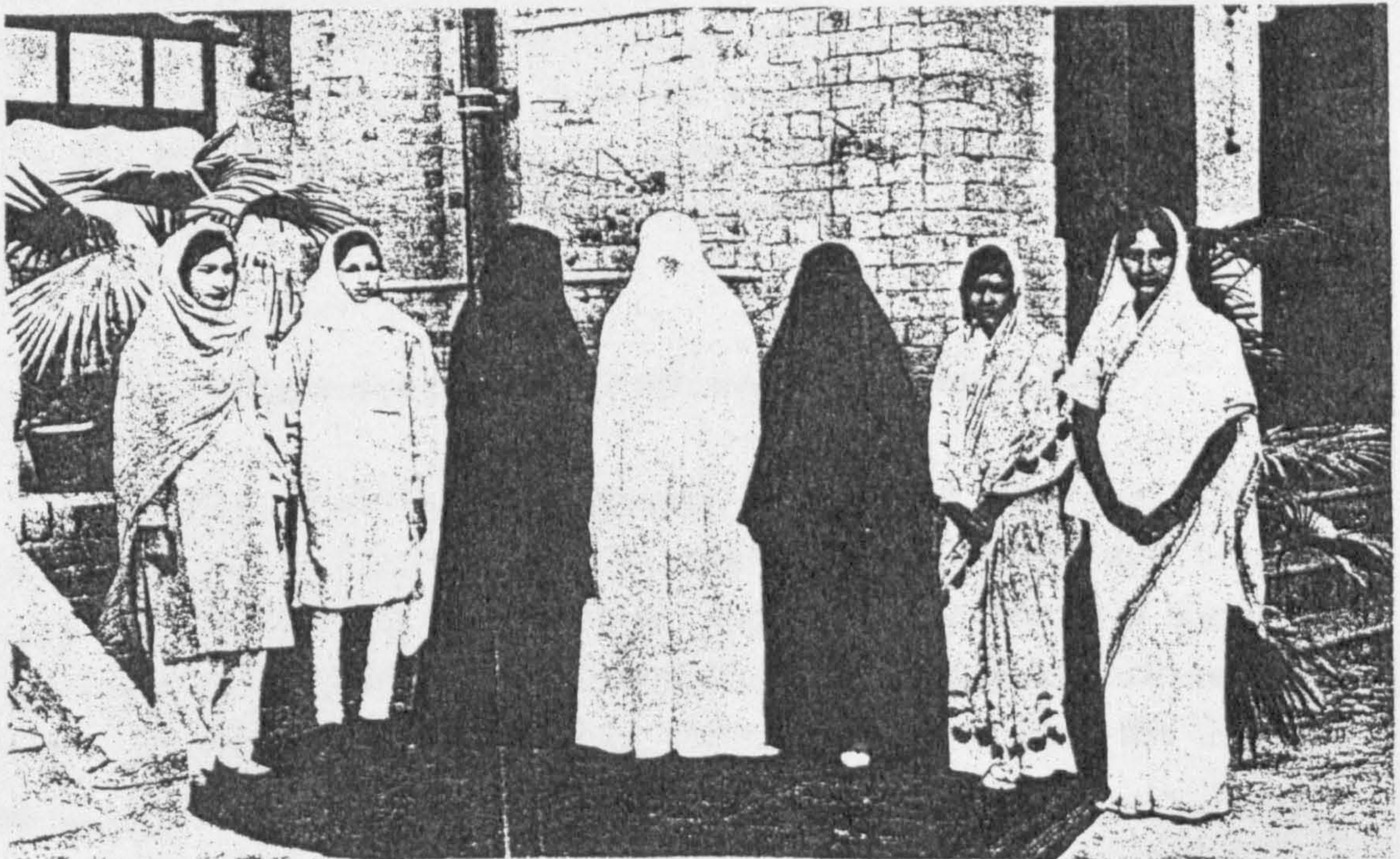
³⁷Joan Erdman with Zohra Segal, Stages, 54-5.

³⁸Minault, Secluded Scholars, 128.

³⁹Tharu and Lalita, Women Writing in India, Volume I, 391-93.



Indian women's dress: note the traditional white burqa (pictured above and below centre) and the newer black burqa (below centre). The two women pictured below left wear Muslim women's indoor dress, while the two below right wear the sari, the characteristic dress of Indian women in general.



economic reasons could never remain in the house, the *burqa* was one important way in which they could demonstrate their adherence to *ashraf* notions of women's purity. And for elite Muslim women, the *burqa* was a symbol of greater mobility and freedom, which allowed them to enter the public sphere while maintaining their respectability.

However, for the Muslim community more widely, the increasing use of the *burqa* became a symbol of their distinctiveness. *Burqas* were adopted only by Muslim women, while Hindu women who ventured out of the home used the end of their sari as a way to cover their head and sometimes face. Muslim women in *burqas* thus became a visible public symbol of a separate Muslim identity. In *The Secluded Ones*, Rokeya Sakhawat Hossain details the experiences of one Muslim woman who wore a *burqa*. On visits to Calcutta and Darjeeling, she and her similarly clad friends attracted a considerable amount of attention; they were stared and laughed at, and were called ghosts and witches.⁴⁰ One woman even named two of them 'Mecca' and 'Medinah', a direct reference to the connection between the *burqa* and an Islamic identity. Rather than continuing as a largely 'invisible' custom, *purdah* was given a public and visible manifestation in the *burqa* during this period.

From the discussions above concerning female education and *purdah* we can see that changes were taking place in late nineteenth-century Muslim society which had important effects on women's lives and on the Muslim community more widely. These changes prompted the social reformers analysed in the following section to devote a considerable proportion of their efforts towards both improving the opportunities of women as well as ensuring that the new Muslim woman remained within a reformist Islamic framework.

1.2 Debates on gender in late nineteenth-century India

As discussed in the introduction, one of the dominant areas of interaction between the colonial state and indigenous elites and between Indians themselves in nineteenth-century India was over issues of social and cultural reform. While numerous scholars have examined socio-religious reform movements among Hindus, reform efforts within the Muslim

⁴⁰Rokeya Sakhawat Hossain, *Sultana's Dream and Selections from The Secluded Ones*, 31-2.

community have received relatively less attention.⁴¹ One of the aims of this chapter, therefore, is to investigate the reform movement among the north Indian Muslim elite through an examination of the treatment of gender issues by Muslim reformers, particularly their views on the status of women in religion and society, female education, the practice of purdah, and Islamic law. Socio-religious reform within the Indian Muslim community was not of course a novel phenomenon in the later nineteenth century.⁴² Many of the concerns of pre-colonial reformers, with the purging of corrupt or merely conventional accretions of custom from the 'pure' body of Islamic practice, persisted and were replicated in the colonial period. However, the problems of post-Mutiny reformers in their engagement with an increasingly conservative and penetrative colonial state were distinctive. I intend to concentrate on a specific group of reformers who emerged after the Rebellion of 1857: the urban *ashraf* elite of northern India. It was they who led an influential movement for reform among Muslims which spanned localities and thus provided spiritual and cultural leadership for Muslims throughout India.

The preoccupation with social reform issues began largely after the Revolt of 1857. Muslim nominal political power and their accompanying social prestige was under threat, and they saw their declining power as a result of the degeneration of their community.⁴³ In their search for solutions they turned to social reform as a way to regenerate the community. Minault has also noted that as Muslim elites had to try and uphold their traditionally high status with fewer resources, women's role in the household

⁴¹Gail Minault is the only scholar who has made a thorough study of Muslim social reform and women's education in colonial India. See Gail Minault, Secluded Scholars, as well as her numerous articles listed in the bibliography.

⁴²There was already a vibrant tradition of reform among north Indian Muslims dating from previous centuries. For example, in the eighteenth century Shah Wali Ullah had sought to examine the sources of the Islamic faith and cleanse it of acquired customs. The early nineteenth century saw the emergence of a number of popular religious revivalist movements such as the Wahabis. A wide variety of Muslim reform movements have been discussed in Kenneth Jones, Socio-Religious Reform Movements in British India (Cambridge: Cambridge University Press, 1990) as well as Saiyid Athar Abbas Rizvi, Muslim Revivalist Movements in Northern India in the Sixteenth and Seventeenth Centuries (New Delhi: Munshiram Manoharlal, 1965).

⁴³Ironically, as Ewing notes, the elites as well as the masses had never been totally 'Islamic' in practice, and the nineteenth century social reform movement saw new efforts at a systematisation of Islamic values and practices, and a 'proper' interpretation of tradition. Katherine P. Ewing, "Ambiguity and Shariat: A Perspective on the Problem of Moral Principles in Tension" in Katherine P. Ewing, ed., Shariat and Ambiguity in South Asian Islam (Berkeley: University of California Press, 1988), 12.

economy and as transmitters of religious culture became increasingly important.⁴⁴ All reformers shared the idea that one way to achieve this regeneration was through women, as an improvement in their situation was vital for the progress of the community as a whole. As Devji has argued, women were seen as a potentially corrupting influence on men who could distract them from the true tenets of Islam, and this threat was to be neutralised through incorporating women into the *sharif* polity through education and Islamicisation.⁴⁵ Male reformers thus viewed women as both symbolic of all that was wrong with their culture and religious life and as the vehicle through which it could be improved.⁴⁶

In their quest to improve the position of women within the Indian Muslim community, reformers examined issues concerning the proper role of women in religion, society and the family, as well as their rights under Islamic law, seeking all the while to define the ideal reformed *ashraf* Muslim woman. Their search for answers took them naturally to the Sharia, which they felt constituted the ultimate authority concerning all aspects of Muslim life and society. All reformers agreed that the actual position of women in contemporary India had deteriorated considerably from their position as envisaged in the Quran due to mispractice of Islamic principles and borrowing of un-Islamic customs, a belief which they shared with reformers in countries such as Egypt and Turkey.⁴⁷ A reformist yet somewhat conservative view was put forth by Ashraf Ali Thanawi (1864-1943), a leading member of the Deoband seminary, who argued that women were the spiritual equals of men. He believed women to be equally capable of personal moral improvement and thought that they should have equal access to religious teachings. His *Bihishti Zewar* (Jewelry of Paradise) was in fact a handbook meant to guide women in correct religious and social behaviour. However, despite his insistence that individual women and men had an equal obligation to become familiar with proper religious conduct and to act according to Islamic teachings, "Thanawi never questioned the underlying structure of society or women's role in it."⁴⁸ He firmly propounded the view that women were to be kept subordinate to men in the social sphere, and

⁴⁴Minault, *Secluded Scholars*, 5.

⁴⁵Faisal Fatehali Devji, "Gender and the Politics of Space", 32-3.

⁴⁶Minault, *Secluded Scholars*, 6.

⁴⁷Jayawardena, *Feminism and Nationalism*, 49.

⁴⁸Barbara Metcalf, *Perfecting Women*, 327.

upheld women's domestic and secluded lifestyle within the household.

The idea of male social superiority was generally supported by most social reformers despite their different degrees of conservatism. One exception to the supporters of such an argument was Mumtaz Ali (1860-1935).⁴⁹ His book *Huquq un-Niswan* (The Rights of Women), published in 1898, was an impressively argued treatise in defence of women's equality and rights under Islamic law. Ali attacked numerous customs prevalent in Indian Muslim culture which he felt oppressed women, and argued that women were granted rights in Islam which were denied to them in practice, pointing to the fact that the "distinctions made between men and women that are justified on religious grounds are, in fact, the products of social custom."⁵⁰ On the question of Muslim women's rights under Islamic law, Mumtaz Ali advocated changes in existing customs relating to marriage to bring practice back in line with the Quran. For example, he proposed reforming the existing practice of giving large amounts of *mehr* (which was intended to protect the wife in the event of divorce) by instead including stipulations within the marriage contract which would better protect her interests.⁵¹ He also favoured the passage of a law which would enable women to initiate divorce proceedings, known as the *khula* form of divorce, which was eventually passed in India in 1939.⁵² Overall, his emphasis was on restoring women's rights which were granted to them under Islamic law, a theme which was to dominate the discourse on women's rights in the 1920s and 30s.

In their quest to reshape the Indian Muslim woman, reformers put forward ideals to which they felt all *ashraf* women should aspire. Women were above all to be obedient, chaste, and devoted to their domestic duties. Thanawi placed his major emphasis on women's honour, but did make the point that his list of ideal virtues for women should apply equally to men; both ought to be "just, patient, grateful, humble, pious, modest, learned, free

⁴⁹Although he had been educated within the Islamic tradition at the Deoband madrassa, he was friendly with the Aligarh reformers, had some knowledge of English, and worked as a translator at the Lahore High Court. Contact with Christian missionaries working in the Punjab probably stimulated his interest in the position of women in Islam. Minault, *Secluded Scholars*, 74.

⁵⁰Gail Minault, "Sayyid Mumtaz Ali and 'Huquq un-Niswan': An Advocate of Women's Rights in Islam in the Late Nineteenth Century" in *Modern Asian Studies* 24,1 (1990), 155,172.

⁵¹Minault, *Secluded Scholars*, 89-90.

⁵²*Ibid.*, 92. This legislation will be discussed in Chapter VII.

from love of wealth, and generous to the poor."⁵³ The reformer Altaf Hussain Hali (1837-1914) painted a similarly idealised portrait of woman in his poem *Chup ki Dad*, written at the request of educationalist Sheikh Abdullah in 1905:

"Oh mothers, sisters, and daughters! The honour of the world comes from you...You are the picture of piety, the counselor of chastity, of religion the guarantee. *Protection of the faith comes from you....*Oh, virtuous ones of the world! Whatever virtue now costs, it comes from you...."⁵⁴

In his view, women were meant to fulfill a number of roles, as model housewives and mothers, defenders of the Islamic faith and social customs, and protectors of their own as well as their family's honour.⁵⁵ The new reformed Muslim woman was clearly demarcated from both 'backward' or unreformed women, who were seen to be ignorant of the ways of good household management and proper religious and social conduct, as well as from women who had become overly Westernised, who were viewed as frivolous, extravagant and materialistic creatures who neglected their primary duty of housekeeping. As one woman writing in the 1940s concluded, the earliest male reformers kept women inside the house but tried to modernise their position within it, by preaching "obedience, fidelity, and the virtues of efficient housekeeping to the new Muslim woman."⁵⁶

As I have shown, Muslim reformers in colonial India constructed an image of women as the primary upholders of indigenous traditions, religion and culture. Although Muslim reformers clearly disapproved of the widespread practice of certain customs which they considered to be un-

⁵³Minault, "Sayyid Mumtaz Ali and 'Huquq un-Niswan'", 247.

⁵⁴Altaf Husain Hali, "Cup ki Dad" in *Annual of Urdu Studies*, Translated by Gail Minault, 48. Italics are mine.

⁵⁵In a fictional example, the novelist Nazir Ahmad's prototype heroine Asghari observes purdah, has been educated, goes through an arranged marriage, is loyal to her husband and family, and is an extremely competent homemaker. Gail Minault, "The School for Wives: The Ideal Woman as Educated Muslim" (Unpublished Paper, Toronto: 1993), 1. Nazir Ahmad (1836-1910), a maulvi turned school inspector, became the premier author of didactic novels intended to portray the lives of *sharif* women in late nineteenth century India.

⁵⁶Sakinatul Fatima Wazir Hasan, "Indian Muslim Women - A Perspective", 23. Such ideas about the position of women under Islam and of Muslim women's roles in the family and society were echoed by female writers. See Nawab Sultan Jahan Begum, *Muslim Home Part 1: A present to the married couple* (Calcutta: Thacker, Spink & Co., 1916); and Nawab Sultan Jahan Begum, *Al-Hijab, or Why Purdah is Necessary* (Calcutta: Thacker, Spink & Co., 1922).

Islamic, as they sought to instill a knowledge of correct Islamic behaviour in both men and women, they focused on women as the potential guardians of religious and cultural traditions. As the prime practitioners of false customs women were portrayed as clearly being most in need of reform, but because of their important social and familial roles they were perceived as being important sources of cultural continuity in a changing colonial world. As men sought to encourage women's responsibility for providing such stability, they made the home the centre of their efforts regarding cultural regeneration. Having established that the importance of women within the home warranted a comprehensive programme for their reform, reformers turned to the means that would transform women into models of housewifely virtue: education.

The issue of female education had mobilised Indian social reformers of all communities from the outset, in common with other modernising countries in the Middle East and Asia. Beginning in the post-Mutiny period, the majority of Muslim social reformers had focused on the education of men as the best way towards regenerating the community as a whole, and by the late nineteenth century, some were espousing the cause of education for women as well.⁵⁷ The actual decline in women's educational opportunities as discussed earlier in the chapter gave the issue an added urgency. Muslim reformers generally believed that the spread of more formal education for women would be a positive and beneficial trend, although it should be noted that perhaps the best known of the progressive Muslim reformers gave education for women a low priority. In his testimony before the Hunter Education Commission of 1882, Sayyid Ahmad Khan stated:

"The question of female education much resembles the question of the oriental philosopher who asked whether the egg or the hen were first created. Those who hold that women should be educated and civilised prior to the men are greatly mistaken. The fact is that no satisfactory education can be provided for Muhammadan females until a large number of Muhammadan males receive a sound education. The present state of education among Muhammadan females is, in my opinion, enough for domestic happiness, considering the present social and economic condition of the life of the Muhammadans of India."⁵⁸

⁵⁷In one of his novels, Nazir Ahmad suggests that education for women had first gained importance in the 1860's. Nazir Ahmad, *Repentance of Nussooh*, M. Kempson trans., (London: 1884), 16.

⁵⁸Quoted in Minault, *Hali's Majalis un-Nissa: Purdah and Woman Power in Nineteenth*

However, all of the reformers under discussion here believed that the present state of female education was inadequate and should be improved to benefit both women and the community as a whole. Education for women was seen as a way to make women into better wives and mothers, as well as to make women better Muslims.⁵⁹

This two-fold purpose of female education was noted by all reformers, although each emphasized different aspects of it. The Deobandi ulema focused on the religious aspect. As their primary aim was to eradicate commonly practiced social and religious customs which they felt were un-Islamic, they advocated religious education for women, as they believed that women were largely responsible for the practice and continuation of such customs and rituals.⁶⁰ As Barbara Metcalf argues, for the first time, women were to be included in the task of maintaining the purity of their religion, which had previously been in the hands of men.⁶¹ Thanawi believed that women could and should be instructed in proper Islamic and female behavior, and thus advocated a basic literary and religious education for respectable Muslim women. Perhaps in order to appeal to his readers, however, he justified his proposals by noting that education could also enhance the honour and status of both the woman and her family.⁶²

Apart from those reformers with a more religious outlook, most gave primary importance to the connection between education for women and better performance in the domestic sphere, which included household management, child rearing, and pleasing one's husband and in-laws. Hali felt that education would equip women to manage the household properly, as well as learn how to raise their children and sympathise with their

Century India" in Milton Israel, ed. Islamic Society and Culture (Delhi: Manohar, 1983), 40. He repeated this position during a tour of the Punjab in 1884; when the women of Gurdaspur district presented him with an address in which they pointed out their educational backwardness, he advised them to continue with traditional education as that would be sufficient for them. See Sarfaraz Hussain Mirza, Muslim Women's Role In The Pakistan Movement (Lahore: Pakistan Educational Press, 1981), 7.

⁵⁹Minault, "The School for Wives", 5.

⁶⁰Minault, "Sayyid Mumtaz Ali and 'Huquq un-Niswan'", 149.

⁶¹Metcalf, Perfecting Women. This view stands in contrast to contemporary Brahmanic Hindu religious practice, where both women and lower castes were largely excluded from gaining knowledge of the original texts of their religion.

⁶²Metcalf, Perfecting Women, 39-40.

husbands.⁶³ A common theme running through the works of Hali, Nazir Ahmad, and Mumtaz Ali is the importance of female education for the preservation and development of the entire family; all recognised that as women had the primary responsibility for raising children, it was even more necessary to educate women than men.⁶⁴ Ahmad also gave due importance to women's economic and social roles within the family. In his didactic novel *The Bride's Mirror*, his model heroine Asghari is an educated bride who turns her new in-laws' home into a haven of order, thrift, and enlightenment. The importance of contemporary women's roles is shown through her arrangement of the family's marriages, management of the servants and cooking, and the eventual beginning of a school for neighbourhood girls in her home. His novel thus reflects the socio-economic concerns of the UP *ashraf* Muslims during this period as well as outlining his views of the ideal *ashraf* woman.

Most women also viewed education as a form of progress within already defined boundaries for women's proper sphere of activity. As the Begum of Bhopal stated, "A girls' education....in addition to book learning, should provide her with a sufficient knowledge of household management and other feminine occupations."⁶⁵ However, more penetrating arguments were developed by one of the most liberal thinkers on women's issues, the Bengali social critic Rokeya Sakhawat Hossain. While she reiterated the persuasive idea that formal education was necessary for effective household management, and remarked that "education is the first requisite for motherhood, because a mother is the first and the most important teacher and trainer of a child," she primarily regarded education as a means for the development of individual human potential.⁶⁶ She argued that education would make women less socially and economically dependent on men, and emphasised the need to teach girls a range of subjects such as science, health care, fine arts, and physical education, in addition to the traditional religiously based education.⁶⁷ Despite Rokeya's bold views, women

⁶³Hali, *Majalis un-Nissa*, 68.

⁶⁴See Minault, "Sayyid Mumtaz Ali and "Huquq un-Niswan"", 156; Hali, *Majalis un-Nissa*, 68 and 118; and Ahmad, *The Bride's Mirror*, 16.

⁶⁵Nawab Sultan Jahan Begum, *An Account of my Life*, Translated by C.H. Payne (London: 1912), 323.

⁶⁶Rokeya Sakhawat Hossain, *Sultana's Dream*, 49, 51.

⁶⁷In her short story *Sultana's Dream*, women save their country through a number of scientific inventions, and education is given precedence over early marriage.



Pioneering Muslim women:
Sultan Jahan Begum of Bhopal (top) and
Rokeya Sakhawat Hossain (left)

generally supported the focus by male reformers on the domestic aspect of education. They also supported the idea that as women's lack of education was a primary cause of their backwardness and thus the backwardness of the Muslim community as a whole, female education could be a valuable means by which both women and Muslims in general could progress.⁶⁸

Efforts by these and other social reformers in the late nineteenth century resulted in the growing acceptance of the idea of school education for women, although because of purdah regulations formal education for most Muslim girls still ended early. Only a small percentage of girls were able to attend the schools founded by the social reformers, and these exceptions came from relatively elite and reform-minded professional families. However, for these exceptions, the situation regarding educational opportunities had changed dramatically. Progressive male social reformers in UP had founded several schools designed specifically for Muslim girls, most notably Sheikh Abdullah's school in Aligarh and Karamat Hussain's school in Lucknow. In addition to these indigenous schools, which were purdah institutions and taught girls in the vernacular, the British in 1912 established a prestigious boarding school in Lahore called Queen Mary's College (QMC), which was an English-medium purdah institution intended for the daughters of rich families and ruling elites.⁶⁹ By the early decades of the twentieth century, most elite Muslim women from educated and progressive families were being sent to schools rather than being educated only in the home.

Connected to these debates on the ideal Muslim woman and her education was an emerging discourse on purdah. The intricacies and meanings behind the purdah system in the South Asian context have proved to be favourite topics for feminist scholars, anthropologists and sociologists for the past thirty-odd years.⁷⁰ However, an examination of purdah from a

⁶⁸In a prelude to current debates over economic development, Iqbalunnissa Hussain even went so far as to say that the education of women was the key to India's progress. Iqbalunnissa Hussain, Changing India: A Muslim Woman Speaks (Bangalore: Hosali Press, 1940), 69.

⁶⁹Hajrah Begum estimated that Hindu/Sikh girls made up about 45% of the total, while Muslims were about 1/3. The strictness of the purdah system was demonstrated by the fact that the Urdu class at school was taught by a *maulvi* who sat behind a curtain. Hajrah Begum, Oral History Transcript, 5, 11.

⁷⁰The most notable works include Patricia Jeffery, Frogs in a Well: Indian Women in Purdah (London: Zed Books, 1979); David Mandelbaum, Women's Seclusion and Men's Honor: Sex Roles in North India, Bangladesh and Pakistan (Tucson: University of Arizona Press, 1988); Carroll McC Pastner, "Accommodations to Purdah: The Female Perspective" in Journal of Marriage and the Family 36:2 (May 1974); Cora Vreede-de-Stuers, Parda: A Study of Muslim Women's Life in Northern India (Assen: Van Gorcum & Comp., 1968); and the various articles in Hanna Papanek

historical perspective has not yet been attempted, both from the standpoints of detailing changing purdah practices as well as analysing the changing discourse on purdah throughout the late nineteenth and twentieth centuries. Beginning in the late nineteenth century, several different debates on purdah also emerged, partially, it would seem, in response to the changes discussed earlier, and also as part of the larger British colonial project which laid emphasis on the degradation of both Hindu and Muslim Indian women and which assigned blame to specific customs, including purdah, as the reason for both women's backwardness and for the backwardness of India as a whole.⁷¹ As I shall argue, these debates entailed a 'communalisation' of the practice of purdah, despite the fact that in the late nineteenth century it was observed by both Hindu and Muslim women. Hindu social reformers, eager to find causes for the present 'degraded' position of Hindu women as opposed to their notionally pure and exalted status in ancient India, fixed upon purdah as a scapegoat: it had been brought to India by Muslim invaders and its adoption by the Hindu community had marked the decline in women's position. By designating purdah as a Muslim practice, Hindus were able to distance themselves from it and thus support its abolition with greater ease, as it was not considered to be a part of 'traditional' Indian culture. This discourse was adopted by some British writers as well, who took up the theme that purdah was a Muslim institution. For example, one missionary working in late nineteenth century north India wrote: "The pardah...system is more generally observed where there is the most Muhammadanism. The Moslem invaders of old time forcibly added Hindu women to their harems, and to protect their wives and daughters, the Hindus kept them indoors, until gradually the zenana system became their own custom, and seclusion the standard of respectability."⁷² Such references on the part of Hindus were also reasonably common from the late nineteenth century onwards. For example, at a women's conference held in Calcutta in 1929, one speaker commented that "the word purdah is absolutely foreign to our language...the purdah system was introduced into our country after the Muhammadan conquest. There are numerous proofs that there was no purdah in our country before the Muhammadans came."⁷³ As the practice of purdah came to be identified

and Gail Minault, eds., Separate Worlds: Studies of Purdah in South Asia (Delhi: Chanakya, 1982).

⁷¹The colonially-created discourse on the veil and the subsequent importance attached to it in the the context of Egypt has been discussed by Leila Ahmed, Women and Gender in Islam: Historical Roots of a Modern Debate (New Haven: Yale University Press, 1992), Chapter 8.

⁷²Barnes, Behind the Pardah, 41.

with Islam, Muslim reformers increasingly justified the practice in religious terms, while Hindus saw it as being based on outdated customary practice. This growing divergence over whether purdah was based on religious injunctions or 'traditional' customary practice was a crucial one, and one which allowed reformed Hindu women to gradually discard purdah.⁷⁴ This trend was not confined to colonial India alone; Badran notes a similar pattern in late nineteenth century Egypt, where previously, class rather than religion and ethnicity had primarily defined women's social practice and the interactions of the sexes.⁷⁵ The British idea that purdah was a symbol of the Muslim woman's backwardness was also taken up by the Muslim reformers under discussion, who advocated a modified and more 'Islamically pure' form of purdah which would allow women to acquire the education and skills deemed necessary to raise them from this 'backward' position while retaining their modesty. They condemned the severity of purdah practices in India, but upheld ideas of female modesty, chastity, and containment within the domestic sphere.

Muslim reformers looked to the Sharia for guidance on how purdah should properly be practiced.⁷⁶ Interestingly, the two men who wrote the

⁷³*Stri Dharma* Vol.12#3 (Jan 1929), 123. Similar ideas on the negative effects of Muslim rule for women can be found in speeches by a Mrs Nilima Devi of Calcutta, who remarked that "The advent of the Mahomedan rule does not help her to better her lot; it only adds a new burden on her life, in the shape of purdah...", and by Mrs Pandit, who speaking in New York commented that after the Muslim invasion women had been deprived of their rights. See *The Leader*, 2 June 1936, 4; *Dawn*, 18 March 1945, 5. As Geraldine Forbes has rightly noted, blaming Muslims for purdah might have helped Hindu women discard it with more ease, but had negative effects on communal relations in a period when Muslim nationalism was intensifying. Geraldine H. Forbes, "The Indian Women's Movement" in Minault, ed., The Extended Family: Women and Political Participation in India and Pakistan (Delhi: Chanakya, 1981), 71.

⁷⁴This theme is taken up by Shibani Roy, whose research shows that among north Indian women, about half believed that it had religious sanction and half felt that it was due to customary practice. However, attributing purdah to religious injunctions was considerably more prevalent among elderly women. Shibani Roy, Status of Muslim Women in North India (Delhi: B.R. Publishers, 1979), 43.

⁷⁵Margot Badran, Feminists, Islam and Nation, 47. She adds that "around the turn of the century, religious and ethnic affiliations increasingly superseded class as a determinant of women's social behavior in the middle and upper strata. There were cultural, economic and social reasons for this. Veiling and female seclusion were seen to be Islamic." Minority women (in the Egyptian context Coptic Christians and Jews), who came from families which frequently had more commercial dealings with Europeans, found it easier to change, while Muslim women "experienced more pressure to perpetuate the institutions of veiling and seclusion because these were deemed Islamic religious requirements."

⁷⁶The relevant verses in the Quran read: "And say to the believing women that they should lower their gaze and guard their modesty; that they should not display their beauty and ornaments...that they should draw their veils over their bosoms..." and "O Prophet! Tell thy wives and daughters, and the believing women, that they should cast their outer garments over

most detailed analyses of ideal purdah practices exhibited the widest divergence of opinion. The more conservative, and probably more socially acceptable view was that of Thanawi, who gave detailed instructions regarding the strictures of propriety. Women were required and directed by religious scripture to "keep their body covered from head to foot. No part of her body should be exposed before a non-mehram [non-permitted person]...For a woman to remain in seclusion with a non-mehram or to sit with him, is not permissible."⁷⁷ In addition to this enumeration of the required behaviour patterns within the house, Thanawi also addressed the issue of women venturing outside the house. After pointing to the fact that "some women are so free that they set off out at night without even summoning a palanquin" he condemned this sort of "shameless" behaviour and stated that "it is wrong for women to leave their homes and go about here and there," recommending that women should only visit their parents a few times per year.⁷⁸ Thanawi clearly believed that the most complete form of purdah, which entailed almost complete seclusion in the house, should be practiced by all reformed Muslim women, as he believed that it was sanctified by the Quranic scriptures. However, his detailed descriptions of proper conduct as well as his examples of 'shameless' behaviour may suggest that at the time he was writing, there was considerable laxity in actual purdah practice.

In contrast, Mumtaz Ali, the outspoken champion of women's rights in Islam, went further than any other male reformer of the period in advocating changes to the existing purdah system as practiced by the north Indian *ashraf* elite. He argued that purdah as it was practiced among *ashraf* Muslims in India went "far beyond anything the shariat intended."⁷⁹ He did not advocate the complete abolition of purdah, but suggested that it be replaced with a system of modest behaviour which would give women

their persons (when abroad): that is most convenient, that they should be known (as such) and not molested." Both had always been open to considerable debate among scholars. Yusuf Ali, The Holy Quran, Sura XXIV, Verse 31, and Sura XXXIII, Verse 59. The injunction in favour of modesty also applies to Muslim men.

⁷⁷Maulana Ashraf Ali Thanvi, Bahishti Zevar or Heavenly Ornaments, Translated by Maulana Farid-uddin (New Delhi: Taj Company, 1983), 346-7. According to Thanawi, mehrams, or permitted persons, were those with whom a sexual relationship was not legal according to the Quran, and which included, in addition to close blood relatives, a woman's husband's brother, sister's husband, sister-in-law's husband, or uncle's son.

⁷⁸Metcalf, Perfecting Women, 108.

⁷⁹Minault, "Sayyid Mumtaz Ali and Huquq un-Niswan", 159.

greater mobility and social freedom and also allow them to retain their human dignity. In defence of his stance, he also cited the Quran, which he believed supported propriety and respect, but not the veil.⁸⁰ In addition, he stressed the equality of men and women concerning modesty; both sexes had been enjoined by the Quran to engage in modest behaviour, but most religious leaders and reformers had previously concentrated wholly on women's roles in preserving codes of propriety. Ali advocated an end to the practice of extreme seclusion and seemed to support the idea of returning to a more 'Islamic' form of purdah, which as we shall see was to become a common theme in the early twentieth century.

Unlike their male counterparts, Muslim women devoted considerable attention in their writing to the practice of purdah. However, here too there was a considerable divergence of opinion about whether or not purdah practices should be modified. A comprehensive defence of purdah, entitled *Al-Hijab, or Why Purdah is Necessary*, was written by the Begum of Bhopal, who wished to "establish the superiority of Islamic injunctions regarding the retention of Purdah among women."⁸¹ In her view, opinions on purdah within the Muslim elite had become progressively divided; increasing numbers of men were encouraging their wives to come out of purdah, and "many educated Muslim ladies have begun to regard their seclusion as an imprisonment."⁸² The Begum, however, felt that if women were to come out of purdah "it shall surely spell the end of *our national existence*."⁸³ In her contribution to the debate on purdah then preoccupying the Indian Muslim elites, she firmly tied the purdah system to the preservation of chastity, honour, and religion, and argued that it should be preserved in its entirety. Her use of the word 'national' suggests that she also saw purdah as part of a distinctive Indo-Muslim cultural identity.

The Begum broke down the purdah system into several parts: women's seclusion within the household, the use of a curtain between women and men, and the wearing of a *burqa* and veil when going out of the house.⁸⁴ Again quoting injunctions from the Quran concerning women's modesty,

⁸⁰Aziz Ahmad, *Islamic Modernism in India and Pakistan 1857-1964* (London: Oxford University Press, 1967), 75.

⁸¹Nawab Sultan Jahan Begum, *Al-Hijab*, 7.

⁸²*Ibid.*, 2.

⁸³*Ibid.*, 23. Italics are mine.

⁸⁴*Ibid.*, 53.

she supported the veil, saying that only elderly women were permitted to move about unveiled in the presence of strangers.⁸⁵ All interactions with men within the household should take place from behind a curtain (this was in fact how the Begum herself conducted her affairs of state). Women could leave the house, under purdah restrictions, and could "perform all the religious, educational, political and social duties of the world...Purdah does not prevent them from taking journey, [or] receiving or imparting knowledge and education."⁸⁶ The Begum did not regard purdah as an obstacle to education, believing that single sex schools could preserve modesty while widening the horizons of women.⁸⁷ However, she did make some exceptions, noting that as in reality purdah was "governed by the circumstances of each case," a woman should be "at liberty to observe whatever kind of Purdah she likes commensurate with the protection of her chastity."⁸⁸ As in the writings of Thanawi, purdah was given religious justification in her treatise.

In contrast, Rokeya Sakhawat Hossain clearly demonstrated her aversion to the potential excesses of seclusion and felt that women should not be confined, but could enter the public sphere provided that they covered their bodies modestly. She argued that men confined women to the household in order to deliberately deprive them of equal opportunity and thus make them dependent and inferior in status, and that they perpetuated their domination through manipulating laws in their favour as well as through other mechanisms of social control such as seclusion and socialisation. Such confinement made women incapable of fulfilling their prescribed roles of housewives and mothers, and in addition hindered their personal development. Her solution was to give women access to education and emancipation from strict purdah.⁸⁹ Rokeya recognized that seclusion as practiced by Indian Muslims was more of a social than a religious phenomenon, despite the fact that it was commonly given religious

⁸⁵Other women should dress modestly at all times, but were allowed to keep their faces uncovered only while in the *zenana*.

⁸⁶Ibid., 110.

⁸⁷Ibid., 46. She advocated an extension of such a segregated world, where women could become teachers and doctors for other women.

⁸⁸Ibid., 101. Several instances where she felt a man could look at a woman included: if she was a prospective spouse, if she was entering into a business transaction or giving evidence in court, or if her life was in danger. Ibid., 119-21.

⁸⁹Rokeya Sakhawat Hossain, Sultana's Dream, 46-7.

justification. However, although she clearly held men responsible for upholding the purdah system, she did not blame them totally. In her short story *Sultana's Dream*, first published in the Indian Ladies Magazine in 1905, which depicted a world in which women ruled and men were confined to "mardanas", or men's quarters, she urged women to be more aggressive in fighting the purdah system, saying "Why do you allow yourselves to be shut up?...You have neglected the duty you owe to yourselves, and you have lost your natural rights by shutting your eyes to your own interests."⁹⁰ She also echoed Mumtaz Ali's point that women should not be held responsible for men's moral lapses; one of her characters wittily exposes the foolishness of keeping women secluded in order to protect them from men, with the comment "it is not safe [for women to come out of the zenanas] so long as there are men about the streets, nor is it so when a wild animal enters a marketplace."⁹¹ While Muslim women devoted considerable attention to the issue of purdah, there is little evidence that they viewed purdah as a vital part of their religious tradition; most saw it as a valuable yet sometimes excessive part of their social order. More generally, the nineteenth-century reform movement, as we have seen, was important in that it made gender issues a central part of a discourse concerning community identity and the regeneration of the community as a whole. As we shall see later in the dissertation, this connection would be further strengthened in the decades preceding independence and Partition.

1.3 The women under consideration in this study

It is with this nineteenth-century background in mind that I introduce the families and women under primary consideration in this dissertation. By the 1930s, a generation of Muslim women had emerged who were educated, socially aware, and interested in both political activity and the nascent Indian women's movement. The emergence of these pioneering women would have been considerably more difficult without the influence of the nineteenth-century social reformers, who despite their occasional conservatism on the issue of women's participation in the public sphere, facilitated the beginning of school education for girls, as well as debates on purdah and the role of women in society. Gail Minault has called these women the 'daughters of reform.' She characterises women of the earlier

⁹⁰Ibid., 9.

⁹¹Ibid..

generation as representing the nineteenth-century *sharif* tradition of home-based learning, while women of the generation of reform (around the turn of the century) were educated at home, helped husbands found magazines and edited them, helped found schools for girls and managed and taught at such schools, organised anjumans of women, usually observed purdah, and were socially active among other women. The 'daughters of reform' went to school, read women's magazines, were conscious of women's emancipation in other parts of the world, left purdah, criticised polygamy, worked outside the home, wrote about social issues, and participated in political movements.⁹² This group of women was a small elite within Indian Muslim society; they came from either aristocratic landowning families or, more commonly, from families which had risen through service to the colonial state, and all were of an *ashraf* background. What distinguished them from their counterparts was an atmosphere of social progressivism among their families, which had made it possible for them first to be educated and then to pursue unconventional activities. In this dissertation I intend to focus on a selection of women from northern India, primarily from the city of Lucknow (United Provinces), which was a centre of power for *ashraf* Muslims during this period. By focusing on a small number of women, I will be able to use their life histories as detailed examples in order to illustrate both traditional aspects of society, such as the position of women within the family and the practice of purdah, as well as the changes that were taking place during this period, which include women's emergence from purdah, their involvement in the women's movement, and their forays into political activity. Their views on the key issues of the period, including social reform debates and politics, will also be examined throughout the dissertation. They shared many traits with, and can be seen as representative of, women from other parts of India who had a similar family background and liberal upbringing and who took part in similar activities during the period under consideration.

A brief survey of the families of the women I am focusing on will help to show the commonalities that they shared in terms of background, which

⁹²Minault, *Secluded Scholars*, 267. Contemporary observer Halide Edib, a Turkish woman, agreed - on a visit to Lahore, she saw "three definite generations with three definite thoughts and ways of life. Grandmothers, entirely old-fashioned; mothers, though still absorbed in their homes, yet interested in women's education and proud of their English-speaking daughters who were out of purdah; such daughters who were entirely emancipated." Halide Edib, *Inside India* (London: George Allen Unwin Ltd, 1937), 135.

was an important factor behind their educational and social development. The women of my study and their families can be divided into several inter-related groups. Firstly, there were a number of prominent women from families based in Lucknow, who took a lead in political, administrative and social issues. Begum Aizaz Rasul (b.1903), the wife of a UP *taluqdar*, came from an aristocratic Punjabi family; her father, Zulfiqar Ali Khan, was the Nawab of Malerkotla state and a prominent politician who served on the Simon Commission, the Viceroy's Imperial Council, and as a member of the Central Assembly.⁹³ Begum Habibullah (1883-1975) came from a village near Lucknow, and married into a landed family; her husband had been educated in England, joined the Indian Civil Service and then became the Vice-Chancellor of Lucknow University.⁹⁴ The Habibullah family had ties through marriage with several families from the extended Kidwai clan. Attia Hosain (1913-98), a member of the Kidwai clan, came from a taluqdari family based in Bara Banki; her father, who practiced law, was a close friend of Motilal Nehru.⁹⁵ Begum Wazir Hasan (1880-1957) was married to Sayyid Wazir Hasan, who came from a family of small zamindars in Jaunpur, eastern UP, who had also been involved in government service (his father was a *tahsildar*).⁹⁶ Their sons were educated in India and Oxford. He was first a lawyer and then became the first Indian Chief Justice of the Lucknow High Court. Begum Ghulam Hasan, who was active in social reform but not politics, was from a Kashmiri family settled in Punjab, and lived in Lucknow with her barrister husband.⁹⁷ Begum Wasim was the sister of prominent politician Chaudhry Khaliquzzaman and cousin to her husband, Mohammad Wasim, who became Advocate General of UP.⁹⁸ Also prominent in the women's movement and leftist politics was Hajrah Begum, who came from a Rohilla family from Rampur state which became involved with government service after 1857; her father was a *tahsildar* (revenue administrator) in Saharanpur.⁹⁹ Her cousin was Hamida Saiduzzafar, also from a feudal

⁹³Begum Aizaz Rasul, Interview.

⁹⁴Hamida Habibullah, Interview. Hamida Habibullah is the daughter-in-law of Begum Habibullah.

⁹⁵Attia Hosain, Interview. Her mother was Begum Habibullah's elder sister.

⁹⁶Syed Sajjad Zaheer, Oral History Transcript, 1. He was the son of Syed Wazir Hasan and later became a prominent leader of the Progressive Writer's Movement.

⁹⁷Nishat Rehman, Interview. Nishat Rehman is Begum Ghulam Hasan's daughter.

⁹⁸Choudhury Khaliquzzaman, Pathway to Pakistan (Lahore: Longmans, 1961), 3. In his memoirs, Khaliquzzaman notes that his mother's brother, Mohammad Nasim, was a lawyer and leader of the Oudh bar. Of his three sons, Mohammad Wasim was appointed Advocate General of UP, Mohammad Habib became a professor of history at Aligarh University, and Mohammad Mujib headed the Jamia Millia Islamia in Delhi.



Muslim women of Lucknow: Begum Habibullah (top left), Begum Aizaz Rasul (top right) and Lady Wazir Hasan (below)



Rampur family, whose father had decided to run away to England for education against the wishes of his family, and became a doctor.¹⁰⁰

The women in my study share certain key traits in their background. They were all from families which belonged to the traditional elite, but which had also taken advantage of the changes to this traditional social structure which had been initiated by the presence of the British. The men in these families had all had significant contact with colonial structures, both educationally and professionally. It is this 'westernising' factor which probably accounts for their greater liberalism and their desire to see the women of their families educated and active in the public sphere in a variety of capacities. In this the women of UP shared similar experiences to elite Muslim women in other parts of India, particularly Punjab and Bengal. Begum Shah Nawaz (b.1896) was born into the Mian family in Punjab; her father Muhammad Shafi and her uncle Muhammad Shah Din became important political leaders in Lahore, who were interested in social reform issues and who encouraged the women of their families to become educated and organise women's groups in Lahore. In her autobiography, she notes that a major influence in her childhood was that "our men had no separate lives from their women-folk and their leisure was spent in their own homes, as they believed in sharing their thoughts and aspirations with the women of their families."¹⁰¹ Without such encouragement from their fathers, brothers and husbands, it is doubtful whether these women could have emerged from the traditionally cloistered world of the upper-class Muslim woman.

The first step in encouraging the development of female relatives was to give them an education, which by the early twentieth century had come to mean formal school education, either in English or Urdu. The education of the women in my study follows this pattern. While the two women born and educated in the late nineteenth century were not able to take advantage of formal educational opportunities themselves, they made sure that their children did. Begum Habibullah was educated in Urdu to a high standard,

⁹⁹Hajra Begum, Oral History Transcript, 1. Hajrah's sister is the dancer and actress Zohra Segal.

¹⁰⁰Hamida Saiduzzafar, *Autobiography 1921-1988*, Lola Chatterji, ed. (New Delhi: Trianka, 1996), 1. Hamida's brother was Mahmuduzzafar, a member of the Progressive Writer's Movement, who married Rashid Jahan, daughter of Shaikh Abdullah, the founder of the girls school at Aligarh.

¹⁰¹Jahanara Shah Nawaz, *Father and Daughter* (Lahore: Nigarishat, 1971), 6.

learning poetry, literature, Persian, and the Quran at home. She learned English with a teacher after her children were born, and her children were brought up by an English governess and then sent to school in Bristol.¹⁰² Begum Wazir Hasan was taught by a *maulvi* at home, and could read and write Urdu.¹⁰³ She sent her daughters to Karamat Hussain school, and was anxious to have educated brides for her sons. Women of the later generation uniformly went to school, and often to an English medium institution. Begum Aizaz Rasul began her education at home, with Urdu and Persian teachers and an English governess. She was then educated at QMC in Lahore, where she entered in the fifth class.¹⁰⁴ Hajra Begum was also educated at QMC, and then went to London for a nursing degree, while her cousin Hamida Saiduzzafar joined her at QMC after being educated at home by a series of governesses.¹⁰⁵ Nishat Rehman noted that her grandfather was a very liberal man who sent all of his four daughters to QMC despite opposition from his family. It seems that QMC was able to attract a number of Muslim girls from UP, as it was a unique combination of being a purdah school which was also an anglicised one with English teachers and customs. This combination of home-based learning followed by a more formal education was typical for Muslim elite women from other areas as well; Begum Ikramullah mentions that due to the progressive outlook of her own father, who had studied in England, in addition to her study of the Quran she grew up with governesses, and was then sent to a small English private school in Calcutta, much to the dismay of her relatives.¹⁰⁶ Begum Shah Nawaz started her education with a study of the Quran, and learned to read and write by the time she was nine. She was also sent to school in Lahore.¹⁰⁷ For these women, education provided a sound base from which they were able to progress in a variety of fields.

This chapter has provided a background for the material that makes up the focus of the dissertation through discussions of the UP Muslim elites and

¹⁰²Hamida Habibullah, Interview.

¹⁰³Sakina Hasan, Interview. Her granddaughter noted that she could not speak English, both due to circumstance and to principle, as she believed that the British should learn Indian languages instead.

¹⁰⁴Begum Aizaz Rasul, Interview. According to the Begum, she used to go to school in a purdah car. She then started a BA at the Lahore college for women, but was unable to finish as she had to nurse her father through a protracted illness.

¹⁰⁵Hajra Begum, Oral History Transcript, 5. See also Hamida Saiduzzafar, Autobiography.

¹⁰⁶Ikramullah, From Purdah to Parliament, 8, 16.

¹⁰⁷Jahanara Shah Nawaz, Father and Daughter, 9.

the families under particular consideration here, as well as both practice and discourse in the nineteenth century. As we shall see, the discourses raised here continued into the twentieth century, with important implications for the connections between women and community identity.

CHAPTER II

MUSLIM WOMEN, LAW, AND COMMUNITY IN LATER NINETEENTH-CENTURY INDIA

In this chapter I examine the relationship between Indian Muslim women and law during the late nineteenth and early twentieth centuries. A central concern of this dissertation is the way in which Muslim personal law came to be considered as a 'sacred site' for Muslims. While this issue shall be discussed in more detail in Chapters IV and VII, this chapter sets the stage for later debates by looking at the development of law in the colonial period, Muslim responses to attempts to change aspects of the legal code, and the way in which Islamic family law was actually practiced by north Indian Muslims.

A primary theme to be addressed is the construction of Muslim women as being either liberated or oppressed by their personal law; in both instances, law is seen to occupy a distinctive role in Muslim society. An examination of the legal sphere throughout the colonial period is important in terms of determining the validity of these stereotypes about Muslim women which were and are prevalent in India.¹ In colonial India, Muslim law was viewed by many as being the most equitable legal system regarding women's rights and the least in need of reform or improvement. Women were given rights of marriage and inheritance and were able to take advantage of these rights in the colonial courts. Therefore, it is not surprising that Muslim personal law was a source of pride for Indian Muslims. This idea was prevalent throughout the colonial period and in the 1920s developed into a primary way in which certain sections of the community were able to formulate a separate and superior Muslim identity. Connections between gender and religious law allowed seemingly diverse sections of the

¹For example, in a recent study of fatwas, Arun Shourie devotes a considerable section of the work to portraying Muslim women as victims of particularly oppressive laws. Concentrating on the husband's power of divorce, or *talaq*, he comments that "one can safely presume that Muslim women would want to be liberated from the extreme insecurity it foments as much as non-Muslim women would if the latter's husbands had been given the same power." His lack of understanding of the historical changes concerning Muslim women's legal status in India as well as the fact that he does not differentiate between Muslim women of different classes and regional backgrounds makes an examination of the realities of Muslim women's legal position in colonial north India particularly relevant. See Arun Shourie, The World of Fatwas, or the Shariah in Action (New Delhi: ASA Publishers, 1995), 290-365.

Muslim community, most notably the ulema and the urbanised professional elites, to develop a view of Muslim personal law as essential to contributing to a wider sense of community. By arguing for a return to the Sharia, reformers and ulema were able to resolve debates concerning tradition and modernity, as the Sharia could be seen both as a 'pure' and essential part of the Muslim tradition as well as modern, as it was relatively beneficial for women.

These key issues, however, have not adequately been addressed by the existing literature on Muslim women in the legal sphere. Research on the legal status of women in India has tended, as has most other literature on women, to focus on the Hindu community, and Muslim women have occupied only a small section of such studies.² The relationship between Muslim women and law has been examined more adequately for the post-colonial period.³ However, this literature does not sufficiently tie recent developments to the colonial context. One important contribution has been from Gregory Kozlowski, who by focusing on the institution of the *waqf* or charitable endowment and the ways in which their creation could be beneficial for women's inheritance rights, has broadened our understanding of Muslim women's legal rights in the colonial period.⁴ However, he does not deal with other means of inheritance or the issue of dowry, and I believe that my examination of these will contribute to a fuller picture of the legal condition of Muslim women during this period.

The first section of the chapter will examine the theoretical rights of women under Islamic law, while the second and third detail the permutations made in the Islamic legal system by the British during the colonial period, the dichotomy between adherence to law and custom by Indian Muslims and by colonial authorities, and the implications of these adaptations for women. As we shall see, the British acceptance of customary practices over Islamic principles in certain parts of the country sat uneasily with the growing feeling amongst both the ulema and some reform minded urban professional elites that the community should return to true Islamic

²Recent literature on women during the colonial period has included studies by Archana Parashar, Women and Family Law Reform in India (New Delhi: Sage, 1992) and Janaki Nair, Women and Law in Colonial India: A Social History (Delhi: Kali for Women, 1996).

³See the articles in Hasan, Forging Identities.

⁴Gregory C. Kozlowski, Muslim Endowments and Society in British India (Cambridge: Cambridge University Press, 1985).

practices, either because they were better for women or because they would increase community solidarity. Thus, from the late nineteenth century we can see a developing trend in which women's legal status and rights were increasingly tied to a distinct Muslim identity. Next, I investigate the experiences of Muslim women in the court system through an examination of court cases from UP involving inheritance and dowry. The British adherence to Islamic law in matters of personal law was generally beneficial for Muslim women, as they had greater legal rights than their Hindu counterparts and were able to press their claims more effectively. Throughout this chapter, as in the rest of the dissertation, material concerning primarily UP is used to illustrate the relevant historical processes as well as the attitudes of the Muslim community.

2.1 Islam and family law

Islam as a religious, social and legal system developed in Arabia at a time when women had a range of rights under customary law. The impact of Islam on existing social practices was a complicated process that has been discussed ably and at length by scholars such as Mernissi and Ahmed.⁵ Nevertheless, one can say that broadly the reformist tone of Islamic law ameliorated many injustices against women and granted them important and hitherto unknown rights concerning marriage, divorce and inheritance. Women were allowed to contract their marriage, receive dower, retain possession and control of wealth, and receive maintenance and shares in inheritance.⁶ In nineteenth century India, Muslim women were perceived both by Muslim elites and by the colonial state to have a marginally better legal status than their Hindu and Christian counterparts. For example, in the case of *Munshi Buzlur Rahim v. Shamsunissa Begum*, Sir James Colville stated that Muslim women had rights which even a Christian woman did not have against her husband.⁷ The rights to arrange one's own marriage, to divorce one's husband (with his consent), and to inherit property were

⁵See Mernissi, Women and Islam, and Ahmed, Women and Gender in Islam.

⁶However, Esposito notes that "at the same time,..family laws were formulated to meet a woman's needs in a society where her largely domestic, childbearing roles rendered her sheltered and dependent upon her father, her husband, and her close male relations. Thus family law reflected women's dependent position." J.L. Esposito, Women in Muslim Family Law, quoted by Sebastian Poulter, "The Claim to a Separate Islamic System of Personal Law for British Muslims" in Chibli Mallat and Jane Connors, eds., Islamic Family Law (London: SOAS, 1990), 149.

⁷Fyzee, Outlines of Muhammadan Law (Calcutta: Oxford University Press, 1949), 6.

particular to Muslims but not to Hindus. While the majority of women were unable to take advantage of their theoretical rights due to the practice of seclusion and their lack of education, theory was influential in that it provided Muslim elites with a sense of superiority as well as helping the British to interpret Islamic law. As we shall see later in the chapter, it also allowed Muslim women to use the court system to their advantage whereas Hindu women were not able to do so to the same extent.

In Islamic law, marriage is a civil contract in which both parties have rights and obligations. The husband is entitled to exercise his marital authority, while the wife is entitled to payment of *mehr*, or dowry, as well as maintenance during and shortly after the marriage.⁸ The *mehr* is a fixed amount of money determined at the time of marriage, to be given to the woman by her husband. Usually a portion, the prompt dowry, is paid at the time of marriage and the rest paid in the event of death or divorce.⁹ Dowry is considered to be a debt, and is claimable by the widow before inheritance is divided. A widow is even allowed to hold the property of her husband if the dowry has not yet been paid back.¹⁰ Husband and wife also gain mutual rights of inheritance. Polygamy is permitted but not encouraged under the Sharia, with each man being allowed to marry up to four wives at a time.¹¹ Remarriage, particularly of widows, is also permitted.¹² As for the right of divorce, it lies primarily with the husband, who has the absolute power to divorce his wife at all times, either through the triple *talaq* (immediate and irrevocable divorce), or through a slower form in which each of the three pronouncements of divorce is spaced out.¹³ A wife is only able to ask her husband to divorce her through a mechanism known as *khula*, but not to

⁸Ibid., 72. A woman is also entitled to sue for maintenance according to the Code of Criminal Procedure, 1908, and if it has not been paid for two years, to sue for divorce. Ibid., 182.

⁹Ibid., 111.

¹⁰Sripati Roy, Customs and Customary Law in British India (Calcutta: 1910), 395-96.

¹¹The relevant verse in the Quran states: "Marry women of your choice, two, or three, or four; But if ye fear that ye shall not be able to deal justly (with them), then only one...." As this condition of perfectly equal material and emotional treatment would be difficult to fulfil, some scholars have argued that the Quran recommends monogamy. A. Yusuf Ali, The Holy Quran: Text, Translation and Commentary (Brentwood, Maryland: Amana Corp., 1983 [1934]), Sura IV, Verse 3.

¹²Beadon noted that it was practiced by some Indian Muslims, usually to the widow's brother-in-law. H.C. Beadon, Customary Law of the Delhi District (Lahore: Civil and Military Gazette Press, 1911), 6.

¹³However, Fyzee notes that the *talaq* is not legal for Shia Muslims, and is frowned upon but allowed by Hanafi Muslims. Fyzee, Outlines of Muhammadan Law, 128.

initiate the divorce proceedings, and by asking her husband for a divorce forfeits her right to any remaining *mehr*. The most important right given to a Muslim woman was the right to *mehr*, which was considered to be her personal property. Another possible way in which women could secure rights within marriage was by adding stipulations to the *nikahnama* or marriage contract. One such stipulation was the right of delegated divorce, or *talaq-i-tafwid*, where the husband gives his power of divorce to his wife, for example in the event of his marriage to a second wife.¹⁴ Others could include the wife's right to maintenance and right to live in a separate residence in the event of her husband's polygamy, or the wife's right to a monthly allowance from her husband, called *karch-i-pandan*, or 'expenses of the pan box.'¹⁵ However, such pre-nuptial arrangements were the exception rather than the rule.

Within Islamic law exists a complex set of rules of inheritance of property, in which females, usually wives, sisters and daughters, are allowed to inherit and have full control over the property of their deceased male relatives.¹⁶ Generally females are given a one half share of the corresponding male share, so for example a daughter would inherit half as much as her brother. The inheritance share of a wife, in addition to her remaining dowry, is one eighth if there are children and one quarter if there are none. Single daughters are entitled to one half of the property or for two or more daughters the share is two thirds divided amongst them, if there is no son. If there is a son, he would inherit a two thirds share while his sister would get one third.¹⁷ Islamic law was unusual in that it allowed women to inherit property, but simultaneously discriminated against women by giving them half the share of their male counterparts. Nevertheless, when compared to Hindu law, in which women were allowed to hold property for their lifetime but not to inherit absolutely, Muslim law can be seen as being

¹⁴Lucy Carroll has provided details of various stipulations in marriage contracts as well as the case law examining the reaction of the courts to such contracts. See Lucy Carroll, "Talaq-i-Tafwid and Stipulations in a Muslim Marriage Contract: Important Means of Protecting the Position of the South Asian Muslim Wife" in *MAS* 16,2 (1982).

¹⁵Ibid.. See also Shibani Roy, *Status of Muslim Women*, 82. This second stipulation was apparently a common practice among upper-class north Indian families. The social reformer Rokeya Sakhawat Hossain's niece stipulated in her *nikahnama* that her husband would provide for her, would allow her to live separately if he committed an irreligious act, would not marry a second wife without permission, and would allow her to visit mother and other relations. Amin, *The World of Muslim Women*, 59.

¹⁶Fyzee, *Outlines of Muhammadan Law*, 333.

¹⁷Sir Roland Wilson, *Anglo-Muhammadan Law* (Calcutta: Thacker, Spink & Co., 1921), 257.

relatively beneficial for women.

2.2 The development of Anglo-Muhammadan law in colonial India

However, the regulations of the Sharia have never been followed in their entirety by the Muslims of India, but have been adapted and modified, both by Muslims themselves and by the colonial state. The purpose of this section is to examine the impact of colonial policies on the legal system. Under the Mughals, civil, criminal, commercial and procedural law were all religiously based and the Hanafi branch of Islamic law dominated the judicial system and was enforced under the authority of the emperors.¹⁸ In the early days of East India Company rule, the legal system remained under the influence of indigenous norms, which were codified by the British in Regulation II of 1772, which stated that "in all suits regarding inheritance, succession, marriage, and caste, and other religious usages or institutions, the laws of the Koran with respect to Mahammedans, and those of the Shasters with respect to Gentoos, shall be invariably adhered to."¹⁹ However, criminal law was still to be governed by the Sharia. The Hastings Plan of 1772 also established a hierarchy of civil and criminal courts in the three Presidencies, which were charged with the task of applying these respective indigenous legal norms in all civil suits.²⁰ By the early nineteenth century, the system of courts had been expanded, a new legal profession had been established, and a growing body of statute and court practice extended the influence of the colonial state.²¹ This hybrid system remained in place until

¹⁸Tahir Mahmood, Muslim Personal Law: The Role of the State in the Subcontinent (Delhi: Vikas Publishing House, 1977), 3. Law was administered by *muftis* and *qazis*, who would answer questions and issue decisions concerning specific cases; after the advent of the British, they continued in a private capacity and existed alongside the court system. Muhammad Khalid Masud, "Apostasy and Judicial Separation in British India" in Muhammad Khalid Masud, Brinkley Messick and David S Powers, eds., Islamic Legal Interpretation: Muftis and their Fatwas (Cambridge, Mass.: Harvard University Press, 1996), 196.

¹⁹Wilson, Anglo-Muhammadan Law, 27. In cases involving persons of differing religions, that of the defendant was applicable.

²⁰Although the courts followed British models of procedure and adjudication, the plan provided for *maulvis* and *pandits* to advise the courts in matters of law. However, Mahmood notes that this system was not extended into other areas of British-ruled India. Areas such as Punjab and the Northwestern Provinces had a much less coherent legal system, with the result that custom was given precedence in most areas over religious law. Mahmood, Muslim Personal Law, 9-10.

²¹Michael R. Anderson, "Islamic Law and the Colonial Encounter in British India" in Chibli Mallat and Jane Connors, eds., Islamic Family Law (London: SOAS, 1990), 207. Kozlowski notes that this British court system became increasingly popular with Indians, perhaps because

the widespread administrative reforms following the Rebellion of 1857, which instituted a more anglicised, secularised set of rules in the sphere of criminal law.

In 1862, a new legal system was created by the colonial state. The British reformed criminal law, making it subject to the Criminal Procedure Code, which modified and codified criminal law along largely secular lines. However, civil law was still to be governed by religious law under the Civil Procedure Code, which further formalised the idea of the communal nature of personal laws in the Indian legal system. Civil cases thus continued to be judged on the basis of either Hindu or Muslim law, both of which the British had made concerted attempts to codify in the early nineteenth century. However, the religious experts who had been attached to the courts were dismissed from their advisory positions, which meant that the interpretation of personal law was left to British judges who had to rely on translations, experience and case precedent; even the Indian judges who entered the legal system tended to be trained in British rather than Islamic law.

The British codification of Islamic law based on the Sharia and their creation of a hybrid legal system which combined religious and British law had several effects. The first was the classification by the British, seen elsewhere in their administrative dealings, of all Indian peoples into the binary categories of Hindu and Muslim. They presumed that both groups were monolithic communities united by common sets of beliefs, and that as a result a single set of legal rules based on definitive texts could apply to each group. British interventions in indigenous legal systems, when combined with forces within Muslim society, also resulted in a greater emphasis being placed on religious and legal texts as the definitive source of law. This trend of textualisation had already existed within Muslim society; there had been a tradition of legal scholarship from the pre-colonial period in which religious leaders attempted to make their followers obey the rules of the Sharia.²² In the late nineteenth century, a new kind of scripturalist Islam developed in centres of reform such as Deoband and Aligarh, which relied heavily on the use of textual sources and which emphasised adherence to the Sharia by the

the British courts delivered definitive verdicts whereas indigenous methods of resolving disputes, such as interventions on the part of localised decision-making bodies or violence tended to be more inconclusive. Kozłowski, Muslim Endowments, 105-11.

²²Anderson, "Islamic Law", 210.

masses as well as the elites as central to the maintenance of a Muslim identity.²³ The British contributed to this trend by their attempts to regulate and codify a wide variety of practices, as well as their reliance on the Sharia as the ultimate authority on all legal affairs pertaining to Muslims. A colonial compromise was reached; the basics of Sharia law would be adhered to in cases of personal law while other aspects of law would be governed by the British legal system. Muslims in colonial India were thus not living wholly under Muslim law but under 'Anglo-Muhammadan law', which Fyzee describes as "the portion of Islamic civil law which is applied in the Subcontinent to adherents of Islam."²⁴

One of the major obstacles to the colonial state's attempts to codify Muslim law was the striking dichotomy between theory and practice. Muslim women were theoretically given considerable rights in the Sharia regarding marriage and inheritance, but the majority of Indian Muslims did not adhere to all parts of the Sharia, as numerous communities, particularly those who had converted from Hinduism, combined Islamic and Hindu practices. The ongoing tension between Islamic law and local custom during the colonial period had several phases. Initially, the British emphasised the importance of texts over customary practice, and tried to apply a single set of Islamic rules in a clear and consistent manner, upholding the sanctity of the Sharia and making it applicable to all Indian Muslims. However, as the nineteenth century progressed, official policy wavered and custom was gradually given precedence over Islamic law, particularly in the newly conquered territories in Punjab and parts of UP. With the growth of Islamic revivalism in the early twentieth century, however, Muslim leaders began to emphasize the importance of adherence to the Sharia by all Indian Muslims as one way of delineating their community identity. Here I examine the legislation supporting the importance of local customs, and the tension between custom and the growing trend of Islamicisation in the early twentieth century.

By the latter half of the nineteenth century, the British were focusing on custom as a source of law, especially in the Punjab. In 1868 the Privy Council upheld the force of customary law with reference to Hindus, stating

²³Maulana Thanawi, whose writings have been examined in Chapter 1, was a member of the Deoband group.

²⁴Fyzee, Cases in the Muhammadan Law of India and Pakistan (Oxford: Clarendon Press, 1965), xxi.

that "clear proof of usage [would] outweigh the written text."²⁵ Officials then attempted to codify customary law at the district level and enforce it through the court system. Customary inheritance practices had been developed in order to protect family property at a time when extended families practiced clan and village exogamy and kinship linkages were geographically widespread.²⁶ Because women moved away from the village at the time of marriage and became part of another family, they were routinely denied a share of the family lands.²⁷ During the course of the nineteenth century, as population as well as land values rose in the Punjab, it became increasingly important to exclude women from inheriting property. Leading male members of landowning castes claimed certain practices as custom and these were adopted by the colonial regime with detrimental effects for women's inheritance rights.

Customary law or 'tribal custom' gained greatest prominence in the Punjab, where it supplanted other sources of law as the legitimate basis of society, both in the eyes of local elites and colonial administrators. Local customs varied widely throughout the Punjab, and so the British sought to systematise them by collecting records for each district, called the *riwaj-i a m*.²⁸ Representatives were asked questions on the legal points of customary law, and they either supplied hypothetical answers or quoted actual cases from the recent past in support of their answers. These male leaders could thus shape custom in a way which benefited the male members

²⁵Sripati Roy, Custom and Customary Law, 23. A valid custom was deemed by the British to be a practice which was ancient, invariable, continuous, uniform, reasonable, moral, and consistent.

²⁶David Gilmartin, "Customary Law and Shariat In British Punjab" in Katherine P. Ewing, ed., Shariat and Ambiguity in South Asian Islam (London: University of California Press, 1988), 47-8.

²⁷Prem Chowdhury notes that in Punjab and Haryana, daughters and sisters were excluded from inheriting the property of their natal kin in order to prevent fragmentation of land and/or introduction of fresh blood into the family circle. See Prem Chowdhury, The Veiled Women: Shifting Gender Equations in Rural Haryana 1880-1990 (Delhi: Oxford University Press, 1994), 302-3. The British supported such customs, sometimes even denying women inheritance in favour of distant male relations outside clan/tribe boundaries. See Gilmartin, "Customary Law", 49-50.

²⁸*Ibid.*, 47. Such records were prepared throughout the Punjab as well as for certain districts of the Northwestern Provinces, "at the time of settlement operations on the basis of oral questionnaires administered to local gatherings of influential 'tribal' or village leaders." Beadon describes British methods of information gathering in the following manner: "the village headman and other leading men of all the most important tribes were then summoned to convenient centres, the questions were explained to them and their answers were recorded." Beadon, Customary Law, 1.

of the dominant castes and social groups. Attempts to codify customs therefore provided an opportunity for elite groups in rural society to strengthen their powers.²⁹ Although this process mainly applied to the Punjab, there were efforts to codify customary law in parts of UP also. Oudh in particular had already been given a distinct legal status by the British in terms of inheritance, when in order to harness the support of the *taluqdars* (large landowning elites) the colonial state had introduced the English law of primogeniture, which prevented the division of estates.

The importance of customary law was also recognized at the regional level through a series of legislative acts intended to clarify the conflict between state legislation, custom, and personal law. The Punjab Laws Act of 1872 stated that "in questions regarding succession, special property of females, betrothal, marriage, divorce, dower, adoption, guardianship, minority, bastardy, family relations, wills, legacies, gifts, partitions or any religious usage or institution, the rule of decision shall be:

- 1) any custom applicable to the parties concerned which is not contrary to justice, equity or good conscience and which has not been, by this or any other enactment, altered or abolished and has not been declared null and void by any competent authority
- 2) the Muhammadan law in cases where the parties are Muhammadan and Hindu law where the parties are Hindu, except in so far as such law has been altered or abolished by legislative enactment, or is opposed to the provisions of this Act, or has been modified by any custom as is above referred to."³⁰

In UP, however, the situation was mixed. The Oudh Laws Act (1876) laid down similar provisions establishing the supremacy of custom, while the Bengal, Agra and Assam Civil Courts Act (1887) enforced personal law and did not make reference to custom or usage for the remainder of UP. An Allahabad case held that this excluded evidence of custom, but the Privy Council later interpreted this section as subjecting personal laws to local custom. Practice throughout UP therefore depended on whether a case fell under the jurisdiction of Agra or Oudh, as well as on judges who could deliver conflicting verdicts based on their interpretation of the law. For

²⁹Anderson, "Islamic Law", 207.

³⁰Mahmood, Muslim Personal Law, 12-13. Wilson noted that as part of this limited application of Anglo-Muhammadan law, in several cases the chief court of the Punjab recognized the custom widely prevalent among Muslim landowners that forbade women from inheriting a share of land. Wilson, Anglo-Muhammadan Law, 80-81.

example, in the case of *Mahomed Riasut Ali (1893)*, the Oudh Privy Council recognized a local custom for Muhammadan widows to take a life-interest, in equal shares, in the whole of the immovable property left by their deceased husband, whereas the high court of the adjoining Northwestern Provinces had ruled to the contrary in 1871.³¹ However, by 1901 the importance of custom for parts of UP had been established.

The formal recognition by the colonial state of local custom, combined with trends within Indian Muslim society which tried to replace customary practice with adherence to the Sharia, meant that the two came into conflict whereas previously they had largely managed to coexist. Islamic legal theory did not recognize custom as an independent source of law, although custom could theoretically be used as a basis for law in the absence of textual norms. In pre-colonial India, many local groups who had converted to Islam had retained specific practices and customs which were un-Islamic in nature, but these discrepancies were accommodated within a legal structure which was fluid and localised in nature. With the development of a more uniform legal system and the official status given to customary law by the colonial order, juxtaposed with the trend of socio-religious reform within the Muslim community, there emerged a conflict between local tribal and Islamic identities, making "accommodation through ambiguity impossible in many cases."³² This conflict emerged most sharply in Punjab, but as we shall see in Chapter VII, it was to have wider repercussions.

The clash between customary and book law was heightened by the push by certain sections of the Muslim leadership to convince other Muslims to abandon customary practice and follow the Sharia. As I shall argue, this development was crucial as several very different groups all came to see adherence to the Sharia as a primary solution for the problems of the Muslim community. Tahir Mahmood has noted that beginning in the nineteenth century, the attention of the Muslim ulema was drawn to the fact that in various parts of India customary law at variance with Islamic principles was being adhered to by certain groups, and that this was being sanctioned by the

³¹Ibid., 82. In a case involving inheritance in 1886, the courts dismissed an appeal to give precedence to custom for a village and found that the document submitted was not a proper one, but "rather in the nature of a testamentary attempt to make a disposition contrary to the Muhammadan law of descent." *Muhammad Ismail Khan v. Fidayat-un-Nissa and others (1886)*, The Indian Law Reports, Allahabad Series (Calcutta: Thacker, Spink, and Co.).

³²Ewing "Ambiguity And Shariat", 15.

colonial state through official legislation. They thus campaigned in order to persuade people to observe Islamic personal law, and in addition, demanded government enforcement of the Sharia.³³ After a protracted campaign, they were able to raise this issue in several provincial legislatures and in the national Assembly, which will be discussed in Chapter VII. In their calls for an increased adherence to Sharia law the ulema had been joined by the nineteenth century social reformers, who as we have seen in the previous chapter believed that Muslims' low position was due in part to not following the tenets of their personal law.

As a result of the efforts of the ulema and social reformers, certain sections of the Muslim community increasingly began to advocate adherence to Sharia regulations. This trend, which began in the early decades of the twentieth century, was noted by Beadon in 1911. When analysing changes since his previous digest of customary law in 1880, he remarked that "the answers do not differ much from those given at the last settlement with the exception of those given by a few Muhammadan families living in the vicinity of Delhi City and a few others in Sonapat and Faridabad...who have stated that they follow the Shariat."³⁴ However, support for the Sharia came from distinct groups, and certainly did not encompass the entire Muslim community. British administration of the legal system meant that law became another arena for organised political struggle against the colonial state, particularly by Muslims who felt that their traditions were being threatened. The close connections forged in the 1870s between customary law and the colonial state in the Punjab meant that Muslims interested in political dissent and cultural opposition often supported the Sharia.³⁵ In addition, increasing communitarianism in politics and society resulted in a situation whereby some urban political and religious elites saw adherence to the Sharia as "a critical element in the preservation of personal Muslim identity," and some Muslims even urged public recognition of inheritance rights of daughters.³⁶ Those influenced by the socio-religious reformers also favoured a return to Islamic law on the grounds that religious purity would result in the regeneration of women and therefore the entire community. For example, Muhammad Shafi (Begum Shah Nawaz's father) and other

³³Mahmood, Muslim Personal Law, 21.

³⁴Beadon, Customary Law, 2.

³⁵David Gilmartin has discussed this trend in "Kinship, Women and Politics."

³⁶Gilmartin, "Customary Law", 50.

male members of his immediate family gave their daughters their Islamically-sanctioned share of inheritance, and encouraged members of their extended clan to do the same.³⁷ As lawyers, they also fought cases on behalf of women who were trying to claim their share of inheritance. However, this push by Muslims towards recognition of the primacy of Islamic law came mainly from the urban areas, and most rural landowners saw the Sharia as a challenge to both their economic and social authority.³⁸ As we shall see, these conflicts between Sharia law and custom continued in the 1930s, with the introduction of legislation which aimed to formally install the Sharia as the primary rule of law for all Indian Muslims in the sphere of personal law. The Sharia also became important as it provided an issue around which diverse sections of the Muslim community could unite, and support for the Sharia became a marker of subscribing to a cosmopolitan and pure Islamic ideal.

2.3 Colonial law and Muslim women

This section examines the more practical realities relating to women's legal rights and status in colonial north India. The changes discussed above made to the Indian legal system under British rule had several implications for Muslim women. The British did enforce the inheritance rights of women under Islamic law, and also enforced a Muslim woman's right to payment of *mehr* when such cases were taken to court. However, the fact that by the late nineteenth century the legal system was increasingly upholding customary law was detrimental to women's claims. This trend primarily affected the Punjab though, and as we shall see, in UP Muslim women had more success fighting their claims according to the rules of Islamic law.

The interplay of Islamic and Indian cultures over time meant that by the nineteenth century there was a wide gap between Islamic theory and local practice, particularly concerning women's rights. In most areas Muslim communities practiced a combination of 'Hindu' and 'Muslim' customs

³⁷Shah Nawaz, Father and Daughter, 8.

³⁸Chowdhury notes that Muslim landowners in the Punjab claimed to be governed by the 'tribal law' of the Punjab which excluded female succession in property matters, contrary to Muslim personal law which allowed a portion of property to be given to the females. Evidence from the *riwaj-i-am* of certain districts shows that Muslim daughters did frequently move courts under the Muslim law in order to claim their share of property, but that the courts usually dismissed their claims. Chowdhury, Veiled Women, 307. Muslim groups in Gurgaon and Rajasthan used similar tactics to sidestep female inheritance rights, and continue to do so.

which together largely stripped women of their rights as enumerated by Islamic law. Women were disempowered due to several factors: practices such as purdah which left them heavily dependent on men, the efforts of males to actively avoid following the Sharia for economic and social reasons, and more rarely, legal changes by the British which adversely affected women. We can gain insights into the actual position of women from the comments of several British authors who provide details of the practices of marriage and inheritance, as well as examining the elite Muslim families in my study.

In the area of marriage, Muslim law allowed women to choose their marriage partner, as well as allowing divorce and remarriage. However, in nineteenth-century north India, marriages among Muslim elites were arranged by parents and usually took place within certain social groups. Legal scholar Sir Roland Wilson noted that "in most Muhammadan communities the legal freedom of women is, to some extent, nullified in practice among the upper classes by...seclusion."³⁹ He added that it was rare for Muslim girls to have "a deciding voice in the matter of their marriage." Marriages were more often contracted by their guardian, and a girl's silence during the ceremony was taken for consent.⁴⁰ Descriptions of social life in north India also highlighted the fact that for *ashraf* Muslims, marriages usually took place within the family circle. According to the Census, Indian Muslims were bound by strict rules of endogamy when choosing marriage partners, and marriage between cousins was common.⁴¹ The writer Sharar noted that "sometimes, when children are born in two families of friends or relatives, solicitous mothers arrange for their betrothal at birth," and Hamida Saiduzzafar, a doctor from a UP *ashraf* family, corroborated this practice, stating that "as was the tradition among many conservative Muslim families of those days, children were often 'committed' (promised in marriage) to each other by their respective parents shortly after they were born. It was not a formal or written engagement, but it was an agreement supposed to be

³⁹Wilson, Anglo-Muhammadan Law, 56.

⁴⁰Ibid., 98-9. As numerous scholars as well as contemporary observers have pointed out, even though the formal negotiation of contracts was done by men, it was networks of women that were largely responsible for arranging marriages. See Gail Minault, "Other Voices, Other Rooms", 108; Mrs. Meer Hassan Ali, Observations, 186-7; Billington, Woman in India, 63-4; and Abdul Halim Sharar, Lucknow: The Last Phase of an Oriental Culture, Translated and edited by E.S. Harcourt and Fakhir Hussain (Delhi: Oxford University Press, 1989), 205. These views have been corroborated by several women who I have interviewed.

⁴¹Census of India (1911), Volume XV: United Provinces of Agra and Oudh (Allahabad: Government Press, 1912), 223-4.

binding on both sides."⁴²

Of the women in my study, who range from those born in the 1880s to their daughters and grand-daughters, about half were married to either first cousins or a relative within the extended family circle. This was true especially of women from *taluqdari* backgrounds such as Attia Hosain and Begum Wasim.⁴³ When a relative was not available, parents would usually look for a man from a similar socio-economic background. Begum Aizaz Rasul's prospective husband was suggested to her father by the Governor of Punjab who had met him while on tour, and he went to UP to investigate his background.⁴⁴ Girls typically had no influence over the choice of husband, and generally accepted the arrangements that were made for them. The only cases of women choosing their own partners occurred with younger women such as Rashid Jahan, Ismat Chughtai and Hajra Begum who were part of the Progressive Writers Movement or who had socialist leanings; they frequently married someone within the movement. However, this trend only occurred after the 1930s. While traditions relating to marriage remained largely static during this period, the typical age of marriage for girls from the upper classes seems to have risen slightly in the early twentieth century from 15-16 to 18-19, probably as education levels for women rose.⁴⁵

Among the Muslim *ashraf* elites, both polygamy and divorce were relatively uncommon in later nineteenth-century north India, which may

⁴²Sharar, *Lucknow*, 205; see also Hamida Saiduzzafar, *Autobiography*, 2. Hamida's parents were first cousins born within two weeks of each other. This remained the common practice among the *ashraf* until independence; one missionary noted in 1941 that "nowadays among the educated it is usual for the betrothal to be arranged by parents or friends; for instance, the mother and sisters of the prospective bridegroom will visit the bride's family and see and report on the bride to be. In many Muslim castes it is usual to seek the bride in the immediate circle [and] with much advice from grandparents and relatives, make the choice. Frequently it is a family affair, as when cousins are married...." V.R. and L. Bevan Jones, *Woman in Islam: A Manual with Special Reference to Conditions in India* (Lucknow: The Lucknow Publishing House, 1941), 113.

⁴³Begum Wasim married her mother's brother's son, and Attia Hosain was married to her cousin, Begum Habibullah's son. See Khaliqzaman, *Pathway to Pakistan*, 4 and Edib, *Inside India*, 158. As the majority of women in my study came from exceptionally liberal backgrounds, the practice of cousin marriage would have been much more common among traditional families.

⁴⁴Begum Aizaz Rasul, Interview. She recalled that she had first seen her husband from behind a curtain when she went to Lucknow with her father, who was a member of the Simon Commission.

⁴⁵Billington, *Woman in India*, 63-4; Ruth Frances Woodsmall, *Moslem Women Enter a New World* (London: George Allen & Unwin Ltd, 1936), 97.

reflect the influence of high-caste Hindu norms. H.C. Beadon, author of a digest of customary law for the Delhi district, noted that divorce was "rarely resorted to" among Muslims, particularly those of the zamindar class.⁴⁶ He added that polygamy was also uncommon; according to one of his sources, "generally a man does not marry in the lifetime of the first wife except in case of barrenness or serious mutual disagreement."⁴⁷ Most Muslims seem to have adopted Hindu norms which deemed marriage as a spiritual and therefore fairly permanent arrangement rather than as a contractual agreement that could take place with more than one woman at a time. In the case of widow remarriage, Beadon mentions that it was more commonly practiced among the lower classes.⁴⁸ Beadon's findings were corroborated by the Census reports, which found that polygamy was not condoned by either English educated Muslims or very religious ones as the Quran said that impartiality among wives was essential and this condition was practically impossible to satisfy.⁴⁹ Divorce likewise was "most exceptional" among Muslims, particularly those from the upper classes, and was looked upon with dislike by most Muslims.⁵⁰ A divorce would shame both families, and as the families were often closely related, such a course of action was avoided if at all possible.

In addition, the heavy dowers (*mehr*) promised at the time of marriage also acted as a check on the practice of divorce for Muslim elites. As the Census report noted, "even if a man be asked by her relations to divorce his wife he normally refuses as it generally involves the loss of...property and expectations."⁵¹ Asking for a large *mehr* at the time of marriage was seen by some as an effective way to safeguard the wife against divorce. Nazir Ahmad

⁴⁶Beadon, Customary Law, 23.

⁴⁷Ibid., 6.

⁴⁸It seems reasonable to believe that lower-class Muslims as well as Hindus followed the practice of *karewa* marriage (or marriage to one's brother-in-law after the death of the husband) as detailed by Prem Chowdhury for the region of Haryana. Chowdhury, The Veiled Women.

⁴⁹Census of India (1901) Volume XVI: N.W. Provinces And Oudh Report (Allahabad: Government Press, 1902), 104. See also Census of India (1911) Volume XV: United Provinces of Agra And Oudh (Allahabad: Government Press, 1912), 223-4. Normally a man would only marry a second wife in the case of the barrenness of the first wife. Billington, Woman in India, 15-16.

⁵⁰Census of India (1901) Volume XVI: N.W. Provinces And Oudh Report (Allahabad: Government Press, 1902), 104, 120. See also Census of India (1911) Volume XV: United Provinces of Agra And Oudh (Allahabad: Government Press, 1912), 223-4.

⁵¹Census of India (1911) Volume XV: United Provinces Of Agra And Oudh. (Allahabad: Government Press, 1912), 223-4.

noted that "with the view of checking divorces, the practice has arisen of making the husband promise more than he would be able to afford."⁵² A large *mehr* was also considered symbolic of the status of the bride's family. Billington noted that "the demands of the bride's family are generally exorbitant, and out of all proportion to the bridegroom's paying possibilities...it is supposed, however, to be more in accordance with the bride's dignity to ask a very high figure for her portion."⁵³ According to one informant, the amount of *mehr* for upper-class UP families was usually determined by the tradition of women within the family, with a typical range from Rs.14,000 to Rs.50,000.⁵⁴ However, very few husbands were required to pay such an amount. Often, women would renounce their claims to *mehr* either soon after the marriage or at their husband's deathbed.⁵⁵

However, the practice of giving large amounts of *mehr* did become an issue in cases which were brought to court, either in cases of death or divorce, as the amount in contention could be larger than the entire property of the husband. A solution was attempted as part of the Oudh Laws Act of 1876 (which as we have seen established the supremacy of customary law in Oudh), which limited the amount of *mehr* payable in such cases according to the assets of the husband.⁵⁶ Further attempts to empower courts to limit or reduce the amount of *mehr* caused a stir in the vernacular newspapers in 1899. The *Riaz-ul-Akbar* newspaper condemned the move, arguing that *mehr* was essential for the Muslim woman as it kept her husband from divorcing her easily.⁵⁷ Another article in the same paper stated that *mehr* should not be interfered with as it was an important safeguard for women, who were "degraded and ill-treated by their husbands," and continued that the settlement should remain inviolable once it had been made, and that

⁵²Ahmad, *The Bride's Mirror*, 56. He added however that "this practice is condemned by the more religious, who follow the precedent of the Prophet when he gave his daughter Fatima to Ali. The sum fixed in her case was ten dinars, equal to about 100 rupees." Bevan Jones notes that this was also common in the 1940s. See Bevan Jones, *Woman in Islam*, 136.

⁵³Billington, *Woman in India*, 69.

⁵⁴Sakina Hasan, Interview. In her family it was a tradition to have a *mehr* of Rs.51,000, while her aunts had Rs25,000. Attia Hosain's *mehr* when she married her cousin was one lakh.

⁵⁵Shibani Roy, *Status of Muslim Women*, 83. She also provides details about observances concerning *mehr* in the more recent period.

⁵⁶*North-Western Provinces Native Newspaper Reports - 1899* (Allahabad: NWP and Oudh Government Press), 649. The article condemned the Act, saying that it had been passed without consulting the ulema and was un-Islamic.

⁵⁷*Ibid.*, 471.

husbands must simply take care not to promise too much, concluding that "it is but just that a wife (widow) should inherit the property of her husband, the Prophet having laid special emphasis on women being well taken care of and not left unprovided for."⁵⁸ Another paper, the *Nizam-ul-Mulk* of Moradabad, said that to enact the proposal would be to interfere with the Muslim religion and would be an infringement of Islamic law as well as taking away women's rights.⁵⁹ Other articles condemning the move also reiterated the theme that the legislation would interfere unduly with Islamic law.⁶⁰ The only supporter of the proposal was Nihal Ahmad of the *Oudh Akbar*, who described and condemned the prevalent practices concerning *mehr*:

"The amount of jointures have come to be fixed at enormous figures in India; but they are not meant for actual realization. It is very seldom indeed that a suit is filed for realization of a jointure. At the time of a marriage a jointure is proposed by the bride's party quite recklessly, without any regard to the means of the bridegroom, and the latter's party are generally asked to accept it, however excessive the amount, by being reminded that it is not the practice to actually make good such a contract...in inaugurating the system of jointure it could never have been the intention of Islam to allow a wife to absorb the entire property of her husband in satisfaction of her jointure, and leave nothing for his children and other dear relatives."⁶¹

However, his arguments seem to have been unusual. According to the Census report issued two years later, most Muslims seemed to be in favour of continuing the tradition of promising large amounts of *mehr*; opinions had been gathered regarding the issue of whether the courts should be allowed to make reductions in the amount of *mehr* in case of a divorce when the husband could not pay the full amount, and Muslims were staunchly against the idea.⁶² However, the enactment in Oudh remained in force, that "Where the amount of dower stipulated...is excessive with reference to the means of the husband, the entire sum provided in the contract shall not be awarded in any suit by decree in favour of the plaintiff."⁶³ Thus, concerning

⁵⁸Ibid., 559.

⁵⁹Ibid., 471.

⁶⁰Ibid., 546, 601.

⁶¹Ibid., 503.

⁶²Census of India (1901) Volume XVI: N.W. Provinces And Oudh Report (Allahabad: Government Press, 1902), 120.

⁶³Bevan Jones, Woman in Islam, 136.

the practice of giving *mehr*, we can see that the prevalent practices among the elites helped women insofar as they were a deterrent to easy divorce on the part of the man, but that legislation by the British somewhat weakened this protection. The debate during this period is also an early example of Muslim criticism of official state efforts to reform Muslim practices which serves as a precursor to the 1930s debates which condemned interferences with Islamic law.

As for inheritance, the Muslims of north India overwhelmingly followed the custom of disallowing women any share in the inheritance of property or valuables after the death of their husband or father, despite the injunctions of the Sharia. In the Punjab and parts of the Northwestern Provinces women were usually excluded from inheritance by male relatives on the grounds that property should pass only through the male line and thus remain within the family. Beadon noted that although "certain Muhammadan tribes...abide by Muhammadan law which devolves property on daughters and widows as well" in the majority of cases property was simply divided evenly among sons.⁶⁴ This observation is validated by the judges' verdict in the case of *Abdul Hussein v. Bibi Sona Dero* (1917), where they stated that

"in many parts of the country it is unusual for Mahomedan ladies to insist on their unquestioned rights. They will often prefer being maintained by their brothers to taking a separate share for themselves, and when they are married the marriage expenses and presents are often, by express or implied agreement, taken as equivalent to the share which they could claim."⁶⁵

It seems therefore that while the majority of Muslim women did not usually claim their rights of inheritance, they did expect to be maintained by their natal family in the case of divorce or widowhood, much as Hindu women did. The above statement also reflects the fact that like Hindus, Muslims also commonly gave dowry to daughters at the time of their wedding, and that this gift was seen as an equivalent for their share of inheritance. In conclusion, we can see that Muslim women of all classes were impeded in making full use of their rights under Islamic law by traditional practices

⁶⁴Beadon, *Customary Law*, 7.

⁶⁵Fyzee, *Cases*, 94-101.

concerning marriage and inheritance present in Indian society. However, despite these limitations their position was still marginally better than women from other communities, due to the fact that they were able to press their claims in court and that their claims were frequently upheld.

2.4 Muslim women in the courts

We have seen above that Muslim women's theoretical rights under Islamic law had been circumscribed by customs concerning both marriage and inheritance. However, the British did uphold certain tenets of Islamic law, which allowed Muslim women to successfully make their claims in court. This section provides details of Muslim women's activities in the Indian court system, in order to demonstrate that they did enjoy a relatively advantageous position with regard to the legal sphere during the colonial period. The feeling that Muslim personal law was beneficial for women was not based only on theory but, as we shall see, also on fact.

As mentioned above, the British legal system in India proved to be an attractive option for Indians. Kozlowski notes that Muslims tended to look towards the ulema on matters of religion or ritual, to which they were supposed to provide fatwas detailing correct Islamic behaviour, but took material disputes, especially those concerning property, to the British courts.⁶⁶ An examination of British law reports of the late nineteenth century provides evidence about the economic and legal activity of elite Muslim women during the period, as well as demonstrating colonial attitudes towards women's legal rights. Far from being completely secluded and separated from the public legal sphere, women did come forward, pressing their demands for unpaid dowry and shares of inheritance.⁶⁷ It is difficult to ascertain whether their claims were being put forward by themselves or by interested male relatives on their behalf, and several cases indicate that women became involved in legal disputes when they replaced deceased male relatives who had initiated the suit. However, suits involving Muslim women appear quite regularly in the records, whereas perhaps one or two references annually were made to their Hindu counterparts. Interaction

⁶⁶Kozlowski, "Muslim Women", 125-26. He adds that the lack of involvement by ulema in issues concerning women's property rights gave the British considerable leeway to define those rights.

⁶⁷Ibid., 127. Judging from the records, women did realize the advantages of taking cases to court, as the potential gains outweighed the time and money required to win a case.

with the colonial legal system could not have been easy for these women, as the majority belonged to the propertied classes and thus observed purdah. Colonial officials seemed to have recognized this difficulty, and gave *pardanashin* women special status under the colonial legal system, which was intended to protect their legal position.

An examination of cases involving Muslim women reveals that they fell into two broad categories: those dealing with inheritance, property, rents and mortgages, and those concerning issues related to marriage, such as divorce or dowry.⁶⁸ It seems from the evidence that the claims of Muslim women, when directed against their own relatives or those with whom they had business arrangements, were frequently upheld by the court system. However, when their claims opposed the interests of the colonial state, represented by the Court of Wards, their cases were more often dismissed. The reason for this, as Kozlowski notes, is that the main aim of the British was to promote political stability among rural elites, often at the expense of women.⁶⁹ As most of the cases concerned property or fairly considerable sums of money, it seems reasonable to suppose that the women under examination came from the upper classes. Paradoxically, those upper class Muslim women who were most likely to be able to inherit property and to be given large dowries were also those most likely to be in seclusion and thus find it more difficult to take advantage of a legal structure which could help them realise their rights under Islamic law.⁷⁰ Hampered by the custom of purdah, they often had to rely on close male relatives or more rarely some intimate friend of the family to conduct the majority of their business affairs.⁷¹ However, Kozlowski notes that a small percentage of women did

⁶⁸Use has been made of several sets of documents in order to analyse the activities of Muslim women in the UP Courts. The *Legal Remembrancers of the Northwestern Provinces*, intended for colonial officials with an interest in the machinery of the colonial court system, mostly include statistical information about the number of cases won or lost by the colonial state with summaries of the most important cases. By contrast, *The Indian Law Reports* were intended for judges and others within the court system. They are a summary of all cases which came before the High Courts at Allahabad and Lucknow and the Judicial Committee of the Privy Council on appeal from those courts. In the Indian Law Reports, cases involving inheritance outnumber cases involving dowry by a 2 to 1 margin, while in the Legal Remembrancers they predominate by a 5 to 1 ratio. This seems to be because the latter series was chiefly concerned with cases against the government, which chiefly involved disputes over land and administration of estates.

⁶⁹Kozlowski, "Muslim Women", 126.

⁷⁰This point is made for Middle Eastern women in Nikki R. Keddie and Beth Baron, eds., *Women in Middle Eastern History*, 6.

⁷¹Kozlowski, *Muslim Endowments*, 58.

engage with the court system themselves, even coming to court to represent their cases, rather than working through intermediaries. The treatment of upper-class women in purdah by the legal system deserves some examination, as it is here that we can gain a sense of the prevalent constructions of such women by the colonial state.

Women in purdah, or *pardanashins*, were given a distinct legal status by the colonial government which entitled them to special treatment under the legal system. *Pardanashins*, as described by the Privy Council in the precedent-setting case of *Munshi Buzlur Rahim v. Shamsunissa Begum*, were women "shut away in seclusion, partly by reason of their race, partly of their social position."⁷² The colonial view of Muslim women, their relationship to the public and legal spheres, and Muslim law in general can be seen in another passage in the same case, in which the Judicial Committee explained the rationale behind legal protection for *pardanashins*:

"...a Musulman woman, when married, retains dominion over her own property, and is free from the control of her husband in its disposition...It may also be granted that in other respects the Muhammadan law is more favourable than the Hindu to women and their rights...But it would be unsafe to draw from the letter of a law...any inference as to the capacity for business of a woman of a particular race or country. In India the Musalman woman of rank, like the Hindu, is shut up in the *zanana*, and has no communication, except from behind the *pardah*, or screen, with any male persons, save a few privileged relations or dependants....Many women of this class own large properties in their own right, while others are entitled to the enjoyment of life estates. Some in fact are very rich and have authority over money and lands of great value and extent. All their business must be transacted through agents or servants with whom they may converse but whom they have never seen and never can see....In these circumstances, a principal is at the mercy of her dishonest agent."⁷³

With the conclusion that both Hindu and Muslim *pardanashin* women

⁷² J.N. Mukherjee and N.N. Mukherjee, The Law Relating To Pardanashins In British India (Calcutta: R. Cambay and Co., 1906), 2-5.

⁷³ As quoted in the case of *Behari Lal v. Habiba Bibi and others* (1886) in the Indian Law Reports - Allahabad Series. See also Mukherjee and Mukherjee, The Law Relating to Pardanashins, 40. In the case of *Buzlur Rahim v. Shamsunissa Begum*, a wife gave her husband a certain Company's paper so that he could draw the interest from it. The court decided that the transaction had not been valid and the husband was not allowed to keep the proceeds. *Ibid.*, 60.

were "equally liable to the pressure and influence which a husband may be presumed to be likely to exercise over a wife living in such a state of seclusion," colonial law presumed that such women had "a want of understanding and mental incapacity for business" and relieved them of the consequences of their own acts, deciding that *pardanashin* women should be treated as persons suffering from disabilities, like infants or lunatics.⁷⁴ The colonial legal system thus afforded these women two types of protection: out of respect for their custom of seclusion, they were given special privileges when appearing in court, and because of their presumed ignorance and malleability, they were given safeguards in cases involving legal contracts. Interestingly, we can see that women were being categorised on the basis of their class, as judged by purdah observance, rather than by their religion.

The privileges of *pardanashins* were delineated by the Civil Procedure Code of 1882. In terms of court appearance, they were exempt from personal appearance in court in all civil cases, where they were to be examined by a commission and represented by an agent.⁷⁵ In criminal cases where their testimony was vital, they were to be examined by a judge in his chambers or in an almost empty courtroom. Women were allowed to come to court in a *palki* which was then carried into the courtroom, and they gave evidence from within their mode of conveyance, as seen from one missionary's statement that

"If the pardah lady's evidence is required at a court of law, she is carried thither in her fast-closed palki. Some woman acquainted with her is directed by the magistrate to look in and see whether the right woman is within those closed curtains, and the invisible one's testimony is then taken."⁷⁶

For women who observed strict purdah, being heard in public was almost as shameful as being seen, and thus a court had to be cleared before such a woman would agree to testify. In one case, the court debated whether or not a woman had the right not to appear in court in a criminal case. The judge argued that as she had brought the case to a criminal court instead of to a civil

⁷⁴Ibid., 47. Kozlowski cites one case where a judge ruled that such women must be presumed to be ignorant of any document they signed, even if they could read and write. See Kozlowski, "Muslim Women", 127.

⁷⁵Mukherjee and Mukherjee, *The Law Relating to Pardanashins*, 139. Taken from Section 640 of Act XIV of the Civil Procedure Code (1882).

⁷⁶Barnes, *Behind the Pardah*, 42. She added that sometimes the judge would even go to a house to take evidence.

one as she could have done, she had an obligation to present her evidence. However, he said that she could remain in a *palki* in the courtroom after her identity had been confirmed by female witnesses.⁷⁷ In addition to this sort of special treatment in court, *pardanashin* women were given additional guarantees: in the event of a *zenana* being searched, women were allowed to withdraw in order to avoid contact with strange men. However, even these special measures were not considered to be sufficient by some of the vernacular papers. The *Azad* of Lucknow argued in 1893 that respectable women who were accustomed to living in *pardah* be exempted from personal attendance at court in civil cases, and examined at home by commission.⁷⁸ Another article in the same paper suggested that *pardanashin* women be exempted from being locked up in a police station, and that except for major offences, their evidence should be taken and then only if they were found guilty should they be forced to come to court.⁷⁹ The vernacular press seemed to be concerned that existing safeguards were insufficient, and felt that in their dealings with the colonial legal system, women in *pardah* should be provided with more assurances.

Pardanashins were also protected by law in cases involving contracts and deeds, especially concerning the disposal of property. In order to protect women from signing away their property, when such cases came to court the burden of proof was placed on the other party to prove that the woman had not been coerced into signing the contract and that her action was "intelligent and voluntary." The other party had to ensure that the terms of the transaction were fair and equitable and that "the lady had good independent advice in the manner and acted altogether at arm's length from the other contracting party."⁸⁰ It was incumbent upon the court when dealing with cases involving the disposal of property by a *pardanashin* woman to be satisfied "that the transaction was explained to her, and she knew what she

⁷⁷*In the matter of the petition of Farid-un-nissa (1882)* in the Indian Law Reports - Allahabad Series, 1883.

⁷⁸North-Western Provinces Native Newspaper Reports (1893), 151. The article added that the woman should pay for the costs of a home examination if she wished to testify; otherwise the party who wished to have her testimony should pay. However, it did recommend appearance by women in court in criminal cases. A similar article appeared in an issue of *Police Paper* in 1900. See NWPNNR (1900), 11.

⁷⁹NWPNNR (1894), 464. Another newspaper recommended the introduction of a female police force to attend accused *pardanashin* women. See NWPNNR (1894), 496.

⁸⁰Mukherjee and Mukherjee, The Law Relating to Pardanashins, 9, 50. See also Maitrayee Mukhopadhyay, "Construction of Gender Identity", 214-15.

was doing, and especially so in a case where...the lady has executed a document which deprives her of all her property."⁸¹ Those involved in business dealings with a *pardanashin* did so at their own risk and "with notice of her disability, just as he would, were he dealing with an infant or lunatic or other person in need of protection," for the courts could easily nullify a past contract if they felt that it was suspicious. In the case of *Mariam Bibi v. Sakina and others* (1892), it was held that a deed executed by a *pardanashin* lady giving property to her grandson and daughter-in-law (under the instigation of her in-laws) was not valid as she did not realise the contents of it.⁸² Cases such as this which were disputed and brought to court probably formed a small percentage of the total number of instances where women unknowingly signed their property away. Nevertheless, the threat posed to the legality of contracts with *pardanashin* women by the colonial judicial system meant that those involved with them were perhaps more wary of cheating them of their property.

This sort of stringent legal protection was not a complete boon however, for it raised several related problems. Because of the uncertainty involved with a business connection to a *pardanashin*, others were less eager to deal with them due to the onus of proving that all transactions were legal and had been made in good faith. Mukherjee makes the point that such protection could be a disability, as their property could fetch a lower price than it should on the open market.⁸³ In an article published in the *Indian Review* in 1903, Cornelia Sorabji, the first female Indian practising barrister, argued that although safeguards existed for such women, and while some *pardanashin* women were shrewd and literate, they were still at a disadvantage as they had to conduct all of their business affairs through intermediaries, some of whom they were not even allowed to see face to face, which left them in a dependent position.⁸⁴ In the previous year, she had drafted a scheme of "legal relief for widowed *pardanashins* in India," in

⁸¹A quote from the case of *Ashgar Ali v. Debroos Banoo Begum*, taken from the case of *Behari Lal v. Habiba Bibi* (1886) in the Indian Law Reports - Allahabad Series.

⁸²*Mariam Bibi v. Sakina and others* (1892) in the Indian Law Reports - Allahabad Series. In another suit, two Muslim women had granted power of attorney and had given the title to land to a man. The court found that they did not realise what they were doing and that he had failed to prove that they had willingly sold him their property. The case of *Behari Lal v. Habiba Bibi and others* (1886) in the Indian Law Reports - Allahabad Series.

⁸³Mukherjee and Mukherjee, The Law Relating to Pardanashins, 74.

⁸⁴Cornelia Sorabji Papers, File #119, 88. Although it is difficult to find quantitative evidence, it is probably true that a relatively small percentage of cases involving a transfer of property from women to their male relations or to complete strangers were ever disputed.

which she recommended that trained women be hired by each provincial legal system in India in order to deal with cases concerning women.⁸⁵ She had solicited opinions on her scheme from a wide variety of lawyers and government officials throughout India, but received mixed feedback to her ideas. While some respondents noted the administrative difficulties with implementing the scheme, several men noted that native opinion was not in favour, and believed that the scheme could be viewed as an intrusion into domestic affairs. As one official commented,

"we respect all native customs, and the seclusion of women is recognised as an institution of the country. If we send a woman behind the purda to make inquiries, the wealthier men who have zenana will say that we are trying to break down the institution. And the deliberate judgement of most high officials is, "better run the risk of injustice than interfere between men of standing and influence and the women of their families."⁸⁶

Clearly, British officials were wary of sanctioning any action that could be construed as an interference in the personal, domestic, or cultural domains of their subjects. The wishes of the male leaders of Indian society, who provided the backbone of support for the British regime, proved to be more important than the impediments faced by the women of their families.

Another issue related to such safeguards was that they propagated stereotypes of *pardanashin* women which were not always accurate. Not all secluded women were ignorant, illiterate, and incapable of conducting their own affairs; in a article that deviated from the dominant discourse on the *pardanashin*, William Raittgan, the author of numerous digests of customary law, argued in the *Journal of Comparative Legislation* of 1901 that

"it does not necessarily follow, that a native woman, simply because she sits behind the parda, is to be placed in the same category as the 'weak, ignorant, and infirm'....On the contrary, it is common experience to find in India parda ladies who are highly intelligent, strong minded, and who possess excellent business capacity and contrive to manage large estates with great success."⁸⁷

⁸⁵Ibid., 136-52.

⁸⁶Letter from T Raleigh to Cornelia Sorabji, 21/3/01, Cornelia Sorabji Papers, File # 119, 30. For details of the other comments, see Cornelia Sorabji Papers, File # 119.

⁸⁷Mukherjee and Mukherjee, The Law Relating to Pardanashins, 83.

In terms of the specific families in the dissertation, Attia Hosain's mother managed the property of her husband after she was widowed, which included building a new house in Lucknow and collecting the revenues from his estates, and Dr Ansari's wife "looked after the entire property and his zamindari" during her husband's stay in England.⁸⁸ However, the estates of widows were often taken over and administered by the Court of Wards, without consideration of the fact that the women might be perfectly capable of managing the estate themselves.⁸⁹ Nevertheless, it was possible for women to try to use such stereotypes to their advantage. Mukherjee notes that in the case of *Mahomed Buksh Khan v. Hosseini Bibi*, a *pardanashin* woman's representative argued that she had been coerced into signing a contract, when in fact she had acted of her own free will.⁹⁰ While protection for *pardanashins* was originally intended by the British to be a positive step taken out of respect for Indian customs, it was not always wholly beneficial for the women whom it was meant to help.

Next I shall turn to an examination of cases in order to illustrate the experiences of Muslim women in the court system as well as the way in which Muslim law was applied and its benefits, if any, for women. Under Muslim law, women are entitled to inherit property from deceased fathers, brothers and husbands, although as noted already, their share was determined as half that of the equivalent male relative; in such cases, they would normally inherit a share in property which was owned by a number of family members. However, Muslim women also had rights to the ownership of personal property, in which case they would have sole control over an estate. This instance most commonly arose if a woman had been granted property in lieu of *mehr*. The records show that while Hindu women very rarely took legal measures to claim property, Muslim women did so with more frequency, and that the courts took their claims seriously. Whereas Hindu women, if allowed to inherit, were only allowed to hold property

⁸⁸Attia Hosain, Interview, and Zohra Ansari, Oral History Transcript, NMML, 24-5.

⁸⁹One such case was noted by the *Jam-i-Jamshed* newspaper in 1899. See NWPNNR (1899), 171.

⁹⁰Mukherjee and Mukherjee, The Law Relating to Pardanashins, 82. In the post-colonial period, similar protection for women has continued as stipulated by Section 16 of the Indian Contract Act. Maitrayee Mukhopadhyay, in a thesis which details more recent interactions between women and the court system, notes that women may still be forced to conform to the static stereotypes of the colonial period in order to qualify for legal protection. Mukhopadhyay, "Construction of Gender Identity", 214-15, 219.

during their lifetime, Muslim women were given absolute rights of inheritance by which they could hold property and then give it to their chosen descendants on their death.⁹¹ Hindu women had trouble even claiming temporary possession, however, and widows usually had to be content with receiving maintenance from their husband's relatives or from their own brothers. In the majority of cases involving Hindu women, they were widows trying to obtain some kind of financial support. British courts frequently upheld their claims for maintenance, but suits to gain inheritance did not hold up in court.⁹²

In contrast, Muslim women were in a much better legal position. Their right to inherit was not usually questioned, and they sometimes became absolute owners of property either through being given property as a wedding gift (which will be discussed later in the section) or through being designated a beneficiary to a *waqf*, or charitable endowment. As Gregory Kozlowski has shown, establishing a *waqf* offered a way to pass inheritance on to chosen descendants, who might include daughters, as well as keeping large estates whole.⁹³ He notes that while daughters were usually excluded in the presence of sons, they were favoured over more distant male relations in the absence of sons, and could sometimes end up managing a family trust, although there were sometimes restrictions on their allowance or on their rights after marriage.⁹⁴ Muslim women were also much more active in bringing their claims to court, probably because they knew that the law supported their claims. Their right of inheritance was not in question; more commonly, cases were centered around the issues of whether a woman had pressed her claims within a specified time period or of the "actual possession" of the disputed property. Due to rules of limitation, a suit had to be brought

⁹¹In one case in 1874, a Hindu widow was given the right of inheritance during her own lifetime to her husband's property. However, on her death the property returned to the husband's family. Report of the Legal Remembrancers, North-Western Provinces, 1874 (Allahabad: Government Press), 11. Interestingly, her husband's uncle, who had opposed her suit, argued that she had forfeited her right of inheritance "by misconduct and by leaving the zenana." An examination of the inheritance rights of widows in the Punjab has been made by Prem Chowdhry, "Contesting claims and counter-claims: Questions of the inheritance and sexuality of widows in a colonial state" in Contributions to Indian Sociology (n.s.) 29, 1&2 (1995), New Delhi: Sage Publications.

⁹²An 1893 case was compromised out of court and the widow given some monetary compensation. The author argued that the case would not have held in court due to Hindu law. Legal Remembrancers 1893, 13.

⁹³Kozlowski, Muslim Endowments, 2. A more detailed examination of *waqfs* and their effects on female inheritance can be found in his study.

⁹⁴*Ibid.*, 55-7.

forward within a certain time period for it to be valid. It seems that women frequently waited for ten or more years before pressing claims for property, which may suggest that they only tried to claim property if their financial situation demanded it or if they were being pressured by interested relatives to pursue their claims. For example, in a suit brought in 1875 by a Muslim woman who was trying to recover her deceased father's property which had been confiscated after the Rebellion of 1857, the government said that she had not established her right to the property within the specified time period and awarded the property to a Hindu man instead.⁹⁵

Another common occurrence in cases involving inheritance was a wife who claimed her deceased husband's property as part of her *mehr*, or dowry. In most cases, the husband had gifted the property to his wife before his death in lieu of the amount of her deferred *mehr*. Generally the colonial courts found this practice to be valid according to Muhammadan law and supported the women's claims. In the case of *Kamar-un-nissa Bibi v. Hussaini Bibi* (1880), the court upheld that a supposedly insane man could gift property to his wife in lieu of a sizeable unpaid dowry.⁹⁶ Similarly, in a case involving a widow and her brother, who argued that "according to custom" she had given up her right to her share of her husband's property, the court found that her husband could give her his entire estate in lieu of dowry and decided in her favour.⁹⁷ Colonial courts seem to have shown considerable favour to women who pressed their claim to property in lieu of dowry, thus suggesting that they had a positive view towards issues of dowry generally.

In cases where a husband had not actually gifted his wife with property, a widow with an unpaid dowry was allowed first claim on her husband's estate before other creditors and heirs were taken into consideration. In one case the courts even allotted a woman a share of an estate as well as monetary

⁹⁵Legal Remembrancers 1875, 3. Such cases were often dismissed on similar grounds, although there were exceptions: in the case of *Uda Begam v. Imam-ud-din and others* (1875) a female *zamindar*, who ordinarily managed her business affairs through her son, sued the defendants for taking possession of and building on a plot of her land. It was found that she had waited before instituting the suit but the court held that the delay was no reason to refuse her case and decided the case in her favour. Indian Law Reports-Allahabad Series 1876.

⁹⁶Indian Law Reports-Allahabad Series 1881. Another similar case was that of *Suba Bibi v. Balgobind Das* (1886), where the courts upheld that a transfer of property from husband to wife in lieu of dowry was legal. Indian Law Reports - Allahabad Series 1886.

⁹⁷The case of *Muhammad Gulshere Khan v. Mariam Begum* (1881) in the Indian Law Reports-Allahabad Series 1882.

compensation after she was widowed.⁹⁸ A widow with unpaid dowry who was in lawful possession of her dead husband's estate was entitled by law to retain possession of the property over other heirs and creditors. Lawful possession meant that the woman had come into possession through a contract with her husband, or that she stayed after his death with the permission of his other heirs.⁹⁹ When a widow had been in possession of the property for some time, the burden of proof lay upon the other claimants to prove that she did not obtain possession lawfully. A widow in possession of property in lieu of dower was not allowed to sell or mortgage the property, but she was allowed to sue for monetary compensation for her unpaid dowry if she preferred that to holding the property.¹⁰⁰ While a small proportion of cases involving women and inheritance were decided against them due to legal technicalities or their own fraudulent claims, their suits were successful in a majority of cases, particularly those which concerned the inheritance of property in lieu of dowry. Those women who were willing and able to dispute arrangements over the disposal of family property could be fairly confident that their claims would be upheld by the colonial legal system, which gave Muslim women a particular set of rights in matters involving inheritance.

Apart from inheritance, the other distinctive right of Muslim women concerned dowry. Muslim woman's *mehr* or dowry was generally considered to be under her absolute control and was viewed by the British courts as almost interchangeable with property.¹⁰¹ For those women who pressed their claims for unpaid dowry, it was their primary means of security after their husbands had died. Approximately half of the cases involving Muslim women in the *Indian Law Reports* concerned petitions for unpaid dowry by widows, and in almost all instances they were successful. A woman's right to dowry was seldom questioned, and cases involving dowry demands generally revolved around two issues: whether the two parties had

⁹⁸The case of *Ahmad-ud-din Khan v. Sikandar Begam* (1896) in the Indian Law Reports - Allahabad Series 1896.

⁹⁹See the cases of *Amani Begam and another v. Muhammad Karim-ullah Khan* (1894) and also *Amanat-un-nissa and another v. Bashir-un-nissa and another* (1895), both in the Indian Law Reports - Allahabad Series.

¹⁰⁰The case of *Chulhi Bibi v. Shams-un-nissa Begam* (1895) as well as *Ghulam Ali v. Sagir-un-nissa Bibi* (1901), Indian Law Reports - Allahabad Series.

¹⁰¹In one case, the plaintiff Mussammat Rabbani Begum had claimed Rs.106,800 as dower debt. However it was proved that she had been given a village in lieu of dower and maintenance and thus the court found that she had no case. Legal Remembrancers 1894, 17.

actually been married, and whether the dowry should be considered prompt or deferred. Two cases in the *Legal Remembrancers* mention claims for dowry by women whose marital status was open to dispute by the courts. The first, Musammat Kundan Begum, alleged that she had been the wife of a Nawab and was owed Rs.25,000 in unpaid dowry. While the case was first dismissed with the claim that she had been his mistress and not his wife, she then appealed the decision and won.¹⁰² A similar claim for dower by a Mussammat Abbasi Begam, who alleged that she was permanently married to a Nawab, was pending an appeal after the court had decided that it had been a *muta* or temporary marriage only.¹⁰³

Other cases revolved around the issue of when the dowry should have been paid. Usually a small portion of the dowry was considered 'prompt' and was paid to the woman at the time of marriage. The rest was claimable ultimately in the event of divorce or death, but most women gave up their claims to this 'deferred' portion. Widows who claimed this unpaid dowry could be fairly certain of having their claims satisfied, often, as we have seen above, by being given a share in their deceased husband's estate.¹⁰⁴ However, many dowry disputes occurred while both parties were still alive. In two cases, women left their husbands and then refused to return unless their deferred dowry portions were paid. When a husband sued for restitution of conjugal rights in the case of *Eidan v. Mazhar Hussain (1877)*, his wife initiated a suit for payment of her *mehr* which totalled Rs. 5000. The court decided that as it had not been specified whether or not her dowry was prompt or deferred, a portion of it must be considered prompt and therefore payable.¹⁰⁵ Similarly, when a Shia husband sued for the return of his Sunni wife, she argued that she would not return unless her dowry of Rs.5000 was paid, and that he treated her with such cruelty that she should not be forced to return to him anyway. The court found that her *mehr* was the stated amount and said that the husband should pay it, but agreed that she did not have to return.¹⁰⁶ Generally in cases involving dowry women were largely

¹⁰²Legal Remembrancers 1884, 24.

¹⁰³Legal Remembrancers 1894, 17.

¹⁰⁴According to the Indian Limitation Act of 1877, a widow was allowed to sue for unpaid dowry up to three years from the date of death of the husband. See the case of *Abbasi Begam v. Nahni Begam (1896)*, Indian Law Reports - Allahabad Series.

¹⁰⁵Indian Law Reports - Allahabad Series 1878. "As it was admitted that the defendant had been a prostitute and came from a family of prostitutes," the prompt portion was fixed at a fifth of the total or Rs.1000.

¹⁰⁶The case of *Nasrat Hussain v. Hamidan (1882)*, in the Indian Law Reports - Allahabad

successful in pressing their claims, as dowry was recognized as an inalienable right of all Muslim women regardless of local customs regarding inheritance of property.

The above discussion has shown that far from conforming to the dominant colonial discourse of being helpless and ignorant, Muslim women, many of whom were in *pardah*, were able to make use of the British legal system and its modified version of Sharia law to press their claims for inheritance and *mehr* with a moderate degree of success. In this period, laws had a fair degree of fluidity and many verdicts relied on the opinion and reasoning of the judge rather than an immutable and infallible personal law. However, the basic tenets of Islamic law were adhered to and these provided Muslim women with certain advantages during the colonial period. Islamic law was also recognised by colonial officials as being less detrimental to women than other types of personal law. The discourse concerning the superiority of Muslim personal law which emerged particularly in the 1930s was thus rooted both in the earlier perceptions of colonial officials as well as in the fact that Muslim women were able to take advantage of their rights in court. And as we shall see in the following chapter, the agitations of elite Muslim women in favour of Islamic personal law were based on the fact that adherence to Islamic laws did increase their rights and legal opportunities.

CHAPTER III

ENTERING THE PUBLIC SPHERE : NATIONALISM, SOCIAL REFORM, AND THE POLITICS OF PURDAH IN THE 1920s

This chapter focuses on Muslim women's involvement in social activism, the nascent women's movement, and nationalist politics in the early decades of the twentieth century. The emphasis is on examining women's transition from the home to the public sphere, and their involvement in both politics and social reform organisations. In addition, the discourse on purdah and Muslim personal law by women themselves during this period will be charted. Muslim women were concerned both with claiming their rights of inheritance as well as reforming rules concerning polygamy and divorce. Although women did advocate a greater adherence to Islamic law, there is not a sense that women were constructing Islamic law as a 'sacred site' which formed an essential part of their identity as Muslims, even though it can be seen as being emblematic of their distinctive legal status. The debate on purdah begun in the late nineteenth century continued, with a similar focus on whether it was based on religion or custom and whether the Indian form of purdah should be reformed, discarded or upheld. A clear trend of opinion by either women or men on the questions surrounding purdah is not really discernable and purdah was not sacralised to the same extent as personal law. However, purdah did come to be seen as a distinctly Muslim practice by both British observers as well as some Hindus and thus can be said to have been communalised during this period.

Nevertheless, purdah remained a key issue at the level of practice for Muslim women who made their first steps into the public sphere. I shall first examine the prevailing purdah practices which affected the lives of elite Muslim women in early twentieth century northern India, and then their involvement in 'purdah' organisations (for women only). These groups were usually started by women who came from families with a tradition of involvement in social issues, and were frequented by more socially conservative women as well as the relatively liberal founders, for they provided a respectable outlet of activity for women who still observed complete purdah. Margot Badran has noted a similar trend in Egypt after the

turn of the century, which she characterises as a period of "discreet public activism" by women, who had begun to slowly move out of the home while "outwardly respecting the dictates of harem culture."¹ For Muslim women who made the transition from a secluded life to full participation in the public sphere and politics, the realm of women's groups can be considered an intermediate step on this path, half-way between the home and the political world. Women could remain in purdah while meeting other women and taking part in social reform work, or could gradually discard purdah, depending on the attitude of their immediate family.

This chapter examines the earliest such organisation for Muslim women, the All-India Muslim Ladies Conference (AIMLC), which was founded in 1914. It provided an early forum for 'purdah' Muslim women from around India to discuss their concerns, which centered around women's education but which also included the reform of customs such as polygamy and purdah. I shall then discuss the trend of discarding purdah, which became most noticeable during the 1920s. Women's strategies for coming out of purdah will be examined, as will their reasons and justifications for doing so, which included personal circumstances as well as their involvement in both social reform as well as nationalist politics. A crucial step was the involvement of some women in the Khilafat movement, a religious and political uprising which saw the first signs of involvement by the ulema in Indian politics and unprecedented cooperation between Muslims and the Congress. In their involvement in political agitations on behalf of their community, some Muslim women dispensed with the norms of strict purdah. In these circumstances, giving up purdah was acceptable, as it could be read as a sign of women's commitment to Islamic purity and unity, thus binding together issues of gender to religion, community and nation. Continuing with the story of social reform organisations and their concerns I shall next focus on the participation by Muslim women in the nascent women's movement, both at the national and local levels, through an examination of the All-India Women's Conference (AIWC). The early years of the conference, from 1927-32, saw an enthusiasm for activism and cooperation between women from all communities on a range of issues, some of which affected all women and some of which were community-specific. By arguing that all women were disadvantaged socially, legally and educationally, women were able to successfully use gender as a universalising

¹Badran, *Feminists, Islam and Nation*, 47.

factor in order to unite women. One can also see continued emphases by Muslim women on comparable reforms in the wider Muslim world, and on the key issues of purdah and Islamic law. Overall, the chapter hopes to provide information about a crucial middle phase where women can be seen as being placed between the home and the public sphere, as well as detailing Muslim women's own concerns and their initial success in forging a potent relationship with like-minded Hindu women in the arena of mutual social reform concerns. The discourse on purdah and Islamic personal law, two issues of importance both to a Muslim identity and to women, will also be explored throughout the chapter, with an emphasis on the formation of opinion among Muslim women.

3.1 Purdah practices in early twentieth century north India

In Chapter I, I introduced the views of nineteenth and early twentieth century social reformers on the practice of purdah. Due to the greater consensus among reformers, both male and female, that the purdah system should not be entirely discarded, it is not surprising that purdah practices proved to be more resistant to change than attitudes regarding female education. The pervasiveness and strictness of purdah among the *ashraf* classes in the early decades of the twentieth century was noted by Indians and Westerners alike. Ruth Woodsmall, an American who travelled throughout the Middle East and India, commented that

“purdah in India involves a rigidity and complexity of seclusion unlike any other country and beyond any Islamic injunctions. In its strictest application it demands seclusion from men servants and from the sight of any man other than non-marriageable relatives...It forbids a woman of the higher class from appearing on the street, or in any public place, even though veiled (hence covered conveyances etc)...In its most rigid form purdah prohibits a woman's voice from being heard by a man outside her own circle of relatives; in short, it keeps a woman closely confined within the walls of her own zenana.”²

Lady Wazir Hasan also unfavourably compared the situation of Indian Muslim women to their counterparts in the Middle East. Noting that purdah was “still the rule” among the upper and middle classes, she added that

“orthodoxy which seems to have found its last resort amongst

²Woodsmall, *Moslem Women*, 40-41.

the Muslims of India, is firmly entrenched. There is no other Muslim country in the world where in social matters like the purdah, marriage, and status of women generally, so much dull-witted reaction prevails as in India. It would seem like the modern women of Turkey, Egypt, and Central Asia...have hardly anything in common with us. They have already achieved political equality with men and in social matters they are well on the way towards overcoming all the moral and intellectual backwardness caused by centuries of ignorance, dependence and helplessness."³

Although she paints a considerably idealised portrait of the circumstances of Middle Eastern women, one can see a continuation of the theme of comparing Indian Muslim women with Muslim women elsewhere and arguing for change and reform along the lines already undertaken in other Muslim countries.⁴ Clearly, there was a feeling among writers that purdah as practiced in India was overly strict (in fact stricter than anywhere else in the world) but that reform was difficult due to the belief that its strictness was religiously as well as culturally sanctioned.

But what of actual purdah practices in early twentieth century northern India? Purdah still shaped the lives of most *ashraf* Indian Muslim women; of the women in my study, almost all had begun their adult lives in purdah. Girls were commonly put into purdah at age seven or eight, although sometimes it would occur with the onset of puberty around age twelve. Being in purdah entailed learning correct behaviour for both inside and outside the household.⁵ Rokeya Sakhawat Hossain's *The Secluded Ones*, which consists of a series of anecdotes cataloguing purdah practices, was first serialised in 1929. She began with this general description of purdah:

"all over India seclusion is observed, not only against men but also against women 'outside' one's own family. No woman, except the closest relations and housemaids, is allowed to see an unmarried girl. Married women also hide themselves from gypsy women and such other professional itinerant performers

³Sakinatul Fatima Wazir Hasan, "Indian Muslim Women," 24.

⁴A woman writing in the same volume addressed the same issue, arguing that "no other Moslem country in the world observes purdah as India does" and that because "habits and customs have acquired the sanctity of religion with Indians," changes in purdah practice were slow. Hilla Rustomji, "Purdah" in S.K. Nehru, *Our Cause*, (Allahabad: Kitabistan, 1941), 203-4.

⁵In the strictest cases leaving the house was not an option, even after the advent of the *burqa* as discussed in Chapter I, which considerably increased women's mobility.

and entertainers. Among women, whoever succeeds in hiding most in the corner like an owl proves thereby to be the most 'aristocratic' by breeding. Even wealthy urban women run away from the sight of English missionary women. Let alone English women, even the sight of Christian or Hindu women (though in saris but not veiled) would drive them to the safety of their locked bedrooms."⁶

Her words highlight the fact that purdah was not just the separation of women from men, but from all forms of human contact outside the women of the immediate family, as *ashraf* women were also to be protected from the immoral influences of both lower class women and westernised women. Her accounts of other incidents involving *pardanashin* women detail the consequences of purdah; in two cases women were killed because in their shame they forbade strangers from rescuing them, one new bride became hysterical due to prolonged confinement in a dark room, and in Rokeya's own school, parents withdrew their daughters from classes because the airtight purdah school bus was injurious to their health. She felt that current purdah practices were at best excessively restrictive and in the worst case "a silent killer like carbon monoxide gas."⁷ Her descriptions were intended to attack the strictness of the purdah system by which women were confined to the household, a theme which as we shall see was also addressed by other female activists.

The majority of *ashraf* Muslim women during the early years of the century seem to have been content to remain in purdah and did not find seclusion restrictive. When visiting two young women in Bombay, Mary Billington, an English social reformer, asked them if they would break purdah and they replied:

"Why should we? You English ladies don't understand how very little we really lose by it. We see the men of our own families as freely as you can see yours. Even our cousins of our own age we may meet; but where we differ is that you allow them to take what we should consider liberties, and, I believe, even kiss them. Now, a high-class girl is taught not to touch so much as the hand of a man, and that becomes simply a matter of habit as easy to preserve as any other good manners....Our husbands would willingly let us go out, but we have been taught all our lives that man other than they are as nothing to us; and

⁶Hossain, *Sultana's Dream*, 24.

⁷*Ibid.*, 20.

you see we have not any inclination or desire to ride or drive or walk in the streets. We go to our family parties, and can see and receive all our women friends."⁸

Three decades later, the situation seems to have remained largely the same, despite some movement out of purdah by individual women, which will be discussed later in the chapter. Two women engaged in medical work in India noted that "the Indian woman is not, as many Europeans think, groaning for release from purdah or pining for the blessings of education. But for exceptional circumstances she is happy as she is...."⁹ Ruth Woodsmall also noticed that not all Muslim women were anxious to discard the veil, especially those from the older generation, adding that especially in India, women seemed to regard veiling as a religious injunction.¹⁰ We can see in these statements by observers a clear sense that women were not clamouring to escape the confines of purdah, but also some disagreement over whether this was due to timidity, the force of custom, the ties between purdah and social status, or the idea that purdah was an essential part of Islamic teachings.

3.2 Early organisations for Muslim women: support for 'Islamic' purdah and Muslim personal law

This section concentrates on organisations aimed specifically at Muslim women during the early decades of the twentieth century. The largest and most successful of these was the AIMLC, although other meetings of Muslim women did take place throughout India on a regular basis during this period. Although a primary focus of these groups was the still pertinent

⁸Billington, Woman in India, 62-3. The two young women had been educated in English and their husbands were in government service. Another Englishwoman, a missionary, also opined that "it is true that the majority of zenana ladies would prefer to remain behind the pardah even did their people wish them to throw it off." Barnes, Behind the Pardah, 42.

⁹Margaret I. Balfour and Ruth Young, The Work of Medical Women in India (Bombay: Oxford University Press, 1929), 8.

¹⁰Woodsmall, Moslem Women, 64. She speculated however that "an even stronger reason for their aversion to unveiling is the sense of unfamiliarity which even the thought of unveiling gives them"; women from the upper classes were "more or less satisfied with the comfortable protected life of seclusion, free from responsibility, enjoying complete liberty in their own limited sphere, and a certain amount of prestige. Unveiling would involve a good deal of readjustment, a new technique of living." See *Ibid.*, 65. The account of two missionaries working in north India corroborates her findings, saying that the majority of educated women have not discarded purdah, "affirming that it is contrary to the teaching of Islam." Bevan Jones, Woman in Islam, 50. Halide Edib, who met women of a purdah club in Delhi, felt that they had remained in purdah of their own accord, not because of custom or male authority. Edib, Inside India, 51.

problem of women's education, I intend to concentrate on their pronouncements concerning purdah and Islamic law. As discussed in the previous chapter, Muslim personal law was seen as being relatively advantageous for women, and Muslim women favoured a stricter adherence to the rules of the Sharia, which they felt would restore their rights. On the question of purdah, Muslim women generally favoured a return to 'Islamic' purdah, by which they meant that women would dress modestly when outside the home and would not associate with strangers, and a move away from 'Indian' purdah, in which women were secluded within the household. They felt that the true spirit of the Sharia had been distorted in India, and by advocating a return to 'pure' Islamic practice, were continuing with the theme that their personal law was distinctive and even superior. However, their efforts were not aimed primarily at strengthening the cohesion of the Muslim community, but at improving the position of women.

In making the shift from private to public, the first step for many women was participation in an organisation devoted to social reform concerns, first in their locality and occasionally on a larger scale. Such groups were strictly for women and thus were acceptable to women who observed purdah; the majority of members were women who were involved in the continuing efforts to revitalise the Muslim community through female education.¹¹ Attempts to organise Muslim women along community lines began in the early twentieth century. One of the earliest organisations among Muslim women was set up by the women of the Shafi family in Lahore.¹² Begum Shafi became President of the newly-formed group, and her daughter remembers that "Muslim women were to meet fortnightly after Friday prayers in our house to discuss and formulate proposals for the spread of education and social reform, and the securing of rights given to women by Islam."¹³ Such informal groups were probably fairly common in the urban centres of India during this period. However, this section examines a group

¹¹In fact, the first organisation for Muslim women on a national scale was dominated by women from the two traditional centres of reform activity, Aligarh and Lahore, both of which had been in the forefront of education for Muslim girls and in the field of women's journalism in Urdu since the late nineteenth century. Gail Minault details the founding of several girls schools and the establishment of Urdu newspapers such as *Khatun* and *Tahzib-i-Niswan* in *Secluded Scholars*. The women active in these concerns were also active in All-India Muslim Ladies Conference.

¹²Begum Shah Nawaz mentions in her autobiography that her uncle had encouraged the women of the family to have meetings about social and educational issues. Shah Nawaz, *Father and Daughter*, 15.

¹³*Ibid.*, 24-5.

whose purpose was to address the specific problems and concerns of Muslim women at a national level: the AIMLC. Formed well before the start of the general women's movement in 1927, and the only national organisation of Indian Muslim women before the Muslim League began to organise women under its aegis in 1938, its activities and the views of its members provide a view into the early concerns of Muslim women. As an all-India body, the AIMLC was able to contribute to a category of 'Indian Muslim woman' by arguing that the issues it raised affected all Muslim women.

The AIMLC was founded by the Begum of Bhopal in 1914 at a ceremony in Aligarh following the opening of a residence hall at the local girls school.¹⁴ The Begum served as President of the Conference, while Nafis Dulhan Begum from Aligarh was its Secretary.¹⁵ Notable Muslim women from around India served on the Executive Committee, including Begum Shafi from Lahore, Zohra Fyzee from Bombay and Nazar Sajjad Hyder from Dehra Dun.¹⁶ However, Minault notes that the organisation tended to be dominated by women from Aligarh due to their presence on the Executive as well as the fact that the headquarters of the organisation was in Aligarh itself.¹⁷ Generally its members can be characterised as women from families with a tradition of social reform concerns, with a predominance of women from the two traditional centres of reform, Lahore and Aligarh. Interestingly, from the point of view of my other material, women from Lucknow do not appear to have played any role in the AIMLC, perhaps because there were few such women (somewhat educated and with an interest in social reform activity) in Lucknow before the late 1920s.

¹⁴The Begum had personally invited a large number of Muslim women to attend; among those present were the wives of a number of Aligarh dignitaries, Abru Begam, the sister of Maulana Azad and Secretary to the Begum of Bhopal, and several editors of Urdu women's journals from Lahore.

¹⁵Shah Nawaz, *Father and Daughter*, 72.

¹⁶Minault, *Secluded Scholars*, 285-6. Begum Shafi was Begum Shah Nawaz's mother, Zohra Fyzee came from a well-known Bombay family with reformist leanings, and Nazar Sajjad Hyder was a writer and the mother of Qurratulain Hyder. A complete account of the AIMLC can be found in *Ibid.*, 285-98. Participants also included Begum Sayed Mahmud (the daughter-in-law of Sayyid Ahmad Khan), Begum Abdullah (who had founded and run the girls school in Aligarh), and Abru Begam (the sister of Maulana Azad and Secretary to the Begum of Bhopal). Asghar Ali, "The Emergence of Feminism", 117.

¹⁷Minault, "Sisterhood or Separatism? The AIMLC and the Nationalist Movement" in Gail Minault, ed., *The Extended Family: Women and Political Participation in India and Pakistan* (Delhi: Chanakya, 1981), 91. She also notes the close relationship between the AIMLC and the girls school in Aligarh; many of the specific aims of the AIMLC concerned the expansion and continued success of the girls school.

The primary focus of the AIMLC was on expanding opportunities for female education, although they did discuss issues of women's rights as well.¹⁸ At their first meeting, they resolved that Muslim girls should not be married before the age of 16, as early marriage was a hindrance to receiving a full education. This condemnation of child marriage as early as 1914 was surprising for a Muslim organisation, as Muslim reformers usually viewed child marriage as a 'Hindu' problem; it also antedated the general push for the reform of child marriage practices by almost 15 years. During the next several years, resolutions were passed which condemned strict purdah practices; women argued that the type of purdah prevalent in India was too strict and was based on custom, and favoured a type of purdah as prescribed by the Sharia.¹⁹ This view echoed that of reformers such as Mumtaz Ali, and was to become the dominant theme of conservative Muslim discourse regarding purdah.

Although the AIMLC acknowledged the importance of women's legal rights, there was only one instance when they demanded a reform of prevailing Islamic practices rather than pleading for reform along Islamic guidelines. This occurred at the annual conference in 1918, which was held in Lahore under the guidance of the women of the Shafi and Shah Din families. About four hundred women from all over India attended, most of them in purdah, and resolutions were passed condemning extravagance at weddings, favouring more courses on domestic science in schools, and advocating a firmer adherence to religious beliefs.²⁰ Begum Shah Nawaz, then a young woman in her early twenties, proposed a resolution in which she stated that

"...the kind of polygamy which is practiced by certain sections of the Muslims is *against the true spirit of the Quran* and of Islam and that it is *inimicable to our progress as a community*. And that it is the duty of educated women to exercise their influence

¹⁸Minault notes that for the Begum, the two issues were connected, as without education Muslim women would not be able to take advantage of the rights granted to them under Islamic law. Ibid., 89.

¹⁹Ibid., 92.

²⁰Marguerite B. Walter, "The All-India Moslem Ladies Conference" in The Moslem World Vol. IX #2 (April 1919), 169-72. In her speech at the event, Abru Begam drew a negative picture of Western education and its results, and said that education for Muslim women should provide them with an understanding of their domestic duties, hygiene and housekeeping, as well as a knowledge of religion, national legends and history. In her view, the ideal women should possess qualities of national loyalty and religious enthusiasm. Ibid., 171.

among their relations to put an end to this practice."²¹

There was wide support for her speech, and another woman called upon the Indian government to legislate against polygamy as it had done in the case of *sati*.²² It became one of the Conference's annual resolutions; Begum Shah Nawaz mentions that at the 1921 Conference held in Agra, the resolutions passed included one against polygamy.²³

The AIMLC continued to hold meetings throughout the 1920s, but was plagued by factionalism between the dominant Aligarh group and women from other regions in India. For example, Gail Minault details a conflict in 1919 between Nafis Dulhan, Secretary of the AIMLC, and Rokeya Sakhawat Hossain, head of the Calcutta branch of the organisation, shortly before the annual meeting was held in Calcutta, over the effectiveness of purdah arrangements for the upcoming meeting.²⁴ Another similar dispute occurred in 1932 in Madras, when Nafis Dulhan criticised the intention of the local committee to allow men to attend the conference (seated behind curtains); she argued that it would break strict purdah, as men should not be allowed to hear women.²⁵ These incidents show both the changes that were occurring in the purdah system as well as regional variations in practice and in what was considered to be acceptable behaviour. Efforts were made by the Begum of Bhopal in the late 1920s to rejuvenate the organisation; Begum Shah Nawaz recalled that "she and I agreed whole-heartedly that it was essential for the Muslim women to have an association of their own, and at the same time take part in the AIWC."²⁶ The organisation engaged with larger debates concerning women's issues when at the Hyderabad session held in 1929, Abru Begam urged women to support the general campaign initiated

²¹*Tahzib-i-Niswan* 21 (20 April 1918), 245-49 [Quoted in Minault, *Secluded Scholars*, 289]. Italics are mine.

²²However, there seems to be some confusion about whether the resolution was passed easily or with some difficulty; while Begum Shah Nawaz writes that the resolution was passed unanimously and then became a standing resolution of the Conference, a western observer noted that Abru Begam said that women had to obey the Quran and it was agreed to give the resolution to the Begum of Bhopal to decide upon. Shah Nawaz, *Father and Daughter*, 49; see also Walter, "The All-India Moslem Ladies Conference", 172-3.

²³Shah Nawaz, *Father and Daughter*, 72.

²⁴Minault, *Secluded Scholars*, 292-3.

²⁵*Ibid.*, 296.

²⁶Shah Nawaz, *Father and Daughter*, 94. However, the Begum of Bhopal died soon after, and the organisation thus lost its primary patroness.

by the AIWC to raise the age of marriage.²⁷ Even after the collapse of an all-India structure, local branches continued to flourish under the leadership of women such as Rahmatunnissa Begum in Madras and Begum Shah Nawaz in the Punjab. However, the organisation was unable to evolve and expand into a larger and more representative body.²⁸ Nevertheless, the AIMLC was important in that it forged links between various women reformers, fostered a sense of solidarity among Muslim women from different parts of India, and provided an early forum for *pardanashin* Muslim women to discuss their concerns.

In addition to the AIMLC, other smaller, more localised conferences of Muslim women were held with some regularity throughout India beginning in this period. Rokeya Sakhawat Hossain made a reference to this 'awakening' among Muslim women in an essay entitled 'Sesame Phak' (1918), in which she noted that "Muslim women's association (samiti) and ladies clubs have sprung up all over. Last year there was an allotted section for *pardahnashin mahilas* [women] at the Muhammadan Educational Conference. Our brothers have understood 'India will not rise, if Indian women do not awaken.' "²⁹ In 1925, *Stri Dharma* reported a conference of Muslim ladies which was held in Poona at which about 200 women were present, including Lady Abdul Qadir and Lady Tiwana, both wives of prominent Punjabi politicians. The assembled women passed resolutions supporting the raising of the marriage age for girls to 14, condemning second marriages except in exceptional cases, urging women to avail themselves of education, welcoming a bill to give women the right to sit in legislatures, and advocating that women be given their rights under Sharia law.³⁰ Sarojini Naidu praised the gathering, adding that "ever since the Indian National Congress was started, women have been rapidly coming forward, but it was only just lately that the Musalman women realised the necessity that they should join in this great progressive march of the women of India towards their emancipation, education and freedom."³¹ One can see that the primary

²⁷At a localised level the AIMLC also continued its activities, starting industrial classes for girls and in 1932 organising a sewing exhibition in which over 400 girls participated. Asghar Ali, "The Emergence of Feminsm", 121-2, 231.

²⁸The reasons for this were various, and included the factionalism which crept in to the organisation, as well as the difficulty posed by the logistics of arranging annual meetings for a large number of women, most of whom observed strict *pardah* and who found it extremely difficult to travel.

²⁹Amin, *The World of Muslim Women*, 273.

³⁰*Stri Dharma* Vol.8 #11 (September 1925), 165.

concerns of Muslim women were improving their position within marriage, notably through opposing child marriage and polygamy, reclaiming their rights of inheritance, expanding their educational opportunities, and ensuring a greater voice for women in politics, themes which were to be reiterated at other gatherings. In 1929, at a meeting for Muslim women held in conjunction with the UP Muslim Social Conference, Begum Abdullah, the Principal of the girls school at Aligarh, presided and in a speech on promoting education for girls said that she was "not opposed to the Islamic purdah...which was quite different from the purdah as was actually observed in India. The Islamic pardah meant that the women should not mix freely in the society of strangers."³² While she would advise Muslim ladies to veil themselves when going out, in accordance with injunctions of Quran, she did not approve of women being confined to the house, and also advocated joint conferences of Hindu and Muslim women to exchange views.³³ One can see here another example of a cautiously reformist position on purdah similar to that of Mumtaz Ali as discussed in Chapter I which advocated the burqa as a means of 'honourable mobility.'

A similar stance of purdah surfaced at another gathering of Muslim women held in Agra in 1932, at which Khadija Feroz-ud-din, an eminent educationalist and social reformer from Lahore (who had remained in purdah) presided. Resolutions were enacted stating that educated Muslim ladies should qualify themselves for playing their part under the new constitution of India, that people should not marry daughters below the age of 16, and that the Indian purdah system should be discarded and purely Islamic purdah should be observed.³⁴ Also that year, the first session of the Ladies Reform Conference was held in Meerut under the presidentship of Abru Begam.³⁵ The organisation's founder, Begum Nawab Ismail Khan, read the welcome address and "exhorted Muslim ladies to stick to their religion and condemned blind imitation of western civilization."³⁶ Abru Begam (Maulana Azad's sister) then read an address which dwelled on unity

³¹*Stri Dharma* Vol.8 #10 (August 1925), 148.

³²*The Leader*, 6 November 1929, 14.

³³Resolutions were passed on promoting education, simplifying marriages and not marrying daughters to men with a wife.

³⁴*The Leader*, 15 January 1932, 4.

³⁵Visitors included Nafis Dulhan (the Secretary of the AIMLC), Begam Mohammad Ali and Begum Shahid Husain of Moradabad, and proceedings began with a reading from the Quran followed by a national song.

³⁶*The Leader*, 24 October 1932, 10.

among Muslims and Hindu/Muslim unity, as well as the education of children on the right lines, and condemned the increasing craze of fashion among Muslim ladies.³⁷ This condemnation of overly westernised behavior by Muslim women echoed similar statements by earlier male Muslim reformers, who disapproved of women who blindly imitated their western counterparts.

Generally, as I have shown, such groups of women followed the pattern set by the AIMLC; they concentrated on promoting the idea of educational opportunities for girls, while also condemning practices that interfered with education, such as early marriage and extreme seclusion. Although some reference was made to politics, the focus was on increasing women's opportunities, and they made no attempt to politicise women along communal lines. The only issue which could have contributed to a sense of 'separateness' was their advocacy of their rights under Islamic law and a return to 'pure' Islamic practice; by addressing these issues, they were differentiating themselves from other Indian women on the basis of their religious law rather than focusing on common problems. Organisations and meetings of Muslim women condemned the strictness of purdah as currently practiced in India but supported an 'Islamically sanctioned' form of purdah which allowed freedom of movement outside the house but required that they be modestly covered. However, there were no condemnations of the prominent women who had discarded purdah in their resolutions; rather, they condemn only overly westernised behavior. One can also see that during this period, Muslim women had ceased to be passive recipients of the reform process and were actively defining and discussing issues of concern to them as Muslim women. However, the localised nature of the majority of these groups, coupled with the failure of the AIMLC to evolve into a truly national organisation, meant that attempts to create a strong body with widespread appeal remained largely unsuccessful until the Muslim League began to organise women under its aegis in the late 1930s.

3.3 Purdah, politics and Khilafat

The initial agreement among most male reformers that purdah

³⁷Begam Shahid Husain likewise condemned the imitation of European customs and fashions and advised Muslims to lead a simple and economical life. Ibid..



Leaders in politics and social reform I:
Begum Muhammad Ali (top right) and Lady Abdul Qadir (below)





Leaders in politics and social reform II:
Begum Ikramullah (above),
Begum Shah Nawaz (right) and
Begum Shah Nawaz attending the
Round Table Conference with her father
Muhammad Shafi (below)



regulations should be upheld gave way to a wider variety of viewpoints on the issue during the early decades of the twentieth century. One change was that reformist women's voices, which tended to be more critical of the severity of the purdah system, were increasingly being heard. In addition, the seclusion of upper class Muslim women was being cited as the primary reason why they lagged behind Hindu women in the areas of education and later, social activism.³⁸ Although most Muslim women did find it harder than their Hindu counterparts to abandon purdah, as they regarded it as an obligatory duty as well as a sign of social status, there is evidence of a gradual relaxation of public opinion concerning the strictest purdah practices.³⁹ Two letters published in *The Leader* in the late 1920s centered around the theme that strict purdah was not required in Islam; the first, by a Muslim man, argued that strict purdah was not sanctioned by the Quran, while the second anonymous author thought that "Muslim society in India can make little progress so long as purdah as it is found today is regarded as a custom sanctioned by religion."⁴⁰ Opinion liberalised further as the freedom struggle intensified and expanded in scope. Under Gandhi's campaigns, women were given greater public opportunities, and as will be discussed below, several prominent Muslim women took part in the Khilafat movement. This change in opinion was due to a variety of factors. One long-term effect was the slow emergence of a generation of educated women from families conducive to implementing pioneering changes in social practices, but a more immediate catalyst was a political environment which encouraged women's active participation in resisting colonial rule. One contemporary observer also noted the influence of the liberation of women in Egypt, Turkey and Iran which he believed had had a positive effect on young Indian Muslim men and women, as well as the example of royalty, citing a recent visit to Lucknow by the Nizam of Hyderabad and his unveiled wives.⁴¹ By 1929, two western women working in the medical field could

³⁸For example, Jahanara Shah Nawaz explained that while "Hindu and Sikh women were taking an active part in the social, educational and political organisations that were springing up in the country....Muslim women could not do so because of their being in purdah and the fact that there was segregation of sexes amongst the Muslims." Shah Nawaz, Father and Daughter, 14.

³⁹Lateef notes that by the 1920's some Muslim leaders had gradually developed the idea that purdah did interfere with women's development and that the strict form of purdah as practiced by the north Indian *ashraf* had little basis in the Quran. Lateef, Muslim Women, 78.

⁴⁰*The Leader*, 23 December 1927, 12; and 5 January 1928, 3. A further letter displayed confusion over the issue of whether purdah was Islamic or not, and asked the ulema to give a ruling on the question. *The Leader*, 15 October 1928, 4.

⁴¹*The Leader*, 3 December 1937, 8.

write that

“there is no doubt that purdah is decreasing among the wealthy and well-to-do, as education increases. Even in the middle classes it is less rigid than formerly, and in many families women, whose mothers would have been forbidden, are now permitted to see male doctors. This change is more apparent in the large centres, and has probably not spread very deeply among the masses.”⁴²

The gradual decrease in purdah observance as noted above can thus be seen as a result of a variety of factors including female education, trends in the wider Muslim world, and an internal political situation which by giving women further opportunities to become involved in the political sphere provided them with an important impetus to take liberties with the boundaries of strict purdah.

The impact of the nationalist movement and, in particular, Gandhi's role in mobilising significant numbers of urban, middle-class women as participants in the freedom struggle has already been detailed by Madhu Kishwar and others.⁴³ She notes that from 1921, Gandhi was particularly interested in mobilising women on behalf of the Congress-led political struggle, and that the programme for women made it possible for them either to become involved in public activities such as street marches, boycotts or by courting arrest, or through activities which could take place from within the home, such as spinning khadi. The effect of the nationalist movement on women in UP has been examined by several scholars, but all have concentrated on Hindu women.⁴⁴ To gain a fuller picture about the impact of this trend for Muslim women, one must examine their participation in the Khilafat movement, which took place alongside Gandhi's 1921 non-cooperation campaign.⁴⁵ This period saw the emergence of several female

⁴²Balfour and Young, The Work of Medical Women in India, 4.

⁴³Madhu Kishwar, “Gandhi on Women” in *EPW* (5 and 12 October 1985). On women in the nationalist movement see also Kasturi and Mazumdar, eds., Women and Indian Nationalism.

⁴⁴See Suruchi Thapar, “Women as Activists, Women as Symbols: A Study of the Indian Nationalist Movement” in Feminist Review No. 44 (Summer 1993); Suruchi Thapar-Björkert, “The Domestic Sphere as a Political Site: A Study of Women in the Indian Nationalist Movement” in Women's Studies International Forum Vol.20 #4 (1997); and Uma Rao “Women in the Frontline: The Case of UP” in L. Kasturi and V. Mazumdar, eds., Women and Indian Nationalism (New Delhi: Vikas, 1994).

⁴⁵Gail Minault has examined the participation of Muslim women in the Khilafat period in The Khilafat Movement: Religious Symbolism and Political Mobilization in India (New York:

political leaders and activists. The first limited mobilisation of Muslim women on behalf of their community took place shortly before the First World War. The Ali brothers and Abdul Bari of the Firangi Mahal in Lucknow had organised the Anjuman-e-Khuddam-e-Kaaba in 1913, which was a religious organisation designed to protect the honour of Muslim holy cities.⁴⁶ As part of this concern for events in the wider Muslim world, the Anjuman held fundraising meetings for women in Delhi and Lucknow, at which Muhammad Ali's mother urged the women present to donate money to their cause.⁴⁷ This activism by certain religious and political leaders fed into the Khilafat movement, which with its aim of safeguarding the position of the caliph (the temporal head of the Muslim community) and the holy places of Islam saw a reiteration of the concern with the wider Muslim world and a similar focus on organising Muslims around religious symbols. As the only major political movement in late colonial India which mobilised Muslims around common religious symbols, an examination of the Khilafat and of women's participation in it sheds light on women's role in contributing to a communally distinct identity. As Minault has described, the Khilafat agitation was also a key turning point in that it marked the beginning of the involvement of the ulema in Indian politics. The ulema had become more organised during this period, with ulema from different schools coming together to form the JUH under the leadership of Abdul Bari in 1919. The group's stated purposes were to safeguard the Sharia and to give the Muslim community religious and political guidance according to Islamic principles.⁴⁸ While the JUH's efforts in favour of the imposition of Islamic law will be examined later in the dissertation, it should be noted here that their entry into and dominance over politics in this period marked the beginning of their engagement with the structures and debates of politics and the public sphere, which as we shall see was to include issues of social reform legislation.

Columbia University Press, 1982).

⁴⁶Maulana Abdul Bari was a religious leader based in Lucknow who had a number of disciples, including women.

⁴⁷Gail Minault, "Purdah Politics: The Role of Muslim Women in Indian Nationalism 1911-1924" in Papanek, ed., Separate Worlds, 249-55. She was joined by his wife as well as Begum Hasrat Mohani and the wives of prominent politicians Hakim Ajmal Khan and Dr M.A. Ansari.

⁴⁸Robinson, Separatism, 304. Other goals included complete independence for India, protecting the interests of both Muslims and non-Muslims, and establishing friendly relations with the non-Muslims of India.

From the point of view of changing practices of purdah observance, this period was also extremely important as it provided the impetus for some Muslim women to emerge partially from seclusion; several in fact gave up purdah completely during the political activity of the period. One early example of a prominent woman who dispensed with strict purdah was that of Abadi Bano or 'Bi Amman', the mother of political leaders Muhammad and Shaukat Ali, who became one of the first politically active Muslim women in India during this period. Widowed at an early age, she had struggled to raise her children alone and yet had observed purdah for her entire life. However, she was forced to enter the public arena when both her sons were detained during World War I for their political activities. She campaigned actively for their release, breaking strict rules of purdah by corresponding with strangers. In a letter to Subramania Iyer, she began by saying:

"I fear this letter will surprise you a good deal not only because it comes from a total stranger, but also because the writer is a Muslim woman brought up in the old orthodox ways according to which women are seldom supposed to address any communication to strangers, and never to men....But these are extraordinary times, and things are changing so fast that no one should feel astonished if an old woman like myself addressed, at the sacrifice of a little orthodoxy, a letter to one so universally respected and revered as yourself on a subject which fills at present the minds of all."⁴⁹

She justified her actions by pointing to her age as well as to the political circumstances which demanded them. More significantly, she also used an argument which was to become increasingly familiar in the 1940s with the rise of the Pakistan movement, and which is significant for the way in which women and religion were tied together - that Muslim women had a right and duty to 'fight' alongside their men for the cause of Islam. Noting that in the early days of Islam, "we the women of Islam also used to shoulder our share of the burden and march along with our men, even to the Holy wars" she argued that "it is true that in recent times we have been leading much more retired lives; but, nevertheless, I do not think that we women are at all inclined to shirk today such duties as the changing times may once more require us to perform."⁵⁰ Thus, she justified her emergence from strict

⁴⁹*Abadi Bano to Subramania Iyer* (Chhindwara, 4 August 1917), Mushirul Hasan, ed., *Mohamed Ali in Indian Politics: Selected Writings* Volume II (New Delhi: Atlantic Publishers and Distributors, 1983), 303.

⁵⁰*Ibid.*, 304.

seclusion in both religious and political terms. In 1917 she spoke on behalf of her imprisoned sons at a political gathering; although she remained veiled, the act of speaking publicly before men was another step forward. She represented them at the 1917 meeting of the Muslim League, and also appeared at that year's Congress session alongside Annie Besant and Sarojini Naidu.⁵¹ Six years later, at a meeting in Punjab, Bi Amman raised her veil before the audience, saying that as they were all her sons and daughters she could appear before them. Minault has convincingly argued that these public activities were accepted because they were seen as extensions of her familial roles; in addition, as a widow and mother of two important Muslim leaders, she also had more freedom than the average Muslim woman who would have been more constrained by in-laws' opinions.⁵²

Other activists during this period included her daughter-in-law, the wife of Muhammad Ali, who became politically and socially active while remaining veiled, and Begum Hasrat Mohani, who discarded purdah altogether in order to become involved in the non-cooperation movement. During the Khilafat and non-cooperation movements these women toured the country and spoke to ladies' meetings, and Begum Muhammad Ali continued to travel even when her husband was interned a second time, and helped to organise the women's branch of the All-India Khilafat Committee in 1921.⁵³ Muslim women were exhorted to do their duty to God by supporting their men and imbuing their children with religious faith and patriotism, and encouraged to practice swadeshi from within the home.⁵⁴ Most supported the movement through donating their ornaments, although some did join these female role models in processions and demonstrations. These women leaders emerged from strict seclusion in response to specific events which enabled them to enter the public sphere without excessive censure from their community. In addition to Minault's arguments about these activities being extensions of familial roles, it is also important to remember that when they threw back their veils, it was done not to make a statement against purdah as such but instead to allow them to become further involved in the 'worthy' causes of nationalist politics and community

⁵¹Minault, "Purdah Politics", 252-3.

⁵²Minault, ed., "Introduction" in The Extended Family, 11-12. I have taken the above information on Bi Amman from Minault, "Purdah Politics."

⁵³Minault, "Political Change", 199-202.

⁵⁴Minault, The Khilafat Movement, 150.

regeneration.⁵⁵ While actions of a more overtly feminist nature might invite opprobrium, unveiling as a sign of one's commitment to a political cause was much less likely to be considered unacceptable social behavior on the part of women.⁵⁶ In addition, discarding excessive customary practices and adopting a more 'Islamic' form of purdah as had been advocated by both male social reformers and women's organisations signified a return to 'pure' Islamic practice.

Another trend during the 1920s was the gradual emergence of *ashraf* women from strict seclusion, not solely in response to political events, but as a natural outcome of the liberal nature of their families, their education, and their involvement in social reform activities. The movement of individual women out of purdah had begun in the early twentieth century; the first women to emerge from the *zenanas* were usually the wives of highly placed men working for the colonial regime. The majority of women in my study fall into this category; for them, coming out of purdah was accompanied by a growing interest in social reform activities, and later, formal political participation. Begum Shafi, who was Begum Shah Nawaz's mother, was one of the first such women to discard purdah in 1919. As a pioneer, she remarked that "I found no lady of rank to stand by me and help me in the emancipation of our Indian sisters. I was all alone and did all I could to preach the value of open air and refreshing atmosphere without the *zanana*."⁵⁷ Many such women gradually became involved in social reform activities through founding clubs or groups for women, and then emerged from purdah later. These women were only able to discard purdah because they had support from the males in the household; most frequently, it was the father or husband of a woman who urged her to enter the public sphere.

⁵⁵This can be contrasted to examples elsewhere in the Islamic world of women who unveiled specifically in order to symbolically protest against seclusion. In Egypt, prominent feminist Huda Shaarawi and her colleague Saiza Nabarawi unveiled at a railway station after returning from an international women's conference in Rome in 1923. Badran, *Feminists, Islam and Nation*, 92-3. She notes that unveiling became a common symbol of resistance for feminists throughout the Middle East during this period; in addition to the example above, another Egyptian Feminist Union member unveiled before the Egyptian king in Paris, Turkish women went unveiled to a reception honouring their President in 1925, and a woman appeared unveiled at a public lecture in Tunis in 1929.

⁵⁶An author writing on the Algerian war of independence has made a similar distinction between the various motivations and purposes of unveiling and the reactions that such actions are likely to cause. See Doria Cherifati-Merabtine, "Algeria at a Crossroads: national liberation, Islamization and women" in Valentine M. Moghadam, ed., *Gender and National Identity: Women and Politics in Muslim Societies* (London: Zed Books, 1994), 48.

⁵⁷Mirza, *Muslim Women's Role*, 116.

Other relatives who opposed the move would be convinced that a woman had done it out of obeisance to her husband. Begum Habibullah was one of the first women in Lucknow to come out of purdah in 1931.⁵⁸ Her husband wanted her to give up purdah, and used to take her to parties where she mixed with English people. Although she dressed modestly, her relatives were shocked, and some even socially boycotted her.⁵⁹ All the women of the Wazir Hasan family came out of purdah in the early 1930s, mostly because of their involvement with social reform issues. Begum Wazir Hasan disregarded the censure of the women of her extended family and attended mixed parties with her husband, and encouraged both her daughters and daughters-in-law to discard purdah also.⁶⁰ Begum Aizaz Rasul had been brought up in strict purdah and continued to observe it after her marriage, although to a slightly lesser degree. She finally came out of purdah when she entered politics in 1937, and although she remembers that her husband was not pleased at first, he eventually accepted her decision.⁶¹ Nevertheless, out of respect for her mother-in-law, she continued to observe it in front of her, despite her feeling that "purdah was a great hindrance to the advancement of Muslim women."⁶²

Another important trend was the increased ability of women to discard purdah when they were away from their home or ordinary environment. Many of these women first emerged from purdah when they were away from their natal and extended families, as they had much greater freedom when away from home. This was particularly common among women whose menfolk were in the service of the colonial state; they were frequently posted to a different area of the country for several years or because of their duties they had to travel around India. For example, the women of the Shafi family first emerged from purdah in 1919 when Muhammad Shafi was posted to Calcutta; it was easier to him to encourage such an action while the family was away from their extended network of relatives in Lahore. According to his daughter, Begum Shah Nawaz, "he had been carefully watching the progress of Hindu women and had felt for some time that Muslim women must give up 'purdah' and take their place in the building of the nation."⁶³

⁵⁸Ruth Woodsmall Papers, Box 68, File #4.

⁵⁹Hamida Habibullah, Interview.

⁶⁰Sakina Hasan, Interview. See also Gail Minault, *Secluded Scholars*, 268-83.

⁶¹Begum Aizaz Rasul, Interview.

⁶²Ruth Woodsmall Papers, Box 68, File #5.

⁶³Shah Nawaz, *Father and Daughter*, 59.

She added that nevertheless there had been a great deal of public criticism of her father amongst the extended family circle in Lahore. Maskiell has documented a similar trend among college-educated Punjabi women during the same period.⁶⁴ In this context, it can be seen that increased mobility in terms of employment opportunities for men in colonial service had important effects on the structure of the family and on social practices such as purdah. When returning to the home environment, however, it was not always possible to remain out of purdah. Hamida Saiduzzafar noted that even after her mother came out of purdah, "whenever she went to Rampur...she still had to observe purdah for short periods; but there was no way of avoiding that without raising an unnecessary storm."⁶⁵ Another trend that can be discerned is that of younger women unveiling due to increased educational or social opportunities which took them away from home. When Ruth Woodsmall met a young Muslim woman at the AIWC meeting in Lahore, she confided to her that "This is for me a vacation from purdah...it is the first time I have ever travelled alone and had my face uncovered. Of course when I go back I must wear the burqa. At home I wouldn't dare go without it. But no one notices me here."⁶⁶ Younger women such as Rashid Jahan and Ismat Chughtai discarded purdah when they went to college away from their hometown, and Hajra Begum, Zohra Segal and Hamida Habibullah gave it up when they went to Europe for further studies.

We can see that during this period there was a gradual move out of purdah by elite women, and that rather than being sacralised, purdah observance remained a matter of personal choice for the women under study here. On the one hand, observers such as Woodsmall noticed that "a definite protest is being made against the purdah, led by non-purdah women, Hindus as well as Muslims, and endorsed by many prominent men"; she added that "although the great majority of women are passive in their attitude concerning the veil, but willing to change eventually, there is an active minority of women who have unveiled and are working steadily against the veil. These regard it as a root evil...."⁶⁷ At the opposite end of the spectrum

⁶⁴Michelle Maskiell, "Social Change and Social Control: College-Educated Punjabi Women 1913 to 1960" in *MAS* 19,1 (1985).", 81.

⁶⁵Hamida Saiduzzafar, *Autobiography*, 3.

⁶⁶Woodsmall, *Moslem Women*, 59-60.

⁶⁷Woodsmall, *Moslem Women*, 42 and 65.

from those who had abandoned purdah, there were also some women, such as Begum Mohamed Ali, Begum Feroz-ud-Din and Begum Rashida Latif who became involved in both social reform activities and politics while remaining in purdah, demonstrating that personal choice was possible and did not necessarily hinder a woman's individual activities.

3.4 The possibilities of sisterhood: Muslim women and the All-India Women's Conference

Despite the Khilafat movement, Muslim women's primary energies during the late 1920s remained centred largely on social reform efforts. The movement for the reform of women's social and educational position in India, which had begun in the mid-nineteenth century with the efforts of male reformers to ameliorate women's position, entered a new phase in the early twentieth century with the foundation of several national organisations dedicated to the social and educational uplift of Indian women. Instead of being largely the targets of reform efforts, women were taking an active role in the reform process and were increasingly defining and discussing their own agendas. Encouraged by British feminists in India such as Annie Besant and Margaret Cousins, the Women's Indian Association (WIA) was founded in 1917. The AIWC, founded in 1927, grew out of an educational conference promoted by the WIA, and within a few years had expanded to become a larger and more representative organisation, with a more diverse membership drawn from almost all parts of the country. Its constitution, formulated at the third annual session in 1929, stated that the purpose of the Conference was not to enter party politics but to "unite on such points as to affect women and children."⁶⁸ This entailed addressing a combination of social and educational issues, as it was felt that social practices such as purdah which were detrimental to the spread of education among women had to be tackled as well. By focusing on relatively non-controversial issues, the AIWC hoped to promote a sense of unity among its diverse membership, which included women of different religions, social backgrounds, and political leanings. This would allow it to act as the representative organ of all Indian women and to deal more effectively with the colonial state and with Indian men in pressing for women's demands.

As the primary women's organisation in India from 1927 to 1947, an

⁶⁸Third AIWC Conference on Educational Reform, Report, 76.

examination of the AIWC and its relationship with its Muslim members is vital for a broader understanding of the role of Muslim women in the women's movement in colonial India. During the earlier years of the AIWC, Muslim women joined the Conference in large numbers and cooperated with other women in drafting numerous resolutions on social issues such as purdah, legal rights, and child marriage. At the Second AIWC Conference on Educational Reform, Secretary Kamaladevi Chattopadhyaya noted the participation of a large number of Muslim women, who took an active part in organising and running the Conference.⁶⁹ A number of Muslim women became Presidents or Secretaries of the organisation, and when a specialised Committee came into existence, the Standing Committee usually tried to ensure the representation of women from different communities.

Despite this presence, literature on the women's movement as well as on the AIWC has largely ignored the role of Muslim women within the organisation.⁷⁰ In this section, therefore, I intend to examine the relationship between Muslim women and the organisation through detailing the official position of the AIWC on social issues which affected Muslim women. During its early years, the AIWC passed resolutions on a variety of social issues which applied either to all women or were specific to women of different communities. Hindu and Muslim women cooperated to pass these resolutions and to generally endorse the reform of customs which affected the other community; the idea that the majority community should not interfere with Muslim customs was almost entirely absent from the proceedings. One contemporary observer noted that:

"One of the encouraging features in regard to this movement is the fact that Mohammedan, Hindu, Sikh, Parsi and Indian Christian women are showing a united front in their demands for social and educational reforms, meeting in unity and cooperation, with the presiding officer sometimes from the

⁶⁹Second AIWC Conference on Educational Reform (Delhi: 7-10 February 1928), *Report*, 2. A list of AIWC delegates from Lucknow, which was home to several prominent socially and politically active Muslim women, included the names of Begum Habibullah, Mrs A.B. Habibullah (Attia Hosain), Mrs Ghulam Hasan, Lady Wazir Hasan, Mrs Ali Zaheer, the Rani of Mandi, Mrs H.S. Gupta, Begum Wasim, and Mrs Menon; in Lucknow, Muslim women comprised over half of all local members. *AIWC Files*, File #32, 43.

⁷⁰For works that deal with the women's movement in general and the AIWC in particular, see Aparna Basu and Bharati Ray, *Women's Struggle: A History of the All India Women's Conference 1927-1990* (Delhi: Manohar, 1990); Geraldine H. Forbes, "Votes for Women: The Demand for Women's Franchise in India 1917-1937" in Vina Mazumdar, ed., *Symbols of Power: Studies on the Political Status of Women in India* (Delhi: Allied Publishers, 1979); and Forbes, *Women in Modern India*.

Hindu community and sometimes from the Mohammedan..."⁷¹

Until 1933, then, there was little or no sense of communal tension; women presented a united stand in their demand for legislation designed to improve the social and legal condition of women, and denounced all customs which were seen to hinder the educational development of Indian women.

The attitudes of the AIWC towards child marriage and the Sarda Act will be detailed in the following chapter. Whereas the views of women concerning the Sarda Act were fairly straightforward, their views on the practice of purdah were somewhat more ambivalent. The AIWC passed resolutions against purdah in its early sessions, but few women condemned the practice outright, preferring to speak out against the severity of purdah as practiced by most women and of the impediment that severe forms of seclusion posed to women's educational development. Naturally, the organisation wanted to include most women in its activities, and in the late 1920s some elite women who were active in social reform remained in purdah. In addition, as the Begum of Bhopal pointed out in her presidential speech of 1928,

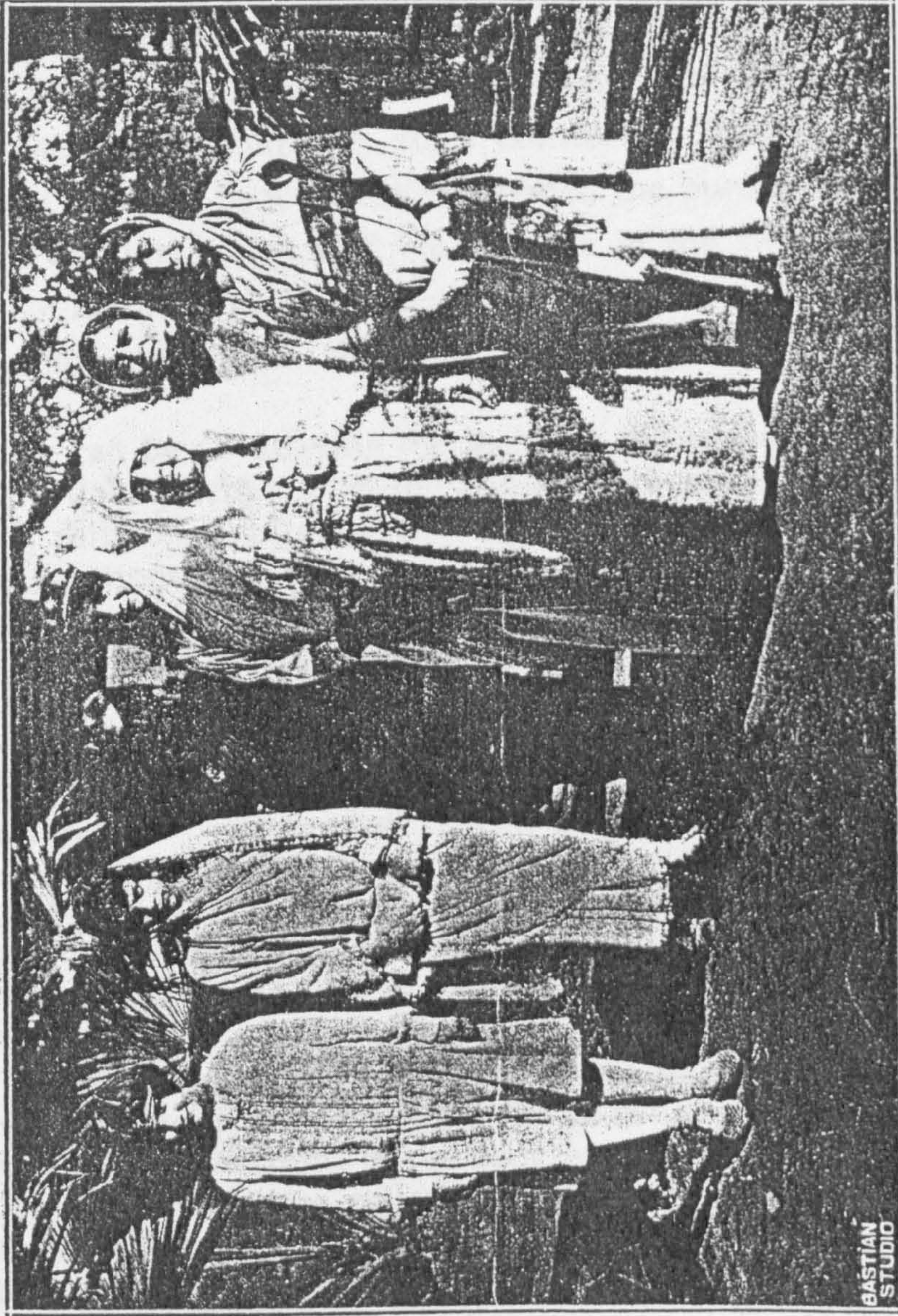
"some of the questions dealt with at this Conference might be construed as having a bearing on the observance of customs cherished by the people as a part of their religious beliefs. I think it is inadvisable to discuss these questions which may savour of an attack on the religion of any community and give rise to unpleasant controversies...which may be harmful to our cause."⁷²

Thus while the AIWC condemned severe forms of purdah, it was tolerant of those members who still observed it, and favoured policies which could accommodate such women, perhaps with the hope that the custom would slowly disappear with the spread of education.

Two primary themes emerge from the speeches of women at the early AIWC conferences on the issue of purdah. Purdah was primarily depicted as an overly strict and oppressive custom with little or no religious basis, and as such it was viewed as a hindrance to education and to the general

⁷¹Elizabeth C. Hume, "Women's Part in Modern Movements in India", 363.

⁷²Second AIWC Conference on Educational Reform (Delhi: 7-10 February 1928), Report, 72.



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STUDIO

1 & 2. Grand-daughters of Her Highness. 3. Mrs. Kamaladevi Chattopadhyaya. 4. The Heiress Apparent to the Throne of Bhopal. 5. H. H. the Begum Mother of Bhopal. 6. Mrs. B. Nehru. 7. Mrs. Sarojini Naidu.

AT THE WOMEN'S CONFERENCE, DELHI.

development of women. The first reference to purdah occurred at the AIWC's first meeting in 1927, when the Maharani of Baroda compared Indian women to caged birds and called for the abolition of purdah, remarking that although the custom had been "adopted in earlier times for the protection of women, it is now not only no longer needed...but it has itself become a danger to health and happiness."⁷³ Muslim women in particular stressed that the severe purdah restrictions prevalent in India were not sanctioned by the Quran, and pointed to women in other Islamic countries such as Turkey who had considerably more freedom. In her presidential speech in 1928, the Begum of Bhopal touched on all the themes of the Muslim reformist position. The speech stands in stark contrast to the views of the Begum discussed in Chapter I, in which she defended the purdah system, and shows the shift of opinion which had taken place in the two decades since the publication of her book in 1912. Noting that purdah was to be found largely among Muslims, the Begum called for "readjustment", saying:

"There can be no denying the fact that the present strictness of the purdah system among the Mussalmans does not form part of their religious obligations. It is based on purely local considerations and is not found in other Islamic countries. The motive underlying the system as it obtains in India was perhaps the prevention of an improper association of men and women. The idea was that women should not make a show of their charms, and it was with that object in mind that the purdah was introduced in Islamic countries. In some of them it still exists, but nowhere is it as strict as in India. If the system were remodelled according to peculiarities of the environments and placed on a reasonable footing, most of the evil effects which it has on female education would disappear, while at the same time, we should be spared from the situation that is causing a great deal of anxiety in the West.

I have no hesitation to own that the purdah system as observed among the Muslims of India is not exactly Islamic and is indeed very harmful to the progress of education among our girls. It is a hindrance moreover in the way of their physical and mental development. The Mussulmans should coolly and calmly reflect and decide whether by respecting a mere custom they would keep their women in a state of suspended animation, whether they would sacrifice the prospects of their future generations on the altar of blind prejudice."⁷⁴

⁷³AIWC Conference on Educational Reform (Poona: 5-8 January 1927), Report.

⁷⁴Second AIWC Conference on Educational Reform (Delhi: 7-10 February 1928), Report, 28. The Begum had formerly been a staunch supporter of purdah but had recently discarded the veil in order to change with the times and set an example to other women in Bhopal.

In contrast to her earlier views, she now described purdah as a social rather than a religious custom, and as such advocated that it be modified to allow women greater opportunities for educational development. Reformers did not plead for the complete abolition of the custom, however, and too much freedom was not viewed as desirable. Echoing the ideas of earlier reformers such as Mumtaz Ali, Miss Feroz-ud-Din called for girls to behave modestly, which she described as "the true Islamic purdah," rather than be subjected to stringent seclusion. However, although she disapproved of the "undue confinement of women", she was "equally against women freely hobnobbing with men on each and every occasion public or private, with beautiful dresses and rouged and 'lipsticked'."⁷⁵ The behaviour of the stereotypical Western woman was frowned upon; in her place the modest yet modern Indian woman was put forward as the reformist ideal.

Another common theme of Muslim women in arguing for their position was a comparison between the women of India and other Islamic countries, most notably Turkey and Egypt. Begum Mazharul Haq, from Bihar, compared the situation of women in her province with that of other Muslim women in the following way:

"The purdah which is found amongst the women of Behar is not found in any country of the world. Turkey, Persia, Afghanistan are Islamic countries, but in these countries also the ladies have got freedom to a great extent. Behar cannot boast of even this much freedom. There ladies are confined within the four walls of their houses and no one can hear their voice, let alone see their faces...the evils of purdah are obvious. I will here only refer to one and that is, it is impossible to educate our girls properly under this custom. I have seen with my own eyes that girls of three or four years of age cannot come out of their houses. How can girls be educated under these conditions? I have heard that the women of Turkey ordinarily know four or five languages and that their education is well advanced. It appears that the women of Turkey and Persia have freed themselves from the trammels of 'burqa' and that even in Afghanistan this reform has commenced."⁷⁶

For these women, then, purdah should not be allowed to stand in the way of

⁷⁵AIWC Fifth Annual Session, Report, 69-70.

⁷⁶AIWC Third Conference on Educational Reform (Patna, 1929), Report, 11-12.

the progress of Indian women, which in their eyes was only possible through increased educational opportunities. By pointing to women from other Islamic countries, perhaps somewhat idealistically, they hoped to prove that Islam and severe seclusion were not inextricably linked, and that as long as women followed the precepts in the Quran regarding modesty, they should be allowed greater freedom in Indian society.

Muslim members of the AIWC seem to have joined Hindu women in a condemnation of the custom of strict seclusion which placed women's physical and mental well-being above religious tradition and social pressure. They believed that purdah played a major role in preventing girls from taking advantage of educational opportunities, which was the primary path through which they felt Indian women could become more enlightened. In order to justify a relaxation of purdah practices, they described purdah as a social or man-made rather than a religious custom, and pointed to relatively free women from other reformist Islamic countries as positive examples of what Indian women could become. And in their desire for a return to Sharia-inspired modesty rather than strict seclusion, they echoed the ideas of earlier male social reformers and thus gave new life to their ideal of the reformed Muslim woman.

One of the striking features of the AIWC resolutions on social issues is that Hindu and Muslim women alike called for the reform of customs which were detrimental to the women of either community. Thus, Muslim women campaigned alongside Hindu women for legislation against child marriage, a problem which was seen to primarily affect the Hindu community. Likewise, Hindu members of the AIWC proposed resolutions intended to improve the position of Muslim women through the implementation of Muslim personal law. On a selection of issues, Muslim women recognised that the rights they had been given in the Quran had been superceded by customary practices which denied them these rights. Therefore, they called for the application of Sharia Law as a method to improve the position of Muslim women. In addition, in the case of polygamy and divorce, they tried to use religion to show that while such practices were permitted by Islam, they were not encouraged, and should therefore be reformed so as to prevent men from abusing their rights.

For reform-minded women, one of the most glaring inequalities

between men and women of all religions was that women were commonly denied a share in the inheritance of property, a practice which had numerous economic and social implications. Hindu women, whether widows or daughters, had no chance to own property outright, and although the Sharia gave rights of inheritance to Muslim women these were not usually practiced by Indian Muslims. Women within the AIWC were in agreement that changes needed to be made regarding the rights of women to inherit property; for Hindu women, they proposed legislative changes in Hindu customary law, and for their Muslim counterparts they advocated the application of the Sharia law in place of customary law which had been given primacy by the British legal system in some parts of the country, most notably Punjab. The first mention of women's inheritance rights came at the 4th Annual Session held in Bombay in 1930, in which a resolution was passed which called for complete equality between the sexes in matters of inheritance and control of property. Special mention was made of Muslim women - the Conference wanted to "ensure rights of inheritance to Muslim women in accordance with the laws laid down by the Quran."⁷⁷ A year later, a resolution was moved unanimously that the "laws in regard to the rights of Muslim women laid down in the Koran should be substituted for the current Customary Law."⁷⁸ During the debate on a similar motion proposed in 1933 by Rani Rajwade, she noted that there had been resolutions in local AIWC constituencies demanding the enforcement of Quranic law.⁷⁹ Muslim women supported these resolutions wholeheartedly. In the same debate, Begum Habibullah agreed, saying

"The rights the Muslim women enjoy have been usurped by their men by introducing customs against such rights. The Quran allows definite and full rights to the widows in respects of their late husband's property and to the daughters and sisters and other female relations."⁸⁰

In the following year, Lady Abdul Qadir, the President of the Eighth Session, lamenting the fact that customs in many parts of India had deprived women of their shares of inheritance, exhorted the Conference to "insist that in case of Muslim women the Islamic law as to the share of females be given effect to

⁷⁷AIWC Fourth Annual Session (Bombay: 20-24 January 1930), Report, 42.

⁷⁸AIWC Fifth Annual Session, Report, 67.

⁷⁹AIWC Seventh Annual Session, Report, 67.

⁸⁰*Ibid.*, 72.

in practice.”⁸¹ Women seem to have been in complete agreement that the Sharia should apply to all Muslims as it could only have beneficial effects for Muslim women. It is interesting to note in the context of later evidence that Muslim women did not view the application of Sharia law as a measure necessary to delineate and uphold their Muslim identity, but looked on it as a device to ensure that Muslim women would be able to take advantage of their legal rights. However, the net result, which was an emphasis on the positive and distinctive nature of Sharia law, fed into existing trends to be discussed in the following chapters, in which religion and personal law were used to unite Muslims under a common banner.

Polygamy was a practice thought to be specific to Muslims although Hindu men sometimes also took more than one wife, and Muslim women in particular were frequently portrayed by social reformers and missionaries as being the victims of polygamy. In discussions within the AIWC on this sensitive issue, Muslim women condemned the practice and tried to argue that although it was theoretically allowed by the Quran, it should or could not be practiced except in very specific circumstances. In 1930, there was a condemnation of polygamy in the AIWC Annual Session, and the following year Muslim women proposed that the public should be educated against the practice.⁸² Mrs Hamid Ali “admitted that Islam allowed it, but on account of the hard conditions attached to it, the permission was only nominal.”⁸³ She and others echoed the reformist position that given the strictures in the Quran that a man had to treat all his wives equally, both spiritually and materially, it would be realistically impossible for a man to practice polygamy in the Quranically sanctioned manner. During a resolution opposing polygamy which was passed unanimously a few years later, the Muslim delegates “wished it to be recorded that while they were in favour of the abolition of polygamy, it was permitted by their religion only in case of strictest necessity arising, as for example, in the case of there being no issue from the first marriage.”⁸⁴ It seems that Muslim women were anxious to correct stereotypical impressions that polygamy was encouraged or condoned by Islam, and instead used religion to argue that it should be allowed only in exceptional circumstances.

⁸¹AIWC Eighth Annual Session (Calcutta: 24 December 1933 to 2 January 1934), Report, 33-4.

⁸²AIWC Fourth Annual Session, Report, 43-4;

⁸³AIWC Fifth Annual Session, Report, 68.

⁸⁴AIWC Ninth Annual Session (Karachi: 26 December 1934 to 3 January 1935), Report, 70.

Another topic which raised the issues of Muslim personal law and the rights of Muslim women was divorce. In practice, it was difficult for women to avail themselves of the right of divorce, unless they changed their religion, which was cause for automatic divorce under Muslim law. As with polygamy, Muslim women agreed that Islamic forms of divorce should be adhered to but that the practice by which a husband could divorce his wife immediately needed to be reformed. The AIWC took up the issue as part of a general resolution on the right of divorce for all women in 1933, in a separate clause which stated that "this Conference is of the opinion that the prevalent practice of Divorce among Mohammedans, in so far as it allows an arbitrary power to the husband to divorce his wife at his mere caprice, is not in accord with the true interpretation of Islamic teaching, and places on record its considered opinion that the right to divorce as conceded by the Islamic Law to Moslem women be recognised by the British Courts."⁸⁵ Muslim women supported the resolution, arguing that the *khula* form of divorce should be made accessible to women. One delegate specifically made the point that Islamic law did not need changing but that customs should be done away with and Islamic law followed.⁸⁶ The resolution was repeated at successive annual sessions, and at the 1935 session, Muslim women claimed in addition that they should have the right of divorce in British courts without having to change their religion.⁸⁷

Another facet of the question of divorce which was explored by Mrs Hamid Ali on behalf of the AIWC was the idea that a woman could be granted a delegated divorce, or *talaq-i-tafwid*, for which it was necessary that any grounds for divorce be mentioned specifically in the marriage contract. In an article in the *Indian Social Reformer*, Mrs Hamid Ali mentioned that some Muslim women of Delhi had sent a resolution to the Conference asking that Muslim women's right to divorce be recognised in British India. She was asked to investigate the issue by the AIWC Standing Committee, and in a reply to her circular letter, legal expert Faiz Tyabji said that most wives were able to obtain a divorce in British India, as long as "appropriate terms are embodied in the marriage contract" which is valid under both Sunni and Shia law, or for reasons of cruelty or adultery. She therefore urged the spread

⁸⁵AIWC Seventh Annual Session (Lucknow, 1933), *Report*, 73-82

⁸⁶*Ibid.*, 79.

⁸⁷A Muslim Woman, "Muslim Women and Apostasy" in *Moslem World* Vol. XXVIII#1 (Jan 1938), [reprinted from Civil & Military Gazette, Lahore, 27 June 1937], 100.

of knowledge of Muslim law, "so that at every Muslim marriage the bride and her relatives should insist on proper safeguards being inserted in the marriage contract."⁸⁸ The contract or *nikahnama* could then provide both for the amount of *mehr* and for the right of divorce for the wife in the event of the husband's remarriage, cruelty, adultery, or non-payment of maintenance.⁸⁹ At the AIWC Annual Session in 1931, mention was made of her efforts, noting that "after years of work trying to elicit information and opinion on the question of safeguarding Muslim women from bigamy, cruelty and other disabilities, an appendix to the ordinary *Nikahnama* has been drafted and will be given wide publicity in India."⁹⁰ Finally in 1937 the Conference published a sample *nikahnama*, which had been generally accepted by all the Law Courts of India.⁹¹ These agitations on the part of the AIWC and Muslim women within it began well before divorce became an issue worthy of attention by the Legislative Assembly in 1938, and suggest that it was an important issue for Muslim women, who felt that even their limited right of divorce was being curtailed by custom and that men were taking undue advantage of their relatively greater powers of divorce.

One can see in these various debates and resolutions that women were supportive of the specific problems affecting different communities and worked together to solve them. On the issues of purdah and Islamic law, while Muslim women did not seem to consider either as essential to their religious identity, they did stress the beneficial nature of the Sharia and advocated a return to 'purer' forms of Islamic practice. However, even while calling for change, most women were considerate of the views of others who might not agree with their opinions, and followed a cautious, inclusionary policy with which the majority could agree.

3.5 The formation of women's groups in the United Provinces

In the previous section I examined the discourse on a number of key

⁸⁸*Indian Social Reformer*, 27 September 1930.

⁸⁹In addition, she suggested providing a model contract both in English and Urdu.

⁹⁰AIWC Sixth Annual Session (Madras: 28 December 1931- 1 January 1932), *Report*, 29.

⁹¹AIWC Twelfth Annual Session (Nagpur: 28-31 December 1937), *Report*, 247-8. The wife was to have the power of pronouncing a divorce if her husband married again, deserted her for a period exceeding three years, failed to maintain her for 1 year, or committed adultery. In order for the divorce to be valid, the wife must exercise this power within three years of the occurrence of one of the above conditions, and must declare before three witnesses that she divorces her husband.

issues at the national level of the AIWC. However, this section examines the activities and concerns of women who became involved with social reform at more localised levels, particularly in Lucknow. As we shall see, Hindu and Muslim women cooperated on a number of social reform issues, and the resolutions passed at their meetings show a similar awareness of developments elsewhere in the Muslim world as well as a similar advocacy of a return to Islamic practice as a way to increase women's rights. By the late 1920s, women's groups proliferated in urban areas throughout India; their aims were a combination of social reform concerns as well as providing socially acceptable places for women to meet each other and learn about new ideas and information.⁹² Women generally became involved in the local branches of the AIWC as well as founding smaller organisations in their own cities which served as meeting places for women. In this section I examine the activities of various women's organisations in UP more generally, and in Lucknow in particular. Lucknow developed somewhat later than Aligarh and Lahore as a centre of social reform efforts among Muslim women. However, by the late 1920s, an educated group of Muslim women had emerged in Lucknow who were interested in promoting education and social reform activities. Female leaders, some of whom had also discarded purdah, were growing in number, partially due to the impetus of the AIWC; one English observer noted that by 1935,

"This Conference with its branches has done [an] amazing lot to bring Muslim women out of purdah - I could name a large number in Lucknow itself who were in purdah when I first knew them as I was helping to organise the Lucknow branch of the Conference, and who are now as free as I am in their public appearance."⁹³

Beginning during this period, a number of women's organisations were founded, which provided both Hindu and Muslim women with a space to

⁹²*The Leader*, 24 November 1929, 14. This dramatic increase in social activism by women can be seen by the large number of conferences which took place throughout the UP in 1928; *The Leader* reported a ladies conference in Lucknow which passed a resolution against polygamy, a meeting of women in Allahabad convened by Uma Nehru which focused on education and widowhood, a women's conference in Gonda (Oudh) where about 150 women called for the abolition of purdah and child marriage, and a women's conference in Allahabad which asked that the professions be opened to women. These conferences seem to have been attended by both Hindu and Muslim women. See *The Leader*, 26 January 1928, 4; 8 October 1928, 5; 19 November 1928, 16; 5 December 1928, 14.

⁹³Letter to Ruth Woodsmall from Mary E Shannon, Isabella Thoburn College, Lucknow (20/6/35), Ruth Woodsmall Papers, Box 40, File #2.

discuss problems affecting women ranging from education to the reform of practices such as child marriage and purdah. An examination of these various women's organisations illuminates the preoccupations and concerns of these early female pioneers as well as pointing to the level of participation of Muslim women in the wider women's movement and to some of the constraints of the women's movement during this time period.

The founding of the AIWC provided the impetus for the growth of local women's organisations throughout India, which were affiliated to the national body and which represented local opinion. According to the AIWC's organisational structure, local affiliates were supposed to nominate representatives who would then go to the national annual meetings. In UP, two constituent groups had been formed in 1927: the Oudh Women's Conference, which represented Lucknow and Moradabad, and the Agra Women's Conference, which represented Agra, Allahabad, Cawnpore and Benaras (and later included Meerut, Dehra Dun, and Aligarh).⁹⁴ These local organisations had a fairly small membership which would have been confined to women from the urban upper classes; the majority had husbands who were involved in government service or the legal profession, although there were also women from *talūqdāri* backgrounds. However, their activities and general meetings were designed to reach women from different socio-economic strata.

In Lucknow, both Hindu and Muslim women were active participants in the AIWC, and Muslim women made up about half of the total members of the Oudh Women's Conference (OWC), which suggests that Lucknow can be seen as a 'stronghold' of activity among Muslim women, as the Agra branch was dominated by Hindu women. Most of the women in my study had joined the AIWC at its inception, and as seen earlier, the majority were elected as delegates for the 1933 national Session. Both Begum Habibullah

⁹⁴Of the two, the Agra branch was more organised in reporting their activities and membership, and it is easier to gain a picture of their strength among women. By the early 1940s membership of the various sub-constituencies under the Agra branch was estimated to be 300 members in Allahabad, 79 in Dehra Dun, 46 in Meerut, 300 in Benaras, and 70 in Cawnpore. AIWC Files, File #225, 4. By 1945 total membership had risen slightly to 870 members, which demonstrated that the organisation remained popular even in the face of the rising popularity of the Muslim League. However, it is impossible to determine whether a possible defection by Muslim women was compensated for by increasing numbers of Hindu women. AIWC Files, File #331, 78. While no figures of actual membership are available for Lucknow, its annual conferences were well attended, and its Moradabad sub-branch reported that its strength had increased from 76 members to 117 by 1945. *Ibid.*, 86.

and Begum Wazir Hasan were early members of the organisation, and Begum Wazir Hasan encouraged her daughter-in-law and grand-daughter to also become involved.⁹⁵ Begum Wasim also participated in the OWC, and became an AIWC Vice-President in 1933.⁹⁶ Mrs Ghulam Hasan was active at both local and national levels, serving as the Standing Committee member from Oudh as well as OWC Secretary for a number of years.⁹⁷ Interestingly, Sarojini Naidu seems to have been an important influence for several of the younger women in my study. Begum Aizaz Rasul remembers that she wrote to her father, who was a friend, and suggested that his daughter be allowed to come to the 1929 session, which was to be held in Delhi.⁹⁸ She served as a delegate to the national conferences several times, was elected President of the local branch in 1939, and served as an AIWC Vice-President also.⁹⁹ Attia Hosain attended the annual session in Calcutta, also at the urging of Mrs. Naidu, and her sister Razia was active in the organisation as well.¹⁰⁰

Meetings of the Oudh Women's Conference were held annually in Lucknow, where representatives were nominated to attend the national meetings and resolutions were passed on social, educational and legal issues which were then sent to the national executive for consideration. The majority of the resolutions concerned educational, social, and legal issues, with occasional references being made to the political situation. One of their first meetings, held in May 1928, was called in order to report the events of the AIWC conference in Delhi to local women. Resolutions were passed which supported an increased age of marriage and seats for women in legislatures, encouraged the swadeshi movement, and condemned communalism, with Muslim women taking an active part in the proceedings.¹⁰¹ At the second annual conference later that year, Begum Wazir Hasan served as President and over 300 women attended. In her

⁹⁵Hamida Habibullah, Interview, and Sakina Hasan, Interview. Sakina attended the 1939 session in Delhi with her grandmother.

⁹⁶AIWC Files, File #25, 13.

⁹⁷AIWC Files, File #52, 10

⁹⁸Begum Aizaz Rasul, Interview. It was at this Conference that the Begum of Bhopal gave her landmark speech about the severities of the purdah system, which perhaps had an influence on Begum Aizaz Rasul, who was a student at the time.

⁹⁹AIWC Files, File #222, 21.

¹⁰⁰AIWC Files, File #25, 13.

¹⁰¹*The Leader*, 5 May 1928, 12. Mrs Wasim served as Vice-President of the meeting, and the names of Begum Wazir Hasan, Begum Habibullah, Mrs Ghulam Hasan and Begum Shahid Husain were mentioned in connection with the resolutions.

speech, she noted that while the reform movement among Lucknow ladies had started only the year before, it had taken a concrete shape as "the city ladies gathered together once every week and exchanged ideas to their mutual advantage."¹⁰² Speaking on the purdah system, which she saw as an obstacle to women's progress, she remarked that

"there was nowadays a considerable body of Mussalmans who favoured a total abolition of purdah, following the examples of Turkey and Afghanistan. The speaker's personal opinion was that purdah in India would certainly have to be reformed, but not to the extent desired by the admirers of Western civilisation."¹⁰³

She added that the needs of Indian women could be divided into the categories of social reform of customs such as purdah and early marriage, and educational progress, and remarked in connection with the latter point that schools needed to develop a new syllabus aimed at girls, and that the teaching of theology was essential for girls as many contemporary problems stemmed from a lack of spirituality. This statement echoes the ideas of 19th century male social reformers that women should be also held responsible for upholding religious values, a position which differed from Muslim tradition which placed the primary responsibility on men.¹⁰⁴

The Fourth Annual Conference was presided over by Begum Hamid Ali, and over 300 women attended. As Chairwoman of the recently formed education committee, Begum Wazir Hasan gave a detailed report of their activities, which included visiting girls schools in Lucknow as well as raising Rs.1000, and Begum Habibullah reported that the Oudh Women's Conference had donated Rs.3000 to the AIWC education fund.¹⁰⁵ At the half-yearly conference held in April 1931, the Rani of Mandi exhorted women to "try their best to create Hindu-Muslim unity," stressing that education would prove to be the proper solvent for communal differences. The resolutions

¹⁰²*The Leader*, 30 November 1928, 10.

¹⁰³*Ibid.*

¹⁰⁴Resolutions were passed by the assembled women supporting the establishment of a school and a teacher-training programme, and favouring the abolition of purdah and an increased age of marriage.

¹⁰⁵*The Leader*, 22 November 1930, 4. One resolution supported the bill in the Legislative Assembly concerning Hindu women's right of inheritance, while another advocated changes in the curriculum for girls with a shift of emphasis from reading and writing to domestic science and hygiene.

reiterated the need for more women in central and provincial legislatures, and condemned the practice of polygamy.¹⁰⁶ Mrs Nanavutty, the wife of a prominent judge of the Oudh court, presided over the sixth annual conference. She commented that the breakdown of purdah was very pronounced in Lucknow among both Hindu and Muslim women, and talked about the evils of polygamy and female mortality.¹⁰⁷ Interestingly, there was no mention of political issues, and no stance was taken on the issue of joint electorates at a time when other regional women's conferences were condemning the idea, which suggests that perhaps in Oudh there was a lack on consensus on the issue which made it impossible for them to pass a resolution on the topic.

In addition to participating in the local constituent branches of the AIWC, women in UP, as in other regions of India, also formed smaller groups, primarily in urban areas, whose purpose was less overtly oriented towards social reform and social work. In the late 1920s, several prominent Muslim women in Lucknow founded associations of women; these groups were less overtly concerned with social reform issues, and more with providing women with a 'purdah' space where they could interact with other women. Begum Wazir Hasan founded the Lucknow Women's Association (LWA) in 1927.¹⁰⁸ It was composed of women of all religions, largely wives of professional men but also several women who were politically and socially active in their own right. Meetings held every Monday were largely to encourage women to come out of their houses. By 1928 it had grown enough in stature that representatives of the group had been asked to testify before the Age of Consent Committee. Members of the LWA also gave evidence before the Simon Commission, although it seems as though they were acting in a private capacity rather than as representatives of the organisation.¹⁰⁹ The

¹⁰⁶*The Leader*, 3 April 1931, 15. The following year, women resolved that all women should be enfranchised, that Hindu women should be given right to property, and that more effort was needed to enforce the Sarda Act. *The Leader*, 28 March 1932, 11.

¹⁰⁷Indian Annual Register 1932 (Volume II: July-December 1932), Edited by Nripendra Nath Mitra (Calcutta: The Annual Register Office), 353. See also *The Leader*, 26 Oct 1932, 13. The resolutions included a suggestion that refresher courses for all primary school teachers be held by the education department, support for various bills to suppress immoral traffic in women, and the formation of committees of educated women to teach women and girls in rural areas. *The Leader*, 27 Oct 1932, 12.

¹⁰⁸The following information was provided by Sakina Hasan, her granddaughter. Her aunt Sayyida Bano was Secretary of the organisation for a while, as was Attia Hosain's sister Razia. Nishat Rehman remembers that her mother Mrs Ghulam Hasan was also a member.

¹⁰⁹A statement issued to the press by Mrs Shukla, Begum Wasim and Mrs Mittra said that the women of Lucknow supported the national boycott of the Simon Commission and that it was a

Association also developed a scheme whereby members offered to teach various languages and subjects to LWA members and their friends.¹¹⁰ In the following year, free primary education classes were offered to girls in English, Hindi, Urdu and domestic science.¹¹¹ The LWA successfully managed to focus on these sorts of issues and to avoid becoming embroiled in politics, which would have perhaps alienated some of its members.

At the LWA annual day, held in November 1932, approximately 150 women attended the celebrations, and the President noted that overall membership had increased over the past few years from 54 to 84 members. Worried that the Association had no building to house its growing activities and members, the organising secretary started an appeal for funds to build a permanent structure.¹¹² In the following year, the foundation stone of the new building was laid by Lady Hailey; in her speech to mark the occasion, Lady Wazir Hasan said that the LWA was "a registered body the avowed object of which is to effect educational and social reform, to obliterate communal feelings, to foster a spirit of comradeship and cooperation and to advance the cause of peace and goodwill."¹¹³ The LWA continued in its activities throughout the war, running as a parallel yet smaller organisation to the OWC for many years. However, in 1945, Lady Wazir Hasan broached the idea of affiliating the LWA to the OWC with the aim of coordinating their activities; she had showed the AIWC constitution to some of the members, and proposed a scheme of affiliation with a common panel of members.¹¹⁴ The idea proved to be a success, and with the affiliation the membership of the LWA increased from 95 to over 150 members.¹¹⁵

coincidence that all three witnesses were members of the LWA. One of the witnesses, Mrs Ahmad Shah, later printed a letter saying that they were acting of their own accord, and that the LWA was not involved in political issues but was a social organisation. See *The Leader*, 14 December 1928, 10; and 17 December 1928, 4.

¹¹⁰*The Leader*, 18 January 1932, 6. Lady Wazir Hasan, Begum Wasim and Begum Al-e-Raza were responsible for Urdu, other ladies taught Hindi and English, Miss Asrivathan, Miss Shahid Husain and Mrs Ali Zaheer taught painting, and Mrs Chalmers, Mrs Shakasha and Mrs Mubarak Husain taught needlework. Mrs Mubarak Husain was Attia Hosain's sister.

¹¹¹*The Leader*, 6 April 1933, 7.

¹¹²*The Leader*, 23 January 1933, 13.

¹¹³*The Leader*, 22 March 1934, 4.

¹¹⁴*AIWC Files*, File #315, 107. See also *Letter to Kulsum Sayani from Mrs Sheila Dayal* (25/8/45), *AIWC Files*, File #327, 309; and *Letter to Mrs Dayal from Kulsum Sayani* (18/8/45), *AIWC Files*, File #327, 322.

¹¹⁵*Letter from Mrs Dey, AIWC Files*, File #327, 26.

A rival organisation to the LWA called the Awadh Ladies Club was started by Begum Habibullah, which was intended to be primarily a social club for women from *talūqdari* families.¹¹⁶ The Club had 72 members, and included several professional women as well as women from *talūqdari* backgrounds. They also started an appeal for funds in order to provide the organisation with a permanent meeting space, and with the help of funding from several *talūqdari* families, they opened a new building in 1936.¹¹⁷ However, it seems to have been less involved in social service and community activities than the LWA. According to Sakina Hasan, both of these groups died down somewhat after the 1940s.¹¹⁸

This chapter has shown the various ways in which some elite Muslim women emerged from purdah during the first few decades of the twentieth century as well as their activities in the field of social reform and, less commonly, nationalist politics during this period. Although the majority of women found it difficult to give up purdah, of these women some gave up purdah altogether while others became involved in social reform work and politics while remaining in purdah. Strict purdah was seen as detrimental to women's social and educational development, and a majority of Muslim women criticised its strictness while simultaneously upholding the foundations of the purdah system and advocating a return to 'Islamic' purdah. In terms of both women's practice and discourse, then, purdah did not become an issue of consensus or an essential symbol of Muslim identity but did become linked in important ways to Islamic identity. As we have seen, one of the other primary concerns of Muslim women during this period was Islamic law. Women advocated the reform of certain aspects of law concerning polygamy and divorce, and supported the idea of returning to a 'purer' form of Sharia law, in which the spirit of the Quran was upheld and in which they could regain their lawful rights of inheritance. The upholding of personal law was not seen as crucial to their identity as Muslims, perhaps because they were more concerned with establishing their rights as women. However, by arguing that all Indian Muslim women were affected by the same problems (which were based on the interpretation of Muslim religious doctrines), one can argue that in a way they too were contributing to a sense of

¹¹⁶Begum Aizaz Rasul, Interview, and Hamida Habibullah, Interview.

¹¹⁷*The Leader*, 4 August 1934, 5; see also *The Leader*, 24 March 1936, 14.

¹¹⁸Sakina Hasan, Interview. In her view, religious gatherings are more common now; she says that during the 1930s, religion was usually never emphasised at women's meetings.

'separateness' which although not apparent in this period was to become so in the course of the 1930s. This idea of separateness was reinforced by constant reference to reforms in the wider Islamic world and the belief that Indian Muslims should follow in the footsteps of countries such as Turkey and Egypt which were seen as 'modern' Islamic ideals.

CHAPTER IV

GENDER, COMMUNITY AND SOCIAL REFORM : THE SARDA CHILD MARRIAGE ACT OF 1929

We have seen in the previous chapter how links between gender and community were not often explicitly made by women, even though they may have been subtly suggested. Women tended to support the Sharia because it was beneficial for them, and while they did advocate a return to the 'pure' laws of Islam, they did not view the Sharia as a sacred and inviolable entity. However, beginning in the late 1920s, such links were increasingly being made by male community leaders in national public fora. This chapter examines the first major instance in which an argument surfaced which was to become more familiar in the years to follow: that Muslim personal law was sacred and should therefore not be tampered with unless Muslims themselves requested it. The occasion was the debate over the Sarda Child Marriage Act, which attempted to improve the situation of women by raising the legal age of marriage. These arguments emerged against the background of a breakdown in communal relations at a political level following the non-cooperation and Khilafat movements of the early 1920s, in which Hindus and Muslims had cooperated, which as we shall see affected attitudes and opinions towards social and cultural issues. Due to an increase in Indian involvement in provincial politics under the Montagu-Chelmsford constitutional reforms, the provinces saw heightened levels of political wrangling which, as David Page has argued, when combined with an upsurge of proselytising activity by groups such as the Arya Samaj, led to an increase in communal tensions in the case of UP.¹ At the national level, politicians were becoming involved in negotiations over the changes to the constitution of India, and Muslims had vested interests in trying to portray their community as a distinct and unified group in need of special concessions. Therefore, using issues of personal law and gender as a way to distinguish Muslims would appear to be part of a larger strategy.

As suggested in the introduction, the role of gender issues in contributing to the growing communal divide in India has generally been

¹Page, *Prelude to Partition*, 74-5.

overlooked by historians and political scientists. However, it is in a number of debates on socio-legal reform measures which took place from 1929-45 that we can see the ways in which Muslims, using issues concerning gender, were able to define their community along social and cultural lines. In this chapter and in Chapter VII, I have chosen debates dealing with issues of women, law and community in order to illustrate the attitudes of Muslim legislators towards both legislation aimed at all women and legislation aimed directly at Muslim women. The different interest groups which took part in the debates can be characterised as follows: liberal elements, including social reformers and middle-class service professionals (some of whom came from the families discussed elsewhere in the dissertation), and conservative elements, largely represented by the ulema and those politicians who supported their views, most of whom had become involved in political and legislative activity through participation in the Khilafat movement of the early 1920s. Although women did not take part directly in the debates, they made their feelings clear through petitions, public speeches and resolutions passed by women's organisations, and can be seen as an 'interest group' who made a limited impact on the debates; indeed, their interests were frequently invoked by male legislators who claimed to speak on their behalf. Generally speaking, liberal elements as well as women's groups tended to support all legislation aimed at improving the status of women. Muslim conservative elements, on the other hand, vehemently protested against the inclusion of Muslims in general legislation, calling it an interference with Sharia law, while simultaneously supporting legislation intended to restore rights to women under Muslim personal law.²

In this chapter, I examine the Sarda Child Marriage Act of 1929, which was the first major instance in which social reform legislation became a site of contest between communities, amongst different sections of Muslim opinion, and with the colonial state. The Act met with mixed views from Muslim male legislators, and somewhat unexpectedly, the conservative section of the community, led by the ulema, protested vehemently against the legislation on the grounds that it was an interference with Muslim personal law. In fact, in the debates surrounding the Act, the ulema played a leading role for the first time in the legislative sphere in trying to define and defend Muslim interests. However, as we shall see, women of all communities were

²Conservative Hindus also protested along similar lines, arguing that the legislation interfered with the tenets of Hinduism.

staunchly in favour of the Act; they rejected the argument that the Act was an infringement of Muslim law, and indeed questioned the right of men to legislate on an issue which primarily concerned women. Perhaps due to divided opinions within the community, the conservatives were ineffective in persuading the legislature to incorporate their opinions, and the Act remained applicable to Muslims as well. In the late 1920s, when cooperation between Hindus and Muslims on social issues was still possible and when liberal Indians were anxious to disprove the allegations contained in Katherine Mayo's *Mother India*, the progressive majority could afford to pass such a wide-sweeping piece of legislation and to override the opposition of both conservative Hindus and Muslims. A key point to bear in mind in this as well as the following chapters is that of the dialectic between gender and community; the articulation of differences in women's position under Hindu and Muslim personal laws contributed to growing communal antagonism but was also affected by developments in the political sphere and provided yet another arena for airing communal differences during this crucial period from 1929-39.

4.1 Debates over marriage in colonial India

One of the primary places in which gender issues were debated in the national arena in the late colonial period was through social reform legislation. The gradual expansion of government to include Indian representatives both at the national and provincial levels meant that Indians had important new public fora for the discussion of both political and social issues. The colonial rulers' occasional attempts to effect social change and improve the status of women through legislation continued when Indians themselves became involved in governance.³ Reform-minded individuals introduced a number of bills in the Legislatures between 1920 and 1947; most concerned the reform of Hindu law, but some were intended to apply to women of all communities and two specifically concerned Muslim women.⁴ The emphasis was on either reforming practices which were considered to be a hindrance to women's social and educational development, such as child marriage, or to grant women greater rights concerning marriage, divorce, and inheritance. Although the practical effects

³For an overview of legislative reforms in the nineteenth century, see Forbes, Women in Modern India, Chapter 1.

⁴A more detailed of all legislation during this period can be found in Parashar, Women and Family Law Reform.

of these bills were fairly limited, the discussions over them provided a space for political parties to air their views as well as for representatives of different communities and interest groups to make statements concerning the status of women under religious law as well as the superiority of one religion over another.

The right of the state to legislate on the age of marriage had been an issue in India throughout the colonial period. According to Eleanor Rathbone, the idea of making intercourse between husband and wife below a certain age illegal seems to have originated with the Law Commissioners who drafted the Indian Penal Code in 1846, which made intercourse illegal if the wife was below the age of ten.⁵ In 1891 there was a fresh wave of protest after a child-bride in Bengal died as a result of intercourse with her considerably older husband, which culminated in the Age of Consent Bill which raised the age of consent within marriage to twelve.⁶ Fresh discussions of the issue arose in the 1920s in response to consideration by the League of Nations of the problem of traffic in women and girls, and several bills were introduced into the Central Assembly but were all defeated.⁷ However, another attempt by Harbilas Sarada, who introduced his Hindu Child Marriage Bill in 1927, was followed by the publication of Katherine Mayo's *Mother India*, which attacked the custom of early marriage and held that its effects were partially responsible for India's unreadiness for self-government. Defensive Indian legislators were thus more ready to consider his bill in the following year.

The debate over the Sarada Act had sprung up shortly after the foundation of the AIWC and provided an issue which all women supported. Women's organisations at both the national and local levels lobbied actively in favour of the legislation; as will be seen below, they cooperated with the Age of Consent Committee, and in addition they made use of public meetings, petitions and other means of propaganda in order to garner support

⁵Eleanor Rathbone, Child Marriage: The Indian Minotaur (London: George Allen & Unwin, 1934), 17.

⁶For a discussion of the controversy and the Bill, see Sarkar, "Rhetoric Against the Age of Consent".

⁷Around the same time, efforts to legislate against child marriage were attempted by both Turkey and Egypt. However, both countries also had problems with enforcement. See Elizabeth White, "Legal Reform as an Indicator of Women's Status in Muslim Nations" in Lois Beck and Nikki Keddie, eds. Women in the Muslim World (Cambridge, Mass: Harvard University Press, 1978), 54, and Badran, Feminists, Islam and Nation, 128.

as well as to make women's feelings on the matter clear. An examination of the views of women on the Sarda Act provides an example of an issue where women stood united as women in the face of communal posturing by men. As I argue below, the protracted debate over the Sarda Act in the Legislative Assembly suggests that male legislators were beginning to delineate a separate community identity; in opposing the legislation, a section of Muslims had argued that the Act should not apply to them as child marriage was not common among Muslims and as it would interfere with their personal law. In contrast, women were staunchly in favour of such legislation as they felt it would benefit all women, in a clear example of their independent agency.

Muslim women even in their separate organisations had been critical of child marriage even before the debate over the Sarda Act emerged. As noted in the previous chapter, in 1914 the AIMLC came out against the practice of child marriage as they considered it to be a major hindrance to female education. In another national conference of Muslim women held in Poona in 1925, *Stri Dharma* reported that the assembled women passed a resolution which recommended raising of the marriage age for girls to fourteen.⁸ Within the ambit of the general women's movement, they continued to favour the legislation even though it was clear that their opinions contradicted those of some Muslim men. The AIWC sent a formal deputation to the Age of Consent Committee which supported both the Age of Consent Bill as well as a bill intended to raise the age of marriage.⁹ In addition, many of its members, although appearing before the Committee in a private capacity, supported its stance. In both national and local AIWC gatherings, women spoke in favour of the Bill. In a speech at the AIWC session of 1928 held in Delhi, the Begum of Bhopal condemned child marriage, saying that it was "incumbent upon us to stop this evil as far as possible."¹⁰ One of the first meetings of the Oudh Women's Conference (the local AIWC branch), held in May 1928, was called in order to report the events of the Delhi conference to local women. A resolution was passed which supported an increased age of marriage, and Muslim women took an active part in the proceedings.¹¹ The AIWC branches had organised meetings

⁸*Stri Dharma* Vol.8 #11 (September 1925), 165.

⁹*Deputation of the All-India Women's Conference to the Age of Consent Committee (8th Jan 1929)*, Third AIWC Conference on Educational Reform, *Report*, 65.

¹⁰Second AIWC Conference on Educational Reform (Delhi: 7-10 February 1928), *Report*, 72.

¹¹*The Leader*, 5 May 1928, 12. Mrs Wasim served as Vice-President of the meeting, and the names of Begum Wazir Hasan, Begum Habibullah, Mrs Ghulam Hasan and Begum Shahid

throughout the country at which similar opinions were expressed. Begum Hamid Ali, who made a special tour to drum up support, spoke to Muslim women in Sind of her personal experience of child marriage; although she herself had been married late, two of her seven daughters had been "victims" of the practice and she had resolved that her remaining daughters would be educated before marriage, which would ideally take place around the age of eighteen.¹² The activities and statements of women on behalf of the Sarda Act can be seen as their first and most successful cooperative effort during this period in the sphere of social reform legislation.

4.2 The Age of Consent Committee

In order to gauge public opinion before the discussion of Sarda's bill in the Legislative Assembly as well as to ascertain a true picture of the prevalence and effects of early marriage and motherhood, the Government established the Age of Consent Committee in 1928. The Committee was composed of primarily Indian members, and included two women. Its job was to tour the country gathering information in the form of either written statements or oral evidence which was invited from prominent and representative people and organisations; the Committee sent out a total of 8000 questionnaires, and over 400 people gave evidence, of whom 60 were Muslim.¹³ Although the majority of the witnesses were men, conscious efforts were also made to gather opinions from women, as can be seen from the following statement:

"The Committee examined a large number of lady witnesses in different parts of the country, whose intimate knowledge of the conditions of married life and maternity entitled them to speak with authority of the feelings and views of at least the educated section of women in the country. To ascertain the opinions of orthodox women unable to appear and give evidence before the Committee, Purdah parties were organised at some places which the lady members of the Committee attended."¹⁴

Using this evidence the Committee was able to piece together a picture of the

Husain were mentioned in connection with the resolutions.

¹²Forbes, *Women in Modern India*, 87.

¹³*Report of the Age of Consent Committee 1928-1929*, 1-5. Members of the Committee included Mrs Brijlal Nehru (the representative of women), and Maulvi Muhammad Yakub and Mian Mohammad Shah Nawaz (the Muslim representatives).

¹⁴*Ibid.*, 3.

prevalence and effects of child marriage in India as well as a summary of opinion either favouring or opposing legislation designed to combat the 'evil.' The findings of the Report proved that child marriage (defined as marriage before the age of fifteen) affected roughly 40% of girls in India, with the practice being most acute in Bengal, Bihar and Orissa, the Central Provinces, and Bombay Presidency [see Table I below]. Although it was more prevalent among Hindus than Muslims, the finding that significant proportions of Muslims also practised child marriage was a surprise to some Muslim witnesses and members of the Legislature, who had previously believed that members of their community did not practise child marriage. Generally, however, it was more common among the lower classes, which is why they may not have realised that it was a problem at all. For example, the Committee noted that in regard to Muslims in the United Provinces, "early marriage is not practised among the higher classes. It prevails among the lower classes both in rural areas and towns, but not to the extent to which it prevails among the lower classes of Hindus. Where early marriage takes place among them, it is fostered either by the existence of relationship or some exigency or convenience or the idea of securing some advantage which may otherwise be lost."¹⁵

Table I: Girls affected by early marriage in India

<u>Province</u>	<u>% under 15 affected</u>	<u>%Hindu</u>	<u>%Muslim</u>
All India	42.2	48.4	37.01
Assam	26.3	27.6	34.1
Bihar & Orissa	52.4	62.4	49.9
Burma	.4	.25	3.8
Bengal	55.5	63.8	51.7
CP & Berar	56.9	62.8	31.8
Bombay	54.4	61.3	26.6
NWFP	12.6	19.2	12.01
Madras	24.3	26.07	12.6
Punjab	24.7	37.1	18.8
UP	53.1	55.5	40.7

Source: Report of the Age of Consent Committee 1928-1929, 95.

The Committee recorded a wide gamut of opinion from Indians around the country; liberals were generally in favour of some restriction on the practice, while religious and conservative elements were opposed.

¹⁵Ibid., 80. According to evidence from witnesses in the UP, upper class Muslim girls were married around age eighteen to twenty.

However, with regard to women, those who appeared before the Committee were unanimously in favour of some sort of legislation against child marriage, regardless of religious affiliation or social background. I will focus on the opinions gathered from women in Punjab and UP, which are similar to the views of women in other regions of India. Miss Ferozuddin, an AIWC member from Punjab who had been the first Muslim woman to gain an MA while remaining in purdah, called early marriage "India's greatest misfortune and a chief source of physical deterioration, moral degradation, illiteracy and economic ills."¹⁶ She welcomed interference by the Government in the matter, saying that "the Indian public is better prepared to welcome legislative and Government interference in this case than it was for the abolition of Satee in 1829."¹⁷ In the United Provinces, twenty-six ladies at a purdah party in Lucknow favoured fixing the age of marriage at sixteen years; their views were echoed by Mrs Phulavati Shukla, the Secretary of the AIWC Oudh Consitiuent Committee, who reported that the majority of the eighty members of the organisation wanted the age of marriage raised to sixteen.¹⁸ At the Imperial Purdah Club in Allahabad, women of both religions stated that they did not believe that there were religious injunctions against later marriage, and favoured an age of consummation not before the age of fifteen.¹⁹ Mrs Ahmad Shah, the Indian Christian representative of the Lucknow Women's Association, said she thought that members of the group would agree to swear not to allow early marriages in their own families nor be party to them, and expressed the desire of Hindu women within the organisation for a much higher age of marriage.²⁰ However, when asked if Muslim women in Lucknow would favour legislation against child marriage,

¹⁶Written Statement of Miss Khadijah Begum Ferozuddin, Professor of History and Oriental Languages, College for Women, Lahore (23 August 1928), Age of Consent Committee - Evidence 1928-1929. (Volume I: Oral Evidence and Written Statements of Witnesses from the Punjab, NWFP and Delhi), 255.

¹⁷Ibid., 257. Begum Shah Nawaz was also invited to give evidence but did not appear.

¹⁸Notes on visits to villages by Age of Consent Committee, Lucknow, Age of Consent Committee - Evidence 1928-1929. (Volume IX: Oral Evidence and Written Statements of Witnesses from Lucknow and Ajmer-Merwara), 433. See also *Oral Evidence of Mrs Phulavati Shukla, member of Standing Committee of AIWC and Secretary, Oudh Constituent Conference (Lucknow)*, (21 January 1929), 191-6.

¹⁹Written Statement of Imperial Purdah Club, Allahabad, Age of Consent Committee - Evidence 1928-1929. (Volume VIII: Oral Evidence and Written Statements of Witnesses from Benaras and Allahabad (United Provinces)), 283.

²⁰Oral Evidence of Mrs Ahmad Shah and Mrs Mitter, Lucknow Women's Association, Age of Consent Committee - Evidence 1928-1929. (Volume IX: Oral Evidence and Written Statements of Witnesses from Lucknow and Ajmer-Merwara), 69. The Lucknow Women's Association has been discussed in the previous chapter.

she noted that "the Muhammadan ladies say that their girls are not married at an early age" and added that "their feeling is that they don't have early marriages and they don't require any legislation but those who have thought and think on this subject are willing for some such legislation."²¹ Although Muslim women were clearly not in favour of child marriage, they, like certain male members of the community, did not regard it as a practice which affected Muslims.

While educated, upper-class women were united on the issue of child marriage, the opinions of Muslim men were considerably more varied, primarily over the issue of whether the proposed legislation would be a violation of the Quran and thus of Muslim personal law. A segment of Muslims was in favour of the legislation, but the majority were opposed on either religious or socio-political grounds.²² Opposition came primarily from those groups who had been involved in the Khilafat movement, primarily the ulema and politicians such as Mohamed Ali, who had become well-versed in the use of religious symbolism to increase Indian Muslim unity. The JUH led the opposition to the Act, planning protests and hartals around the country.²³ Mohamed Ali organised an Islamic conference at Cawnpore to protest about Muslims being included in the Sarda Act, arguing that Muslims needed to secure themselves against irreligious encroachments, both from within and without.²⁴ As part of this programme, he also emphasised the need to wean Muslims off harmful usages and customs and to restore the Sharia to its former pristine purity, which as we have seen was a favourite theme of the earlier social reformers. The Urdu press in UP was vehemently opposed to the inclusion of Muslims in the Sarda Act and numerous articles described it as an interference with Muslim personal law.²⁵ One paper called on the Muslim League to take up the matter, although it did not.²⁶ Another published a fatwa by a member of the Deoband school which declared that Islam did not permit marriage with non-

²¹Ibid., 62 and 66.

²²The *Pioneer* did record a single letter in support of the Act from a Muslim man from Lucknow, but reportage focused on the opposition to the Act by organised groups of Muslim opinion. *Pioneer*, 21 November 1929, 11.

²³*Pioneer*, 2 December 1929, 11.

²⁴*Pioneer*, 27 November 1929, 5.

²⁵Note on the Press [United Provinces of Agra and Oudh] (Allahabad: NWP and Oudh Government Press), #16 of 1928, 4; #17 of 1928, 3; #20 of 1928, 4.

²⁶Ibid., #18 of 1928, 5.

Muslims or any restrictions about the age of contracting parties to a marriage.²⁷ We can see that the main opponents of the bill were the ulema and those politicians who perhaps felt that political mileage could be gained out of such a potentially inflammatory issue. As we shall see later in the chapter, their representatives within the Assembly spearheaded the opposition to the bill as well as formulating arguments relating to the 'sacred' nature of Muslim personal law.

The Age of Consent Committee classified the majority of Muslim witnesses as falling into one of the three following categories:

(1) "Those who hold that early marriage is no evil whatever; that it has no prejudicial effect either on the mother or her progeny; that it is permitted by the Muslim Law and is sanctioned by the practice of the Holy Prophet and other eminent personages; and that any legislation fixing a minimum age for marriage would be an interference with Islam."

(2) "Those who hold that though early marriage is to a certain extent an evil, as shown by the medical evidence, it is not such a great evil that as to justify an interference on the part of the Government, the more so when it is found that due to economic causes, the spread of education and the progress of social reform, the age of marriage is automatically rising."

(3) "The third class of witnesses comprise those who hold early marriage to be a positive evil, ruinous to the health and progress of the community and against the principles and teachings of Islam. They would not rely merely upon social reform and progress of education but think that a bold step by legislation is necessary in the best interests of the community and the nation. They do not agree with the Moulavis and Ulemas who think that marriage legislation or raising the age of Consent would be an interference with the principles and teachings of Islam."²⁸

The first category was composed primarily of ulema, who opposed the bill on religious grounds. However, according to Maulvi Muhammad Yakub, a member of the Committee and a member of the JUH, even the opinions of the ulema were split. In a note appended to the Report, he said that while the Secretary of the JUH and Maulana Inyatullah of the Firangi Mahal agreed that a ruler or government had a right to legislate on things not expressly forbidden by the Quran, others such as the President of the JUH as well as the

²⁷Ibid., #19 of 1928, 3.

²⁸Report of the Age of Consent Committee, 6-7.

Deoband ulema considered "any enactment, which interferes with the rights of the parents and other guardians to contract marriages of minor children, as an interference with the Islamic law and unacceptable to the Mussalmans generally."²⁹ He concluded by arguing that as relatively few Muslim witnesses had been called and the opinion of the majority was difficult to ascertain, the Bill should not automatically apply to Muslims but that provincial legislatures should decide by holding a vote for the Muslims in each legislature.³⁰ The second category was composed of "Muslim witnesses, who though not opposed to the marriage law on religious considerations, yet do not like legislation to interfere with the domestic affairs of the people." The prime exponent of this point of view was Sayyid Wazir Hasan, an eminent Lucknow judge. He stated before the Committee that he believed that child marriage among UP Muslims was non-existent, giving the ages of marriage for girls at seventeen-eighteen among the upper classes and fourteen-fifteen among the lower strata of society.³¹ He thus felt that such legislation would be unnecessary for "respectable Muhammadans" in UP.³² In addition, although he was personally in favour of a high age of marriage, he did not think that legislation would be the best way to eradicate the evil, but that with "social evolution" and education the problem would fade away. He opposed the legislation primarily on the grounds that a foreign government should not interfere in the social affairs of the country, and admitted that although Muslims would also regard it as an interference with their religion, this view was incorrect as there were no Quranic injunctions which would come into conflict with proposed legislation. With such diverse evidence, the Committee eventually decided that the Quran remained silent on the issue of early marriage, and pointed to other Islamic countries such as Turkey and Egypt which had already passed similar legislation.³³ Despite opposition from both Muslim and Hindu groups, they concluded by suggesting that the age of consent within marriage for all

²⁹Ibid., 280-81. However, the JUH protested against the Bill after it was enacted, and at the ninth annual session held in 1929, they passed a resolution condemning the Sarda Act as an unjustified interference with Muslim personal law. See Azra Asghar Ali, "Emergence of Feminsm," 224.

³⁰Ibid., 283.

³¹*Oral Evidence of the Hon'ble Mr Justice Syed Wazir Hasan, Acting Chief Judge of the Oudh Chief Court (Lucknow, 19th January 1929), Age of Consent Committee - Evidence 1928-1929.* (Volume IX: Oral Evidence and Written Statements of Witnesses from Lucknow and Ajmer-Merwara), 102-112.

³²Ibid., 106

³³Report of the Age of Consent Committee, 112-13.

communities be raised to the age of fifteen.

4.3 The debate in the Legislative Assembly

The bill which appeared before the Legislative Assembly in 1929 had originally, as suggested by its title of 'Hindu Child Marriage Bill', been intended to apply to only the Hindu segment of the population. However, during its gestation in the Select Committee, it was changed so as to be applicable to all Indians. It seems that Hindu legislators had not realised that this would prove to be such a contentious issue; the mover of the bill, Harbilas Sarada, said in his introduction to the bill that while "Muhammadans have been included [in the bill],...marriage is not a matter of religion with them, but it is merely a social contract so far as they are concerned. Therefore this Bill does not offend the susceptibilities of the Mussalmans."³⁴ As the stereotypical view of Muslim marriage was that it was a purely civil contract, Hindus reasoned that the bill would not fall under the purview of religious sensibilities. However, the undercurrents of Muslim dissent to the idea of the bill which emerged during the tour of the Age of Consent Committee became a major point of contention during the debates on the bill. While several Muslim legislators were clearly supportive of the bill, others complained that more time should be given for consideration of the bill as sufficient opinion had not been gathered and that Muslim public opinion was sharply divided on the issue. However, the overriding argument from those opposed to the bill was that it was an interference in Muslim Personal Law and thus fell outside the purview of the Legislative Assembly.

An overview of Muslim opinion towards the bill was given by Abdul Haye, the Muslim representative from East Punjab. During the initial debate on the bill, he proposed a postponement of the consideration of the bill for several months, saying: "Let it not be understood that we, the Mussalman members, have no sympathy with the most laudable object with which this Bill has been introduced. But our difficulty is that we feel somehow or other Mussalman public opinion has not sufficiently clarified itself to enable us to arrive at a definite decision...."³⁵ He continued that the Muslim members of the Assembly were "considerably handicapped," as:

³⁴Legislative Assembly Debates (1929) Vol.I, 200. Hereafter abbreviated as LAD.

³⁵LAD (1929) Vol.IV, 278-80. Interestingly, he felt that this was due to apathy on the part of the ulema as well as the Muslim public in general.

"Our opinion is sharply divided, and whatever opinion has been expressed is absolutely inadequate....There is a section among us who honestly believe that the Mussalmans do not require this legislation. They say that the evil of child marriage does not exist in any appreciable degree among the Muhammadans of India and they further say that if it exists at all we have got sufficient safeguards provided by our own personal law inasmuch as widow re-marriage is not prohibited, and the personal law also allows a child wife, on attaining majority, to repudiate the marriage which has been contracted on her behalf by her guardians. There is still another school of thought which says that marriage among Muhammadans according to the Shariat is a civil contract, and if it is a civil contract it ipso facto follows that the contracting party must arrive at an age of discretion before that contract can be entered into. Sir, there are others who hold the view that, even if this social evil exists, according to the Shariat, no non-Muslim authority is competent to legislate on this matter. There is still another friend of mine who has told me that he is in possession of very valuable and important literature which he has obtained from Egypt, and he says that the Parliament of Egypt has enacted a law somewhat on the lines of the present Bill and that enactment has been placed on the statute-book with the consent of the Ulemas of Azhar. So what I at this stage want to impress upon the House is that we are considerably handicapped."

Clearly, Muslims were not united in their opposition to the bill, and many strains of thought were present in their arguments. The unusual aspect of the debate was the perhaps unexpected opposition from a section of Muslims who opposed the bill not wholly because they disagreed with its aim, but because it introduced an unwanted precedent: the idea that the government had the right to legislate on issues concerning Muslim personal law.

Muslim members who objected to the bill did so either through written statements or petitions presented to the Assembly or by their statements during the debates themselves. Several justified their objection by quoting the opinions of the ulema; Muhammad Yamin Khan, a representative from UP and a JUH member, noted that assembly members had received numerous telegrams from associations of ulema who opposed the bill on the grounds that it was against the principles of Islam, and Maulvi Muhammad Yakub, also a JUH member from UP, stated that while he was personally not in favour of child marriage, according to groups of ulema such as the JUH the bill was against the Sharia.³⁶ This view was echoed by a

Hindu member from Bombay, Mr DV Belvi, who argued that "the Ulemas say that, even in the time of their Great Prophet, child marriage was in vogue. It is said that the Prophet himself had contracted child marriage, that he married a girl when she was only six years of age."³⁷ The most comprehensive arguments against the Act were put forward by Maulvi Mohammad Shafee Daoodi, also a member of the JUH, who argued that Muslims should not be included in the bill as Muslim society had "sufficient safeguards" against early marriage, and as it would be a "cruel encroachment" on their rights by the majority community, who should not have the power to legislate on the religious and social customs of Muslims. He added:

"...the Mussalmans have got a complete law of their own so far as marriage relationships are concerned. On all personal questions we have got a complete code of our own. We are not governed by such vague and doubtful theories which you may have come across in your own case. We have got definite pronouncements, definite sanctions in our religion. For everything there is a provision. For a child when she is married against her will there is a provision for her to repudiate the marriage when she attains puberty. There are traditions of our Prophet...that a Mussalman should not marry a girl unless she understands what marriage is...."³⁸

In his speech one can see a clear delineation between the two communities, in which Hindu and Muslim customs become polarised so that laws which are beneficial for one may not be for the other. Following his lead, fifteen Muslim members of the Assembly put forward an application calling legislation on any aspect of marriage an "invasion" of personal law. As the bill aimed at "making an offence of what is permissible according to Shariat", they requested the Government to "adhere to their time-honoured policy of non-intervention in this matter."³⁹ However, in a development that reflects that way in which religion and custom were used for political ends, they changed their statement to read:

"We, the Muslim members of the Assembly, are of opinion that

³⁶LAD (1929) Vol.IV, 669; see also LAD (1929) Vol.V, 1141. Members of the JUH in the Legislative Assembly included Maulvi Muhammad Yakub, Muhammad Yamin Khan, Maulvi Muhammad Shafi, M I Kadri and Muhammad Ghuznavi. See Azra Asghar Ali, "Emergence of Feminism," 220.

³⁷LAD (1929) Vol.IV, 356.

³⁸LAD (1929) Vol.IV, 358, 361.

³⁹LAD (1929) Vol.V, 1139.

any change in the personal law of Muslims of India should depend on the Muslim votes only of the Legislature, and that Government should start the convention of not voting for or against a change unless it is sure that the side on which it is voting represents the view of a majority of the Muslims of that Legislature."⁴⁰

The issue of the Sharia was thus used to increase the importance of the Muslim legislators concerned; instead of the ulema being designated with the power to make changes in Islamic law (during this period, groups of ulema such as the JUH certainly regarded themselves as the guardians of Islamic law), these legislators were trying to give that power to themselves also and thus constitute themselves as the primary source of power and authority for the Muslim community. In addition, as a significant number of the Muslim legislators were also members of groups such as the JUH, this statement could also be interpreted as a way of giving themselves power in the more public legislative sphere which would strengthen their self-designation as guardians of the Indian Muslim community in spiritual, cultural and legal matters.

In balance to this opposition, there were a number of prominent Muslim leaders who supported the bill. Most denounced the custom of child marriage as well as arguing that the bill did not contravene Muslim personal law. For example, Jinnah pointed out that marriage was a civil contract among Muslims and that there was no text which specifically enjoined them to marry their daughters before the age of fourteen.⁴¹ Mohammad Shah Nawaz, the husband of Begum Shah Nawaz, also noted that the bill was not against the Sharia, and in his closing remarks made an impassioned speech supporting women's rights, saying: "the orthodox people...have no right whatsoever, divine, religious or personal, to treat their women as they please; they have no right to keep them in their present miserable state; and they have no right to sacrifice them at the altar of social custom."⁴² Another staunch supporter of the bill, TAK Sherwani from Allahabad, argued that Muslim law did not support child marriage but that child marriages came

⁴⁰Ibid..

⁴¹LAD (1929) Vol.IV, 666. According to Begum Shah Nawaz, Jinnah had "materially helped in the passage of the Sarda Act." See Begum Jahanara Shah Nawaz, "The Quaid as I Knew Him" in Quaid-i-Azam and Muslim Women (Karachi: National Book Foundation, 1976), 8. At this point, Jinnah was viewed as a more 'secular' politician, and the League remained silent on the issue of child marriage during this period.

⁴²LAD (1929) Vol.IV, 373; see also LAD (1929) Vol.V, 1267.

about due to customs. Astutely, he also recognised that the concepts of law and custom were used to deny women their rights, and pointed to the example of Punjab, where Muslim women had been denied the right of inheritance despite the fact that this also was against Islamic law. In his view, customs which went against the word or spirit of the Sharia should be reformed:

"I am against the prevailing custom of child marriage because the custom which is in vogue now is not an Islamic custom, it is an evil which we have borrowed from others and it is against the very spirit of Islamic law...I support this Bill because the present custom of early marriage is against the tenets of Islam, because the evil is prevalent here in India, and because that evil cannot be stopped out unless we have the force of legislation behind us."⁴³

In his realisation of the limitations of the Sharia given the multitude of handicaps faced by Muslim women, primarily because of the custom of seclusion, he stood out from other legislators who spoke of theories rather than actual practices. In his speech one can also see the common theme of blaming the other community for 'evil customs' which had crept in to common practice. Again, however, the Sharia is seen as the yardstick of 'true' Islamic behavior, and as in his view child marriage was deemed to be incompatible with the Sharia, it was a problem which should be reformed. The bill was eventually passed in October 1929; it applied to all communities and made marriages between girls under fourteen and boys under eighteen punishable. Although its effectiveness would necessarily be limited as prosecutions were difficult, the bill was extremely important from the point of view of the formation of a discourse and of Muslim identity. It was the first time that the argument of 'encroachments on Islam' was used and gained such popularity at a national level. At the same time, however, it demonstrated that at that particular point in time, Muslim opinion was divided and that Muslims were unable to present a unified stand on an issue which some among them designated to be of vital importance to their identity.

4.4 The aftermath of the Bill

While women's organisations were jubilant that the Act had finally

⁴³LAD (1929) Vol.V, 1146.

been passed, Muslim opposition continued unabated. Immediately following its passage, Muslim leaders asked that the Act be amended to exclude Muslims, and some even threatened anti-government agitations. The JUH passed a resolution condemning the Sarda Act as an unjustified interference with Muslim personal law.⁴⁴ They also suggested that Muslims should launch a civil disobedience campaign if not exempted from the Act.⁴⁵ In addition to the ulema, there was opposition from political leaders as well. A deputation of Muslims, headed by Mahomed Ali, presented a statement to the Viceroy in which they asked that Muslims be excluded from the Sarda Act, saying that it was opposed to Islamic law, and as such was an unwarranted interference by the Government.⁴⁶ In the UP vernacular press, there was a "general demand that the Muslims should be exempted."⁴⁷ Many condemned the Act as an open interference with Islam, and one added that "the greatest objection to it is that it creates a dangerous precedent for, emboldened by this, the Assembly may pass all sorts of legislation against our personal laws."⁴⁸ Worried that Muslim opposition to the bill would assume significant proportions, but equally cognisant that to repeal or amend the bill could be interpreted as a sign of weakness, the Government tried to chart a middle course, which involved keeping the original bill but weakening its effectiveness through not making any significant efforts to enforce it.

Conscious that there was still considerable opposition to the Sarda Act, women continued with their campaigns. At meetings of women, female leaders supported the Act and denounced the right of men to legislate on a matter which primarily affected women. A particular focus for Muslim women was to deny the connection between child marriage and Islamic law, and point to the fact that men's appropriation of Islamic prescriptions was selective rather than exhaustive. In late 1929, Begum Habibullah delivered a speech in support of the Sarda Act at the Oudh Women's Social and Educational Conference in Lucknow.⁴⁹ In the speech she praised the rights

⁴⁴Azra Asghar Ali, "Emergence of Feminism," 224.

⁴⁵Note on the Press, #45 of 1929, 4.

⁴⁶*ISR*, 16 November 1929; see also Afzal Iqbal, ed., Selected Writings and Speeches of Maulana Mohamed Ali (Lahore: Shaikh Muhamamd Ashraf, 1944), 433-42.

⁴⁷Note on the Press, #41 of 1929, 2.

⁴⁸Note on the Press, #44 of 1929, 4; #47 of 1929, 4.

⁴⁹*The Leader*, 5 December 1929, 13. For a complete version of the speech, see also Karin A. Deutsch, "Marriage in Islam by Begum Habibullah" in Indian Journal of Gender Studies 4:2 (1997).

that Islam gave women, and argued that men had deprived women of these rights and replaced them with un-Islamic customs. She dismissed arguments calling the legislation un-Islamic, saying

“Islam leads and is far ahead of all creeds in the recognition and safeguard of the rights of women and the Islamic law has already provisions which if properly followed would have kept the evil down....The Musalmans ordinarily do not marry minor girls. That section of Muslims who is against the Sarda Act argue that the legislation takes away the power of guardians and parents of marrying minors. I may remind you here that the opposition comes merely from men who find that their authority and arbitrary use of power is being affected by the legislation.”⁵⁰

She added that while men used the argument about the sacred laws of religion, they themselves disregarded laws about marrying off minor girls without their permission and also denied them their share of inheritance. She concluded by arguing that because the Sharia had been “trampled under feet by the all powerful man who has introduced such social customs as have nullified the sacred laws of Islam...there is no other way to prevent the mischief which threatens to endanger our future physical and intellectual development and growth than by means of civil legislation.”⁵¹ Women in Delhi also supported the bill to raise the age of marriage, according to the *Pioneer*.⁵² The third gathering of the OWC, held in 1929, was attended by a number of Hindu and Muslim women and was dominated by discussion on the recently passed Sarda Act.⁵³ Begum Habibullah moved a resolution which welcomed the passage of the Sarda Act, and the Conference also resolved to send a deputation to present their views on the Sarda Act to the Viceroy. Within their own organisations, Muslim women also continued to support the Act. At the 1929 Hyderabad session of the All-India Muslim Ladies Conference, Abru Begam urged women to support the campaign to raise the age of consent of marriage.⁵⁴ At another gathering of Muslim women held in Agra in 1932, Khadija Feroz-ud-din, an eminent educationalist and social reformer from Lahore presided, and a resolution was enacted stating that people should not marry daughters below the age of

⁵⁰*The Leader*, 5 December 1929, 13.

⁵¹*Ibid.*. Two weeks later, the *ISR* contained another article on the same theme by a Lady Hydari from Secundarabad. *ISR*, 28 December 1929.

⁵²*Pioneer*, 2 December 1929, 11.

⁵³*The Leader*, 27 November 1929, 11.

⁵⁴Azra Ashghar Ali, “Emergence of Feminism,” 231.

sixteen.⁵⁵

At their national meetings, the AIWC also made stringent pronouncements designed to highlight their continued support for the Sarda Act. Speaking at the AIWC Annual Conference in 1930, Lady Tata said:

“what surprises me the most, is the opposition set up against the Act by a certain section of our Mahomedan countrymen. Islam does not prescribe child marriages, and it came as a surprise to most people when the Age of Consent Committee reported that child marriages were also prevalent among the Mussalmans in some parts of India. That being the case, it was clearly the duty of the Legislature to protect Mussalman children as well as children of other communities from the physical and moral evils of child marriage.”⁵⁶

For her, as for the majority of AIWC women, the religion of the child was irrelevant and if it had been shown that child marriage was prevalent among all communities, then all communities should fall under the purview of the Act. When in the following year Muslim legislators were pressing for the exemption of Muslims from the Act, the AIWC passed a resolution to keep the Sarda Act intact and applicable to all communities, and various women denied the right of men to legislate on a women's issue and expressed surprise that Muslims were clinging to child marriage. The resolution was supported by Muslim women as well; a Mrs Naqvi “regretted that Muslims and Hindus, who relaxed in all other religious matters when their own interests were at stake, should have raised a critical question of this nature, when it concerned the welfare of women.”⁵⁷ In addition, she “exhorted the audience to tell men to mind their own business and educate public opinion in favour of the Act.” Thus, far from endorsing the idea that Hindus should not legislate on issues concerning Muslims, the AIWC instead questioned the right of men to legislate on an issue concerning women. The AIWC also endorsed the actions of a large number of “influential and respectable Muslim ladies”, who submitted a memorial to the Viceroy in which they said

“We beg to inform Your Excellency that the educated women of India have learnt with surprise and pain that there is a likelihood of an exempting being sanctioned for the

⁵⁵*The Leader*, 15 January 1932, 4.

⁵⁶AIWC Fourth Annual Session (Bombay: 20-24 January 1930), *Report*, 15.

⁵⁷AIWC Fifth Annual Session, *Report*, 60-1

Mussalmans from the Sarda Act...We, speaking also on behalf of the Muslim women of India, assert that it is only a small section of Mussalman men who have been approaching Your Excellency and demanding exemption from the Act. This Act affects girls and women far more than it affects men and we deny their right to speak on our behalf...we would like to point out to Your Excellency that many of these very petitioners, who now cry out on the supposed changing of the Shariat law have had no scruples in changing the Shariat law when it suits their own end. We would point out, for example, that the laws of Inheritance have been utterly changed by Customary Laws in important provinces like the U.P. (Taluqdari Customary Law), Punjab and Sind (the Zemindari Customary Laws) and various other parts of India. In the same way the Shariat Law of Divorce for women has been allowed to fall into disuse and no question has been raised about it...It is only when some political end is to be gained, that misguided section of Muslims has been appealing to Your Excellency. We speak on behalf of ourselves and we deny the right of any others speaking for us without our being consulted in the matter. The Sarda Act which Your Excellency's Government has passed will always remain as one of the greatest acts of humanity carried out by the British Government in India. We consider it to be even more important than the Act abolishing Sati, which was passed in Lord Bentinck's regime. The Act affected only a section of India. This present Act affects every girl and woman in India irrespective of caste and creed from Peshawar to Cape Comorin. We earnestly beg of Your Excellency's Government not to pay attention to people who have no right to speak on our behalf."⁵⁸

Educated and liberal Muslim women clearly felt that the arguments of male opponents to the Bill were farcical, and adeptly pointed out that men easily departed from the tenets of the Shariat when it suited their monetary, political, or social needs. The theme of representation was also clearly addressed; these women felt that they should be representing the interests of the Muslim woman and denied the right of male legislators or interest groups to do so.

Women also realised that the Act's effectiveness depended on a commitment to enforcement, and so addressed the issue of more stringent enforcement as well. At an OWC conference held in April 1931, the Rani of Mandi emphasised in her Presidential speech the necessity of enforcing the Sarda Act and one resolution favoured establishing a Sarda Committee in

⁵⁸"Muslim Ladies Defend Sarda Act," *Stri Dharma*, Vol.14#4 (February 1931), 146.

every constituency to report early marriages to the authorities.⁵⁹ The following year, the assembled women resolved that more effort was needed to enforce the Sarda Act.⁶⁰ One common suggestion was that the Act be enforced by members of the public who would report cases of underage marriage.⁶¹ The OWC had in fact formed a Sarda Act committee and one member reported that the branch had been able to stop three cases of child marriage.⁶² Some women also set an example by opposing child marriage in the context of the own families. For instance, when one of Lady Wazir Hasan's close female relatives was married in 1929 at the age of five, she refused to participate in the ceremony out of principle.⁶³

Ultimately, though, the Sarda Act remained largely unenforced and thus ineffective in terms of preventing child marriage; in fact, the number of child marriages increased as parents rushed to have their children married before the Act came into effect. However, the intensive debates over the passage of the Act as detailed above are important in several ways. One can clearly see women's early unity and commitment to activism on an issue that they felt was of vital importance to women's social and educational development. In addition, there is an emerging sense of Muslim separateness over the issue of the government's right to interfere with Islamic law, although this was by no means a unified stance at this time. The distinctiveness and superiority of Muslim personal law had been frequently invoked by both Muslim men and women, and this was the first major instance where the 'sacred' nature of the Sharia had been stressed in a public and national forum. The role of the ulema in the public sphere also deserves mention here. Although they had become politically active during the Khilafat movement, the debate over the Sarda Act marked the beginning of their involvement with legislative decision-making bodies. In the absence of a strong and united Muslim political force, it was they who spearheaded the Muslim opposition to the bill and thus played an important leadership role in defining Muslim interests during the late 1920s.

⁵⁹*The Leader*, 3 April 1931, 15.

⁶⁰*The Leader*, 28 March 1932, 11.

⁶¹*The Leader*, 27 October 1932, 12.

⁶²Letter to Mrs Sukhtankar from Miss Vincent (19/6/31), AIWC Files, File #61, 106-9.

⁶³Sakina Hasan, Interview.

CHAPTER V

THE COMMUNAL AWARD OF 1932 AND THE DELINEATION OF MUSLIM WOMEN'S POLITICAL IDENTITY

This chapter is primarily concerned with interplay between Muslim women, gender issues and communal politics during the period from 1928-35. It was in this period that women were politicised on a significant scale through their entrance into the formal structures of political power as well as through an extended franchise. Simultaneously, these crucial years saw repeated negotiations over the nature and extent of communal electorates and reservations which culminated in the Communal Award of 1932, which set out the parameters for such representation at all levels of government. Although the importance of the negotiations has been studied from the viewpoint of deteriorating communal relations and the political machinations of the representatives of Muslim interests, they have not been studied from the viewpoint of linking gender to this communal process.¹ Therefore, this chapter examines the ways in which gender imagery played a key role in the delineation of a politically distinct Muslim community as well as the formation of Muslim women's political identity as it was constructed both by men and by women. Despite the efforts of a number of women to avoid becoming entangled in communal wrangling, Muslim women's views and interests were subordinated to their inclusion in the wider Muslim political community after 1932. In addition, we can see a resurfacing of a stereotype of the Muslim woman, this time employed by both British and Indian men in the political sphere. Hampered by purdah, the Muslim woman was portrayed as being in need of special political protection from her more advanced Hindu sisters, much as the wider Muslim community needed protection from the Hindu community.

The focus of the chapter will be on the public sphere - that is, the arena in which contests between Indians and the colonial state, between Hindus and Muslims and between men and women could take place. It was here that various groups could most effectively put forth their views and could position themselves vis-a-vis other groups. The period between 1928 and

¹See Page, Prelude to Partition.

and 1932 was one of continued negotiation between the colonial state and various interest groups regarding the details of extending political power to Indians at all levels of government. The negotiations under study here took place largely within a number of commissions established by the British, which toured India in order to gather evidence and opinions, as well as the Round Table Conferences, at which representatives of various Indian interest groups discussed issues such as the extension of the franchise. Nevertheless, it is important to keep in mind the broader political developments during this period, which included the split between Congress and Jinnah (engineered largely by the Hindu Mahasabha), as well as Gandhi's protracted civil disobedience campaigns. My focus will be on issues concerning communal representation and issues concerning women, and on the intersections between the two (which particularly concern Muslim women); in addition, I highlight the various interest groups involved and their opinions concerning women's future political role in India. Women's groups were anxious to take advantage of these opportunities to push for an extended role for women in politics and government. As we shall see, most were opposed to the idea of subjecting women's participation to the dictates of communal representation. Although individual women and women's organisations both spoke out against communalising women's political participation, they were unsuccessful in having their suggestions adopted.

5.1 The franchise for women and the introduction of communal electorates

The issue of the role of Indian women's participation in the formal political sphere first emerged during the debate over extending the franchise to women, and became a key component of numerous investigative commissions and reports during the late 1920s and early 1930s. As part of their programme of gradually extending political rights and responsibilities to Indians, the British government made a number of attempts, through these commissions, to ascertain the opinions of important and representative Indians regarding such issues as the extension of the franchise, the reservation of legislative seats for certain groups, and the question of separate electorates. Women were constituted as one such interest group, in large part due to the constant pressure from Indian women's organisations such as the WIA and AIWC, who had both lobbied for improvements to be made in the constitutional position of women. Two key issues were the extent to which

the franchise for women should be extended, and the nature and method of women's representation at various levels of government. During the period from 1928-35, when the crucial issues of constitutional change, group representation and separate electorates were being debated and finally decided upon, one can see that issues concerning women were being imbued with communal concerns; in effect, gender issues were becoming a site on which communal rivalries could be contested. Even as women were attempting to be recognised as a distinct political group with unified interests, they were being divided along communal lines both politically and constitutionally.

Perhaps inspired by suffrage movements in Europe and the Middle East, Indian women began to campaign for the right to vote in 1917, when the Women's Indian Association sent a deputation of fourteen women to meet the Montagu-Chelmsford Committee on constitutional reform in Madras. The deputation argued that the franchise should be extended to Indian women, and added that the presence of women both as voters and as legislators would bring morality to politics, as well as experience in the fields of education and health.² Women's organisations also sent a petition to the Southborough Franchise Committee, which had been appointed to investigate suggestions to the Montagu-Chelmsford Scheme. However, the Committee rejected their demands, saying that "...until the custom of seclusion of women, followed by many classes and communities, is relaxed, female suffrage would hardly be a reality."³ This use of Indian customs, such as purdah, as an excuse to deny political rights to the female population was to form a common theme in these later debates. Women protested this decision, and lobbied political parties as well; Congress, the Muslim League and the Home Rule Leagues all passed resolutions in favour of women's right to vote on the same basis as men.⁴ Eventually the decision was given to the provincial legislatures in India, which individually granted about one million women the vote between 1921 and 1929.⁵ In UP, women were

²Forbes, "Votes for Women", 4-5; Rozina Visram, Women in India and Pakistan: the struggle for independence from British rule (Cambridge: Cambridge University Press, 1992), 31-2. The only Muslim member of the delegation was Mrs Mazhar-ul Haq from Bihar.

³Aruna Asaf Ali, "Women's Suffrage in India" in S.K. Nehru, Our Cause (Allahabad: Kitabistan, 1940), 353.

⁴Forbes, "Votes for Women", 6. A deputation of women also went to London in 1919 to give evidence before the Joint Parliamentary Committee on the Government of India Bill.

⁵In granting women the franchise, India preceded countries in the Middle East where although women had campaigned vociferously for the right to vote, this right was not granted until 1934 in the case of Turkey and 1956 in the case of Egypt. For a discussion of the campaign

enfranchised in 1923; the numbers of registered voters was 49,076 in 1923, 51,056 in 1926, and 56,224 in 1930.⁶ Around the same time, women were also given the right to run for election to the Legislatures. In UP, the disqualification against women running for election was removed in 1927 following a resolution in the UP legislature and women were able to stand as candidates from 1930 onwards, although none did so.⁷

However, the number of women initially enfranchised was marginal, and so women began a fresh round of campaigning in 1928 for an extension of the franchise for women. The issue was taken up by the British government and was discussed in a series of commission and committee of inquiry reports. Women were considered to constitute a distinct interest group, and each committee made an effort to interview at least several women in every provincial capital that they visited in an effort to ascertain their views. Issues such as the importance of the nascent women's movement, the possible effects of giving the franchise to women, the implications for the communal problem, and women's readiness to participate in politics were discussed, and it is possible to gain an understanding of both the views of women as well as of male policy-makers on these issues. Women were uniformly in favour of an extended franchise, and most of them also opposed the idea of communal representation. However, male policymakers were clearly worried about the effect of an expanded women's franchise and of women's representation on the communal proportions in various governmental and legislative bodies. Ultimately, communal considerations were given precedence over women's requests, and women were also made subject to the provisions of the Communal Award.

The Simon Commission of 1928 reopened the debate on extending women's franchise. Although the Commission met with limited levels of cooperation due to a Congress-led boycott against it, it was able to examine a variety of witnesses on a range of constitutional issues. One of the purposes of the Statutory Commission was to ascertain current levels of political participation among women, with the intention of making

for the franchise in Egypt during the 1920s, see Margot Badran, Feminists, Islam and Nation, 207-13.

⁶PD Reeves, BD Graham and JM Goodman, A Handbook to Elections in Uttar Pradesh 1920-1951 (Delhi: Manohar, 1975), xxxii.

⁷Ibid., xxxv.

recommendations about ways in which women could be further enfranchised. Due to restrictions in the franchise which enabled only property-holders to vote, the numbers of women voters were generally marginal; for example, in UP, the number of women enfranchised was 51,000, or less than 1% of the female population.⁸ In the 1926 assembly elections, it was noted that participation rates of enfranchised women were also low. The highest rates of participation by women were in Madras, where 20% of eligible women voted, while the Punjab stood at 12% and UP at 4.5%.⁹ Khan Bahadur Nawab Muzaffar Khan, who served as an election commissioner in Punjab, gave evidence that no special arrangements, such as separate polling booths staffed by women, had been made due to lack of time, and further noted that most women voters were widows of zamindars or were single women who held property in their own right.¹⁰ In his view, the reason for such a poor turnout was apathy among women voters; interestingly, he did not mention the practice of purdah as a factor inhibiting women from casting their votes, although this excuse was used extensively elsewhere.¹¹ Generally it was agreed that current levels of both enfranchised voters as well as participation were low, and men were generally pessimistic about the possibility of an increase in women's political activity.

However, women's responses were more positive. Among those who gave evidence before the Commission was a deputation of women from Lucknow comprised of the Maharani of Mandi, Mrs Ahmad Shah (an Indian Christian), and Mrs Chitamber, all of whom were active in local social reform efforts.¹² These women noted that the existing franchise was so small

⁸Indian Statutory Commission Volume I: Report of the Indian Statutory Commission (London: HM Stationary Office, 1930), OIOC: V/26/261/17, 137.

⁹*Ibid.*, 223.

¹⁰Evidence of Khan Bahadur Nawab Muzaffar Khan, Joint Secretary to the Govt of the Punjab, Transferred Departments (3 November 1928), Indian Statutory Commission Volume XV: Extracts from Official Oral Evidence (London: HM Stationary Office, 1930), OIOC: V/26/261/31, 102-3.

¹¹However, he did mention that most Muslim women were slow to emerge from purdah. *Ibid.*, 106-8.

¹²These three women were apparently acting as independent witnesses and did not appear on behalf of any organisation. In a statement issued to *The Leader* in December 1928, a number of women including Mrs Shukla, Begum Wasim and Mrs Mitra argued that the women of Lucknow supported the boycott of the Simon Commission and that it was a coincidence that all three witnesses were members of the Lucknow Women's Association. An explanatory letter was written by Mrs Ahmad Shah which appeared several days later, confirming that they had acted of their own accord and that the LWA was a social rather than a political organisation. See *The Leader*, 14 December 1928, 10, and 17 December 1928, 4.

because most women did not hold property in their own right, but were "joint sharers in property, through their fathers or through their husbands."¹³ They suggested that women should be qualified to vote on the grounds of literacy, which could be ascertained by means of a simple literacy test. Although Mrs Ahmad Shah acknowledged that while "at the present time women do not go to the polls to vote very much, either here or perhaps in any provinces," she argued that interest in political affairs among women was beginning to rise, citing the example of a recent conference where she "was given a mandate to represent to the Legislative Council the desire of women for two seats to be reserved for women members. This mandate was given to me by the ladies attending this constituent conference at Lucknow."¹⁴ The deputation in fact asked for four seats to be reserved for women in the provincial legislature, who would be elected by constituencies of women.¹⁵

One of the main concerns running through debates over women's political status was that the extension of the franchise for women would alter the existing communal balance between Hindus and Muslims. However, the question of which community would benefit was not always clear. One viewpoint was that Muslim women would be able to vote in greater numbers because they could legally inherit property, while others felt that the practice of purdah would be a disadvantage to Muslim women vis-a-vis women of other communities because it would be relatively more difficult for them to vote. During the questioning of the women's deputation, Sir Zulfiqar Ali Khan, the ruler of Maler Kotla state in Punjab, noted that if the existing property qualification were to be maintained, then Muslim women would be virtually the only women allowed to vote, as according to Hindu law women could not own property outright.¹⁶ Another member then asked if Muslim

¹³*Deputation consisting of the Maharani of Mandi, Mrs Ahmad Shah and Mrs Chitamber* (5 December 1928), Indian Statutory Commission Volume XVI: Selections from memoranda and oral evidence by Non-officials (Part I) (London: HM Stationary Office, 1930), OIOC: V/26/261/32, 2-3.

¹⁴*Ibid.*, 5. She was probably referring to a meeting of the Oudh Women's Conference (a branch of the AIWC), of which she was a member.

¹⁵*Ibid.*, 6. They also recommended that postal voting should be allowed for women who observed purdah.

¹⁶*Ibid.*, 13-14. He was the father of Begum Aizaz Rasul. In fact, judging from later evidence presented to the Franchise Committee, some Hindu women were also able to vote. A telegram from the Reforms Officer, UP, to the Indian Franchise Committee (No.1028-R), dated 23 April 1932, stated that from figures collected from 1800 villages, it had been estimated that women land revenue payers numbered 230,786 of whom 77,078 are Muslim; although Muslim women made up a relatively high proportion of the total number, Hindu women were still in a

women in UP would be able to vote due to purdah restrictions, and Mrs Ahmad Shah answered that "I think a few of them will, and we will try to educate the rest," to which the response of the Committee was that women should be educated before being given the vote.¹⁷ The Commission eventually approved of the principle of extending the franchise on a limited basis, but recommended that while seats for women should not be reserved, they should instead be encouraged to join the Legislatures.¹⁸

The next major opportunity for discussion of an extension of women's franchise came during the Round Table Conferences, held in London in 1930 and 1931, which were meant to bring together a representative sample of both British and Indians in order to discuss possible constitutional and administrative reforms. Due to political wrangling the first Conference was boycotted both by the Congress and the AIWC, which followed their lead. However, as the issue of the franchise for women was to be addressed, the British nominated two women to represent the voice of Indian women: Begum Shah Nawaz and Radhabai Subbarayan.¹⁹ At the first Conference, both argued that Indian women were ready to be given the vote, and Begum Shah Nawaz recommended that all wives or widows of male property owners be given the vote. She pointed out that due to Hindu and Sikh customary law, women could not inherit, which disqualified them from the 'property qualification', and that as educational levels were still low, the number of women enfranchised by a 'literacy qualification' would not be significant either. However she noted that woman was a "born administrator" who ran the house and brought up the children, which needed tact and intelligence, especially in a joint family, and concluded that "in many instances you will find that a woman can far more intelligently exercise her vote than a man in the same position will be able to do."²⁰ They

majority. Indian Franchise Committee, Volume II: Memoranda submitted by the Local Governments and the Provincial Franchise Committees (Madras, Bombay, Bengal and the UP), (Calcutta: GOI Central Publication Branch, 1932), OIOC: V/26/261/47, 452.

¹⁷Ibid., 16.

¹⁸Indian Statutory Commission Volume II: Report of the Indian Statutory Commission (London: HM Stationary Office, 1930), OIOC: V/26/261/18, 78.

¹⁹They had not been selected by the AIWC and therefore spoke with an independent voice, but their views were probably seen as representative of such organisations by the majority of the men present at the Conference. Begum Shah Nawaz was in fact a member of the AIWC, but as she had been selected to attend the RTC while she was in Europe, there had been no opportunity for the AIWC to brief her on their official views.

²⁰Franchise Subcommittee, Indian Round Table Conference [12 November 1930-19 January 1931]. London: HM Stationary Office, 1931, 230-31, 260-61.

also advocated special temporary reservations for women's seats in legislatures, which was actually in opposition to AIWC policy. At this time Begum Shah Nawaz apparently did not support the idea of reservation along communal lines, and in the Minorities Sub-committee made a plea for communal unity.²¹ In a memorandum presented to the Conference, the women expressed their hope that the issue would not be brushed aside by the Conference, and noted that in their mind, the two key issues to be addressed were the extension of the franchise for women and the need for representation of women in provincial legislatures.²² Both women supported the idea of a universal adult franchise, as well as special temporary reservations for women. However, if that would not be possible, they supported the proposals of the Simon Commission, which recommended giving the vote to wives and widows of property owners over twenty-five years of age.²³

However, the issue of women's franchise remained tied to the larger issue of communal representation. During the discussion over extending the franchise to women, the Punjabi leader Fazl-ul-Huq opposed the women's proposals on the grounds that Muslim women would be disadvantaged unless separate electorates were also introduced, as they observed purdah more rigorously and would thus not be able to take advantage of the right to vote.²⁴ In his statement, he made the following observation about the purdah system as practiced in India:

"Purdah is no part of the religion of Islam. As a matter of fact in Muhammadan countries the females take part in the daily life of the people at least far more than they do at present in India. In my province this custom of purdah has been established so firmly on my community that it has practically become part of the Muslim religion, and...the great bulk of the population do not come out of purdah."²⁵

²¹Ibid., 80. See also Jana Matson Everett, Women and Social Change in India (Delhi: Heritage Publishers, 1981), 116-17.

²²*Memorandum on the Political Status of Women under a new Indian Constitution* by Mrs Subbarayan and Begum Shah Nawaz, *Proceedings of Subcommittees (Part II), Indian Round Table Conference* [12 November 1930-19 January 1931] (London: HM Stationary Office, 1931), 290.

²³Forbes, 'Votes for Women', 11.

²⁴*Proceedings of Subcommittees (Part II), Indian Round Table Conference* [12 November 1930-19 January 1931] (London: HM Stationary Office, 1931), 263.

²⁵Ibid..

In his view, the Indian version of purdah was so strong that it would prove to be an almost insurmountable barrier for Muslim women; it was certainly the main factor, in his eyes, which separated the women of different communities and which made separate representation a necessity for Muslim women. It is also significant that even while he did not consider purdah to be a religious practice, he still used it to differentiate Muslim women on the basis of their religion.

By the time of the second Round Table Conference, women's organisations had decided to participate. Sarojini Naidu attended as a representative of these organisations (the AIWC, NCWI and WIA), and Begum Shah Nawaz and Radhabai Subbarayan attended once again as nominated members. There emerged a split between Mrs Subbarayan, who was speaking as an independent, and Sarojini Naidu and Begum Shah Nawaz, who spoke as representatives of the AIWC, WIA and NCWI.²⁶ In a memorandum presented to the Conference, the two women stated that they wanted full equality with men in theory and practice, no special provisions for women, and no discrimination against women in the new Constitution.²⁷ On the other hand, Mrs Subbarayan argued that these organisations did not represent all Indian women, and she expressed the view that reservations for women were necessary as women were unlikely to be elected to the legislatures if they had to stand for open seats. According to her, even though many women came out of their houses to participate in the freedom struggle, there were still millions in a "state of civic inertia, who had not yet attained self-confidence or political consciousness" who needed such provisions.²⁸ In a letter to Eleanor Rathbone earlier in the year, she had

²⁶The latter was a member of the AIWC, and had been persuaded to follow AIWC policy on the matter of reservations. She justified her volte face by explaining that the women of India did not agree with her earlier stance, and that they did not want special reservations for women. Proceedings of Federal Structure Committee and Minorities Committee, Indian Round Table Conference [Second Session - 7 September 1931-1 December 1931] (London: HM Stationary Office, 1932), 541. Geraldine Forbes discusses her change of opinion in Forbes, "Votes for Women", 12.

²⁷*Memorandum Representing the Views of a Number of Indian Women's Organisations, presented to the Conference by Mrs. Naidu and Begum Shah Nawaz*, Proceedings of Federal Structure Committee and Minorities Committee, Indian Round Table Conference [Second Session - 7th September 1931-1 December 1931] (London: HM Stationary Office, 1932), 574.

²⁸*Representation of Women in the Indian Legislature - Memorandum by Mrs Subbarayan*, Proceedings of Federal Structure Committee and Minorities Committee, Indian Round Table Conference [Second Session - 7 September 1931-1 December 1931] (London: HM Stationary Office, 1932), 573.

complained that rather than thinking seriously about the issues of a women's franchise and reservation of seats,

"The political fervour in the country is such that many people do not think for themselves and fail to give serious consideration to any problem and are easily excited and influenced by Congress leaders, men and women. Mrs Naidu's word for instance, is law to a great number of our women. Even those who do not really agree with her do not dare to say so openly, particularly if any sentiment about national prestige is brought in."²⁹

In her view, the unbending stance of the Congress regarding reservations was impractical, and by following the Congress on the issue, the AIWC was if anything hindering the cause of women's political involvement rather than advancing it. However, the issues of women's franchise and representation remained unresolved, partially, it seems, because women themselves were still unable to present a united voice on the matter.

In fact, the Round Table Conferences had been more useful as a forum for different interest groups to air their opinions and in the end had left many issues unresolved. However, the franchise sub-committee of the Round Table Conference had proposed the creation of an Indian Franchise Committee to be headed by the Marquess of Lothian, which was to specifically ascertain opinions regarding the extension of the present franchise for both men and women. Following the procedure established by other investigative committees, a nominated selection of both men and women (Indian and British) toured the country and gathered evidence at regional centres. An examination of the testimony of various women who appeared before the Franchise Committee at Lucknow reveals both the commonalities in women's attitudes as well as the differences between them. On the key issues of whether there should be special electorates of women and reserved seats for women, two conflicting positions similar to those we have already seen were put forth by the women themselves.

Representing one viewpoint was Mrs J Gupta, a member of the Lucknow Women's Association. She told the committee that she had consulted "most of the purdah ladies of Lucknow" and was thus able to

²⁹Letter to Eleanor Rathbone from Mrs Subbarayan (1/5/31), Eleanor Rathbone Papers, File #5.

represent their views.³⁰ She did not insist on the idea of a universal franchise, but recommended that all women over the age of twenty-one be enfranchised on the basis of either property or literacy, adding that Hindu women with no property wished to be enfranchised through their husbands.³¹ In response to a question about whether Muslim women would vote if there were women officers provided at polling places, she replied: "Generally Muslim women accompanied by their menfolk come out. Muslim ladies have learnt now to come out and give up the purdah system....I am sure that if there is a woman in charge of a polling station, they are sure to come and vote."³² In her reply to the questionnaire circulated by the Committee, she favoured the reservation of 10% of seats for women in the provincial legislatures, and felt that women should be able to contest unreserved seats also.³³ She was not in favour of separate representation for women of different communities, and spoke in favour of joint electorates. Begum Wazir Hasan also gave evidence before the Committee as an independent representative of women. She agreed that all wives and widows over twenty-one should be enfranchised, and wanted 5% of seats in legislatures to be reserved for women, preferably by election. Most importantly, she "did not want communal representation for women and would rather have no reservation if communal feelings were engendered."³⁴

Among the other women who replied to the questionnaire was Mrs Aisha Ghulam Hasan, the wife of a lawyer and active member of both the LWA and the local branch of the AIWC. She was also not in favour of a universal franchise, but preferred an extension of the present system along certain lines. For example, she disapproved of the 'wifehood' qualification, saying "women should be granted franchise in their own right irrespective of the qualifications of their husbands. If women are as much citizens as men, they must be treated on the same footing as men."³⁵ She added that

³⁰*Evidence of Mrs J. Gupta, Evidence File (UP), Indian Franchise Committee, OIOC: Q/IFC/25, 139-40.*

³¹*Ibid.* According to her, most Muslim women were in accordance with these prescriptions except those who were members of the AIWC.

³²*Ibid.*, 139.

³³*Replies to the Questionnaire by Mrs J. Gupta, Evidence File (UP), Indian Franchise Committee, OIOC: Q/IFC/25, E-UP-365.* She noted that if women had to compete with men in open elections, it would be difficult for them to win as they would not be able to devote an equal amount of time and money to their campaigns.

³⁴*The Leader*, 13 March 1932, 16.

"having regard to the educational backwardness of our womenfolk, I am not in favour of insisting upon a high educational qualification. But the voters must be able to read and write the vernacular of their province. It would be premature to introduce adult franchise at this stage and a vote cast without understanding its value, and more often than not under the direction and influence of others would be worse than useless."³⁶ On the issue of reservations, she favoured the reservation of seats for women "for sometime to come" but thought that women should compete for these seats rather than be nominated. Thus, it seems that women who gave evidence in a private capacity supported the idea of a gradual extension of the franchise as well as some reservations for women in the legislatures; these women realised the limitations of the Indian electorate, and their proposals were therefore realistic.

Opposition to the idea of a limited franchise or reservations came from several representatives from the Oudh branch of the AIWC.³⁷ They reiterated the official AIWC demand for adult suffrage for both men and women, saying that the AIWC position had been approved by the local branch committee. Begum Habibullah added that it should not be a problem to administer as the British already ruled the entire country. On being asked if they thought that women would be elected in sufficient numbers if there were no reservations for them, Miss Vincent replied that she "would rather have efficient, capable men of discretion than ignorant women" and Begum Habibullah agreed with her.³⁸ They also protested about the division of women along communal lines, saying that there was "no communal distinction in the All-India Women's Conference."³⁹ A memorandum from the AIWC asked for universal suffrage for women over 21 as this would be the only way to ensure a broad representation of women.⁴⁰ Also sent to the Committee was a declaration signed by members of all three women's

³⁵*Replies to the Questionnaire by Mrs Aisha Ghulam Hasan, Evidence File (UP), Indian Franchise Committee, OIOC: Q/IFC/25.*

³⁶*Ibid.*

³⁷The four women were Miss Vincent, Begum Habibullah, Mrs Menon and Mrs Shukla. *Evidence - Lucknow 19th March 1932, Evidence File (UP), Indian Franchise Committee (Lothian), OIOC: Q/IFC/25, 135-8.*

³⁸*Oral Evidence of Miss S.I. Vincent, Oudh Branch of the All-India Women's Conference and Begum Habibullah (Lucknow, 10 March 1932), Evidence File (UP), Indian Franchise Committee, OIOC: Q/IFC/25, E-UP-342.*

³⁹*Ibid.*

⁴⁰*Memorandum from the AIWC, Evidence File (UP), Indian Franchise Committee, OIOC: Q/IFC/25.*

organisations, opposing the reservation of seats for women in the legislatures or nominated members as it might increase communal feelings among women.⁴¹

However, the stance adopted by the AIWC seemed to be based more on a theoretical issue of policy than a practical approach to the problem, and certainly did not reflect the views of many of its members. The British feminist Eleanor Rathbone, who liaised with the AIWC on matters affecting women, wrote to Lord Lothian that she thought that the AIWC demand for universal adult franchise represented a "small body of opinion."⁴² According to her, several members of the Committee who signed the AIWC memorandum were personally in favour of reservation for women. She added:

"It seemed to me quite clear that the women who have adopted this extreme attitude are really thinking in terms of Congress, rather than in terms of women. The strong dislike of Congress to any form of reservation or separate electorates sweeps in women along with the rest. Many of the women who are not themselves Congress are unconscious of this..."⁴³

In a report made after conducting a tour of provincial capitals and meeting with local franchise committees and interested men and women to gather opinions, Rathbone noted that the demand for adult franchise had been replaced by support for extended franchise qualifications and electorates classified in a group system. She further remarked that if the property qualification was not extended to the wives of voters, men would retain an advantage over women, especially among Hindus, but was worried that "the theoretic objections of women idealists seem likely to play into the hands of men reactionaries, who either dislike women in politics or (if Muslims) prefer the present system, because it enfranchises more women in their communities than among the Hindus."⁴⁴ She was upset that "some of the

⁴¹*Declaration* (signed by members of the AIWC, WIA and NCWI), Evidence File (UP), Indian Franchise Committee, OIOC: Q/IFC/25. The memorandum was signed by Begum Shah Nawaz and Mrs Hamid Ali.

⁴²*Letter from Eleanor Rathbone to Lord Lothian* (9 April 1932), Memoranda on Special Subjects: Women, OIOC: Q/IFC/39.

⁴³*Ibid.* She felt that Muthulaksmi Reddi had been swayed by the opinions of Sarojini Naidu, a staunch Congress supporter.

⁴⁴*Impressions regarding women's franchise and political status* by Eleanor Rathbone (10 March 1932), Memoranda on Special Subjects: Women, OIOC: Q/IFC/39.

ablest Indian women are insisting on adult suffrage" without thinking of the practical difficulties; "they seem to me to ignore the fact that Purdah illiteracy and unfair property laws so hamper women that without special arrangements to counteract these disadvantages women will not in fact enjoy 'a fair field and no favour'."⁴⁵ Her views were backed up by another British woman who was a member of the Franchise Committee. In a letter to her sister detailing the political scene in India which was filled with stereotypes of the 'backward' Indian woman, Mary Pickford wrote that women had been "fighting like cats" over the franchise, explaining that the AIWC was controlled by a few extremists who had forced the memorandum demanding adult franchise on their local branches.⁴⁶ She concluded that "they are all in a state of hysteria and as they are only a handful it is very difficult to take any of the squabbles seriously." In another letter she complained about Indian women's political awareness and acumen; referring to her meeting with the educated and aristocratic ladies of Lucknow, she described them as "very theoretical, sure that they can get elected and no knowledge of what an election means."⁴⁷ From the above evidence it is clear that Indian women were divided in their approach to women's franchise and representation, with some women staunchly following the Congress/AIWC party line and some women speaking independently (even though they may have been AIWC members) who adopted a more realistic tone. It is perhaps the fact that there were differences of opinion among women, which must have been apparent to the members of the touring committee, which made it easier for its final report to disregard the position laid forth by women and to subject women to the demands of communal representation.

Evidence from other organisations regarding women's franchise was mixed. However, Muslim political organisations and leaders seemed to endorse the idea that the women's franchise be extended. In its reply to the Committee, the Muslim League supported the idea of extending the franchise to women, and was opposed "to any suggestion which would admit women to the suffrage on any terms different from those applicable to men."⁴⁸ However, they expressed concern about the practicalities involved, and

⁴⁵Ibid..

⁴⁶Letter from Mary Pickford to her sister Dorothy, 2/3/32, Mary Pickford Papers, 4.

⁴⁷Letter from Mary Pickford to her sister Dorothy, 7/2/32, Mary Pickford Papers, 5.

⁴⁸Reply by the Honorary Joint Secretary, AIML (18th March 1932), Evidence File (Delhi and All-India), Indian Franchise Committee, OIOC: Q/IFC/36, E-Ind-401, 3.

suggested that "In order to facilitate the casting of votes by women we consider that it is absolutely necessary that separate polling arrangements should be made for women and that these polling stations should be conveniently situated and should be staffed entirely by women."⁴⁹ In an earlier meeting of the All-Parties Conference at Allahabad, TAK Sherwani dismissed the idea that Muslims would object to greater adult suffrage because Muslim women would not come out to vote, and argued that Muslim women had always been active; in Islamic history, there were examples of women governing countries and leading armies into battle.⁵⁰ This type of justification for women's political activity provided Muslim women with cultural and religious sanctions for their increased political role, and was later used extensively in order to encourage women to join the Pakistan movement. Another familiar theme of comparing Indian Muslim women to Muslim women in other countries was used by Dr Ansari at a meeting of the UP Nationalist Muslim Conference in 1931, when he spoke in favour of the franchise and criticised those opponents of it who used purdah as an excuse to deny women the vote, saying "...if Muslim women could vote with ease and conform in Egypt keeping their veil on in special booths managed by women, so could Indian women."⁵¹ A meeting of the All-India Muslim Conference working committee in June 1932 also supported the idea of an extended franchise for women along the same lines as that for men and made the interesting point that if wives of property holders were given the vote, it would reduce the impetus for the reform of legal codes which would allow women to inherit.⁵² In 1933, the Muslim League noted that the discussion of representation of women in the Legislatures was "an unmistakable sign of the progress of India, and we Muslims, with our traditional interest in the emancipation of women, extend our unqualified support to the measures which are being adopted in order to secure adequate representation for women in the new Legislatures and other public bodies."⁵³ Muslim political leaders of all shades of opinion generally supported the idea that women should be given the franchise, but on the issue of representation their opinions differed from those of women's groups who had also supported the idea of a joint electorate.

⁴⁹Ibid., 4.

⁵⁰*The Leader*, 6 December 1928, 15.

⁵¹A.M. Zaidi, ed., The Evolution of Muslim Political Thought in India, Volume IV (New Delhi: Michiko & Panjathan, 1975), 497.

⁵²Indian Annual Register 1932 Vol.I, 309.

⁵³Zaidi, Evolution of Muslim Political Thought, Volume IV, 146.

During the discussion on women's representation at the first meeting of the Franchise Committee, the question of communal representation arose. Mrs Subbarayan, the only Indian woman member of the Committee, stated that women were in favour of non-communal constituencies, and would not accept separate electorates.⁵⁴ In a minute appended to the committee's final report, she reiterated this opinion, arguing that any elected women should be seen as representatives of women rather than members of a particular community. In her view,

"The women of India who have been doing public work have endeavoured to keep out the communal question from entering their movement, in any form whatever. The evidence we have had from women witnesses shows the earnestness and strength of that desire....Some of the Indian women's organisations even oppose reservation of seats because of their objection to any kind of communal electorates. In fairness to the demand made by women, and in the best interests of the country, any special constituencies that may be formed for them should comprise all voters, men and women, of classes, castes and creeds residing in the area concerned. Women representatives on the legislatures should be there not as members of particular communities but as representatives of women of all castes and creeds."⁵⁵

However, her stance was opposed by the Muslim members of the Committee. In committee discussions, JUH member and MLA Mohammad Yakub argued that separate electorates were necessary for both women and men, saying that Muslim women would have no chance of being elected if they stood in a general electorate. Zulfiqar Ali Khan then suggested the compromise position of a joint electorate with reserved seats for each community in areas where Muslims were in a majority. In a note of dissent appended to the Committee's final report, Mohammad Yakub expressed more fully his own views regarding the extension of the franchise to women as well as his ideas about the political role of Muslim women. His major point of disagreement concerned the issue of whether women were also to be divided according to the principle of separate electorates. He stated:

"...as regards the joint and separate electorate, Muslim women

⁵⁴*Note on the First meeting of the Indian Franchise Committee held at Simla (11th April 1932), Precis of Meetings of Franchise Committee, OIOC: Q/IFC/94, 14.*

⁵⁵*Minute by Mrs Subbarayan, Indian Franchise Committee [Volume I: Report of the Indian Franchise Committee] (London: HMSO, 1932), OIOC: V/26/261/46, 206.*

will have to be bracketed with their men, and *cannot be allowed to go outside the community*. It was pointed out that Muslim women's witnesses were opposed to communal electorates. But, in the first place, only about a half-a-dozen Muslim women, selected by provincial committees were produced before our committee as witnesses and they cannot be considered as representing the views of all the Muslim women in the country. In the second place what these witnesses demanded was the general adult suffrage, and nothing more and nothing less. The question of separate and joint electorate could not rise according to their recommendations. None of them has advocated joint electorate for Muslim women in case adult suffrage was not granted and separate electorate formed the basis of enfranchisement for the Muslims."

"As regards the reservation of some seats for women in the councils...I have no objections...provided separate seats are reserved for Muslim and non-Muslim women in proportion to their numbers in a council, in such a way that it would not disturb the communal representation of the minorities."⁵⁶

The argument that Muslim women should be considered primarily on the basis of their religious identity rather than on the basis of their gender was a powerful one, and it was this view which was eventually accepted by policymakers and enacted in the Government of India Act of 1935, which divided women along communal lines even as it further empowered them politically.

In its final report, the Committee rejected the idea of a universal adult franchise and instead advocated the gradual expansion of the franchise for women through additional qualifications such as wifehood, property and literacy.⁵⁷ In an explanation of its recommendations, they stated that women had universally asked for the franchise to be extended; "in every province women, including some in strict purdah, came forward as witnesses, either representing organisations or individually, asking for an extension of the franchise."⁵⁸ However, they warned that "there is among Muslim men, especially in the north, a feeling against anything which may make a sudden breach in the purdah system."⁵⁹ They noted that there had

⁵⁶*Note on Women's Franchise by Maulvi Sir Mohammad Yakub, MLA, Indian Franchise Committee [Volume I: Report of the Indian Franchise Committee] (London: HMSO, 1932), OIOC: V/26/261/46, 199. Italics are mine. Mohammad Yakub also played a key role in the Legislative debates which will be discussed in Chapter VII.*

⁵⁷*Report of the Indian Franchise Committee, OIOC: Q/IFC/102, 75.*

⁵⁸*Ibid., 76.*

been a "political awakening" among women in recent years, and felt that women would be eager to take advantage of their voting rights, saying "the purdah system may at first restrict the number of women who will go to the poll, but the Statutory Commission states that 'the feeling against purdah is fast gaining ground'."⁶⁰ They proposed that the total number of enfranchised women should stand at a fifth of the male total, and in addition recommended that 2-5% of seats in the provincial legislatures be reserved for women for the next ten years. Predictably, the AIWC had lost both of its battles, although the Committee's report did provide women with important political gains both in terms of the franchise and of representation. The Committee proposed lowering the property qualification for both men and women, and in addition introduced a literacy qualification as well as giving the franchise to the wives of male voters. Altogether these measures were intended to give about 10% of Indian women the vote.

5.2 The impact of the Communal Award

Partially based on the findings of the Franchise Committee, the Communal Award was announced by the Government in August 1932. The Award, which allotted set proportions of seats in each provincial legislature to different communities and interest groups, formed the basis for the principles of communal representation of separate electorates in the Government of India Act of 1935. The Award gave fresh life to the principle of separate electorates and made them an indispensable part of the political landscape. It also legitimised a system of political representation for Muslims by which a certain number of seats in national and provincial legislatures were to be filled by Muslim candidates elected by Muslim voters. In addition, as Page argues, the Award can be seen as a crucial event in the history of Muslim separatism, as it offered Muslims from the majority provinces of Punjab and Bengal the possibility of political dominance in their own provinces for the first time, as well as fortifying amongst Muslims the idea of a British controlled centre which would safeguard their interests.⁶¹

The Communal Award was an important turning point in Indian

⁵⁹Aruna Asaf Ali pointed to these Muslim men from the north as the only group who were "unfavourably disposed towards women's enfranchisement." See Aruna Asaf Ali, Resurgence of Indian Women (New Delhi: Radiant Publishers, 1991), 130.

⁶⁰Ibid., 78.

⁶¹Page, Prelude to Partition, 257.

politics, and examining it from the perspective of gender adds to its importance. As an extension of the women's franchise and representation for women were planned features of the forthcoming legislative reforms, women's representation was included within the ambit of the Award despite opposition by women's groups as demonstrated in the evidence presented to the Franchise Committee. Seats for women were also to be reserved, and these seats were subject to the Communal Award, so that Muslim women were given a percentage of the overall seats for women. In an explanatory statement on the decision to include women in the scheme of separate electorates and communal representation, the government stated:

"it has been widely recognised in recent years that the women's movement in India holds one of the keys of progress. It is not too much to say that India cannot reach the position to which it aspires in the world until its women play their due part as educated and influential citizens. There are undoubtedly serious objections to extending to the representation of women the communal method, but if seats are to be reserved for women as such and women members are to be fairly distributed among the communities, there is, in the existing circumstances, no alternative."⁶²

Clearly, the views of those such as Muhammad Yakub who believed that women should also be divided on the basis of community had been given more weight than the views of women, and the fact that women were themselves divided between following the impractical stance of the AIWC and ensuring women representation through reservations meant that their voices could more easily be dismissed by the colonial regime.

As the Award represented the outcome of much negotiation over the exact proportions of communal representation, it was inevitable that it would not find favour with either Hindu or Muslim political bodies.⁶³ However, several vernacular papers in UP also noted the fact that the Government had introduced separate electorates for women against their wishes; the *Aaj* even accused the British of having tried to "attack domestic life by introducing separate electorates."⁶⁴ The reactions of women to the Award can be gleaned

⁶²Indian Annual Register 1932, Volume II, 232.

⁶³For Muslim reaction to the Communal Award, see the *Pioneer*, 20 August 1932, 6-9. Some had set their sights unrealistically high and were thus disappointed.

⁶⁴Note on the Press (United Provinces of Agra and Oudh), #34 of 1932, for the week ending August 27, 1932, 1-2.

from the statements that several prominent women made to the press, as well as from the correspondence between them. Most of them opposed the provisions of the Award and were upset that their wishes had not been taken into consideration. Mrs Srivastava, an active member of the AIWC from UP, commented

"I greatly deplore that my sex has been dragged into the mire of communalism. We women have so far managed to keep clear of this, but we are now in for it. Women, both Hindu and Muslim, have been united on this point. It seems a pity that *at a time when we are giving up purdah we are being put into communal purdah.* Women all over the country should protest against the decision, which threatens the fair name of the womanhood of India."⁶⁵

Extremely interesting is her use of imagery which equates separation along communal lines as a kind of purdah; for her the Award meant that Hindu and Muslim women were to be 'secluded' from each other.

Mrs Subbarayan, who was the prime voice for women who were independent of the AIWC, wrote to Samuel Hoare, the Secretary of State for India, that women should not have been made a part of the Award as they had "always kept out of the communal controversy" and that women of all groups and communities agreed that communal electorates would be detrimental for the women's cause.⁶⁶ In her correspondence with Eleanor Rathbone over the proposal to boycott women's seats in the elections because they had been communally reserved, Rathbone had argued that such a strategy would play into the hands of communalists as communally-minded women would stand instead of 'advanced' ones and would "strengthen the communal spirit instead of weakening it."⁶⁷ She suggested that women should stand for seats, as "it will still be possible for the women members, though elected on a communal basis, to insist on standing together and as far as possible ignoring communal differences, thus acting as a living force and example of the possibility of joint national action." However, Mrs Subbarayan answered that "women are quite determined to forego

⁶⁵*The Leader*, 2 September 1932, 10. Italics are mine. See also the *Pioneer*, 1 September 1932, 5.

⁶⁶Letter to Sir Samuel Hoare from Mrs Subbarayan (9/9/32), Eleanor Rathbone Papers, Folder #5.

⁶⁷Letter to Mrs Subbarayan from Eleanor Rathbone (2/9/32), Eleanor Rathbone Papers, Folder #5.

reservation rather than accept it on such a basis" and added that some Christian women were even prepared not to vote.⁶⁸ She argued that the best type of woman would have no chance in politics under communal electorates, as they would be pawns in the hands of communally minded men, and would have to act first as communalists and then as women. Mrs Hamid Ali also rejected Rathbone's advice not to boycott the elections, saying that "it would be most degrading to get elected as a 'Muslim' only and not as an 'Indian'."⁶⁹ She believed that women could work outside the elected councils on national lines, and added that they would not have much of a chance of getting elected in communal electorates. Both women agreed with the AIWC position that women should reject communalism even at the cost of not increasing their influence in politics. Aruna Asaf Ali, in her memoirs, recalled that separating women along communal lines was the "worst feature" of the new constitutional proposals and saw this move by the British as their way of discouraging "the joining of hands by Hindu and Muslim women."⁷⁰

For Muslim women who were torn early on between their loyalties to the Muslim cause and their involvement in the women's movement, the Communal Award represented a turning point. The reaction of Muslim women within the AIWC to the Award will be discussed at some length in the following section. A significant number of women were against the introduction of communal electorates, the most prominent being Mrs Hamid Ali who remained staunchly against them.⁷¹ However, Aruna Asaf Ali argues that they were "outnumbered" by Muslim women leaders who supported the separatist politics of the Muslim League and lists Begum Shah Nawaz and Begum Ikramullah as being among these separatist women.⁷² Although Begum Shah Nawaz's political balancing act (to be discussed later

⁶⁸Letter to Eleanor Rathbone from Mrs Subbarayan (16/9/32), Eleanor Rathbone Papers, Folder #5.

⁶⁹Letter to Eleanor Rathbone from Mrs Hamid Ali (29/10/32), Eleanor Rathbone Papers, Folder #9. Earlier, Rathbone had written to Mrs Hamid Ali asking her if she could suggest any other way of distributing seats other than by communal electorates, mentioning the idea of co-option by proportional representation, and wondering if it would be easier to secure support from Muslims for this idea. Letter to Mrs Hamid Ali from Eleanor Rathbone (8/9/32), Eleanor Rathbone Papers, Folder #9.

⁷⁰Aruna Asaf Ali, Resurgence of Indian Women, 130.

⁷¹Aruna Asaf Ali also mentions Begum Aizaz Rasul as being a supporter of joint electorates during this period. See *Ibid.*, 131.

⁷²*Ibid.*, 131.

in the chapter) during these years was more complex than Asaf Ali suggests, here I will briefly outline the Begum's reaction to the Award as she provided the only public statement by a prominent representative of female Muslim opinion. After the announcement of the Award, the Begum issued a statement to the press in which she stated

"Our representative women's organisations have been strongly against seats being reserved for women, one of our chief reasons for this being that with the reservation of seats will come the question of dividing them on a communal basis for women. I wish that the Government had not forced this reservation on the women, when the majority of them did not want it, and when all their organisations had declared against it. In the absence of a settlement, however, when communal electorates have to be retained, and reservation of seats forced on the women, it is quite clear that there is no alternative."⁷³

She seems to have felt that although communal electorates were undesirable, they were necessary for the time being, agreeing with the view that Muslim women should be grouped on the basis of religion rather than sex. She nevertheless pointed out that "while disagreeing with the principle of reservation of seats for women, I think that the number of seats allotted to women in the different provincial legislatures is utterly inadequate." Rathbone, in a letter to one of her British colleagues, noted that the Begum had also taken part in a resolution saying that while regretting the reservation of seats, Muslim women were glad they should be on a communal basis.⁷⁴ The Communal Award, by including women within the communal framework, had established the parameters for women's future political participation even before they were given a chance to enter provincial government. In the following years, women worked to reverse the provisions of the Award as well as ensure the highest possible levels of political participation by women given this framework.

5.3 The Award and the AIWC: an end to women's unity?

With such evidence of an emerging divergence of opinions among individual women who were active participants in the women's movement, it is not surprising that the Communal Award had a considerable impact on the AIWC and the unity of its members. The AIWC was primarily an

⁷³*The Leader*, 24 August 1932, 9.

⁷⁴Letter to Mrs Irving from Eleanor Rathbone (8/9/32), Eleanor Rathbone Papers, Folder #9.

organisation interested in social issues and as I have shown in the previous chapters, on issues concerning women such as purdah, child marriage and women's rights within marriage, Hindu and Muslim women were largely in agreement about the type and extent of reform that was needed in order to improve women's lives. They accepted the fact that different social and religious customs affected each community, but supported each other in demanding change in all areas. This cooperation on social issues took place primarily during the earlier years of the Conference before 1933 when women were not yet divided along communal lines. However, two factors fuelled an emerging trend of disagreement between Hindu and Muslim women. Firstly, the AIWC had become increasingly involved in political issues beginning with the issue of the women's franchise. Writing in reference to the 1932 Lucknow session, Mrs Kailash Srivastava wrote to Eleanor Rathbone that it was remarkable that "no secret was made of the fact that the Conference stands for political no less than for educational reform."⁷⁵ But it was the Communal Award of 1932 which triggered the irreconcilable divide between women. During its campaigns to give women the vote and give them a place in national and regional political arenas, the AIWC had been consistently making pronouncements against communalism, on the basis that women were not and should not be divided along communal lines. The AIWC leadership, backed up by the majority of members, took a stand against the principle of separate electorates and passed a resolution at its 1933 Lucknow Session to this effect. However, there was disagreement over this policy both at the Session itself and during debates afterwards by Muslim members, who argued that without such safeguards, Muslim women would not be represented adequately. The AIWC leadership tried to suppress their dissent in the name of unity, as they wanted to present a unified face to the British officials to whom they were protesting. It was over a political issue, therefore, that the first divisions between women along communal lines emerged. Beginning in 1932 one can see a widening divide among women at the national level along communal lines as the AIWC became increasingly involved in political issues.⁷⁶ Muslim women were pulled in several

⁷⁵Letter to Eleanor Rathbone from Mrs Kailash Srivastava (30/1/33), Eleanor Rathbone Papers, Folder #9. Some members felt that political activity was inappropriate for an organisation which had been formed around the concerns of female education and social reform issues.

⁷⁶An examination of the organisation's branches in UP reveals that this split was less apparent at the local level because women remained more focused on social reform issues and avoided taking decisions on controversial topics.

different directions and tensions emerged between their involvement in the women's movement and their interest in safeguarding the Muslim community's position in political, social and cultural spheres. Many were ultimately forced to make choices between their identities as women and as Muslims. Women's crusade to gain the franchise had been overshadowed by political developments, and as women's organisations became enmeshed in political and constitutional issues, they found themselves beset by the same tensions that were dividing the major political parties of India.

The first signs of dissent within the AIWC came during its seventh Annual Conference, held in Lucknow in December 1932. Rajkumari Amrit Kaur had proposed a resolution, seconded by Aruna Asaf Ali, against the Communal Award and in favour of a system of joint electorates. Both women spoke out against communalism and said that the AIWC should be free of it.⁷⁷ In the lengthy debate which followed, the differences of opinion between Hindu and Muslim representatives and amongst Muslim women became apparent. The resolution was opposed by Muslim women for varied reasons. Begam Sakina Mayuzada supported her opposition with the statement that "If a person desires the good of one's own community that does not mean that she desires to harm others. In my opinion only by separate electorates could one work properly for the advancement for one's community."⁷⁸ Begam Habibullah felt that the AIWC should avoid political issues altogether. She argued that

"The resolution put before the Conference was of a communal character and was not therefore a fit subject for discussion in the Conference. Although I stood for equal rights for women and men in politics and I was against any separate right for women in the new constitution, I opposed the discussion on mixed electorates which is quite a different matter. A joint electorate is an electorate consisting of men and women both while a mixed electorate is one of all communities. The Conference can only ventilate the demand of women from a sex point of view and as the discussion in the [AIWC] is in reference to the unity Conference going on in Allahabad related to mixed electorate I oppose the resolution on the ground that if women will vote for or against mixed electorates it will lead to a split in their homes - as between themselves and their men-folk - thus making home life unpleasant. I therefore think that it will be impracticable for women to act upon and give effect to the resolution even if they

⁷⁷AIWC Seventh Annual Session (Lucknow: 28 December 1932 to 1 January 1933), *Report*, 50-60.

⁷⁸*Ibid.*, 53. Miss Feroz-ud-Din also opposed the resolution.

supported it. I further urge such matters should be left to the Unity Conference to decide, and should be left out by our Conference, this being purely a women's conference."⁷⁹

Her worry that if women were to express opinions on political matters it would lead to domestic strife is interesting, as it seems that most Muslim women agreed with the views and political leanings of the male members of their families.⁸⁰ Although she argued that women should avoid communal matters she ultimately opposed the resolution, which suggests that she was in favour of separate electorates as well.

In response to these statements, Mrs Brijlal Nehru represented the voice of the Hindu women present with her opinion that such a resolution would be a fitting subject for AIWC, and noted that Hindu and Muslim women had worked side by side for years and had supported each other's issues, saying that "the needs of the Hindu and Muslim women have been equally dealt with and women from both communities have been the exponents of the demands of the other with equal enthusiasm, skill, and knowledge." Besides, she continued, "our Muslim sisters have nothing to fear with regard to the supposed lack of education. They have already come out in large numbers in public life."⁸¹ However, the most interesting speech was that of Lady Wazir Hasan. Remarking that other Muslim ladies had accused her of "causing their boat to founder" by not supporting their protests against the resolution, she said that her Muslim sisters, "thanks to their narrow outlook, shattered...the prestige for toleration and courtesy which Muslims had long enjoyed in the estimation of their non-Muslim compatriots."⁸² She came out strongly against the idea of separate electorates, saying that

"My sisters labour under the misunderstanding that separate electorate constitutes a religious obligation and so its protection and preservation is as essential for a Mussalman as Fasting and Prayers. Let me state here that separate or joint electorates are only political dogmas and it is not at all desirable or expedient to

⁷⁹Ibid..

⁸⁰This has been supported by interviews with several Muslim women, as well as autobiographies such as Begum Shah Nawaz's Father and Daughter.

⁸¹AIWC Seventh Annual Session, Report, 55.

⁸²Ibid., 56. Lady Wazir Hasan was the wife of a Chief Justice of the Oudh High Court; the family as a whole believed in communal unity and although her husband was a member of the Muslim League, he withdrew his support after they made the demand for Pakistan.

impart a religious tinge to them. As some of our sisters have sheltered themselves behind religion in raising this controversy, they should know that from an Islamic point of view, no disunion of any kind whatever is laudable in any sense. As separate electorate spreads disunion in the country...it is not proper and desirable that one should stick to it in any case and circumstance."⁸³

She believed that Muslim rights would not be trampled on in an independent India if trust between Hindus and Muslims existed, and appealed to her Hindu sisters to remove the complaints of Muslim women, citing the examples of one woman who had said that "due regard was not being paid to the question of her Purda" and others who complained that a Hindu woman had been president of the Conference for the past four years. She concluded by saying that although "in my opinion, these complaints do not possess any particular importance, yet with a view to attain unity, it is necessary that we do take into consideration even such small matters."⁸⁴ The resolution was ultimately opposed by four Muslim women but was passed by the majority; nevertheless, Muslim women were well represented in the committee appointed to draft the AIWC proposals on the enfranchisement of women, which suggests that the AIWC was not entirely deaf to their dissenting voice.⁸⁵

The AIWC, in conjunction with the WIA and the NCWI, formed a Joint Franchise Committee in 1933 which was meant to represent the views of Indian women. Three representatives, Dr Muthulakshmi Reddy (WIA), Rajkumari Amrit Kaur (AIWC), and Mrs Hamid Ali (NCWI), gave evidence before Linlithgow's Joint Select Committee, in which they reiterated their demand for adult franchise, and favoured enlarging the number of women voters by giving the vote to literate and urban women. In addition, they took a stand against communally reserved seats, separate electorates and the reservation of seats for women.⁸⁶ In preparation, the AIWC Standing Committee had drafted a memorandum to be presented to the Committee and had also circulated copies to its local branches in order to garner support

⁸³Ibid..

⁸⁴Ibid., 57.

⁸⁵Ibid., 58-60. Women appointed to the committee included Begam Wasim, Begum Habibullah, Begum Aizaz Rasul, Begum Wazir Hasan (all from Lucknow), Begum Shah Nawaz, Miss Firozuddin, Lady Abdul Qadir, and Begam Sakina Mayuzada.

⁸⁶AIWC Files, File #34, 221; see also Forbes, "Votes for Women", 16.

from all its members.⁸⁷ However, certain Muslim women opposed it, which led to a major dispute within the AIWC over whether their dissent should be mentioned in the memorandum or whether it should be ignored in order to present a united front to the British Committee.

Opposition to the AIWC memorandum came from two major sources: Begum Shah Nawaz, and some of the Muslim members of the AIWC branch in Karachi. Begum Shah Nawaz had been absent from previous AIWC proceedings due to her position at both Round Table Conferences in London. However, she seems to have agreed with Begum Habibullah's argument that the AIWC should refrain from commenting on political issues as far as possible. In a letter to the Organising Secretary, she said that the AIWC should not address the issue of separate electorates because "at this stage it is best to...confine ourselves to women's questions only."⁸⁸ Instead of a strongly worded statement supporting joint electorates, she suggested that the AIWC protest the reservation of seats for women on communal lines.⁸⁹ In the discussion within the committee over the proposed memorandum in the spring of 1933, she said that the words "joint electorates" should not be used, "for although individually she was in favour of joint electorates, they may not be accepted by certain section of Muslim ladies in the Punjab." The representative of the WIA, Muthulakshmi Reddy, wanted to register women's protest at the idea of a communal award, and the majority agreed with her. Therefore, Begum Shah Nawaz asked "that her strong dissent against the inclusion of the word in the resolution should be recorded."⁹⁰ Although she claimed to have been speaking for her constituents rather than expressing her own opinion, there is evidence in her autobiography that she supported communal representation as well.

⁸⁷Two drafts of the memorandum were circulated. However, while the first was more strongly worded and contained a statement specifically supporting joint electorates, the second merely noted that the AIWC was against communal representation for women.

⁸⁸*Letter from Jahanara Shah Nawaz (8/3/1933), AIWC Files, File #37, 253-5.* Begum Shah Nawaz had displayed a similar attitude on the issue of non-cooperation - in a letter to Rani Rajwade, she said that the AIWC should not threaten non-cooperation and therefore act like a political body, but should confine itself to women's matters. *Letter from Jahanara Shah Nawaz to Rani Rajwade (26/8/1932), AIWC Files, File #20, 91-2.*

⁸⁹It seems that earlier in 1932, Begum Shah Nawaz had taken part in a resolution saying that while regretting the reservation of seats, they (Muslim women) were glad they should be on a communal basis. See *Letter to Mrs Irving from Eleanor Rathbone (8/9/32), Eleanor Rathbone Papers, Folder #9.*

⁹⁰*AIWC Files, File #34, 227.*

In a similar manner, five Muslim ladies from the Karachi branch of the AIWC registered their dissent towards the wording of the memorandum. In the report from the Karachi Committee it was noted that the Muslim members of the Karachi branch were against joint electorates although the majority of members supported the idea.⁹¹ A letter from the Secretary of the Karachi branch stated that certain Muslim members insisted that their dissent be recorded in the memorandum that "under the present circumstances they did not wish for joint electorates."⁹² The AIWC leadership was divided over how to deal with this threat to unity within the organisation; some members were in favour of ignoring these protests while others thought that the views of Muslim women should be respected. In a letter to AIWC Organising Secretary Rani Rajwade, Muthulakshmi Reddy suggested that both Begum Shah Nawaz and the Karachi ladies be written to and told that the other AIWC constituencies had approved the demand for joint electorates. She said "I am glad to know that Begum Shah Nawaz does not insist upon putting [in] her minutes of dissent, and I would be gladder still if the Karachi sub-constituency should follow her example." She didn't think that "we" can ignore their opinion, although "we can certainly appeal to them to accede to the wishes of the majority and not insist upon their differences of opinion being recorded."⁹³ However, Rani Rajwade replied that the opinion of Karachi ladies did not count as it was only a sub-constituency of Sind; their dissent should therefore only be recorded in the minutes of their meeting, but not in the final memorandum as it would weaken it.⁹⁴ Opinion from the Karachi branch supported this approach; an A. Khemchand wrote that their dissent should not be recorded, and a Mrs Huidekoper said that the Karachi ladies only wanted their dissent to be recorded in the minutes as a sign of local feeling, and not in the memorandum.⁹⁵ Ultimately their dissent was not noted in the memorandum, and the issue proved to be the first major source of tension between Hindu and Muslim women, as the majority of members wanted to present a united stance while some of the Muslims were

⁹¹AIWC Files, File #30, 56.

⁹²*Letter from Mrs Huidekoper (8/4/1933)*, AIWC Files, File #37, 207.

⁹³*Letter from M Reddy to Rani Rajwade (26/4/1933)*, AIWC Files, File #34, 257-8. A survey of the debates shows that Muthulakshmi Reddy seems to have been the only woman in favour of noting the dissent of Muslim women. AIWC Files, File #37, 100-1.

⁹⁴*Letter from Rani Rajwade to M Reddy (8/5/1933)*, AIWC Files, File #34, 270.

⁹⁵*Letter from Mrs Huidekoper to Rani Rajwade (20/5/1933)*, AIWC Files, File #34, 296-7; see also *Letter from A. Khemchand (31/5/1933, Karachi)*, AIWC Files, File #36, 111. Geraldine Forbes, who has briefly touched on this debate, says that the Muslim women of Karachi branch ultimately walked out of negotiations with the AIWC leadership, but I have found no reference to such an event in the AIWC Files. Forbes, "Votes for Women", 15.

worried about their interests as a community instead. Interestingly, the Lucknow branch, whose members dominated the debate on communal representation in 1932, seems to have agreed with the Organising Secretary that unity was more important than accomodating dissenting voices. In several letters to Rani Rajwade, Begum Mohammad Wasim, the Secretary of the local branch, said that both she and the branch members were in favour of keeping the original and more strongly worded memorandum in favour of joint electorates, as modifications in their demands would be interpreted as a sign of weakness and inconsistency on the part of Indian womanhood.⁹⁶ It is difficult to tell if dissenting voices such as that of Begum Habibullah might have been suppressed by the branch leadership, but it shows that Muslim women were by no means united on the demand for separate electorates at this early stage. The disagreements which surfaced over the issue of electorates both between and within communities weakened the unity of the AIWC as a whole and made it difficult for them to present their opinions to either the British or to other organisations in India. The difficulties caused by this disunity were noted by Margaret Cousins in an article in *Stri Dharma* in 1935 in which she commented on the recent session held in Karachi, saying

“In political questions such as our women’s demand for joint and not communal electorates our Muslim sisters hold the trump card in our Conference discussions. United we march as far as possible, but when they cry a halt we have to concede or break the unity of our women’s ranks, for they plainly state that if we do not concede they will walk out.”⁹⁷

The attitude of some of the more political and less sensitive members of the AIWC suggests, however, that some women placed the AIWC’s allegiance to certain ideals above the feelings of a segment of its members. This stance weakened the unity and thus effectiveness of the organisation as a whole, and proved to be the initial cause for the widening divide between Hindu and Muslim women within the AIWC later in the decade.

After the announcement of the Award, the communal question remained firmly on the agenda for women who were involved in the struggle to grant women more political rights. Although Begum Shah

⁹⁶ Letter from Begum Mohammad Wasim (8/4/1933), AIWC Files, File #37, 126; see also Letter from Begum Wasim to Rani Rajwade (27/6/1933), AIWC Files, File #36, 20.

⁹⁷ *Stri Dharma*, Volume 18 #6 (April 1935), 228.

Nawaz continued to argue that there was "no communal feeling as far as the women are concerned" there was an awareness among women that communal issues could ultimately prove to be divisive.⁹⁸ Mrs Subbarayan noted that some Indian women seemed to be blaming Begum Shah Nawaz for the fact that the seats had been divided on a communal basis, and said that she had been "very worried about the communal division of those seats, not only because of my belief that such a scheme is against the best interests of women and the nation but also because I felt that it would cause a great deal of trouble, excitement and misunderstanding and make agreement among women even on the question of women's franchise still more difficult."⁹⁹ Rajkumari Amrit Kaur pleaded with Rathbone to "Do please do your level best to see that we do not come in to the communal tangle which is destroying our national life."¹⁰⁰ She had earlier alerted her that "efforts are being made in the Punjab to separate the Mahomedan women from us - by the communally minded men - but I still hope that we shall come through unscathed. It is most important that we should."¹⁰¹ Obviously, communal considerations had overshadowed the concerns of the women's movement and women were becoming irrevocably divided along religious lines. By 1933, after the enshrinement of the principles of separate electorates and representation for different groups, it had become impossible for the AIWC to alter the existing political landscape or to effectively promote its viewpoints.

The tensions for Muslim women which emerged over communal issues in the years following the Award can be seen by examining the stance of Begum Shah Nawaz, who attempted to balance her involvements with the

⁹⁸Extract from letter to Lady Hartog from Begum Shah Nawaz (13/8/35), Eleanor Rathbone Papers, Folder #4.

⁹⁹Letter to Eleanor Rathbone from Mrs Subbarayan (4/2/33), Eleanor Rathbone Papers, Folder #5.

¹⁰⁰Letter to Eleanor Rathbone from RA Kaur (5/7/34), Eleanor Rathbone Papers, Folder #12.

¹⁰¹Letter to Eleanor Rathbone from RA Kaur (7/12/33), Eleanor Rathbone Papers, Folder #12. She added however that women would still try and fight for a universal franchise in urban areas although they did not have much hope of success. Later, she suggested that although seats were to be reserved for women, they should be allowed to have joint electorates for those seats as they had never been divided by communalism. Letter to Eleanor Rathbone from RA Kaur (11/2/35), Eleanor Rathbone Papers, Folder #12. Writing in hindsight about these efforts, in a tone which contrasts with her statements and beliefs at the time (as we shall see below), Begum Shah Nawaz commented that "In 1933 a major crisis confronted Muslim women when it was proposed that separate electorates should be abolished for women's seats. The then Hindu-dominated All-India Women's Conference was fighting hard of this move. If these seats were not under separate electorates, the Muslim majorities in Punjab and Bengal would have been jeopardised. I set up in Lahore a Women's Committee for women's Muslim seats, which were ultimately granted in 1935, and the majorities in Punjab and Bengal were thus safeguarded." Begum Jahanara Shah Nawaz, "The Quaid as I Knew Him", 8.

AIWC, the Muslim cause, and national politics from 1932 onwards. She was seen as the primary representative of Muslim women as well as an influential politician at both the national and regional levels. The continuing tension between extending women's participation and communal issues can be seen in an incident in Punjab politics during this period. In 1933, Lakshwati Jain, a woman member of the Punjab Legislative Council, moved a resolution asking for the enfranchisement of women in regard to local bodies, which was defeated with the help of government votes. According to Rajkumari Amrit Kaur,

"The ostensible reason against us was that the Muslim women, being in purdah, would not go to the polls in such large numbers, and there would be an inequality of votes as far as Muslim candidates for local bodies were concerned! The Muslim women here are furious, and even in Lahore all Muslim women were in favour of the resolution. It does seem almost comic that we should be considered fit to vote and stand for elections in the coming and existing Provincial and Federal Councils, and yet not have the same right for municipalities and District Boards!"¹⁰²

In reference to this issue, Rathbone wrote to the Begum, in the hope that she would be able to help separate the issues of women's representation and communal proportions which had been tied together by the Award, asking

"whether you will be able to do anything to rouse Muslim opinion to protest against the kind of attitude taken up by Mr Yusuf Ali and the other representatives of the All-India Muslim Conference and League. Could you get bodies of Muslim women or influential individuals among Muslim men to speak up in a contrary sense and to insist that women must have adequate numbers, however they are secured? *Note the particularly unfair use he made of the argument that Hindu women would outbalance Muslim women, because the latter are less accustomed to come forward in public.* So long as there are separate electorates, that is simply not true; and if they fear it may be true in the future, the obvious way to counteract the danger is to improve educational and political opportunities for Muslim women."¹⁰³

¹⁰²Extracts from letter from RA Kaur, Liason officer AIWC (10/4/34), quoted in Bulletin of the Indian Women's Movement (May 1934), AIWC Files, File #59, 72-3.

¹⁰³Letter to Begum Shah Nawaz from Eleanor Rathbone (14/10/33) Eleanor Rathbone Papers, Folder #10. Italics are mine.

As we can see, both Rathbone and Kaur were outraged that familiar arguments concerning Muslim women's political backwardness based on the fact that they observed purdah were being used in order to stifle an extension of women's political rights at the local level. However, despite their protests, women were unable to overturn increasingly powerful justifications which subjected women to the boundaries imposed by the Award.

The Begum's own attempts at manoeuvring are shown by her letter to Rathbone in which she discussed her own position within the AIWC as well as her political activities. She began by stating that she had decided not to contest a seat in the elections to the Central Assembly as "most of the leaders of the community resented the idea of one seat being given to a woman when there were only half a dozen seats for the Muslims in the Punjab."¹⁰⁴ Despite the Begum's national stature, her male colleagues were obviously unwilling to include her in the Punjabi Muslim contingent. As for the AIWC, she hinted at a power struggle within the organisation between an extremist group, who were more politically inclined and who followed the Congress lead on most issues, and the moderates, who preferred staying out of politics and dealing more with women's and social issues.¹⁰⁵ She wrote to Rathbone

"I would very much like you to know the position within the women's organisations. As you are aware, my sole aim has been to remain...within the women's organisations and try and work behind the scenes in such a manner that the moderate section should get the upper hand and our questions should not be spoilt by the extremist wing. I am by nature a moderate, but of course when it comes to the question of standing up for our rights, I have the courage of my own convictions. Most of the prominent workers and the men leaders of my community have been calling upon me to organise a separate Muslim Women's organisation. So far I have abstained from doing so as I know that it will be detrimental to our interests for the present. Slowly the moderate section is getting the power into their own hands....We all hope to work together and to do the right thing when the Report comes out."

She added that if she had signed the pledge of the Muslim All Parties

¹⁰⁴Letter to Eleanor Rathbone from Begum Shah Nawaz (17/9/34), Eleanor Rathbone Papers, Folder #10.

¹⁰⁵She described Rajkumari Amrit Kaur as an extremist, while her successful opponent at the recent Presidential elections, Mrs Rustomjee, was a moderate, as was the elected Secretary, Mrs Mukherjee.

Conference or the League which were to stand by separate electorates, it would have given the extremists an opportunity to attack her, and commented

“As you know whether in private or on public platforms, I have made it clear that unless there is a settlement between the two communities, Muslim women cannot accept a different system of electorates from the men of their community. But as I have stood by the majority opinion and have abstained from breaking away from the three main organisations, the women, whether Muslim or Hindu, are quite satisfied with my attitude.”¹⁰⁶

Clearly, her balancing act was quite precarious, and she had to negotiate between her own personal feelings regarding separate electorates and the viewpoints of the organisations of which she was a member. We can see from this example that Muslim women’s loyalties were being severely tested during the years after the Award as different organisations and political parties were formulating increasingly rigid and divergent views regarding communal representation.

The Government of India Act of 1935 gave six million women the vote, and also reserved forty-one legislative assembly seats for women on a communal basis. In UP, it was decided to allot six seats for women, with a breakdown of four general seats and two reserved for Muslim women.¹⁰⁷ The two urban seats were to filled by one general candidate from Benaras and one Muslim candidate from Lucknow, “in view of the traditional strength of Muhammadan influence and culture in that city.” The four rural seats were divided into the general seats of Allahabad, Meerut and Cawnpore districts, and a Muslim seat from the district of Moradabad. The decision to allot the Muslim women’s rural seat to Moradabad was made on the basis of a high literacy rate as well as the relatively high Muslim population there.¹⁰⁸ No

¹⁰⁶Letter to Eleanor Rathbone from Begum Shah Nawaz (17/9/34), Eleanor Rathbone Papers, Folder #10.

¹⁰⁷The following information is taken from *Delimitation of Women’s Constituencies*, Indian De-Limitation Committee, OIOC: Q/IDC/37, 12.

¹⁰⁸Apparently when the Committee was thinking about moving the Muslim women’s seat from Moradabad to Saharanpur, there were protests in Moradabad against the decision. See *Letter to Mr Laithwaite from Sayyid Shafaat Ahmad Khan* (Allahabad, 6/12/35), Indian De-Limitation Committee, OIOC: Q/IDC/37. In a letter written to the Pioneer, the author protested against the decision to shift the seat, arguing that Moradabad would be a better choice as the Muslims there were much stronger culturally, educationally, socially and economically, and that in addition there were a number of women qualified to run for the Legislature. *Pioneer*, 12 January 1936, 8.

seats were reserved in the Legislative Council, although women were allowed to run for unreserved seats. The AIWC unsurprisingly protested against the allotments; in a statement of the Standing Committee issued in 1935, they said

“it is a matter of regret to us that the seats for women have been reserved on a communal basis - thereby throwing us women against our wishes in to the communal area - but we sincerely trust - that our demand that the methods of election to these seats shall be through a joint electorate of men and women with no reference to communal parties, will be conceded.”¹⁰⁹

This demand was not met with, and voting in UP was conducted on a communal basis, which meant that for a Muslim seat only a Muslim could run and only Muslims could vote.¹¹⁰ This principle was not extended completely to the women's seats, however, as both women and men could vote for the woman candidate.¹¹¹ Women were enfranchised either in their own right (on the basis of property ownership), or on the bases of literacy or wifhood (only one wife per property-holder). At the same time as women were given increased political rights of franchise and representation, their potential strength as an interest group had been destroyed by the principle of communal representation, which forced women to become representatives of their respective communities rather than of all women.

This chapter has explored issues of gender with relation to the political sphere in the early 1930s. We can see a number of actors here, the most important of whom for this study are women, the ulema and other Muslim politicians. We have seen how women's differences of opinion on separate electorates and communal representation, which developed into a substantial conflict, eroded their earlier unity and made them an ineffectual pressure group. We can also see the emergence of a number of different community leaders during this period. The ulema continued to participate in the debates shaping the constitutional future of India, both from within the formal structures of politics and as a force for agitation. In addition, the League was also beginning to contribute to the debates on gender and community

¹⁰⁹Statement of the Standing Committee of the AIWC (Poona, 1935), included in a letter to Sir Laurie Hammond by Grace Lankester, Liason officer to AIWC, Indian De-Limitation Committee, OIOC: Q/IDC/37.

¹¹⁰Reeves, Graham and Goodman, A Handbook to Elections, xlii.

¹¹¹Ibid., xliv.

identity. Both differentiated Muslim women from Hindu women on the basis of factors such as purdah observance, and argued that Muslim women's future political participation should be inextricably linked to the principles of separate electorates and communal representation. Gender had again been used in order to strengthen the argument that Muslims had distinct interests and should be considered a separate entity in the political sphere. As we shall see in the following chapter, the arguments advanced and constitutional choices made during this crucial period were to shape Muslim women's participation in the provincial legislatures as well as the unity of the women's movement.

CHAPTER VI

THE SHIFTING POLITICAL SCENE: UP MUSLIM WOMEN'S INVOLVEMENT IN POLITICS AND SOCIAL REFORM 1934-46

I have examined in Chapter III how elite Muslim women were drawn into both social reform and political activity during the 1920s and early 1930s. In that period, politics had been cooperative rather than communal and women of all communities had been able to cooperate on issues of social reform. However, the period from the mid-1930s presents rather a different picture. Women's increased opportunities in the formal structures of politics, as we have seen, had been subject to a communal discourse, and there was a further deterioration in relations between the two communities in the period from 1932-7. It proved difficult for the first women who became involved in politics, both Hindu and Muslim, to remain completely immune from these trends. The formal structures of the women's movement were also unable to cope with communal tension. As we have seen in the previous chapter, the Communal Award proved to be a decisive turning point for the AIWC, and the early 1940s saw a further decrease in participation by Muslim women. At the local and provincial levels women's social reform groups were able to some extent to continue their cooperation, but only because they largely abstained from becoming involved in political activity. Whereas the previous chapter examined in detail the discourse concerning women's political participation and how it shaped and constrained their future choices, this chapter will focus on their activities during this decade before independence. I have chosen to focus on the provincial level because it is here that Muslim women's actions can most visibly be seen, especially in the realm of politics, as the provincial stage occupied primary importance during most of this period. The material in this chapter is designed to be seen alongside the following two chapters, which cover the same time frame; however, while here I examine women's activities, the next chapter follows the connections being made between gender, law and community, while the last concentrates on both discourse and practice within the Muslim League.

6.1 UP politics after the Communal Award

As has been discussed above, the Muslim elites of UP had played a key role in the activities of the Indian Muslim community since the late nineteenth century. *Ashraf* Muslims in UP, as has been pointed out by several scholars, did not fit into the stereotype of Muslim 'backwardness' which came up in the late nineteenth century and which had originally applied to the Muslims of Bengal.¹ Lance Brennan characterises them as an elite who held government jobs, owned land (and usually derived the majority of their income from it), sent their children to school, and participated in the public life of the province.² The majority of the families in my study fit into this broad pattern. For example, the Habibullah, Aizaz Rasul and Wasim families all had a *taluqdari* foundation but were also involved with colonial administration in some way, while the Wazir Hasan family was primarily professional. The college at Aligarh had played a focal role in developing the cohesiveness of these elites; it had been supported primarily by families from UP, and many of the early Muslim leaders who emerged, such as the Ali brothers, had been educated there. In addition, the headquarters of the Muslim League, founded in 1906, was first in Aligarh and later moved to Lucknow. Muslim elites in UP tried to position themselves as the representatives of the Indian Muslim community, both politically and socially. In UP, as we shall see, the Muslim elites of Lucknow had to contend with a political spectrum which included a Congress made powerful by the elections of 1937, and a Muslim League which was on the defensive and after 1940, seeking more power on the platform of 'Pakistan.'

The most important political development after 1937 was a slow shift in loyalties by a significant section of the UP Muslim elites in favour of the Muslim League. The reasons for this change of political affiliation were varied. Immediate causes for Muslim discontent could be found in the actions of the Congress in forming the UP government after the elections (discussed below) and in the conduct of the Congress ministries from 1937-39. Kesavan sees the elections and the breakdown of the coalition between Congress and the League as a watershed in communal politics in UP; provincial Muslim leaders realised that as long as Congress won a majority of general seats, they did not even need Muslim support, and to combat this

¹See Jalal, *The Sole Spokesman*, 3.

²Brennan, "The Illusion of Security", 238.

marginalisation they started looking towards Jinnah and national politics to give them more power at a provincial level.³ The policies of the Congress government in UP provided them with further ammunition. According to the Pirpur Report, a document released by the Muslim League which detailed the various affronts to Muslims by Congress ministries, the grievances of Muslims included singing of the Bande Mataram song, use of the Congress flag on official buildings, exclusion of Muslims from local government bodies, cow protection movements, communal riots, and the Congress education policy which they felt attacked the Muslim language and culture, as well as the abduction of Muslim women by Hindus, often members of groups such as the Arya Samaj.⁴ Kesavan also details the Hindu affiliations of a large number of Congressmen, especially at the local level, and argues that the distinctions between government and party became blurred both for the men in power and for Muslims.⁵ Brennan agrees that the shift began in 1937, when the Congress ministry in UP enacted legislation which threatened Muslim elites in the fields of education, government employment, and land holdings, making them more receptive to appeals of the Muslim League and the idea of Pakistan.⁶ Other reasons have been put forward by contemporary observers. Zohra Ansari (daughter of the nationalist leader Dr Ansari) believed that this shift away from the Congress on the part of the majority of the landed elites was due to the Congress's increasingly leftist ideology; according to her, UP landlords were worried about Congress's proposed land strategies in which their lands would be redistributed among the labourers.⁷ Muhammad Mujib, a member of one of the families under study and a prominent educationalist, describing the shift towards the League, believed that

“...the needs which found political expression were not the needs of the community as a whole but those of a class, which consisted of big and small landlords, and the lawyers, doctors, government servants who belonged to the families of these landlords...if I were asked to give the one all-important reason for the upsurge of sentiment which ultimately led to the partition of the country, I would say that it was the reaction of

³Mukul Kesavan, “Communal Politics in the United Provinces 1935-47” (MLitt Dissertation, Cambridge University, 1987), 39.

⁴K.K. Aziz, ed., Muslims under Congress Rule 1937-9: A Documentary Record (Delhi: Renaissance Publishing House, 1978), Volume I, 325 and 451.

⁵Kesavan, 41-2.

⁶Brennan, 239, 260-70.

⁷Zohra Ansari, Oral History Transcript, NMML, 37-8.

this class to the realities of democracy.”⁸

Speaking from personal experience, he mentioned the striking change in the membership of the UP assembly after the 1937 elections and his uncomfortable feelings at having to interact with people not of the same class. Another observer, Ruth Woodsmall, felt that another reason was the Muslim fear of “absorption” by Hindus and the nationalist movement, which caused them to become more conservative politically.⁹ We have seen in the previous chapter how Muslim women’s involvement in politics had become subject to communal considerations at a national level. Here we shall see that at the provincial level as well, women’s involvement in the political sphere was affected by the deteriorating communal situation and the growing antagonism between the Congress and the League. In addition, provincial governmental bodies were to provide a new forum for the tensions between women’s interests and their membership in a larger Muslim polity to be played out.

6.2 Muslim women in provincial politics 1934-46: accommodation to communal imperatives

An examination of the political beliefs and activities of Muslim women in UP sheds light both on the opportunities in politics which were becoming available to women beginning in the late 1930s as well as on the changing political atmosphere in UP from 1937 to 1947, which was to be extremely important for the Indian Muslim community generally. Politics in pre-independence India was often a family affair, and the women who entered politics during this period generally came from politically active families, a generalisation that can be applied to the elite Muslim women in my study.¹⁰ Perhaps inspired by Hindu role models such as the women of the Nehru family, Muslim women entered politics either of their own accord, due to the prompting of their husbands or fathers, or because they felt that the political circumstances demanded it. Some such as Begum Shah Nawaz and

⁸Mohammed Mujeeb, “The Partition of India in Retrospect” in Mushirul Hasan, ed., India’s Partition: Process, Strategy and Mobilization (Delhi: Oxford University Press, 1993), 401.

⁹Woodsmall, Moslem Women, 162.

¹⁰Vijay Agnew has pointed to the commonalities between Hindu and Muslim women who entered politics during this period, arguing that they were rich, educated and somewhat westernized. For Muslim women, she gives the examples of Begum Ikramullah and Begum Shah Nawaz, two of the primary politically active Muslim women during the period. See Agnew, Elite Women, 93.

Begum Aizaz Rasul had been introduced into the world of politics by their fathers, while others were encouraged by their husbands. The majority started by holding positions on local Municipal and District Boards in the mid-1930s. The next major occasion for their heightened political activity came during the elections of 1937, which was their first chance to join government at a provincial level. As we shall see, they entered political life at a time when communal identities were becoming more delineated, and thus instead of being able to focus on issues concerning women, which they had cooperated on earlier within women's organisations, they spent most of their energy debating communally sensitive issues in the legislature and sometimes even employing gender stereotypes to propagate communal differences.

For most women throughout India who made the transition from activism in the sphere of social reform to involvement in the world of politics, their first entry into politics often came through participation in local government, either in District or Municipal Boards; the former represented the interests of entire districts, while the latter were confined to urban areas. Their ability to become members of these local bodies had been facilitated in UP by Mrs Srivastava, who was an active member of the AIWC and had been nominated as a token woman member of the UP Provincial Council in the early 1930s. As a result of her amendment to the UP Municipalities Act, passed in 1932, the government was compelled to nominate at least one woman member for each Municipal Board.¹¹ However, women were made subject to the dictates of communal representation; a provision was successfully inserted in the act by the Chairman, Nawab Mohammad Yusuf, that the communal proportions on each board should not be altered when a woman was nominated.¹² Nominations were made by the government, but they accepted suggestions of suitable nominees.¹³ In 1936, sixty-one women were nominated to fill these positions on Municipal Boards, of which twenty-two were Hindu, twenty-six were Muslim, and thirteen were either European or Indian Christian women [See Appendix I].¹⁴ Out of a total of forty-nine

¹¹*The Leader*, 23 June 1932, 11.

¹²*Indian Annual Register* (1932), Volume I, 259.

¹³For example, a meeting of women was held in Meerut to put forward suggestions of names of women to be nominated to the Meerut Municipal Board in 1934. See the *Pioneer*, 30 November 1934, 4.

¹⁴While little information is available about the majority of women who took up these positions, the women who were to run for election to the provincial Legislature in 1937 were all

District Boards, forty-three women were nominated, of which eight were Muslim women [See Appendix I]. Interestingly, one would expect that Muslim women would have been nominated from districts which contained a relatively high Muslim population, but this does not appear to have been the case. While Muslims in UP were numerically strongest in the north and northwest regions of the Province, the districts to which Muslim women were nominated were predominantly in the south and southeast.¹⁵ This may suggest that nominations were not based on the idea of representing the population of different districts, but were more a practical matter of finding a suitably qualified and willing woman to fill the position. One important development seems to have been the decrease in the number of Muslim women taking part in local government in the decade between 1936 and 1946. The figures show that the percentage of women's seats filled by Muslim women decreased from 42% to 25% in the case of Municipal Boards, and from 19% to 15% in the case of District Boards. This may suggest either that Muslim women were not being nominated by the Government to fill these positions, or that the growing popularity of the Muslim League made Muslim women unwilling to participate in the Congress-dominated governmental structure.

One issue which surfaced during these first nominations was the fear that women who still observed purdah would find it difficult to perform their duties as members of local government bodies. The Minister for Local Self-Government's nomination policy was criticised in the Legislative Council by Mr. Chintamani, a prominent politician affiliated to the Hindu right, who objected on the basis that the Minister "had not paid due regard to the communal proportions of these provinces in making the nominations" as well as the fact that out of 122 women nominated, "no fewer than 20 were handicapped in their discharge of their duties by their observance of purdah."¹⁶ He further argued that the Minister had disregarded the recommendations of district officers and had made the nominations himself, and raised the question of one 'public woman' who had been nominated but

getting their first taste of politics; Begum Habibullah was nominated to the Lucknow Municipal Board, Begum Aizaz Rasul was to represent Sandila, and Begum Shahid Husain was nominated to fill a position on the Moradabad Board. These three women were joined in 1946 by the daughter-in-law of Lady Wazir Hasan, Mrs Ali Zaheer, who was also nominated to the Lucknow Municipal Board.

¹⁵Information about the distribution of the Muslim population was taken from maps in Robinson, *Separatism Among Indian Muslims*, 10 and 12.

¹⁶The following debate was taken from the *Pioneer*, 20 March 1936, 6.

subsequently resigned. However, the Minister was defended by Syed Habibullah, who said that he should be given credit as he "had given opportunity to educated purdah women to come forward and render public service." A Maulvi Fasih-ud-Din added that the Minister had not been guided by communal considerations, and that in two or three Municipalities, he had actually changed the Muslim majority into a minority.¹⁷ Sayyid Ali Zaheer remarked that the criticism regarding the nomination of women in purdah was not justified, as "he believed that these purdah ladies would some time later be able to render valuable services to the Boards." This debate points to several interesting factors. On the question of purdah observance, it is clear that while the majority of politically active women seem to have discarded purdah, a sixth of the women nominated did not feel the necessity of discarding purdah in order to enter politics. In addition, one can see a continuation of the discourse concerning the image of the 'helpless *pardanashin*', which had been prevalent throughout the colonial period. Despite examples of women such as the Begum of Bhopal who had observed purdah and yet managed to run a large and important state, this image still lingered in the minds of male policymakers. Finally, one can see a clear example of the spirit of the Communal Award being translated into action; a nominated woman's presence in a local governmental body was of concern because of her potential to disrupt existing and carefully agreed upon communal proportions.

Throughout India, the 1937 elections were the first major opportunity for women to enter politics at the provincial level.¹⁸ The elections themselves posed logistical difficulties for election officers who had to try to provide 'safe' spaces for purdah women to exercise their right to vote. In UP, the number of women eligible to vote was: General - 132,473, and Muslim - 30,903.¹⁹ A major challenge was finding enough women who were willing to act as election officers at the polling stations. The women who had testified before the Delimitation Committee in 1935 had advised that in order to encourage women to vote, it would be crucial to have separate polling booths

¹⁷He said that on the main charge of having nominated a 'public woman', this was incorrect, as the woman in question, a Mussamat Badrunnissa from Mainpuri, was a Sayyid and the daughter of a retired overseer. She was an educated woman and had asked the MLC from Mainpuri to represent her case, but when she was nominated her relatives objected so she had to resign.

¹⁸Although Mrs Ahmad Shah had been nominated as the first and only woman member of the UP Legislative Council in 1928.

¹⁹Asghar Ali, "Emergence of Feminism", 301.

"with adequate pardah arrangements" managed by female polling officers.²⁰ However, just prior to the voting, *The Leader* remarked that "No lady has been appointed polling officer for the rural polling stations probably because few women voters are expected to exercise their right of voting or the villages are considered to be free from the pardah system. Two lady polling officers have been appointed at each of the urban polling stations."²¹ Overall it seems that a larger percentage of women took part in the elections than anticipated; in Meerut, the percentage of eligible women who went to the polls was larger than that of men, and in Bareilly "a notable feature of the polling was [that] a large percentage of women voters exercised their franchise. Covered tongas, 'doolees' and palanquins streamed into the special polling booths for women throughout the day."²² However, in Lucknow, *The Leader* reported that "...Muslim women are still very conservative and out of about 4000 who are enfranchised a negligible number so far have visited the polls veiled and seated in dolis."²³ This may have been partially due to the fact that polling took place in the same building for both men and women, which may have inhibited some women. There seems to have been some feeling that Muslim women had been at a disadvantage in the elections as fewer of them were willing or able to exercise their vote. The opinion of one local Muslim woman concerning the elections in Lucknow was recorded by the AIWC; she commented that it had been particularly difficult for Muslim women to vote as they were extremely reluctant to go to the polling booths. She continued:

The same can be applied to them in the matter of communal electorates. If there were no seats reserved for Muslim women I do not think that the 5 women who stood for the Muslim seats would have had much chance in general elections (non-communal) - the reason being that they would not have been

²⁰Evidence of Begum Liaqat Ali Khan Sahiba, Government of India Act 1935 - Report of the Committee appointed in connection with the Delimitation of constituencies and connected matters, Volume III: Selections from Evidence (London: HMSO, 1936), OIOC: V/22/261/51, 87-88.

²¹*The Leader*, 8 February 1937, 9.

²²*The Leader*, 10 February 1937, 9-10, as well as the *Pioneer*, 9 February 1937, 5-6. In the Punjab, nearly 60% of women exercised the right to the franchise in Lahore, and the *Pioneer* noted that in a keen contest between Begum Rashida Latif and Mrs Zakiyya Sultana, women at the polling booths even exchanged blows. See the *Pioneer*, 24 January 1937, 1. Voting in Lahore seems to have been organised more efficiently than in Lucknow; female students from Kinnaird College served as polling assistants for the days on which women voted. See Maskiell, "Social Change and Social Control", 68.

²³*The Leader*, 9 February 1937, 2.

able to approach the masses and done propaganda work as against...Hindu women. I am sorry to have this opinion but the last elections have been a great lesson to me and I realise that a long time is needed before Muslim women can stand on their feet and fight an election against their Hindu sisters in a non-communal election."²⁴

We can see here a reinforcement of the idea that Muslim women were in need of special protection if they were to be able to compete against Hindus, an idea which stands in contrast to the abilities of the Muslim women who actually took part in the elections. In the election for the Muslim women's seat in Lucknow, Begum Habibullah stood as a Muslim League candidate against Majida Bano, who represented Congress. Begum Habibullah had campaigned vigorously with the help of her husband, and on election day Majida Bano was observed "covered in a silk veil...rushing from station to station and...looking after the arrangements."²⁵ A newspaper report noted that in the close fight between the two candidates, "Begum Habibullah swept the polls in the Eastern part of the city while her rival fared equally well in the Western area" and quoted an independent observer as saying

"The Muslim masses who believe in the orthodox purdah system had a prejudice against Begum Saheba. But the Muslim purdah women voted for Begum Saheba who had done valuable work for the women's cause...The support that Begum Saheba received was from more advanced Muslims or from those who were not influenced by the Ahrar party and who were opposed to Congress...the polling shows that the party spirit is not yet known in the city and individual prejudices have a greater influence in the mind of the Muslim voters..."²⁶

In this contest, Begum Habibullah won by a narrow majority of 141 votes; she had received 5005 votes while Majida Bano had received 4864.²⁷ The election for the seat from Moradabad was contested by Begum Shahid Husain, a Municipal Commissioner and niece of Sir Mohamed Yakub (who had played an important role in defining Muslim interests and opinion in the national Legislative Assembly and in the Committees discussed in Chapter

²⁴*Half-yearly Report - Franchise Subcommittee (22/7/1937), AIWC Files, File #34, 416.*

²⁵*The Leader*, 9 February 1937, 2. Additional information was provided by Attia Hosain in an interview.

²⁶*Pioneer*, 9 February 1937, 5.

²⁷*The Leader*, 12 February 1937, 9. For details of election results for Muslim women in UP, see Appendix II.

V), who ran as an Independent against a Mrs Rehman, the sister of politician Shaafat Ahmad Khan, who represented the National Agriculturalist Party (NAP). Begum Shahid Husain won more comfortably, securing 3752 votes as against 2886 polled by her opponent.²⁸ Thus, the two Muslim women elected to the Assembly in 1937 were Begum Habibullah from the urban seat, and Begum Shahid Husain, who represented the rural constituency.²⁹ In the elections for the Legislative Council, no seats for women were reserved. However, in an unusual move, Begum Aizaz Rasul ran as an Independent for the general seat representing Hardoi, Sitapur and Kheri districts. Apparently she ran for an unreserved seat partially because she was curious how her co-religionists would react to a young Muslim woman contesting a man's seat. There had been no negative pressure from her husband's relatives, and her husband himself gave her "total freedom of action and support."³⁰ During the campaign, which marked the occasion when the Begum formally came out of purdah, she visited the electorate personally, accompanied by her husband, and found most voters to be fairly liberal and not unduly worried about voting for a woman. However, she remembers that "there was much propaganda against me and fatwas by ulemas that it was un-Islamic to vote for a non-purdah Muslim woman."³¹ She won the election in spite of the fatwas, polling forty-one votes as against two zamindars who received twenty-two and ten votes respectively.³² She was then elected as Deputy Speaker of the Legislative Council, and was joined there by Lady Wazir Hasan, who was a nominated candidate to the Council.³³ From this information about the UP elections, we can see that

²⁸*Notes on the Elections, Bulletin of the Indian Women's Movement*, Number 13 (April 1937), 4-7. See also *The Leader*, 11 February 1937, 9.

²⁹*Legislative Assembly Debates - United Provinces* (Volume I: 29th July to 9th Sept, 1937), OIOC: V/9/1868, 1-5. The particulars of the election results for all of the women's seats are as follows:

- General Urban - Benaras City: Dr. B Thungama (Congress)
- General Rural - Meerut District (North): Mrs Prakashwati Suda (Congress)
- Cawnpore District (NE): Mrs Vijaya Lakshmi Pandit (Congress)
- Fyzabad District (W): Shrimati Lakshmi Devi (Congress)
- Muslim Urban - Lucknow City: Begum Habibullah (Muslim League)
- Muslim Rural - Moradabad District (NE): Begum Shahid Husain (Independent)

For a full list of all those elected, see *The Leader*, 23 February 1937, 19-20.

³⁰Begum Aizaz Rasul, "Memoirs of a Lady Politician in India 1910-1992," Unpublished Manuscript, 35.

³¹*Ibid.*, 36. She repeated this information to me in an interview. Unfortunately, I have no information about the specific ulema involved in the incidents.

³²*The Leader*, 22 February 1937, 9.

³³*United Provinces Legislative Council Debates* (Volume I: 29 July-3 August, 3-11 Sept, 29 Sept-6 Oct, 21-3 Oct 1937), OIOC: V/9/1806, 16-17. See also Sakina Hasan, Interview.

several Muslim women were able to successfully make the transition from social activism to politics, and that one was even able to win in an unreserved general seat, a move which had earlier been predicted as highly unlikely by participants in the British commissions discussed in the previous chapter.

The elections proved to be a turning point in provincial as well as national politics. Congress dominated the newly formed UP Assembly, winning 133 out of a total of 228 seats; they were thus able to form a government easily without having to enter into a coalition with other parties.³⁴ The party then initially refused to form the government; however, when they eventually did so, they did not share power with the Muslim League as had been tacitly understood before the elections, but instead tried to weaken the League by offering several Leaguers seats in the new provincial Cabinet on the condition that they would join the Congress.³⁵ In the Council, the situation was more fluid, with Independent candidates (both Hindu and Muslim) having gained the largest numbers of seats.³⁶ Contemporary sources recorded that there had been an upsurge of opinion in favour of the Congress; one noted that in particular, villagers and women voters had supported it enthusiastically, walking long distances to reach the polling booths.³⁷ In Lucknow, Muslims had been divided in their support of the Congress or Muslim League, but their political affiliations shifted and crystallised in response to the changing political environment after the elections. An example of one family which swayed towards the Congress after 1937 was that of Sayyid Wazir Hasan. He had first become involved with local government when he fought an election for the Municipal Board of Lucknow in 1911, and in 1913 he went to England with Mohamed Ali in order to plead against the planned destruction of the Kanpur mosque.³⁸ He

³⁴The final position of parties in UP Legislative Assembly was as follows: Congress - 133, Independent Muslims - 30, Muslim League - 27, National Agriculturalist Party - 17, Independent Hindus - 9, Landholders - 6, Europeans - 3, Indian Christians - 2, Anglo-Indians - 1, Hindu Sabha - 0. Congress won 133 out of 157 contested seats, while the Muslim League won 27 out of 37 contested seats. See *The Leader*, 23 February 1937, 19-20.

³⁵Syed Ali Zaheer, Oral History Transcript, NMML, 3-8. See also Brennan, "The Illusion of Security", 260. To compound the League's sense of insecurity, the JUH at this point withdrew their support and joined the Congress.

³⁶The final position of parties in the UP Legislative Council was as follows: Congress - 8, Independent Hindus - 23, Independent Muslims - 16, National Agriculturalist Party - 4, Europeans - 1. See *The Leader*, 27 February 1937, 9.

³⁷*Notes on the Elections, Bulletin of the Indian Women's Movement*, Number 13 (April 1937), 4-7.

had joined the Muslim League as its Secretary and stayed until he was appointed a judge in 1919, when he resigned the post but remained with the organisation. After Jinnah returned to India and revived the Muslim League, Sayyid Wazir Hasan was elected President of the Bombay session in 1936. Judging from his speech at that event, he was in favour of unity between Hindus and Muslims, and his son has characterised him as a man who "did not appreciate religious frenzy," had more class prejudice than communal prejudice, and was in favour of joint electorates.³⁹ Worried about the direction of the League and opposed to the split between the Congress and the League after the elections, Wazir Hasan cut himself off from League activities and from Jinnah and Liaquat Ali Khan with whom he had previously been friendly.⁴⁰ After that, it seems, the family became and remained firm supporters of the Congress, and were opposed to the ideas of either separate electorates or the idea of Pakistan. Sayyid Wazir Hasan became a spokesperson for the Shia community, of which he was a member, and spoke out against League policies on a number of occasions. In contrast to this example, several of the other families in my study gradually drew closer to the League after 1937. Begum Aizaz Rasul's father had been a member of the League Council, and her husband became General Secretary of the UP branch of the League after Jinnah revived the League in 1937.⁴¹ The Habibullah family also became staunch League supporters and both Begum and Muhammad Habibullah ran on League tickets for seats in the Legislature. The Wasim family had drifted away from Congress and had also joined the League.

As has been discussed in the previous chapter, women were given the opportunity to enter the provincial Legislatures at a time when communal identities were becoming crystallised. As we shall see, Muslim women were unable to escape being compartmentalised on the basis of their religion and in the Assembly tended to follow the lead of the male Muslim Leaguers in debates which concerned the community as a whole. Their only opportunities to speak with independent voices were on issues which

³⁸Syed Ali Zaheer, Oral History Transcript, NMML, 1-2.

³⁹Syed Sajjad Zaheer, Oral History Transcript, NMML, 7-11.

⁴⁰Syed Ali Zaheer, Oral History Transcript, NMML, 20. See also Syed Sajjad Zaheer, Oral History Transcript, NMML, 4. His son, Syed Ali Zaheer, who had been a member of the Lucknow Municipal Board (1924-45) and of the UP Legislative Council (1930-37 and 1939), also left the Muslim League in 1937. See Syed Ali Zaheer, Oral History Transcript, NMML, 20.

⁴¹Begum Aizaz Rasul, Interview. Her husband was also in the UP Legislative Assembly from 1937.

concerned women, primarily on the topic of education, and such issues were discussed infrequently. Their participation in provincial government therefore provides a further example of the ways in which women were affected by the deteriorating political situation during this period.

In the Legislative Assembly, Muslim women continued in the vein of earlier social reformers who had focused on improving educational facilities for girls as well as reforming customs which hindered women's development. For example, in a discussion on the budget, Begum Shahid Husain (the representative from Moradabad) noted that the spread of female education was a mark of the nation's progress and advocated that more money be spent on female education as well as, more unusually, the appointment of female police officers.⁴² In the Legislative Council, Muslim women also promoted the cause of female education. In her comments on the budget, Begum Aizaz Rasul said that there should be more expenditure allotted to education and that the Government should formulate a well-thought out policy on female education, as "On the education of women depends the progress and welfare of the people of any country. The real cause of mass illiteracy in India....is due to the ignorance of Indian women."⁴³ Comparing the UP to her natal province of Punjab, she noted that the number of school-going girls in the Punjab (224,527) was greater than UP (211,514) although the former province was only half the size.⁴⁴ She also felt that co-education at the primary level should be encouraged.

The contrary opinions of Begum Aizaz Rasul during this period regarding communal issues can be seen clearly in her remarks in several Council debates. While addressing the issue of the method of election of women to the Legislatures, she spoke out against nomination but in favour of reservation on a non-communal basis, saying "The AIWC lays stress on the advisability of non-communal reservation of seats for women - in this respect we claim superiority over men but I may say that we have every hope that the suspicions of the minority community in this respect will be removed by the practical behavior of the present Government."⁴⁵ At this

⁴²*The Leader*, 11 September 1937, 12-13. In the following year, she supported a resolution designed to introduce more female teachers to schools, saying that women were by nature better at educating and training children. *The Leader*, 5 August 1938, 10-11. Begum Habibullah also supported the resolution, but added that the teachers should know both Urdu and Hindi.

⁴³United Provinces Legislative Council (Volume I, 1937), 253.

⁴⁴*The Leader*, 26 September 1937, 13.

point, she was still a supporter of the AIWC and of its policies regarding communal representation, a stance which was to change in the early 1940s after she became more involved with the Muslim League. However, in the discussion on the Hindu Widows' Homes Control Bill, after one member had advocated that the Bill be applicable to all communities, Begum Aizaz Rasul cautioned the Council that "other communities...do not suffer under these handicaps...the problems of each community are peculiar and varying and inclusion of other communities might cause the Bill to become unworkable."⁴⁶ She added that "if social legislation of any other community is needed then such a Bill can be brought forward by the members of that community." Her approach was similar, as we shall see, to that of Muslim legislators in the Central Assembly who denied the necessity and/or desirability of legislation common to all women, and felt that each community should be responsible for any reformatory legislation that it wished to enact.

Her outright support for the League and more fervent statements in favour of Muslim distinctiveness became apparent in 1947, when she proposed a resolution which was intended to remove the present restrictions on women entering public service. It provided both Muslim female members of the Council with an opportunity to speak on the status of Indian women. After saying that women had been kept in bondage for a long time, the Begum said that there was a need for change and added that there had not been much opposition to women's participation in public life on the part of her party, the Muslim League. She continued:

"I may say with pride that women are capable and are being given a place of equality in the Muslim League party. I cannot say that women have been appointed to places where there are Muslim League Ministries. But so far as positions of honour are concerned in the party, women are being helped by our men to acquire those positions of honour but this is not a matter of party or religion or community. This is a matter which concerns women all over India. All those who are capable and all those who are qualified [should be] given...places..."⁴⁷

⁴⁵United Provinces Legislative Council (Volume I, 1937), 255. See also *The Leader*, 26 September 1937, 13. Ironically, the actions of the Congress Government were one of the main factors which served to alienate Muslims, rather than alleviate their fears concerning communal representation.

⁴⁶United Provinces Legislative Council (Volume IV, 1938-9), 587-88.

⁴⁷United Provinces Legislative Council (Volume VII, 1947), 499-500.

She dismissed claims that working women would neglect their duties in the home, and in response to one member who said that the ulema might object to such a resolution, she called on Islamic history to show that women were allowed to participate in politics, saying

“Muslim women have always taken an equal share in all spheres of life - political, administrative and even in army and martial spheres. Therefore, no Musalman can get up and say that he can refuse giving of opportunities to women as women. Women in Islamic history have been administrators, have been commanders, have been poets, have been queens - not only as wives of kings but in their queenly rights. Therefore, as far as the Muslims are concerned, such opportunities have never been denied to Muslim women either by religion or by State.”⁴⁸

Her praise for the League's policies towards women as well as her justification of women's role in politics echoed the discourse on gender which developed within the League after 1937 (which will be discussed in Chapter VIII). Lady Wazir Hasan offered her support to the resolution, saying that men viewed women as little better than servants, with the sole roles of cooking and child-rearing.⁴⁹ She called for significantly more seats to be given to women in the provincial legislature, adding that women should be given more responsibility in government generally. The Muslim women in both houses of the legislature upheld women's interests and rights and cooperated with their Hindu counterparts on social issues during the few opportunities that they had during the short tenure of both houses (from 1937-40 and 1946-7, as the Congress government disbanded for the duration of the war). However, the issues that affected women were generally not contentious ones, and were certainly not ones which forced a choice between their concern for women's rights and their membership in a political party.

On larger issues, however, the rights of Muslim women were connected to their identity as Muslims. The most prominent example from the UP Legislature came during the discussion of the UP Tenancy Bill, which aimed at revamping the rights (including inheritance rights) of tenants and decreasing the powers of the *taluqdars*. Chaudhri Jafar Husain Khan had made the Muslim position clear early on in the debate, when he argued that

⁴⁸Ibid., 520.

⁴⁹Ibid., 509-10.

there was no justification for departing from the personal law of inheritance, adding that

"...it causes grave concern to the Muslims since it is an entire departure from the principles of our law. We know that, unfortunately, our law has long been over-ridden by pernicious customs but Muslims are waking up to this evil and attempts are now being made to get rid of the innovations which have crept in. We cannot, therefore, be any party to a new law which perpetuates these evils and subordinates the rights of women to those of men, a principle entirely contrary to Islamic conceptions."⁵⁰

Later in the discussion, an amendment was raised which would have given Muslim tenants succession rights in accordance with the Sharia. Muslim members of the Assembly argued that Muslims should be governed by Muslim personal law, and a member of the League recorded his party's opposition to the idea that daughters were to be deprived of their inheritance. Both Begum Shahid Husain and Begum Habibullah supported the amendment, and the latter also accused the Government of trying to deprive women of their rights.⁵¹ The League was accused of making a political issue of the amendment - one Hindu member accused them of "crying hoarse over the rights of females" - and when put to a vote, it was opposed by the majority although the entire Muslim population of the Assembly supported it.⁵² The debate over this amendment is a prime example of the way in which Muslims argued for the primacy of their personal law and for women's rights when such arguments could be used to advance the idea of their social superiority and separateness, a theme which is to be addressed at more length in the following chapter. The Tenancy Bill debates also showed the UP Muslims that despite their numbers in the assembly, legislation which was contrary to their wishes could still be passed due to an overall Congress majority. As Kesavan and others have argued, it was this feeling of powerlessness at the provincial level which encouraged many UP Muslim elites to support Jinnah's demand for Pakistan; by supporting his cry for theoretical equality at the centre, they hoped to bolster their seemingly weak

⁵⁰Legislative Assembly Debates - UP (Volume XI, 1938-9), 356.

⁵¹*The Leader*, 7 January 1939, 2, 10. Begum Habibullah also opposed an amendment that was to allow only unmarried daughters to inherit tenancy rights, on the grounds that it was retrograde and that women needed all the rights they could get. See *Ibid.*, 10.

⁵²Legislative Assembly Debates - UP (Volume XI, 1938-9), 388-410. See also the *Pioneer*, 6 January 1939, 5-6.

position in provincial politics.⁵³

Muslim women entered the political sphere exactly at the time of a greater communalisation of politics due to tensions between the Congress and the newly revived Muslim League. This section has shown that Muslim women did overcome the difficulties inherent in entering politics and when in the Legislature did take advantage of their presence in politics to advance their viewpoints on a wide range of issues. While women's presence was subject to communal considerations, and while they were expected to (and did) support communal and/or party positions on politically sensitive issues, they were able to carve out a limited space in which they could put forward their concerns on issues regarding improving the position of women and affording them with greater economic, social and political opportunities.

6.3 Local-level activism and women's organisations in UP

We have seen in the previous section how the Muslim women who became involved in politics during this period were, unsurprisingly, largely subject to the constraints of communal politics. However, an examination of women's social reform organisations and efforts during the same period will reveal some slightly more nuanced developments. In local and provincial level women's groups such as the OWC, women still managed to cooperate due to the fact that they almost completely avoided political debates and focused on social reform issues around which they could agree, thus maintaining a space where they could avoid being caught up in male-dominated communal politics. This local constituency of the AIWC managed to remain vibrant during politically troubled times and continued with its social reform efforts. However, at a more national level, as will be discussed in the following section, the AIWC saw a decrease in the numbers and activity of its Muslim members, particularly after the late 1930s, as well as an increase in their frustration and in some cases hostility towards its increasingly politicised stance.

One of the primary concerns of Indian women during this period was improving the legal position of women. Interestingly, there seems to have been comparatively little attention paid to the idea of reimposing Muslim personal law at the Oudh conference, even though Oudh was one of several

⁵³Kesavan, "Communal Politics", 185.

regions in India where customary law had been given precedence over the Sharia under the Anglo-Muhammadan legal code. The only mention of the subject came at the 1931 session, when the Conference exhorted "the central and provincial legislatures to do away with all the customs, conventions and laws regarding the Muslim right of inheritance which are contrary to the Muslim laws."⁵⁴ However, a general concern with women's legal position was apparent. At the OWC's eighth annual conference in 1934, Rani Phulkunwari of Sherkot stated that women needed economic independence if their status was to increase, and advocated that they be given rights of inheritance.⁵⁵ The resolutions at the session included a suggestion that the existing laws be amended in order to remove the legal disabilities of women concerning inheritance, marriage, divorce, and guardianship.⁵⁶ In a public meeting held later that year under the auspices of the Oudh branch, Begum Aizaz Rasul proposed Lady Srivastava as chair and garlanded her. During her speech, she noted the demand of Indian women that a commission be appointed to examine the rights and disabilities of women regarding marriage, inheritance, guardianship and adoption of children, and added that "none of the man-made laws are fair to the woman though I find that the Islamic is more just and equitable than the Hindu law."⁵⁷ In the discussion that followed her speech, several men and women aired a range of opinions; Begum Habibullah said that "the Muslim law required drastic changes, especially the tyranny of husband should be abolished" and Begum Wasim "emphasised the desirability of overhauling the whole of the laws regarding women" while Mr Ghulam Hasan was against asking the government to appoint a commission to inquire into the matter and a Miss Nurjehan Yusuf agreed, saying that "the present state of Indian women was mainly due to their own conservative ideas and customs."⁵⁸ It seems from these statements that some Muslim women at least did not regard the Sharia as sacred and advocated widespread changes to improve the position of women. Eventually, however, a resolution was passed unanimously which requested the government to appoint a committee to consider the ways of removing the legal disabilities of women. In contrast, other women's conferences, particularly the Punjab constituent conference and the Delhi AIWC branch, both focused much more on various ways to improve the legal status of

⁵⁴Indian Annual Register 1931 (Volume II: July-December 1931), 286-9.

⁵⁵*The Leader*, 31 October 1934, 5.

⁵⁶*The Leader*, 2 November 1934, 5. See also AIWC Files, File #57, 24.

⁵⁷*The Leader*, 29 November 1934, 14. See also *Pioneer*, 26 November 1934, 11.

⁵⁸*Ibid.*

Muslim women.⁵⁹ The Punjab group passed a resolution in 1933 urging the provincial Legislative Council to impose the Muslim personal law of inheritance for Muslim women as well as giving Hindu women the right of inheritance.⁶⁰ At the 1934 Conference, they reiterated this demand as well as passing a resolution urging that the right of the wife for *khula* divorce among Muslims should be "put into practical effect for Muslim women of India" and that the government should establish Qazi courts if considered necessary for the enforcement of the law.⁶¹ Given the large number of Muslim women active in the Oudh branch, it is somewhat surprising that they did not pass similar resolutions, although various members did speak at certain times about their view that the man-made discrepancies which had entered the realm of Muslim personal law ought to be changed.

The only extended reference to the changing political situation and to women's potential roles in politics came in 1936. Lady Srivastava presided over the Oudh Women's Conference once again, and as the meeting was held just a few months prior to the first elections under the Government of India Act, her speech focused on political matters. She said that women would fight for joint electorates, asked for full responsible government for India, said that the Conference would only endorse candidates who supported the AIWC agenda, and asked for more representation for women on district and municipal boards, adding that they would be an excellent place to test the feasibility of joint electorates for women.⁶² She added that she supported the reservation of seats for women for the time being, and hoped that women elected to the legislatures would have a team spirit and vote together on issues concerning women.⁶³ It is significant that although she mentioned joint electorates in her speech, no resolutions were passed on the issue, which suggests that not all women in the Conference would have supported the

⁵⁹*The Leader*, 11 November 1932, 11. At their 1932 session, which was presided over by Lady Shafi, the Delhi women's conference passed resolutions in favour of Muslim women's right of divorce and inheritance. Two years later, they passed another which advised "Muslim parents or guardians to draw up marriage contracts safeguarding the legal rights of their daughters or wards at the time of the marriage" and recommended the adoption of the model contract which had been circulated by the AIWC. AIWC Files, File #57, 38. The resolution apparently lost by a narrow majority.

⁶⁰AIWC Files, File #43, 171.

⁶¹*The Leader*, 7 November 1934, 16. See also AIWC Files, File #57, 98-9. The Sindh Ladies Conference passed a similar resolution concerning Muslim women's rights of inheritance in 1934. *The Leader*, 9 September 1934, 14.

⁶²*The Leader*, 19 November 1936, 13.

⁶³*Pioneer*, 17 November 1936, 3-4.

principle of joint electorates. The resolutions passed at this session reiterated women's demands for compulsory education and medical inspections for girls, as well as support for bills intended to improve the status of women, to prevent traffic in women, and to ensure greater representation of women in local government, especially on education and health committees.⁶⁴ It seems that OWC leaders were loath to press the unity of the group's membership by taking firm opinions on political issues, a move which probably proved to be the correct one as politics was responsible for causing deep divisions among women during this period.

Besides holding annual conferences, the local branch held meetings throughout the year as well as initiating social work activities. Women campaigned for increased educational and medical facilities for girls as well as 'purdah parks' which would be open only to women. The primary activities of branch members consisted of raising public awareness through lectures as well as providing services such as free classes to poor women and children. While the AIWC seemed to have lost some of its reformist momentum by the early 1940s, this trend does not seem to be replicated at the local levels in UP. While branches were hampered by the fact that most of their members were busy with family commitments, and, after 1937, politics as well, they were constantly expanding both their activities and membership during this period. By the early 1940s, younger Muslim women with socialist inclinations also became involved. The writer Rashid Jahan founded an OWC branch in Dehra Dun and served as its Secretary as well as acting as a delegate in 1940, while Hajrah Begum participated in her local branch of Allahabad and also became AIWC Organising Secretary in 1940.⁶⁵ As late as 1946 a number of Muslim women were still active in the Oudh branch; in elections held to choose the committee members, Mrs Ghulam Hasan was elected as President, and the Executive contained six Hindus, four Muslims and two Christians.⁶⁶ Although overall the AIWC saw a decline in the

⁶⁴AIWC Files, File #140, 47. Muslim women speakers included Mrs Ghulam Hasan, Mrs Ali Zaheer, Begum Habibullah, and Begum Wasim; as the latter two were to become Muslim League supporters after 1937, this may have been one of the last meetings at which they fully participated. However, Begum Habibullah's daughter was asked to be the Branch Representative for Oudh in 1941. See *Letter from Mohini Dass to Mrs Mehta* (30/5/41), AIWC Files Part II, File #19, 64. At the Allahabad branch meeting held in the same year, Hajrah Begum was the only Muslim women mentioned as being present, and she and Lady Wazir Hasan were elected along with several other women as delegates to attend the AIWC meeting in Ahmedabad. See *The Leader*, 19 Oct 1936, 5.

⁶⁵AIWC Files, File #86, 48; see also AIWC Files, File #222, 48-9.

numbers of Muslim participants during the 1940s, and especially after 1946, this trend was less marked in parts of UP, as Muslim women with nationalist and/or socialist inclinations continued to participate in its activities. The UP branches were enlivened in late 1944 when AIWC Organising Secretary Kulsum Sayani toured the province and visited all of the AIWC branches, accompanied by Lady Wazir Hasan.⁶⁷ In 1945 Lady Wazir Hasan opened an AIWC branch in Nainital and had plans to open others in the other twelve districts of Oudh; in the words of Lakshmi Menon, she was "full of enthusiasm."⁶⁸ In the branch report submitted for 1946, the Secretary noted that branch members had recently held a public meeting of women in Lucknow in order to promote communal harmony. It had been attended by about 200 Hindu and Muslim women, and she reported that "I am proud to say that the communal virus has not spread in the city of Lucknow and we hope we shall continue to be free from all communal fracas in the future."⁶⁹ The Moradabad sub-branch also continued to expand, and several Muslim women were active on its executive committee.⁷⁰

The Agra branch also continued to be active during this period, and had a membership of 679 by 1944.⁷¹ By 1945 this had grown to 870 members, and the branch was running a primary school, two milk centres, and nursing classes, as well as campaigning for the Hindu code and taking part in famine relief work. At a women's meeting held in Benaras, Muslim women attended for the first time, and took a "keen interest" in the proceedings.⁷² Almost 2000 women attended the annual branch meeting held in Cawnpore, including female labourers, students, and a "large number of Muslim women."⁷³ The constituency was also expanding; Rashid Jahan and Hajrah Begum had organised a sub-branch in Dehra Dun in 1939, over which Rashid Jahan served as Secretary, and a new branch was founded in Aligarh in 1946. It was a relatively small branch with forty members, and its work included addressing the problem of Hindu/Muslim unity as well as relief work.⁷⁴

⁶⁶AIWC Files, File #328, 126-30. Although Begum Habibullah and Begum Wasim had ceased all activity in the Conference, Lady Wazir Hasan was still active.

⁶⁷AIWC Files, File #315, 247.

⁶⁸*Letter to Kulsum Sayani from Lakshmi Menon (19/8/45)*, AIWC Files, File 432, 180.

⁶⁹*Ibid.*.

⁷⁰AIWC Files, File #309, 53-8.

⁷¹AIWC Files, File #309, 14.

⁷²AIWC Files, File #326, 8.

⁷³AIWC Files, File #309, 10. At the meeting, Hajrah Begum was elected as a delegate from the branch.

One of the only indications that the increasing tension resulting from communal politics was affecting the work of the AIWC in UP was the report from the Agra branch in 1946, which stated that it had been impossible for them to hold the branch conference that year in Allahabad because of the "deteriorating communal situation."⁷⁵ However, the situation in UP does not appear to mirror that of Punjab, where communal politics resulted in a complete polarisation of women into two camps, one group supporting the Muslim League and the other, the Congress, and a complete breakdown in women's organisations such as the AIWC branches.

From the above discussion, one can see that women of all communities were active in women's social reform organisations at the local and provincial levels in the period prior to independence. These groups provided an essential 'safe space' to purdah women as well as acting as a training arena for those women who would also enter the considerably more public sphere of politics. Women succeeded in holding together these organisations in the face of growing communal strife because they concentrated on issues of social reform and avoided becoming involved in political questions, unlike the national women's organisations. That some women were still interested in maintaining communal harmony can be seen from two examples in the year immediately preceding independence and Partition. In December 1946, at a meeting held under the auspices of the OWC, Mrs Shafi Ahmad Kidwai made a strong appeal for men to end communal strife and save the country from disaster.⁷⁶ More than 150 women from all communities attended the meeting, and Mrs Shivrajwati Nehru stressed the vital role women could play in restoring communal harmony and appealed to women to come forward. In Allahabad, Hindu and Muslim women united to protest against a punitive tax levelled by the police in the wake of communal disturbances in the city, arguing that as women had not been involved in the riots, they should not be penalised.⁷⁷ At the local and provincial levels, then, women were able to avoid communal disputes and politics and concentrated instead on social service and improving the position of women. However, as we shall see in the next section, this

⁷⁴Letter to Kulsum Sayani from Mrs Gupta (13/7/45), AIWC Files, File #327, 294; see also Letter to Mrs Maya Chaudhury from Kulsum Sayani (12/12/46), AIWC Files, File 432, 116 and 347.

⁷⁵AIWC Files, File #385, 55-7.

⁷⁶*The Leader*, 3 December 1946, 3.

⁷⁷*The Leader*, 5 June 1947, 7.

approach proved to be impossible at a national level due to the overtly political stance of the AIWC leadership.

6.4 The split between Muslim women and the AIWC at the national level

The tension generated over the issue of the official AIWC position on separate electorates in 1932-3 had marked the beginning of a divide between Hindu and Muslim women within the organisation. The AIWC continued to project the image that they remained untouched by communalism, although this was clearly not the case. Resolutions against the reservation of seats on a communal basis were passed at the annual sessions, and even though there was no debate over them, it is unlikely that all members agreed with them.⁷⁸ Although Muslim women continued to participate in the AIWC, they also explored other options for political and social involvement or expressed their desire to leave the AIWC and form separate organisations. For example, a woman who attended the 1939 meeting in Delhi remembers another Muslim woman saying that Muslims should have a separate conference and that they should not be a part of the AIWC.⁷⁹ In addition, during one of the sessions, Muslim women led by Begum Aizaz Rasul staged a walkout in protest in AIWC policies. At the session held in Allahabad the following year, a discussion on a resolution concerning communal harmony was made impossible by disunity amongst delegates over the use of the word 'Swaraj,' which according to some women was too political and associated with the Congress party. Mrs Asaf Ali suggested the use of the word 'freedom' instead of 'swaraj' in order to placate the feelings of Muslims, while Begum Habibullah supported the use of the word 'progress'.⁸⁰ However, Begum Aizaz Rasul said that the important issue was that of communal unity and if there was no unity, there would be no progress, freedom or swaraj, and appealed to delegates to discuss ways in which Hindu-Muslim unity could be attained.

⁷⁸At the AIWC Tenth Annual Session in 1936, Aruna Asaf Ali proposed a resolution on the franchise for women in favour of 1) direct election 2) no separate electorates 3) non-reservation of seats on a communal basis. She remarked that "so far women have kept themselves out of communalism" and said that she didn't want this unity to disappear. AIWC Tenth Annual Session, Report, 114.

⁷⁹Interview with Sakina Hasan (New Delhi, 6 August 1996). Although a teenager at the time, she had accompanied her grandmother, Begum Wazir Hasan, to the Conference.

⁸⁰*The Leader*, 31 January 1940, 11.

After 1940, in the wake of the Pakistan resolution and the increasing popularity of the Muslim League, there was a sharp decrease in the participation of Muslim women both in the AIWC and in the nationalist movement led by the Congress. One western observer noted that "A few Muslim women join non-communal organisations, such as the AIWC, but fewer still assume therein a position of leadership. On the other hand, there is growing enthusiasm among them for purely Muslim organisations of a religious and social nature, and these are fairly numerous."⁸¹ At the fifteenth annual session, held in Bangalore in 1941, the AIWC President noted the small number of Muslim delegates and expressed her concern about the lack of communal harmony it implied.⁸² Kamaladevi Chattopadhyaya attributed the growing antagonism between women to the confrontation between the Congress and the Muslim League, which sharpened from 1941 onwards. She commented that

"one began to notice that there was some kind of militancy among them; they seemed to be very much on their defensive, and when people are on their defensive, they try to look offensive. They were really on the defensive and it created a great deal of unpleasantness which simply had not been there before. For the first time, we noticed that they felt they were a separate group and had to sort of stand together."⁸³

Many Muslim women left the Conference and joined the Muslim League between 1941-44; the ones from UP who did not can be categorised as either women from families with pro-Congress leanings, such as Begum Wazir Hasan, or women with socialist leanings, such as Hajrah Begum and Rashid Jahan. All three women continued to participate actively in the local level branches of the AIWC until and after independence, and Hajrah Begum was also editor of the Hindustani version of *Roshni*, the AIWC newsletter.⁸⁴

⁸¹Bevan Jones, Woman in Islam, 64. Speaking of a group called the All-India Muslim Women's Association, he noted that nearly 1500 women were present at its session held in 1940, and that it represented the united interests of Muslim women to promote the educational and social interests of the women of their community, adding that at its last meeting it passed a resolution "urging members to encourage literacy, so that no Muslim woman should remain illiterate."

⁸²AIWC Fifteenth Annual Session (Bangalore: Dec 27-31, 1941), Report, 19.

⁸³Kamaladevi Chattopadhyaya, Oral History Transcript #338, NMML, 45. See also Radha Kumar, The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India, 1800-1990 (New Delhi, Kali for Women, 1993), 92.

⁸⁴References can be found to their activities in AIWC Files, File #222, 49; File #309, 10 and 14; and File#328, 5.

While most women who joined the League did not continue to participate in AIWC activities even at the local level, Begum Aizaz Rasul managed for several years to juggle her loyalties to both organisations.⁸⁵ Although she became a member of the women's section of the League in 1938, she also served as president of the Oudh branch of the AIWC in 1940.⁸⁶ She continued straddling the fence for several years, but by the mid-1940's she too had switched her allegiance firmly to the League camp and, as we shall see, was one of the main proponents of the League viewpoint in UP.⁸⁷

The conflicts that women who remained in the organisation were faced with can be seen in the reports of Hajrah Begum, an *ashraf* Muslim woman from Rampur state who became AIWC Organising Secretary in 1940. As part of her brief, she travelled around UP trying to arrange meetings of women. Her friend Begum Nawab Ismail had written from Meerut to complain that "the AIWC was now under the influence and control of the Congress" and that the proportion of Muslim women in the organisation was so small that they could not defend their rights. She added that unless the Conference stood for the defence of women's rights alone she could not participate in its activities. Hajrah Begum met several women in Meerut including the secretary of the women's Muslim League, and held a meeting at which women decided to start adult literacy classes. She concluded that "it was not possible to get the cooperation of Muslim women in this work but the possibility of doing so is undoubtedly there if a special effort is made."⁸⁸ She then went to Aligarh, where a Mrs Habib was supposed to arrange group meetings but "had been unable to do so owing to the opposition of the Muslim League members," and so again met with primarily Hindu women. In her report, she concluded that

"Regarding the difficulties met in the course of my work the chief was a spirit of antagonism evinced by some women members of the Muslim League. This antagonism was due to the belief that the AIWC is in the hands of Congress-minded

⁸⁵A letter from Mrs Ahmad Shah to Mrs Menon in 1940 mentions that Begam Aizaz Rasul convened a meeting in Lucknow, which suggests that she was still an active member of the AIWC. *Letter from Mrs Ahmad Shah to Mrs Menon (20/11/1940), AIWC Files, File #229, 78.* However, she had at the same time become President of an All-Indian Muslim Women's Students Conference, which held a meeting in Delhi in 1941. *Roshni Vol.II #8 (December 1941), 3-4*

⁸⁶*AIWC Files, File #222, 21.*

⁸⁷Her activities in the League will be discussed in more detail in the following chapter.

⁸⁸Report of Organising Secretary (1-15 April 1940), *AIWC Files, File #231, 33.*

Hindu women and that they by a majority vote can declare on such controversial topics as directly affect the Muslim women rights under Shariat. Perhaps the Standing Committee might consider the possibility of issuing a clear statement on this controversy...."⁸⁹

This sentiment concerning Congress domination was not confined to UP but apparently was shared by Muslim women in other parts of the country. For example, in the following year, several Muslim members of the Madras branch had resigned from the organisation, saying that the AIWC was becoming too politicised, and "has now become to all practical purposes a branch of a single political organisation."⁹⁰ An article in *Dawn* by a regular female contributor called the AIWC a "handmaid of the Congress" and said that Muslim women should put their own house in order and revive the All-India Muslim Ladies Conference.⁹¹ With many members of the AIWC Executive Committee in jail as part of the Congress-led Quit India movement, their concern that political issues were replacing a dedication to social reform issues did have some basis in fact. By 1946 Muslim women's loyalties were of necessity more clearly drawn, and the majority were fighting on the side of the League. Lakshmi Menon admitted that "quite a number of Muslim women have withdrawn from the Conference in obedience to their leader's mandate" but she added that "those who still think for themselves and act with wisdom and restraint are still with us."⁹² However, several stalwarts still remained, including Mrs Hamid Ali, Kulsum Sayani and Lady Abdul Qadir. Lady Abdul Qadir in a speech in Lahore spoke out in favour of communal harmony, saying

"Of course I am a Muslim, but my Islam does not teach me to be communal minded. It is precisely for this reason that I do not want to associate myself with any communal organisation...I strongly feel that educated young men, especially, should understand the spirit of the age and stop harping on communalism and playing the fiddle of Pakistan. India is our motherland, and do not for God's sake and for the sake of Islam, think of tearing it to pieces."⁹³

⁸⁹*AIWC Files*, File #225, 67. She was apparently referring to some events which had taken place at the Allahabad Congress session - look this up.

⁹⁰*AIWC Files*, File #288, 1-5.

⁹¹*Dawn*, 22 April 1944, 2 & 5.

⁹²*Roshni Special Edition* (1946), 33.

⁹³*Roshni* Vol.I #1 (February 1946), 2.

It is fair to conclude that while the cooperation between Muslim and Hindu women at the national level that characterised the earlier years of the AIWC had all but disappeared, there were a small number of prominent Muslim women both at the national level as well as in UP who continued to support it and its activities.

This chapter has detailed the concerns and activities of elite UP Muslim women in the spheres of politics and social reform during a crucial period in Indian politics, when communal antagonism was rising and when women were increasingly being drawn into opposite camps. In entering politics Muslim women had from the outset been subject to communal considerations and they had few opportunities for putting forward an independent voice or for forging alliances with Hindu women, which had been the hope of some female activists who hoped that although elected by the communal method, women could work together and make a united stand against communalism once in the Legislatures. In the field of social reform, however, women were more successful at preserving their earlier unity, although as we have seen this primarily took place at the local level. At the national level, the AIWC was beginning to lose its mandate to speak for all Indian women, although the defection by Muslim women was not by any means a total one. It would appear that the developing rifts between Congress and Muslim League politicians were being replicated between women in the political sphere. Gender issues were increasingly becoming points of conflict instead of consensus.

CHAPTER VII

GENDER, IDENTITY AND MUSLIM PERSONAL LAW, 1937-45

While the previous chapter has examined women's activities and viewpoints during a crucial period of Indian politics, here I look at one aspect of the discourse on community identity during the same period. This chapter examines attempts at legal reform during the 1930s and their implications for Muslim women's socio-legal identity as well as for the formation of community identity. I examine the response of both Muslim women and male community leaders to legislative measures which were intended to apply to all women as well as bills which were targeted specifically at the upholding of Muslim personal law. The connection between women's legal rights and upholding a distinct Muslim identity was further strengthened in the increasingly politicised and communalised atmosphere between 1937-45. Attempts by reformers and the government to encroach on the tenets of the Sharia were resisted by most Muslims, while the enforcement of the Sharia by Muslims themselves was welcomed as a way to rejuvenate the community. It was during this period that Muslim personal law came to be identified as an integral part of Indian Muslim identity and acquired the image of being what Zoya Hasan terms "rigid and inflexible," an image that remains in popular perceptions today.¹ As I shall argue, personal law was thus used to unify Muslims, and issues concerning women's legal status proved to be an effective 'universalising' factor, making coalitions between diverse interest groups possible.

The impact of politics and growing communalism on the colonial legal system reached its peak in the late 1930s, when the issue of Muslim personal law became an area of debate between Muslim religious and political elites and the colonial state. As noted in Chapter II, the colonial period had witnessed a gradual secularisation of law in India until personal law was the only area of law which remained under the ambit of religious strictures. As the majority of personal laws were those which governed relations within the family and between men and women, personal law became seen as an important way to demonstrate both male authority over women, and the

¹Zoya Hasan "Uniformity versus Equality: Gender, Minority Identity and the Debate on Civil Codes" (Unpublished paper given at SOAS conference, January 1996), 2.

authority of community leaders over the members of particular religious communities.² However, due to the diversity of Muslim groups in India as well as the growing use of and acceptance of customary law by colonial authorities, personal law was selectively practiced by Indian Muslims during this same period. In the 1930s, two important trends emerged which I shall discuss here. One was the concerted push by sections of the ulema and urban elites, largely centred in the Punjab, to impose a uniform Sharia law which would be applicable to all Indian Muslims. As we have seen in Chapter I, the trend within the Muslim social reform movement from the late nineteenth century emphasised regeneration through purification, and an important aspect of this was a return to Islamic personal law, which represented authenticity, uniformity and greater rights for women. Although this aim was initiated in the late 1920s by the ulema for religious reasons, it was supported by Muslim politicians who saw the value of legal issues in creating Muslim community solidarity, as well as women's groups, who viewed Muslim law as being beneficial for Muslim women. Thus, on bills such as the Shariat Application Act (1937) and the Dissolution of Muslim Marriages Act (1939) there was a coalition of interests between the ulema, Muslim League supporters, and proponents of social reform, and Muslims were able to stand generally united on such issues. It was this feeling of unity which tied issues concerning women to larger concerns with the cohesiveness of the community; Muslim legislators were thus able to use gender issues to show that they were members of a socially superior religious group which should be kept distinct from the Hindu majority. The other trend was the increasing hostility on the part of the ulema and some politicians to the introduction of laws which they felt impinged on Muslim personal law and thus interfered with essential tenets of their religious and cultural life. Opposition to such impositions proved to be another 'unifying' factor which brought together ulema as well as nationalist politicians who resented interference first by the British and later by the Congress-dominated governments in Muslim laws. However, this opposition was somewhat less all-encompassing; Muslim women were generally in favour of such impositions as they tended to be beneficial for women's social and educational progress. In Chapter IV I have already examined an early example of this trend, seen in the Muslim response to the Sarda Act of 1929, but in this chapter I shall explore two examples from the late 1930s, the debate over a resolution concerning the

²Margot Badran has noted a similar trend in Egypt. See Badran, *Feminists, Islam and Nation*, 124.

Status of Women under Existing Laws (1939) in the national assembly and the Muslim response to the report of the National Planning Committee on women's status (1945), when Muslim opinion towards perceived outside interference had considerably hardened.

7.1 The Sharia as symbol: legislating for Muslim women in the 1930s

In contrast to Muslim opposition to including Muslim women within the scope of legislation designed to improve the condition of women, efforts to either implement or reform certain aspects of Muslim personal law met with general support from Muslim representatives in the Legislature. As noted in Chapter II, most Muslims had not adopted the Sharia as the basis of law and women's rights under the Sharia were seldom complied with or enforced. As we have seen, "at the turn of the century the Shariat was invoked in the name of women's rights but more to unify the Muslim community around certain common symbols."³ The Sharia represented Muslim identity and also became the basis for claims to establish a separate status for the community. Reforms of the Sharia had been proposed as far back as 1898 by Mumtaz Ali in his book *Huquq-i-Niswan*, discussed in Chapter I, and as we have seen in Chapter III, Muslim women had been advocating reform since the 1910s, particularly through fora such as the AIMLC, the AIWC, and other more localised groups, in the hope that Muslim women's rights to property and divorce would be restored. For example, in 1936 Muslim women demanded that they be given their rights under the Sharia at a meeting held in Lahore under Lady Fazli Hussain.⁴ Several legislative attempts in the direction of uniformity were made with the passing of the Mapilla Succession Act in 1918 and the Cutchi Memons Act in 1920 which both abrogated non-Islamic customs.⁵ More sweeping legislation was sparked off in the 1930s by concerted efforts by the JUH to have legislation enacted which would replace customary law with the Sharia for all Indian Muslims. As early as 1920 the JUH had passed a resolution calling

³Zoya Hasan, "Uniformity versus Equality", 3. She adds that in this context, "the primacy given by Muslims to custom was a source of embarrassment to the Muslim priests and politicians."

⁴*Stri Dharma* Volume 19#5 (June 1936), 144. The article mentioned that over 500 women attended from Punjab and around India, that 12 Muslim ladies Anjumans in different places were affiliated with the Conference, and that 6 branches had been established in different parts of the country.

⁵These are described at more length in Nair, Women and Law in Colonial India.

upon Muslims to "sincerely try to honour and observe the commandments of Sharia. It is essential that our manners, dress, morals and conduct, specially our duties should conform to it."⁶ Throughout the 1920s several similar resolutions followed; at the seventh annual Conference in 1926, the JUH noted that "the practice of depriving women of their share of inheritance...is definitely in contravention of the Islamic Sharia, and is destructive of faith and piety," and recommended that delegations be sent to Punjab and Bombay to try and persuade community leaders to eradicate customary practices. They also passed a resolution on "justice to women," which advocated the establishment of a Department of Islamic Justice and hoped that local communities would select judges to try cases dealing with marriage, divorce and relief, "Considering the hardships suffered by women on account of incompetent husbands failing to perform their duties properly...due to which some women...are driven to vice, or spend their lives in misery, sometimes even leading to apostasy."⁷ The following year, they passed resolutions appealing to Muslims to follow Islamic law and advocating that government-selected Qazis be appointed to establish courts and judiciary among Muslims, citing the cases of "suffering women, who are victims of such hardships and...like living corpses released from the clutches of ignorant and tyrannical husbands" whose cases of divorce remained unsolved.⁸ The combined efforts of social reformers, ulema and women all contributed to an atmosphere in the late 1930s which encouraged a return to Islamic purity through legislative reform.

In the national assembly, the bills provided an arena for coalition-building between groups with diverse socio-political interests and beliefs, notably the ulema, reformers and westernised politicians, and the resulting unity from within the Muslim community helped the legislation to be passed. Minault has noted that Jinnah played an instrumental role in building these political alliances, skillfully negotiating various aspects of the bills so that his various supporters would remain satisfied.⁹ Therefore, while the bills, particularly the Shariat Act, had a fairly limited effect on women in practical terms, they are important both in terms of these coalitions and in terms of their symbolic value, as they linked women and

⁶Zaidi, *The Evolution*, Volume II, 515.

⁷Ibid., Volume III, 688-9.

⁸Ibid., 698-701.

⁹Minault, *Secluded Scholars*, 301.

family to an Islamic legal identity and moral order, in which women were given rights as Muslim women and boundaries were drawn around the Muslim community and its legal structure defined in terms of religion. The fact that support for this legislation drew diverse groups together as Muslims is significant, for it provided a source of unity both among Muslim men and Muslim women, and between Muslim men of different political and social affiliations directly before the Pakistan movement began.

Beginning in the early 1930s there was a concerted effort by Muslim ulema, most notably the JUH, to replace laws which upheld the primacy of customary law with laws which asserted that all Muslims should be governed by the Sharia. The JUH had been formed in 1919 with the purpose of bringing together different groups of ulama in order to safeguard the Sharia and give the Muslim community religious and political guidance according to Islamic principles and commandments.¹⁰ In 1925, the JUH passed a resolution which stated:

“This session...regards as an insult to the Sharia the adherence by certain Muslims to the non-Islamic laws based on customs and usages excluding women from inheritance or relating to divorce and adoption, etc.; and it urges them to make organized efforts for getting those laws abrogated and having all their matters decided by no legal principles other than those of Islam, since it is the worst sin to act willingly on un-Islamic decisions.”¹¹

Around the same time Maulana Thanawi published an influential monograph, entitled *al-Ghasab al-Mirah* (Usurping the Heritage), explaining that it was un-Islamic to follow customary law. Their first protracted campaign was in NWFP, where they successfully raised public support through staging ‘Sharia Days’ among other methods.¹² In 1935 a Shariat Application Act was passed by the provincial legislature due to public pressure.¹³ Although the JUH’s aspirations were shared by a section of the

¹⁰Ziya-ul-Hasan Faruqi, The Deoband School and the Demand for Pakistan (Bombay: Asia Publishing House, 1963), 67-8. The aims and objects as laid down in its constitution were: to guide followers of Islam in their political and non-political matters from a religious point of view, to defend Islam and centres of it, to protect the religious and national rights of Muslims, to organise the ulama on a common platform, to organise the Muslim community and launch a programme for its moral and social reform, to fight for the freedom of the country, to establish religious courts for use of the community, and to propagate Islam by way of missionary activities. The focus was on the Sharia with themselves as the interpreters of it. *Ibid.*, 68.

¹¹Mahmood, Muslim Personal Law, 27.

¹²*The Leader*, 1 March 1934, 18.

Muslim population, mostly Muslim League supporters and urban professional elites, a similar bill was defeated in the Punjab Legislative Assembly, largely due to opposition from the Unionist Party, which was composed mainly of large landowners who were naturally concerned about the effect of such a bill on the distribution of land holdings.¹⁴

In the central Legislative Assembly, the Moslem Personal Law (Shariat) Application Act was introduced by H.M. Abdullah in 1937. In the statement of objects and reasons, he argued that:

“For several years passed it has been the cherished desire of the Muslims of British India that Customary Law should in no case take the place of Muslim Personal Law. The matter has been repeatedly agitated in the press as well as on the platform....The JUH, the greatest Moslem religious body has supported the demand and invited the attention of all concerned to the urgent necessity of introducing a measure to this effect....The status of Muslim women under the so-called Customary Law is simply disgraceful. All the Muslim Women Organisations have therefore condemned the Customary Law as it adversely affects their rights. They demand that the Muslim Personal Law (Shariat) should be made applicable to them. The introduction of Muslim Personal Law will automatically raise them to the position to which they are naturally entitled....”¹⁵

The wording of the bill followed that of the NWFP Act, and Abdullah stated that the bill aimed at “securing uniformity of Law among Muslims throughout British India in all their social and personal relations. By doing so it also recognises and does justice to the claims of women for inheriting

¹³The exact wording of the act was as follows: “In questions regarding succession, special property of females, betrothal, marriage, divorce, dower, guardianship, minority, bastardy, family relations, wills, legacies, gifts or any religious usage or institution including Wakf, the rule of decision shall be the Muslim Personal Law (Shariat) in cases where the parties are Muslims - except insofar as such law has been altered or abolished by legislative enactments or is opposed to the NWFP Law and Justice regulation, 1901.” See NWFP Shariat Application Act, OIOC: L/P&J/7/667, 6.

¹⁴A summary of Punjabi opinion was given by the Deputy Commissioner of Gujranwala in response to a questionnaire submitted to collect opinion on the 1937 national Act. He noted that on matters of marriage and divorce people would support the use of the Sharia but that on questions of succession they would resent the enforcement of Muslim Personal Law, adding that “The educated Musalmans, living in cities, are mostly in favour of the restoration of the Shariat. It is only the big landed proprietors, whether living in rural or urban areas, who are wedded to custom...In some of the ladies conferences, recently held in the Punjab, this demand has been strongly voiced by women.” Paper I#11: Opinions on the Muslim Personal Law (Shariat) Application Act, OIOC: L/P&J/7/943, 173.

¹⁵Muslim Personal Law (Shariat) Application Act of 1937, OIOC: L/P&J/7/943; 76.

the family property who under the Customary Law are debarred from succeeding to the same."¹⁶ However, in an important concession to upholders of the status quo, agricultural land was to be excluded from the bill; on account of the Government of India Act of 1935 which had introduced a greater extent of provincial autonomy, agricultural land now fell out of the purview of the Bill as it was a subject to be decided by the state legislatures. As agricultural land covered 99.5% of all property in India, this meant that in practice, any positive change from the Bill in terms of women's inheritance rights was minimal.¹⁷ The bill had more effect as a statement of purpose; it provided an issue around which Muslims of different political affiliations could unite and affirm their identity as Muslims, as well as the progressive nature of Islam.

As with earlier debates, a striking theme of the discussion of the Shariat Act was the interlinking of gender issues with the idea of a common Muslim identity. Whereas in the debates dealing with the status of women the majority of Muslim legislators had argued that Muslim women should not fall under the purview of such general laws because Islam provided them with all necessary laws and safeguards, during this discussion assembly members agreed that Sharia law was not wholly followed in India, and that it should be adhered to as it would be beneficial for women as well as for the community which was perceived to be in moral and material decline. However, common to both sets of arguments were the themes of the need for a single and united Muslim community governed by its own personal law, as well as the progressive nature of Islam with regard to women's rights and status. Islam was thus seen as a boon for both women and the community. An important difference in these two debates, however, was that the views of women were in harmony with those of the male legislators who represented their interests; unlike the Sarda debate where the views of women were clearly in favour of the act and where certain legislators represented an unprogressive force, on the issue of the Sharia both women and men were convinced, as we have seen in Chapter III, that it would be beneficial for their interests. Indeed, several men argued that the Act should be passed because women themselves were in favour. Muhammad Yamin Khan noted that it was a

¹⁶Legislative Assembly Debates (1937), Volume III, 2528.

¹⁷Mukhopadhyay, "Construction of Gender Identity", 88.

"genuine desire of women who profess Islam as their religion that the Islamic law should be applicable to them....it would have been different if the Muhammadan women were not wanting to have any change. But when we find that the Muhammadan women are wanting that the change must come because a certain custom is depriving them of their rights, this Legislature must rise to the occasion and must give protection with regard to people who have got no voice in this House but whose claim is genuine and is based not on any selfish motive but on the real law and on a right which has been given to them by the religion which they profess."¹⁸

Another legislator, Khan Bahadur Shaikh Fazl-i-Haq Piracha, made the point that women "whenever they got an opportunity have made emphatic demands of their lawful right of inheritance."¹⁹ The feelings of women were thus tied to an "awakening" within the Muslim community; according to Abdul Qaiyum,

"There is a desire in the community for an advance in all these directions. The feelings of the Muslim community have been expressed in public meetings throughout the length and breadth of this country. This feeling...has spread to females also, and for the first time in India the Muslim women in India have given expression to their strong feelings against the dead hand of customary law which has reduced them into the position of chattels. Sir, these feelings have been expressed by various organisations of Muslim women throughout India....by endorsing the principles of this Bill we would be doing justice to millions of Indian women who profess Muslim faith."²⁰

Thus, the desire of upper-class Muslim women for better treatment as women under Muslim law was used by such spokesmen to make a statement about the superiority of Muslim law as opposed to customary law and became an important justification for why the Act should be passed.

Jinnah's role in the debate over the Sharia was multi-faceted and brought together many strands of argument and opinion. Like his colleagues, he stressed the idea that Islamic law was beneficial for women and called customs which excluded female heirs "unjust" as they were "keeping down

¹⁸LAD (1937), Volume III, 2530-32. He added that advanced women in the Punjab had been agitating for their rights.

¹⁹Ibid., 2537-8.

²⁰LAD (1937), Volume V, 1427.

the economic position...of women which is the foundation of their development."²¹ On the other hand, he lobbied to amend the bill in order to allow individuals to be governed either by the Sharia or by customary law depending on their choice, which after a debate was made applicable to the subjects of adoptions, wills and legacies. Apart from his largely secular approach to questions of religion, this move has been seen as an attempt to pacify the large landowners who were a major support group for the Muslim League which Jinnah was trying to revive.²² His balancing act seems to indicate that for him political coalitions were more important than ideological questions, except when religion and personal law could be used to forge solidarity between different Muslim groups.

Tied to arguments about women benefiting from the re-imposition of the superior Sharia law were the themes that the bill was necessary to ensure uniformity and thus unity among Muslims, and that the Muslims had a right to follow their own religious law. Maulana Zafar Ali Khan characterised the Sharia as a "domestic law" for Muslims and added that "unless we come under this law there is a great danger of the Moslems losing their solidarity and national unity."²³ In this way personal law was equated with Muslim identity and unity, and after its nominal reinstatement with the Shariat Act it has become difficult in the post-independence period to alter it without being considered 'un-Islamic.' The 1930s debates under scrutiny here can thus be seen as crucial to the formation of such beliefs, and as such have significant ramifications for the relationship between Muslim women, law and community, which has remained troubled in the decades following independence.

Two years later, a second bill concerning women and Muslim personal law was brought before the Legislative Assembly which specifically concerned the legality of a Muslim woman's right to divorce. Like the Shariat Act, the introduction of the bill had been preceded by agitation on the issue both from groups of ulema and women's organisations. Women's organisations had been protesting against Muslim women's inability to divorce from the 1910s, and AIWC member Mrs Hamid Ali had even drafted a sample marriage contract in which several means of divorce for the wife were to be listed.

²¹Ibid., 1445, 1832.

²²See Mahmood, Muslim Personal Law, 30, as well as Asghar Ali, "The Emergence of Feminism", 243.

²³LAD (1937), Volume V, 1823.

Minault notes that beginning in the 1930s, a number of younger women writers in the Urdu women's magazine *Tahzib-un Niswan* began to take issue with strictures of purdah, with polygamy, and with unilateral divorce, and were active in urging the reform of Muslim divorce laws.²⁴ However, the issue arose in other fora because it had been noticed by the ulema that a growing number of Muslim women were abjuring Islam in order to free themselves from unhappy marriages, as apostasy was a grounds for automatic divorce under Sharia law. In 1913 a Muslim husband had applied to a British court for restoration of conjugal rights, but the wife's family then claimed that his wife had renounced Islam and was thus no longer his wife. He approached Maulana Thanawi for a fatwa, who ruled that the marriage was annulled.²⁵ Masud argues that this became an increasing trend in the 1920s when missionaries encouraged women to convert in order to free themselves from unhappy marriages.²⁶ The ulema were naturally worried about Muslim women forsaking their community; in this way, issues of community, personal law and women's rights and options within marriage had become inextricably linked. In 1931, Thanawi reversed his earlier decision in a fatwa entitled "A successful legal device for the helpless wife," in which he argued that apostasy did not annul the marriage contract and could not be used as a legal device.²⁷ However, he added that judicial divorce might be used by Indian Muslim women, said non-Muslim judges were not qualified to grant cases of divorce, and encouraged Muslims to seek the reform of current personal laws. In this regard he suggested the application of a different branch of Islamic law, the Maliki school, under which divorce instigated by the woman was possible. In order to justify this move to Indian Muslims, most of whom followed the Hanafi school of law, he and his committee corresponded with Maliki *muftis* in Medina in order to ascertain their opinions.²⁸ His fatwa triggered the movement for reform among the ulema, who drafted several sample bills in the late 1930s which advocated the use of Maliki law in rulings pertaining to divorce.²⁹ Legally,

²⁴Minault, *Secluded Scholars*, 122.

²⁵Masud, "Apostasy and Judicial Separation", 193.

²⁶Ibid., 195. In a lecture in 1924, Iqbal expressed concern about these conversions, and urged Muslim scholars to come up with independent opinions (*ijtihad*) concerning this issue.

²⁷Ibid., 196.

²⁸Ibid., 202. He later composed a document entitled the 'Kabeen Nama' which gave a wife the right of delegated divorce. See Zakia A. Siddiqui and Anwar Jahan Zuberi, *Muslim Women: Problems and Prospects* (New Delhi: MD Publishers, 1993), 50.

²⁹Mahmood, *Muslim Personal Law*, 55.

this principle had been first recognised in Bhopal state, which under the guidance of a male ruler had passed an Act entitled *Dabita Tahaffuzi Huquqi Zawjain* or "Law for the Protection of the Rights of Spouses" in 1931.³⁰ Enacted to alleviate the "difficulties [that] were experienced by Muslim women who wanted to free themselves from the heavy yoke of marriage," it allowed the application of Maliki law and gave women several grounds for divorce.³¹ The national bill was thus intended to follow in the spirit of local legislation and to put a stop to the practice of women leaving Islam in order to free themselves from marriage, and at the same time granted women the right to *khula* divorce, or a divorce at the woman's instigation, a right given to them by a certain branch of Muslim law but not commonly allowed in colonial India. Ironically, the Bill could be seen as a change or reform of Muslim personal law which is just what some Muslims had been protesting against in 1928-9. However, the key difference here seems to be that the Bill was instigated by the Muslim community itself rather than imposed from outside. In addition, one can see that perhaps numerical losses to the Muslim community through conversion posed even a larger threat to its cohesiveness than changes in personal law, and thus the passage of the Bill became imperative for the very factions who had opposed changes in the Sharia ten years earlier.

While legislators and ulema seemed to be apparently concerned primarily with the effects of apostasy on the unity and strength of the Muslim community, women welcomed the Bill as it would give them the right to divorce under certain circumstances. National organisations such as the AIWC, as discussed in Chapter III, had long been advocating reform in the divorce laws for Muslim women. For example, as early as 1929, at a meeting organised by the Delhi Women's Educational Conference (the local AIWC branch), "Mahomedan ladies who [were] themselves in purdah..proposed and warmly supported resolutions at this Conference, demanding the abolition of the purdah and polygamy...[and] also urged the extension of the right of divorce to Moslem women, as in countries like Egypt and Arabia...."³² Opinions collected by the Government after the introduction of the divorce

³⁰A.A. Fyzee, "The Muslim Wife's Right of Dissolving her Marriage" in Bombay Law Reporter Journal (15 November 1936), 119.

³¹LAD (1938), Volume V, 1123. Syed Ghulam Bhik Naraing, the deputy leader of the Muslim League, noted that soon after the Bhopal bill, a similar bill was introduced in the Hyderabad legislature. See *Ibid.*, 1952.

³²*Pioneer*, 2 December 1929, 11.

Bill in 1938 included statements of support from the Muslim Ladies Association of Karachi as well as the Muslim Women Welfare Association of Karachi.³³ In UP, a meeting of the Muslim Ladies Association of Meerut was held on 31st August 1938. It was "specially called to consider the Kazmi Bill...[and]...the dissolution of Muslim Marriages from the wives [sic] point of view. The Meeting after full deliberation unanimously supported the Kazmi Bill and the proposed trial of such cases by Muslim judges only."³⁴ The *Indian Social Reformer* also reported a meeting held in the Zenana Park in Lucknow, convened under the auspices of the Anjuman-i-Iftihad Muslemeen, where it was decided to enact a resolution supporting Muslim women's right to *khula* divorce.³⁵ These agitations by groups of women were noted by a member of the Assembly, Sir Muhammad Yamin Khan, who said "the demand from educated Muslim women is becoming more and more insistent that their rights should be conceded to them according to Islamic law."³⁶

The Bill was moved by Qazi Muhammad Ahmad Kazmi, the representative from Meerut (UP), and was intended to "consolidate the provisions of Muslim Law relating to suits by married Muslim women for dissolution of marriage and to remove doubts as to the effect of apostasy of a married Muslim woman on her marriage tie."³⁷ He argued that although Muslim law provided women with the right to seek a divorce, they were unable to in most cases due to the procedure and structure of the legal system, i.e. that the rules regarding divorce were unclear under Anglo-Muhammadian law, that the courts did not provide a *qazi* who was the only person authorised to grant a divorce under Muslim law, and that due to the *pardah* system, most women would not come forward in a court staffed

³³Government of India, Legislative Assembly Department, Paper No.VI, OIOC: L/P&J/7/1065, 76.

³⁴Government of India Legislative Assembly Department, Paper No.X, OIOC: L/P&J/7/1065, 117.

³⁵*ISR*, 23 July 1938. The article mentioned that Princess Yusuf Jahan Begum of Rampur moved the resolution, with Lady Raza (wife of Justice Raza Ali) seconding it; it was passed unanimously. At the same meeting, a Begum Shahanshah Husain moved another resolution supporting the opening of a shop for and managed by women, and Miss Said Bano, Mrs Mubarak Ali and Miss Razia delivered speeches emphasizing unity among the Muslim community and urging the use of *swadeshi*. Lady Wazir Hasan was not present but sent a message supporting the resolution. See also *The Leader*, 7 July 1938, 6.

³⁶*LAD* (1939), Volume I, 630.

³⁷*LAD* (1938), Volume I, 318. See also *Muslim Dissolution of Marriage Act 1939*, OIOC: L/P&J/7/1839, 4.

entirely by men. The bill was thus intended to improve the condition of Muslim women though the introduction of a different school of Islamic jurisprudence called Maliki law which gave greater rights to women. It allowed a married Muslim woman to bring about a suit against her husband for the dissolution of her marriage on any of the following grounds: (A) husband is absconding and cannot be traced, husband suffering from insanity of a dangerous type or leprosy or leucoderma, husband neglects or refuses to maintain her, husband constantly and persistently maltreats her, that her chastity is in danger on account of long absence or incarceration of husband, (B) has exercised option of puberty and repudiated marriage, that marriage was void or invalid, that husband is impotent, husband has accused her of unchastity, any other reason which may be sufficient under Muslim law.³⁸ Suits grouped under (A) were to be decided under Maliki law, suits under (B) according to Hanafi law. The conversion of a married Muslim woman to a faith other than Islam would not by itself operate to dissolve her marriage.

Legislators who spoke on the bill followed several familiar themes: the reform of women's degraded position, the sanctity of Muslim personal law, and the importance of unity within the community. As before, the lamentable position of women was emphasized as the major reason for the necessity of such legislation. Abdul Qaiyum, from NWFP, called the bill "the outcome of the great awakening that has taken place in the Muhammadan community in India...the more enlightened section of the community believe that the time has come when a serious attempt should be made to restore all the rights which were granted by the Koran to Muslim women so as to put them on terms of absolute equality with men."³⁹ Syed Ghulam Bhik Naraing, the deputy leader of the Muslim League in the Assembly, noted that

"For a very long time those, anxious to effect social reforms among the Muslims, have been noticing one lamentable feature of Muslim social life, that in many cases married Muslim women are not properly treated by their husbands: they are neglected: they are maltreated in many ways, they are kept practically in marital bondage without any attempt being made to fulfil the marital duties which devolve on the husband. The state of society at the present time is such that women for the most part find themselves helpless...."⁴⁰

³⁸*Muslim Dissolution of Marriage Act 1939*, OIOC: L/P&J/7/1839, 4.

³⁹*LAD* (1939), Volume I, 621.

⁴⁰*LAD* (1938), Volume V, 1123.

He added that reformers generally favoured the application of Maliki law which was more favourable to women than Hanafi law; the legislation was thus intended to improve the position of women within marriage.

Although women's rights were given as the primary motivation behind the legislation, as with the Shariat Act the discussion also became a forum for the airing of views which stressed community identity and cohesiveness rather than a concern for women. The Act was seen as a restoration of Muslim personal law which was perceived to be essential for the definition of the Muslim community. In the words of Maulana Zafar Ali Khan, a representative from Punjab, "the Congress people think that in India there is only one nation...but the Mussulmans think there are two nations, the Mussulmans and the Hindus. We Mussulmans are out to create an environment in this country in which we shall live the life of a true Mussulman under the laws of the Koran, and if you do not acknowledge that right, then of course there will be a struggle."⁴¹ In the Council of State debate on the bill, Muhammad Yakub, an eminent legislator, reiterated the sanctity of personal law, saying

"the Muslims do not tolerate any intervention and interference by the Indian Legislature in matters affecting their religion. We have got a complete code of our own laws, which cannot be altered and interfered with by any non-Muslim agency. Our great misfortune is that in India our British rulers enacted laws, and laid down procedure for the administration of justice, without consulting those who were qualified to give opinions on these matters...therefore we are now obliged to go to the Indian Legislature to remove the misunderstandings..."⁴²

Pursuing another familiar theme, he also pointed to the great rights enjoyed by Muslim women, noting that "Islam is the first religion which recognised the status of women and gave them equal rights with the males. As a matter of fact, the rights and privileges which a Muslim woman enjoys according to Muslim law are not yet allowed to women of any other religion, even in the most civilised countries...[but]...in India a Muslim woman was placed on the same level as the other women of the country and was denied all the rights

⁴¹LAD (1939), Volume I, 874.

⁴²Extract from the Council of State Debates, Vol.I#13 (1939), Government of India Legislative Assembly Department, Paper No.X, OIOC: L/P&J/7/1065, 1.

and privileges which Islam conferred on her."⁴³

Although the connection between gender and community identity was present throughout the entire discussion, the debate along communal lines became particularly acrimonious over a specific issue: the effect of apostasy on the validity of the marriage. While Muslims were understandably worried about large-scale religious defections by women seeking a divorce, Hindu representatives argued that the proposed bill would trap Hindu women who had been forcibly abducted and married by Muslim men.⁴⁴ This line of argument cast Muslims in an aggressive stereotype while Hindus were portrayed as victims.⁴⁵ As a result of their agitations, the bill was amended to only apply to those women born as Muslims. As with the 'Status of Women' debate to be discussed in the following section, this debate took place in an unstable political atmosphere where communal tensions were running high; gender issues thus became one of many sites in which communal identities were delineated and stereotypes propagated.

7.2 'Islam has given them everything': arguments for the superiority of Muslim personal law

We have already seen in a previous chapter how significant sections of Muslim opinion were able to generate opposition to the Sarda Act, a piece of legislation which was designed to improve the lives of Indian women by raising the age of marriage. However, opposition to the Act was by no means uniform, with women's groups coming out in complete support of the Act, and reformist politicians also speaking in favour of it. It seems reasonable to believe that it was this division of opinion within the community which made it possible for the opposition of some Muslims (as well as some conservative Hindus) to be virtually disregarded. However, ten years later, the political climate had drastically changed. In the debate under scrutiny in this chapter, which concerns a proposed resolution on examining the 'Status of Women under Existing Laws', Muslims presented a united front in condemning another unwanted interference in their personal law. In such an atmosphere of heightened communal tension, it was also impossible for

⁴³Ibid..

⁴⁴LAD (1938), Volume V, 1103.

⁴⁵See Mukhopadhyay, "Construction of Gender Identity", 74. See also an article entitled "Conversion and Marriage" in the *ISR*, 3 June 1939.

the majority (now posited in terms of 'Hindu' and 'Muslim' or 'Congress' and 'opposition' rather than 'liberal' and 'conservative') to disregard this opposition, and Muslim women were ultimately exempted from the ambit of the proposed investigative committee. In a similar fashion, Muslim politicians also found fault with some of the proposed recommendations in the Report of the Women's Sub-Committee of the National Planning Committee (1945), arguing that they contravened the provisions of Muslim personal law.

In 1939, a legislative debate concerning women was sparked by the introduction of a resolution by Jinaraja Hegde, who called for the appointment of a committee which would examine the position of all women under existing laws, with special reference to inheritance, maintenance after divorce, and marital rights.⁴⁶ The debate over the issue has been overlooked by scholars, possibly because when compared to larger political issues of the time, it seems relatively insignificant. However, it is a prime example of the way in which politicians used issues of gender and women's rights to compare the Muslim and Hindu communities and to draw attention to the differences between them and by implication, the superiority of one over the other. As with the issue of child marriage, the proposal generated a wide variety of opinion from both Hindu and Muslim members. A notable difference, however, was that individual Muslims did not speak out in support of the Bill, but uniformly denied the fact that Muslim women were adversely affected by their personal law and in addition questioned the right of the government (by then a Congress-controlled government) to interfere in their religious customs. It seems then that by this point Muslim opinion had hardened in favour of asserting communal uniformity over the earlier desire of some members for social reform. To illustrate the way in which legislators tried to assert the superiority of their religious and social customs, it seems worthwhile to quote in its entirety an acrimonious exchange between Maulana Zafar Ali Khan, from Punjab, and several Hindu members, in which the Maulana began by saying that Hindu women were in bondage:

MZA Khan: "All these hardships which are imposed on the Hindu women - something should be done to remove them. But, so far as the Muslim women are concerned, they are not within the ambit of these remarks, some 1300 years ago, a change came over the world..."

Mr Aney: "She is shut out from the whole world!"

⁴⁶LAD (1939), Volume I, 983.

MZA Khan: "...You cannot ignore us. You cannot ignore the blessings that have been showered upon women by Islam."

Bhai Parma Nand: "Purdah is one!"

MZA Khan: "She does not need reform. Islam is sufficient for her. We have got the law of Islam for us. But, here so far as the Hindu women are concerned, my sympathy goes to them; the Hindu woman is also my countrywoman. She is as much entitled to my sympathy as that of my Hindu friends. My heart weeps..."

An Honourable Member: "The Hindu women are better looked after than Muslim women."

MZA Khan: "Please don't champion the cause of Christian women and Muslim women. Champion the cause of Hindu women only. [Interruption] So far as Islam is concerned, my case is that Islam has given to women all those rights to which she is entitled by nature. She can inherit property, she can enter into a contract as a free agent, she can divorce her husband if the husband divorces her. She is as much entitled to take her seat on a throne as a man. She, in fact, has nothing what a man has not....The only difference between a man and a woman is that man being a greater vessel and woman being a weaker vessel, he is given two shares and the woman one....So, you see our Shariat, our personal law, our Muslim law, so far as the rights of women are concerned, leaves nothing to be desired. But I admit that in certain parts of the country the benefits that accrued to women from Islam, the rights that should come to her according to Islam, are being denied by certain cruel people....Lately, however, that law has been abrogated, and cancelled....so far as the position of Muslim women is concerned, Islam had given them everything; they do not require anything....The position of women in Hinduism requires reform, but so far as Islam is concerned, it is a perfect law and does not require any alteration or addition or subtraction."⁴⁷

One can see a number of familiar themes in this exchange: the view on the part of Hindus that purdah was a Muslim institution, as well as the Muslim view that their religion had been corrupted by indigenous customs but was basically superior as far as women were concerned. Several other Muslim members, among them Sir Muhammad Zafrulla Khan and Dr Ziauddin Ahmad, agreed with Zafar Ali Khan's arguments; both argued in addition that a committee with a probable majority of non-Muslims should not be

⁴⁷LAD (1939), Volume I, 993-4. This view seems to have been commonly held by Muslims; a letter in *Dawn* in 1942 from a Muslim woman in Bengal sympathised with the women of other communities who were fighting for their rights but said that the lot of Muslim women is "much better and easier" as their rights had been codified centuries ago." See *Dawn*, 15 February 1942, 5&8.

allowed to interfere with Muslim personal law.⁴⁸ Sir Abdul Halim Ghuznavi added that although the Government was dominated by Congress, they should not play with the Muslims or interfere with the Sharia.⁴⁹ Zafar Ali Khan even went so far as to call Muslims a nation with distinct traditions and civilisation of their own which could not merge "into the great body which calls itself the Hindu nation."⁵⁰ By this time religion was firmly enmeshed in politics; the main dividing lines were clearly between Hindu and Muslim, in contrast to the decade earlier, when divisions on social reform issues were also due to liberal/conservative splits.

Another change was the attitude of the Government towards protests from minority groups; by 1939 the Congress dominated the Legislature, and in a touchy political atmosphere was wary of provoking outright hostility from members of the Muslim League who were considerably more united than they had been in 1929. The 1939 resolution was eventually amended so that Muslims were exempted from the ambit of the Committee, in line with Congress policy which according to Mr Asaf Ali was not to force unwanted legislation on minorities. Another shift in attitude can be seen in the position of women. Women's groups were upset with the overtly communal tenor of the debate; in Begum Hamid Ali's speech to AIWC Allahabad Annual Conference in 1940, she deplored the treatment of women's issues in the Legislative Assembly as seen in the recent debate on the status of women, and said that men were too sectarian.⁵¹ However, women were by this point also somewhat divided along communal lines and were unable to present themselves as a unified pressure group as they had in 1929. Thus, the 1939 debate over the resolution can be seen as a more heated, definitive and effective example of concerted Muslim pressure to remain exempt from national legislative proposals, which they argued were an infringement of their legal and religious rights.

Similar connections between women's rights and a superior minority status were also present in Muslim reaction to the report of the National Planning Committee (NPC) on *Woman's Role in Planned Economy*. The

⁴⁸LAD (1939), Volume IV, 3678-9; see also 3683-5.

⁴⁹Ibid., 3689-90.

⁵⁰Ibid., 3693.

⁵¹*Pioneer*, 28 January 1940, 5. Begum Shah Nawaz and her daughter Mumtaz were also present at the Conference.

NPC had been formed in 1938 under Jawaharlal Nehru in order to draw up plans for India's future development. Although the focus of the NPC was economic in nature, one of the Sub-Committees was formed specifically to consider the social, economic and legal status of Indian women and to make proposals for improving their status.⁵² Formed in June 1939 under Rani Rajwade as Chairwoman, the Sub-Committee was initially composed of 14 women, most of whom were active participants in the women's movement and in politics. The only Muslim representatives were Begum Shah Nawaz and Begum Hamid Ali. The Sub-Committee apparently made attempts to widen its scope by co-opting around 20 more members, but none of the other Muslim women who were asked responded to their summons, leaving these two women in a complete minority.⁵³ The Sub-Committee also circulated questionnaires in order to gather opinions from women around the country. In Lucknow, around 100 women met in order to discuss the questionnaire; the Muslim women present included Begum Wazir Hasan, Hajrah Begum, Begum Wasim, Begum Habibullah, Begum Abdul Hasan, Mrs Sheikh, Mrs Ali Zaheer, Begum Aizaz Rasul, and Rashida Jahan.⁵⁴ However, despite cooperation with the NPC at the local level, it seems that there was a fair amount of tension between Hindu and Muslim women within the Sub-Committee itself. The Sub-Committee had been unable to attract more Muslim women to join it and so Muslim representation was small to begin with. The difficulties of working as a Muslim woman on the Sub-Committee were described by Mrs Hamid Ali in a letter to Jawaharlal Nehru. She felt that the initial selection of Muslim women had been "unfortunate" and that due to the fact that the other Muslim representatives were not able to attend or were not cooperating, she was basically the sole Muslim woman on the Sub-Committee.⁵⁵ She felt that this had been a tactical error on the part of the Congress-sponsored NPC, saying

"Believe me I quite realise the importance of having Muslim

⁵²For an analysis of some aspects of the NPC, see Maitrayee Chaudhuri, "Citizens, workers and emblems of culture: An analysis of the First Plan document on women" in Contributions to Indian Sociology (n.s.) 29, 1&2 (1995).

⁵³National Planning Committee Series, Woman's Role in Planned Economy (Report of the Sub-Committee), Edited by K.T. Shah (Bombay, Vora & Co., 1947), 26. In September 1939 they asked a Begum L A Rehman, who did not respond to the invitation, and in December 1939 they asked a further three members, including one more Muslim woman, a Khadija Yakub Hassan, who also did not respond to the invitation to work as a member.

⁵⁴*Pioneer*, 18 September 1939, 3.

⁵⁵Letter from Mrs Hamid Ali to Jawaharlal Nehru (1/4/1940), Nehru Papers (Volume 31), 26-35.

women on this Committee if it is to be called "National." Had there been a "National Planning" Committee inaugurated by - say the Muslim League and had I been in the women's section I would have insisted on due representation being given to Hindu women and Hindu point of view (law and customs) - otherwise I would have resigned from it."⁵⁶

In addition, she had basic differences with the Report itself. The draft showed an ignorance of Islamic law and she wanted a proper authority on Islamic law to be consulted. Her letter shows the extent to which women had become divided along communal lines by this period; as one of the staunchest supporters of the AIWC and anti-communal by nature, even Begum Hamid Ali was having problems working with women whom she had worked easily with earlier in the decade.

The final report of the Sub-Committee, which was not considered by the NPC until 1945, provided another opportunity for Muslim dissent along the lines that the recommendations made by the NPC were an infringement of Muslim rights. The greatest amount of discussion, unsurprisingly, occurred over the proposal that India adopt a common civil code, which would apply a common set of laws to all individuals regardless of religious community. The Sub-Committee had recommended that such a code be initially optional, and the NPC's recommendation read as follows:

"A uniform civil code shall be enacted applicable to all citizens of India...during the transition period, it should apply to those who choose to accept it. Those who are unable to subscribe to this code, may continue to be governed by their personal law. Where, however, anything in the personal law affects the woman's position adversely, immediate attempts should be made to remedy this."⁵⁷

Clearly, this brought up the theme that changes in 'adverse' laws could and would be contemplated by the majority, a proposal which considerably worried those Muslim members worried about infringements in their personal law. Shuaib Qureshi expressed his disagreement with the proposal, while G M Sayed was of the opinion that Civil Code should be made compulsory for all; while some members agreed with him, the majority said that in the existing circumstances it should be optional. The representatives

⁵⁶Ibid..

⁵⁷Woman's Role in Planned Economy, 229.

of the Sub-Committee stated that their members, including Begum Hamid Ali and Begum Shah Nawaz, were in favour of an optional civil code, and Mrs Zarina Currimbhoy and Mrs Ismail expressed their agreement with this view.

Muslim opposition was also raised concerning the resolutions on marriage, divorce and inheritance. A proposal to legislate against polygamy was also opposed by Shuaib Qureshi, who said that although he was in favour of encouraging monogamy, the state should not legislate on the matter, but that the wife should be granted the right of divorce in the event of her husband's second marriage.⁵⁸ Meanwhile, a resolution that divorce should be available to either party was amended by Muslim members Shuaib Qureshi, Syed Mahmud and Nazir Ahmad, who added that the resolution should not interfere with the provisions of Islamic law relating to divorce and child custody. Similar objections were raised to a proposal that the state should have the right to assure women of equal treatment in matters of inheritance.⁵⁹ Therefore, in these discussions, one can see a clear tendency for the Muslim members of the NPC to protest against any proposals which would affect the legal rights of Muslim women on the grounds that they should not impinge upon the tenets of Muslim personal law, which any general legislation would almost certainly do.

This chapter has shown that the relationship between Muslim women and law changed crucially in the 1930s, when the preservation of laws concerning women became an integral way of maintaining community identity and traditions, and the right of Muslim community leaders to determine the necessity and extent of any potential reforms concerning their laws became more firmly ensconced. This development can be seen as crucial when viewed in the light of most literature on the formation of community identity and Partition which concentrates on either provincial or national politics and which overlooks the other ways in which ideas of Muslim community were being constructed. My evidence points to the fact that issues concerning gender and law were long-term themes which had been developing since the late nineteenth century. In the decades preceding Partition, the focus on the beneficial nature of Islamic law for 'the Muslim woman' created a discourse around which diverse groups could unite, and

⁵⁸*Ibid.*, 229-31.

⁵⁹*Ibid.*, 231.

thus gave substance to ideas of an all-India Muslim identity based on the concept of a shared religion and culture. As ideas concerning Muslim 'purity' were an important part of the rhetoric of the Pakistan movement, their genesis and development in late colonial India helps to explain their popularity after 1940, when Jinnah formulated his demand for Pakistan.

CHAPTER VIII

WOMEN AND THE MUSLIM LEAGUE

Another avenue of exploring women's communalised political identity lies in analysing their relationship with the Muslim League. As the primary political organisation which represented Muslims at an all-India level, particularly after 1937, the League was a natural outlet for the political aspirations and energies of a large number of women. The League's revival as a major force on the Indian political scene coincided with women's entrance into the provincial legislatures. It was only after 1937 also that the League began to take a serious interest in garnering support among Muslim women. After 1940, in the wake of the Pakistan resolution, a large number of Muslim women became involved in League activities. Although women had a separate sub-committee within the League's structure, which was a new organisation run by and for Muslim women, I believe that their activities in the sub-committee can be seen as primarily political, as the sub-committee rarely addressed issues concerning women's rights and status and focused almost exclusively on reiterating the League's goals and ideology and promoting the idea of women's agency in the struggle for Pakistan.

I shall explore the relationship between the League and women through two avenues. First, I examine the League's attitudes towards women and gender issues, as expressed in their annual Conference meetings, in Jinnah's speeches, and in *Dawn*, the League's paper. I shall also compare these to relevant statements and resolutions of other Muslim organisations and prominent leaders. Although women themselves did not play an active part in League activities until the 1930s, their image was invoked as part of larger debates surrounding community identity. Particularly relevant are the two themes of purdah and Muslim personal law which have been highlighted throughout the dissertation. Secondly, I intend to look at women's participation in the Muslim League, focusing on the establishment of the women's sub-committee and their activities at the local level in UP, especially before the 1946 elections. Their attitudes towards the League, Jinnah, and the idea of Pakistan will also be discussed, as well as several incidents which highlighted the contradictions between their loyalties to the

women's movement and to the League. The women's sub-committee grew in size and stature from 1938 until it became the premier organisation which lay claim to represent the interests of Muslim women, although as seen in previous chapters, it did not have a complete monopoly on the loyalties of elite Muslim women, some of whom remained with the Congress or who became involved with socialist groups.

8.1 Gender issues in Muslim League discourse

Although women did not take part in League activities until the late 1930s, they had been active in both social reform efforts as well as political activism in the form of the Khilafat movement in the early 1920s. Their activities were highlighted by male members of the League; several prominent Muslim women were hailed as examples for the community to follow, and mention of them was also used to comment on social issues such as female education and purdah. Individual women were praised both for their efforts to improve the position of their fellow women as well as for their early forays into the world of politics and community leadership.

As we have seen, one of the primary ways in which Muslims sought to rejuvenate their community was through the encouragement of female education. Early sessions of the League mentioned the necessity of education as part of larger schemes of social uplift, and women were included in their concern. At the 1912 session held in Calcutta, the Chairman of the League Reception Committee mentioned that thanks were due to the Begum of Bhopal for "her earnest and sustained efforts to advance the cause of female education, and for the general uplift of the residents of the zenana."¹ At the Lahore session in 1924 the League resolved that female education should be promoted,² and in 1936 Sir Currimbhoy Ebrahim remarked as part of his welcoming address that "the conditions of modern life have made education of women no less important than the education of men, if a society is to achieve all-round success."³ In giving attention to the issue of female education the League was continuing with an established discourse where female education was seen as the primary avenue towards the rejuvenation

¹Syed Sharifuddin Pirzada, ed., Foundations of Pakistan: All-India Muslim League Documents 1906-1947 (Karachi: National Publishing House, 1969-70), Vol.I, 222-3.

²Zaidi, Evolution of Muslim Political Thought, Volume II, 276.

³Pirzada, Foundations of Pakistan, Volume II, 237.

of the Muslim community.

Interestingly, there was little mention in League sessions of Muslim law, although as we have seen this was a major concern of both women and the ulema, for different reasons. The League annual meeting in 1933 resolved that Sharia law should be applied to all Indian Muslims, but there was no concerted campaign to replace customary law with the Sharia, and no extended attention given to the possible uses of Sharia in order to improve the status or unity of the Muslim community.⁴ In contrast, as has been discussed, the JUH was the driving force behind efforts to pass legislation enforcing the Sharia during the 1930s. In light of the JUH's fervent efforts to use Muslim personal law as an issue around which to unite Muslims, it is surprising that the League did not make more of the issue. Perhaps this was because the radical change in inheritance laws envisaged by supporters of the Shariat Application Acts would not have found favour with the large landowners of Punjab and the UP, as it would lead to a division of their holdings to a wider number of heirs, and it was their support which was crucial to League success. As we have seen, evidence from the legislative debates surrounding the Shariat Act shows that Jinnah was instrumental in getting agricultural land exempted from the act, probably to keep the support of these groups. As a purely political body, the League was more concerned with political support than ideologically correct positions regarding Islamic law, and did not see law as a possible way to unify their constituents. However, when League supporters did employ arguments concerning Islamic purity after the Pakistan resolution, the groundwork for such ideas had already been laid by the JUH.

On the issue of women's entry into the political sphere, which entailed the granting of greater political rights for women as well as plans to ensure their representation in legislative bodies through reservations, the Muslim League as well as other Muslim organisations were generally supportive. When speaking of Bi Amman they approvingly noted the way in which she had combined "piety and deep religious fervour" with "a capacity for political work" and added that along with Mrs Hasrat Mohani, her example had relaxed the rigour of the purdah system prevailing in northern India.⁵ In June 1932, the League Working Committee passed a resolution in support of

⁴Ibid., 209.

⁵Zaidi, Evolution of Muslim Political Thought, Volume II, 281.

women's rights which stated that all political and social obstacles in the way of female suffrage should be removed and that women should be considered equal to men and be given adequate representation.⁶ The following year, when the League was in fact split due to internal dissensions, both sessions passed resolutions in favour of granting greater political rights to women, an issue which has been discussed in Chapter V. The Aziz Group, which met in Calcutta, resolved that

"We have also reason to note with satisfaction the progress foreshadowed in the discussions in London on the representation of women in the Legislatures. This is an unmistakable sign of the progress of India, and we Muslims, with our traditional interest in the emancipation of women, extend our unqualified support to the measures which are being adopted in order to secure adequate representation for women in the new Legislatures and other public bodies."⁷

Other Muslim organisations showed similar support for women's suffrage; at an All-Parties Conference at Allahabad in 1928, the nationalist leader Sherwani dismissed the idea that Muslims rejected the idea of greater suffrage for women because they were worried about Muslim women not coming out of purdah to vote, and said that there was a history of women in Islam ruling countries as well as leading armies into battle.⁸ Several years later, in another illusion to the wider Muslim world, Dr Ansari spoke in favour of universal adult franchise at the UP Nationalist Muslim Conference, saying that "if Muslim women could vote with ease and conform in Egypt keeping their veil on in special booths managed by women, so could Indian women."⁹ Jalal has argued that this support for women's franchise was a political manoeuvre rather than a sign of concern for women's rights as such.¹⁰ However, while the League did hope that women would be an addition to their votebank, these resolutions can also be seen as precursors of other statements which encouraged women to play a greater role in politics. For example, Syed Wazir Hasan, in his presidential address to the League at

⁶Mirza, Muslim Women's Role, 36.

⁷Zaidi, Evolution of Muslim Political Thought, Volume IV, 146. Their rival group, which met in Delhi, also supported the idea of an extended franchise for women, although they did qualify this by saying that women should be allowed to vote "only on their own personal qualification, and not on the qualification of their husbands or other relations." *Ibid.*, 187.

⁸*The Leader*, 6 December 1928, 15.

⁹Zaidi, Evolution of Muslim Political Thought, Volume IV, 497.

¹⁰Ayesha Jalal, "The Convenience of Subservience", 83.

the 1936 session, said

"I want to make special reference to our women here. Their great and heroic qualities compel me to make a special appeal to them to take a greater share than they have done so far in the national movement. Muslim women in other parts of the world have obtained their emancipation and are participating in the public life of their respective countries. There is no reason why Indian Muslim women, together with women of other communities, should not do the same."¹¹

One can see here the Gandhian argument that women's 'special' qualities gave them a potentially important and unique role in the nationalist movement, as well as the familiar reference to the larger Islamic world. However, Wazir Hasan's plea for Muslim women to join public life was unusual as early as 1936; a more common approach was enunciated by Hussain Malik during his speech at the AIML session held in Delhi in 1943. After noting that "no nation who keeps half of its population in the background can ever hope to achieve a fair status in the world order," he argued that Muslims should give their women "education and training on bases of Islamic culture and philosophy to enable them to share our political ideals and aspirations and bring up our future generation...."¹² This emphasis on women's domestic roles was a more usual approach until the final phases of the Pakistan movement.

As the virtual leader of the Muslim League after 1937, Jinnah himself played an important role both in encouraging women's political participation and in developing a rhetoric of the role that women should play in Muslim politics in the decade prior to independence. He explicitly encouraged their active participation in politics, and legitimised this participation by drawing on a historical tradition whereby Indian Muslim women were seen to be continuing the activities of women such as the Prophet's wives who had played important roles in the public sphere. The development of this rhetoric took place primarily after 1937, when Jinnah was trying to encourage mass participation in League activities by both men and women, and gathered momentum particularly after the Pakistan resolution in 1940.

In 1937, as part of a broader strategy of mass appeal, Jinnah addressed a

¹¹Zaidi, *Evolution of Muslim Political Thought*, Volume IV, 230.

¹²*Dawn*, 25 April 1943, 4-5.

gathering of women at the Jinnah Islamia College for girls in Lahore, and explained "their duties for the preservation of the Islamic ideology and nationhood of Islam."¹³ As will be discussed below, the Muslim League formed a women's sub-committee in 1938, and at a special session of the League held in Calcutta in the same year Jinnah noted that "we have made efforts to take our women with us in our struggle and in many places that I visited they took enormous interest and participated in various functions and gatherings."¹⁴ Jinnah's crucial role in encouraging women to participate in politics was noted by one woman who was introduced to him in 1938, who said that "at the suggestion of my husband I put off wearing the burqa for the first time in my life before meeting the Quaid-i-Azam;" at the session, she became a member of the women's sub-committee and an ardent League supporter.¹⁵ We can also see here a continuation of the idea that discarding purdah in order to become involved in politics was a symbol of one's commitment to Islam. Referring to the formation of the sub-committee at the Lahore session of 1940, Jinnah said that "It is of great importance to us, because I believe that it is absolutely essential for us to give every opportunity to our women to participate in our struggle of life and death. Women can do a great deal within their homes even under purdah."¹⁶ It is interesting to note that even at this stage, Jinnah was assigning a primarily domestic role to women; however, this imagery was to change within the next few years.¹⁷ In a speech addressed to male students at Aligarh Muslim University in 1944 he said:

"no nation can rise to the height of glory unless your women are side by side with you. We are victims of evil customs. It is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. I do not mean that we should imitate the evils of Western life. But let us try to raise

¹³Salma Tasadduque Husain in Quaid-i-Azam and Muslim Women (Karachi: National Book Foundation, 1976), 22. The Islamia Girls College was founded in 1939 by the Anjuman-i-Himayat-i-Islam, a social reform organisation in Lahore. Further details are available in Minault, Secluded Scholars, 181-2.

¹⁴Pirzada, Foundations of Pakistan, Volume II, 290.

¹⁵Khurshid Ara Begum Nawab Siddiq Ali Khan, "Women and Independence" in Quaid-i-Azam and Muslim Women (Karachi: National Book Foundation, 1976), 55.

¹⁶Zaidi, Evolution of Muslim Political Thought, Volume V, 199.

¹⁷At a speech at the Jinnah Islamia College for girls in Lahore in 1942 he said "I am glad to see that not only Muslim men but Muslim women and children have also understood the Pakistan scheme. No nation can make any progress without the cooperation of its women. If Muslim women support their men as they did in the days of the Prophet, we would soon realise our goal." Parveen Shaukat Ali, "Muslim Women's Liberation Movement" in Quaid-i-Azam and Muslim Women (Karachi: National Book Foundation, 1976), 67.

the status of our women according to our own Islamic ideas and standards. There is no sanction anywhere for the deplorable conditions in which our women have to live. You should take your women along with you as comrades in every sphere of life, avoiding the corrupt practices of Western society. You cannot expect a woman who is herself ignorant to bring up your children properly. The woman has the power to bring up your children on right lines. Let us not throw away this asset."¹⁸

Here both the domestic roles of women - as childrearers - as well as their role in other spheres of life was alluded to. Other themes in the speech which bear a striking resemblance to earlier Muslim reformist depictions of women are the emphasis on custom as the cause of women's degraded position, the image of the ideal woman as reformed yet not western, and the idea of returning to the 'purity' of Islam. At a League Legislators Convention held in Delhi in 1946, Jinnah spoke of his happiness that Muslim women were also undergoing a "revolutionary change" and added that "no nation achieves anything unless its women go side by side with men, even to the battlefield."¹⁹ His ideal seems to have been a modest woman who could both play a key role in the upbringing of a next generation of politically aware and educated Muslims as well as take part in public affairs.

Jinnah's ideas about the importance of women in Muslim politics were reiterated by Muslim women who joined the Muslim League, who were perhaps eager to justify their participation in League activities. An early example was that of Begum Mohamed Ali, who was nominated a member of the League Working Committee in recognition of her husband's activities. In a previous address to the All-India Muslim Conference in 1931, she had

"made a stirring appeal to Moslem ladies to come forward to help their men in the work for Islam. Those who wanted to keep their veils on might do so and those who wanted to come

¹⁸"Introduction" in Quaid-i-Azam and Muslim Women (Karachi: National Book Foundation, 1976), v-vi. For a complete text of the speech, see *Dawn*, 12 March, 1944, 5.

¹⁹Zaidi, Evolution of Muslim Political Thought, Volume 6, 191; see also Begum G.A. Khan, "Emancipation of Women" in Quaid-i-Azam and Muslim Women (Karachi: National Book Foundation, 1976), 45-6. According to one woman who took part in the Pakistan movement, Jinnah believed that purdah and illiteracy were the two main causes of women's victimisation, and he was a staunch advocate of women's emancipation but "within the moral and religious limits. He never favoured unrestrained independence of women." Khurshid Ara Begum Nawab Siddiq Ali Khan, "Women and Independence" in Quaid-i-Azam and Muslim Women, 54. She added that he "believed in purdah as is expected in Islam, and not just putting a veil over the face."

out of purdah were welcome to follow their resolve. But, whatever they chose to do, it must be remembered that progress without Muslim women was an impossibility. She also appealed for the introduction of compulsory education among Mussalman women."²⁰

At the 1940 League session she participated in the Working Committee session, and noted that she was glad that "Muslim women had been given an opportunity to work in the political field," adding that "we may be lesser in number but we are greater in strength and our spirits remain undeterred and Muslim women of India will fight shoulder to shoulder with their men for the achievement of the goal which has been laid down by this resolution."²¹ Around the same time, Begum Habibullah, who had travelled to Peshawar to address the NWFP branch of the women's sub-committee, made a speech in which "she exhorted Muslim women to organise and pointed out that the time had come when women could no longer sit at home ignorant of the outside world. Theirs was the onus of bringing up the future generations and they must therefore become alive to the great social and political forces working around them."²² She added that Congress was indifferent to the needs of Muslims, and said that Muslims should have one aim and make a united effort to achieve it, although she did not specify what that aim should be.

The rhetoric of women taking part alongside their menfolk in the Muslim struggle became more common after the Pakistan resolution of 1940. At the League session held in 1942, a resolution was passed which asked provincial League branches to actively protect the life, honour and property of all Muslims.²³ In another session, Begam Aizaz Rasul supported a pro-Pakistan resolution and

"stressed that Muslim women were alive to their share of responsibility, and were ready to make all sacrifices. They would resist any imposition of a constitution which went against the

²⁰*The Leader*, 18 April 1931, 11.

²¹Mirza, *Muslim Women's Role*, 47-8.

²²*The Leader*, 11 May 1939, 15.

²³Begam Aizaz Rasul, supporting the resolution, said that women could play a key role in emergency nursing and first aid, while Begum Mohamed Ali made a plea for more women's education so that they could effectively share the responsibilities of men in these critical times, and entreated women to join the League. Zaidi, *Evolution of Muslim Political Thought*, Volume V, 369.

interests of Muslims and would assist the men as Muslim women used to help men in times of crisis in the early days of Islamic history."²⁴

At the Muslim Legislators Convention held in 1946, at which several female members of the provincial Assemblies took part, Begum Aizaz Rasul "referred to the part which women had played in the elections, and said that everywhere she had seen a great awakening among the women and girls who did not want to lag behind in the freedom struggle of their nation" and added that women were bringing up their children to be supporters of Pakistan.²⁵ Begum Shah Nawaz said that "Muslim women were prepared for all sacrifices and were anxious to be put to the test" and they "would call upon their husbands and sons to take up arms for Pakistan...[they] would play their full part side by side with them in the struggle for Pakistan."²⁶ These statements demonstrate that Muslim women supported the idea that they were an important part of the greater Muslim struggle for political rights and safeguards, both in terms of their domestic roles as well as their participation in the political sphere. However, while they were seen as "symbols of a special Muslim identity"²⁷ by male leaders, they also became active participants in the Pakistan movement and managed to justify this participation in the sphere of politics by evoking Islamic imagery as well as pointing to their unique role in promoting the idea and reality of Pakistan. These views of elite women who were already politically active were echoed by women, who although not active themselves, also believed that women had a key role to play in the struggle for a Muslim nation.²⁸

Debates over women's political involvement also necessarily entailed discussions of the purdah system. As we have seen, there were few references to purdah in the League sessions: the League did not make any statements which vehemently upheld purdah during its 41 years of pre-Partition existence, and from the late 1930s onwards supported the participation of women in public activism on behalf of the League, either in or out of purdah. It can be argued that this was a tactical move to increase its support base, but if

²⁴Ibid., Volume VI, 84.

²⁵Ibid., 184.

²⁶Ibid., 187; see also Indian Annual Register (1946), Volume I, 198.

²⁷Jalal, "The Convenience of Subsistence", 83-4.

²⁸The pages of the *Dawn*, the League newspaper, contain debates on this theme, mostly in the form of letters to the editor by concerned Muslim women. See *Dawn*, 21 December 1941, 8; 11 January 1942, 10; 1 February 1942, 8 & 11; and 22 October 1944, 2.

the sanctity of purdah during this period had been so essential to preserving a distinctive Muslim identity the League surely would not have remained silent on the issue. Its silence on the issue is perhaps indicative of the fact that the views of men on the topic of purdah were quite varied. Woodsmall noted that the attitude of men towards unveiling ranged from active opposition to indifference, and that while education for girls was accepted as necessary for advancement, unveiling was not.²⁹ Of the two male supporters of purdah who wrote to *Dawn* in 1944, one called purdah "pious" while the other, a Sheikh Husain Tahir, argued that purdah was Islamic and that Islam enjoins separate society and purdah in mixed society. He commented: "Muslim women's liberation lies in our sustained efforts to improve their educational, social and organisational conditions and not in the unthoughtful, parrot-like cry for the bonfire of burqas" and added that Muslims should proceed along the Islamic principles of separate society and purdah to raise the status of women while remaining safe from the evils of the west.³⁰ Both affirmed the connection between purdah and Islam and the latter also made the connection between purdah and morality. However, standing in contrast to these views are two letters to *The Leader* which deny a relationship between purdah and Islam. The first, by 'An Indian Muslim' who shows a sense of belonging to a wider Islamic community, called purdah "un-Islamic" and exhorted Indian Muslims to "follow the glorious example of the foremost of the Muslim nations, Turkey, which is today European in every sense of the word. In Turkey exists true Islam."³¹ A more moderate view is advanced by the second author, who argued that the Quran recommends the idea of 'Hindu purdah', or the wearing of a veil, but not 'Muslim purdah', which entails seclusion within the house.³² His comment is at variance with the dominant discourse on purdah, which saw the 'Indian' form of purdah as particularly oppressive and the 'Islamic' form as enjoining modesty rather than seclusion. Continuing with the theme of the distinction between 'Hindu' and 'Muslim' forms of the custom and which constituted the correct form, Gail Minault cites an article by Shaikh Abdul Qadir, husband of the prominent female activist Lady Abdul Qadir, in which he noted the differences between Hindu and Muslim purdah, rejected the idea that Indian purdah was a product of Muslim rule, and argued that it was instead a

²⁹Woodsmall, *Moslem Women*, 66.

³⁰*Dawn*, 27 April 1944, 2 & 5.

³¹*The Leader*, 20 November 1938, 7.

³²*The Leader*, 24 November 1938, 7.

mingling of the two forms of veiling which produced the particularly oppressive variant of purdah found in India at that time.³³ In a sophisticated analysis of the practice he anticipated more recent anthropological studies which have come to the same conclusion. As can be seen from these few examples, men's opinions were certainly not uniform and did not consistently support the idea of a religious insistence for continuing purdah. However, the theme of returning to 'Islamic' purdah practices was reiterated by Muslim women. In 1944, at a session of the still-active Punjab branch of the AIMLC held under Begum Feroz-ud-Din at which 3000 women were present, a resolution was passed that "as a great admirer of the Islamic injunctions with regard to women's outdoor life...this Conference urges all Muslim women to draw down their coverings and appear in public with modesty and dignity."³⁴ One can see from the above discussion that women's participation in the public sphere on behalf of Muslim interests was generally encouraged by the League and its supporters. Women's political activism which supported the Muslim 'national struggle', as we have already noted in the case of the Khilafat movement, was acceptable to Muslim men as it strengthened their cause. Now we shall turn to an examination of women's actual activities on behalf of the League during this period.

8.2 Women's participation in the Muslim League

Most elite women who became involved in politics in pre-independence India came from political families, and their male relatives often actively encouraged their entry into the political sphere. In the case of the Muslim League, there were shifting patterns of membership as its fortunes and agenda changed. Some families, such as those of Begum Shah Nawaz and Begum Ikramullah, had been a part of the League from its inception and continued to support it after the demand for Pakistan. Begum Aizaz Rasul's father was nominated as a Vice-President of the League in 1910, and her husband became Secretary of the UP Provincial League after 1937, but she became a staunch supporter of the League relatively late, around 1941, although she had previously participated in its activities.³⁵ The Habibullah family likewise became involved with the League primarily after 1937, and

³³Shaikh Abdul Qadir, "Ghunghat" in *Anis-i-Niswan* 2,1 (July 1939), 12-18; cited in Minault, *Secluded Scholars*, 155-6.

³⁴*Dawn*, 31 May 1944, 3.

³⁵Pirzada, *Foundations of Pakistan*, Volume I, 120.

from then on were enthusiastic participants in its activities. Begum Habibullah headed the UP branch of the Women's sub-committee, and her husband headed the League's UP branch. They both ran for election in 1937 under the League's banner. The primary example of a Lucknow family which explicitly broke with the League due to its separatist politics was that of Syed Wazir Hasan, who had been an early member and served as League Secretary for a number of years but left the League in 1937. While membership in the League until the late 1930s did not preclude participation in other political organisations, more definite boundaries began to be drawn after 1937 and were solidified after 1940 with the Pakistan resolution which explicitly declared the League's agenda. Muslims were forced to choose between the League and other organisations such as the Congress, and while the Pakistan resolution helped to mobilise support from a significant sector of the Muslim population, it also alienated families such as that of Sayyid Wazir Hasan who did not agree with the principle of separatism.

Although there is mention of selected women attending League sessions throughout the 1920s with the male members of their families, women's active participation in the League started only in the 1930s. As has been discussed in Chapter III, Muslim women had been mobilised during the Khilafat movement of 1919-22, but had not really entered the realm of high politics. The fact that women were increasingly interested in becoming involved in the political sphere by this period can be seen from an incident which took place at the UP Muslim All-Parties Conference in 1928; when some men objected to a resolution which asked Muslims to support the idea of Indian independence, a number of women who were seated in a 'purdah gallery' sent a statement to the President saying that if men did not have the courage to stand for independence, women would come out of purdah and do so.³⁶ The dominance of political issues such as communal reservations, even within the seemingly apolitical space of women's organisations such as the AIWC, meant that Muslim women had little choice but to become increasingly politicised from the 1930s onward. As a number of them had run on the League ticket during the 1937 provincial elections, it was natural that they would become involved in the party's internal structure, deliberations, and activities.

³⁶Zaidi, Evolution of Muslim Political Thought, Volume III, 649. Although it would be interesting to find out which women these were, the only name mentioned is that of Mrs Hasrat Mohani, the wife of a Khilafat leader who was herself active in politics. See also *The Leader*, 8 November 1928, 5.

In the League, Jinnah set an example for other women by always asking his sister to sit on the main platform with him rather than in an enclosed area, and encouraged other women to do so as well. By 1943, although provisions were made for women in purdah, there were "quite a large number of [ladies] sitting on the open dias."³⁷ In 1931, Begum Shah Nawaz was appointed to membership in the League's Executive Council as their first woman member, and was proposed as a Vice-President in 1933.³⁸ However, she remained the only high-standing female for some years.³⁹ After 1937, women's participation in the League increased dramatically.⁴⁰ At the Lucknow session Begum Mohammad Ali "appealed to Muslim women to come to the forefront, and to join the League and fight for the cause of the community" and Begum Habibullah argued that Muslim women had advanced and could fight alongside men.⁴¹ As can be seen, women from UP took a lead in female participation in League affairs, much as the men in their families had done.

A major impetus was given to women's involvement with the League in the following year, when a women's sub-committee was established at the Patna Session of 1938. Begum Shah Nawaz had proposed the addition of more women to the League in the previous session, and told the Council that she had already set up a Muslim Women's League in the Punjab.⁴² It was

³⁷Pirzada, Foundations of Pakistan, Volume II, 471. Jinnah's encouragement to women by using his sister as an example was cited by several Muslim women as an important factor influencing their entry into public politics. In the words of one, Jinnah "took women like us out of the seclusion of their homes and brought them to the forefront." See the articles in Quaid-i-Azam and Muslim Women, especially Salma Tasadduque Husain, 23.

³⁸Zaidi, Evolution of Muslim Political Thought, Volume IV, 90; see also Pirzada, Foundations of Pakistan, Volume II, 228.

³⁹Indian Annual Register 1931 (Volume I: Jan-June 1931), 290. Begum Mohamed Ali was nominated to the League Working Committee in 1939 after death of Shaukat Ali, in recognition of the activities of Ali brothers as well as herself, and because Jinnah wanted someone else to represent the views of women.

⁴⁰Zaidi, Evolution of Muslim Political Thought, Volume V, 45. At the 25th Session, held in Lucknow, attendees included Begum Shah Nawaz, Fatima Jinnah, Dr and Begum Rahman, Shaikh and Begum Habibullah, Mr and Begum Wasim, Begum Aizaz Rasul, and Mr and Mrs Hasan Mufti Enayetullah.

⁴¹*Ibid.*, 49, 56. Speaking in reference to a resolution on events in Palestine, Begum Mohamed Ali added somewhat unrealistically that if Britain did not free the Palestinian Arabs that Indian Muslim women should form a volunteer corps and go fight there for the freedom of Palestine. See the *Pioneer*, 17 October 1937, 3.

⁴²A women's branch of the League had been set up in Punjab in 1935 but had thus far confined itself to social and educational questions. Lady Fazl-i-Hussain served as President, and the

decided that two women from each province should be included in a central committee of women who would then be responsible for organising women at the local level. Jinnah had wanted women to be a part of the League and not in a separate organisation, but as the Begum pointed out, "there was purdah and segregation of sexes amongst the Muslims, therefore women's committees were required to organise [women] all over the country."⁴³ Women thus had a separate branch within the League structure, and the Begum noted that with this impetus "women started working actively all over the country...[the] work of the Muslim League grew overnight and the women began to give expression to the idea of Muslim nationhood in their homes."⁴⁴ The justification for the resolution was as follows:

"Whereas it is necessary to afford adequate opportunities to women for their development and growth in order to participate in the struggle for social, economic and political emancipation of the Muslim nation in India, this session of the All-India Muslim League resolves that an All-India Muslim Women's Subcommittee be formed of the following members with powers to co-opt, with the following object in view: a) to organise provincial and district women's subcommittees under the provincial and district Muslim League b) to enlist a larger number of women to the membership of the Muslim League c) to carry on intensive propaganda amongst Muslim women throughout India, in order to create in them a sense of the greatest political consciousness d) to advise and guide them in all such matters as mainly rest on them for the uplift of Muslim society."⁴⁵

A number of women were nominated as members of the sub-committee;

group had around 200 members. See Mirza, Muslim Women's Role, 43. Exactly how the women's Subcommittee came into being is unclear; the *Pioneer* reported that at a meeting of Muslim women held as part of the League's Lucknow session in 1937 under Begum Muhammad Ali it was decided to open a women's branch of the Muslim League. Several Muslim women from Lucknow including Begum Aizaz Rasul, Begum Habibullah and Begum Wasim played a prominent part in the meeting. See *Pioneer*, 19 October 1937, 6 & 16.

⁴³Shah Nawaz, Father and Daughter, 165. Begum Muhammad Ali was also appointed to the Central Working Committee at this time. Purdah was thus used as the reason for women's separate organisations within the League structure. However, an article in *The Tribune* condemned the idea of a separate organisation for women, saying that it was "retrograde" by setting "a seal of approval on a custom that can have no place in modern life." The article continued that it hoped that "the ladies section will be able to exercise a restraining influence on men who at present are thinking in terms of communalism." See *The Leader*, 28 October 1937, 16.

⁴⁴Shah Nawaz, "The Quaid as I Knew Him", 10.

⁴⁵Zaidi, Evolution of Muslim Political Thought, Volume V, 107-9; see also Pirzada, Foundations of Pakistan, 318-9.

included were Begum Habibullah, Begum Aizaz Rasul, Begum Wasim, Begum Mohamed Ali, Begum Nawab Ismail Khan, and Miss Rahilla Khatoon from UP.⁴⁶ It is interesting that once again women's development and growth was explicitly tied to their support for the League cause. Speaking in support of the resolution, Begum Habibullah

"pointed out the need for women to advance side by side with men. Women, especially Muslim women, were particularly backward in every sphere of life; and this proved an obstacle to the economic and social progress of the community. It was necessary that Muslim women should not only confine their activities to the hearth and home, but should come out of their seclusion, acquaint themselves with the problems and events of the modern world, and marshal their energies to protect Muslim rights and interests. Islam granted greater privileges to women than other religions, and Muslim women should take full advantage of these."⁴⁷

We can see that she reiterated the important theme that Islam was superior to other religions in terms of its treatment of women. However, the resolution did not pass without debate. When a Maulvi Mohammad Farooq referred to the purdah system, which he said should not prevent Muslims from advancing to progress "loud protests resounded from the conservative sections defending purdah, which, they said, was sacred to Islam."⁴⁸ Jinnah was forced to step in and mollify the opponents by saying that the resolution "only stated that women should be given an opportunity to organise themselves under the League in order to support it," and the resolution was eventually passed by an overwhelming majority. Nevertheless, the controversy shows that women's increased entrance into the public sphere still had to be justified in terms of religion or politics in order to be acceptable to all sections of Muslim society. Salma Tasadduque Hussain, who became an ardent League supporter during the 1940s, said that the formation of the sub-committee was instrumental in the "awakening" of Muslim women; in response to Jinnah's "clarion call to all the daughters of Islam to join his crusade," Muslim women responded with "unprecedented enthusiasm and

⁴⁶Zaidi, Evolution of Muslim Political Thought, Volume V, 107-9; the largest group of women was from UP, who were allotted six members out of a total of 32. The provincial branch of the sub-committee in UP was formed under the Presidentship of Begum Habibullah. See Tasadduque Husain, "Saviour of Muslim Women", 28. A complete list of members of the sub-committee can be found in Appendix IV.

⁴⁷Pirzada, Foundations of Pakistan, 318-19. See also *The Leader*, 30 December 1938, 11-12.

⁴⁸Pirzada, Foundations of Pakistan, 318-19. See also the *Pioneer*, 29 December 1938, 16.

vigour."⁴⁹

After 1938 women used to meet every year at League sessions, and Jinnah presided over the women's section as well as the general one. In 1939, the women asked for 15% representation for women in all League committees, and passed resolutions "urging Muslim women to participate in the struggle for freedom and real democracy and to make all necessary sacrifices for the protection of the political and cultural rights of Muslims, their language and traditions, and requesting Muslim political thinkers to place a definite ideal before the Muslims, so that the younger generation might grow up in the true Islamic traditions of sacrifice and love of freedom."⁵⁰ Provincial sub-committees were to be set up, with the object of "enlisting a large number of women to membership of the Muslim League, to carry on intensive propaganda amongst Muslim women throughout India in order to create in them a sense of greater political consciousness and to advise and guide them in matters relating to the uplift of Muslim society."

Within three years Muslim women's sub-committees had been organised in almost every province.⁵¹ At the Lahore session of 1940 a large number of women took part, and "young female volunteers lined up the path from the entrance to...the dais, and sang League songs and poems."⁵² At the same session, a new women's committee was appointed, with the following objectives: to organise district and provincial women's Leagues, to enlist a larger number of women in League membership, to carry out intensive propaganda among Muslim women in order to create in them a sense of "greater political consciousness," and to "advise and guide them in all such matters as mainly rest on them for the uplift of Muslim society."⁵³ At the 1942 session held in Allahabad, Begum Muhammad Ali presided over a women's meeting organised by the League at which thousands of women from nearby districts as well as a large number of delegates from all over the

⁴⁹Tasadduque Husain, "Saviour of Muslim Women", 21-2. Salma Tasadduque Husain (b.1908) joined the League in 1937, and served as Secretary of the Punjab women's branch from 1940-58. See *Ibid.*, 33.

⁵⁰The following information is taken from Bevan Jones, *Woman in Islam*, 69.

⁵¹At the suggestion of Begum Aizaz Rasul, a new list of members of the sub-committee was substituted at the 1941 session; those from UP included Begum Habibullah, Begum Aizaz Rasul, Begum Muhammad Ali, Begum Wasim, Miss Rahilah Khatoon, and Begum Akhtar Muhammad Khan. See Mirza, *Muslim Women's Role*, 55.

⁵²Shaukat Ali, "Muslim Women's Liberation Movement", 66.

⁵³Zaidi, *Evolution of Muslim Political Thought*, Volume 5, 199.

country were present. She exhorted Muslim women to take part in social and political activities, adding that "the attainment of Pakistan is the duty of every Muslim woman and man in this land."⁵⁴ Begum Ikramullah noted that more women became involved in 1943, due a special meeting at the Karachi session which was presided over by Lady Haroon and attended by over 5000 women. The women passed resolutions similar to those of the main session, various branches submitted their reports, and speeches were made by Begum Aizaz Rasul and Begum Bashir Ahmad.⁵⁵ The central women's sub-committee was also reorganised and the scope of its activities expanded.⁵⁶ The Conference drew up plans for the advancement of Muslim women educationally, economically and politically, and recommended the formation of Muslim women's National Guards in all provinces.⁵⁷ In the following year, in a meeting of the sub-committee held in Lahore, the women discussed women's roles in the district, provincial and all-India levels of the League's structure, and passed a resolution demanding reservations for women on these bodies.⁵⁸ As can be seen, the women's sub-committee provided Muslim women with a forum for political activism and organisation at the national level; while it can be compared to earlier organisations for Muslim women such as the AIMLC in that it brought women from different regions together, the reason for their unity was purely political.

The formation of the women's section of the UP Muslim League also occurred at the Lucknow session of 1937. Begum Habibullah, who had "been taking a keen interest in the advancement of Muslim ladies and their culture," convened a meeting of Muslim ladies and it was unanimously decided to form a branch. At the meeting, which was headed by Begum

⁵⁴*Dawn*, 12 April 1942, 10-11. Likewise in 1943, mention was made of a large number of Muslim ladies present, both inside and outside the purdah enclosure. Begum Ikramullah noted that although women "sat outside purdah on the dais," there was no objection from men who she says were among the more conservative in the Muslim community. See Begum Ikramullah, "Women and Politics" in *Quaid-i-Azam and Muslim Women* (Karachi: National Book Foundation, 1976), 37; and Zaidi, *Evolution of Muslim Political Thought*, Volume 6, 33.

⁵⁵Ikramullah, *From Purdah to Parliament*, 111.

⁵⁶Parveen Shaukat Ali, "Muslim Women's Liberation Movement", 67. For a more detailed account of the workings of the Women's Subcommittee, see Mirza, *Muslim Women's Role*.

⁵⁷*Dawn*, 27 December 1943, 1 & 5. A committee was appointed to tour the provinces, propagate the League's programme and to "arouse consciousness among the Muslim women"; it included Lady Haroon, Begum Aizaz Rasul and Begum Isa.

⁵⁸*Dawn*, 6 August 1944, 8. Among the members present were Fatima Jinnah, Begum Wasim, Begum Aziz (Punjab), Begum Habibullah, Begum Aizaz Rasul (Secretary), and Mrs Hakim (Bengal).

Mohamed Ali, women supported the resolutions which had been passed by the general session, passed a resolution condemning the partition of Palestine, and thanked Begum Habibullah for her devotion to the Muslim cause as well as that of Muslim women in particular.⁵⁹ The meeting established Lucknow as the provincial centre for women's activities on behalf of the League, which was logical as many politically active and prominent female Leaguers were based there. In 1939 another meeting was held at the residence of Begum Habibullah which was attended by women from around UP.⁶⁰ It was resolved to organise district branches all over UP and selected women were elected organisers with the power to coopt other women; later in the meeting, officers were elected by the provincial committee and included Begum Habibullah (President), Begum Aizaz Rasul (Vice-President), Begum Khaliquzzaman (Secretary), and Begum Hafeez and Begum Kaniz Fatima Haya (Joint-Secretaries).⁶¹

The general activities of the provincial branches, apart from annual meetings where resolutions were passed which reiterated the League's policies, consisted of campaigning on behalf of the League and increasing its support base among women. In 1939, Begum Habibullah led female League members in observing a 'deliverance day' at which they prayed for an end to Congress rule.⁶² Attempts were also made to extend the League's presence into the hinterland of UP. Begum Aizaz Rasul, a founding member of the UP branch,

⁵⁹*The Leader*, 21 October 1937, 12. See also the *Pioneer*, 19 October 1937, 6, 16. Office bearers were elected, and included the Rani of Nanpara as President, Begum Wasim as Vice-President, Zahida Khalique as Secretary, Begum Abdul Hafis, Maimuna Khatoon and Begum Ishaq Mohammad as Joint Secretaries, and Begum Mubashir Husain Kidwai as Treasurer. See *The Leader*, 23 October 1937, 12.

⁶⁰The following were reported to have been present: Begum Mohamed Ali, Begum Nawab Ismail Khan, Begum Allauddin Khan (Meerut), Begum Riz Fatima (Delhi), Begum Mustansurullah (Allahabad), Begum Khaliquzzaman (Lucknow), Begum Aizaz Rasul and Begum Shahid Husain. See *The Leader*, 19 September 1939, 5.

⁶¹At a later meeting convened in conjunction with a Lucknow Pakistan Conference which was held in late 1941, the women's committee met at the residence of Begum Aizaz Rasul. They reiterated their faith in Jinnah, and declared that "the struggle for the emancipation of Muslim women in India was bound up with the struggle of the Muslim nation for the achievement of Pakistan." The committee also appointed several women to tour India and drum up support for the League. *Dawn*, 7 December 1941, 10.

⁶²*Pioneer*, 24 December 1939, 3. A year earlier, she had presided over a meeting of Muslim women in Lucknow who were observing an 'Urdu Day' at which several women gave speeches arguing that Urdu was a common language for Indians. Although the meeting was not explicitly sponsored by the League, it can be seen as an attempt to unite Muslim women on issues concerning a distinct Muslim identity. *Pioneer*, 21 December 1938, 3. The women present at the meeting included Begum Wasim, Begum Shahid Husain, Begum Mubashir Husain Kidwai, Begum Haider Husain, Begum Khurshid Husain, Begum Inayatullah Butt, and Begum Hafiz.

“valued the opportunity that entry into the League gave me to work amongst Muslim women who were so very backward educationally and socially. So I undertook extensive tours in UP, Bihar, and other places to address gatherings of Muslim women and to exhort them to send their girls to school...and to organise themselves politically and economically.”⁶³

She remembers that initially most Muslim women refused to come out of the house but that gradually they took more interest in public meetings, and says that she “saw a sense of awakening among them.”⁶⁴ Early in 1940, a local branch of the women’s section of the League was formed in Sitapur, a district just north of Lucknow which was part of Begum Aizaz Rasul’s Legislative Council constituency. At a meeting at which Begum Habibullah presided, she, Begum Aizaz Rasul and Mrs Hafeez were welcomed by the Muslim National Guard, Khaksar Corps and other Muslim organisations led by the office bearers of the district Muslim League.⁶⁵ Mrs Mujitaba Husain, the President of the reception committee, then read an address in which she reiterated the confidence of Muslim women in Mr Jinnah and expressed their readiness to make any sacrifice demanded of them.⁶⁶ In the following month, Begum Habibullah travelled to Allahabad to address a meeting of Muslim women presided over by a Mrs Nizakat Fatima. The Begum appealed to women to organise themselves for their uplift socially, educationally and politically. According to a report from the city’s League office, she also criticised the Wardha and Vidhya Mandir educational schemes and referred to the alleged atrocities of the Congress governments, of which Muslim women could not be aware because of their being backward educationally.⁶⁷ At the end of the year, the provincial women’s League conference was held in Allahabad, at which Begum Muhammad Ali presided and at which another resolution supporting the idea of Pakistan was passed.⁶⁸ Support for the women’s branch expanded throughout UP as local

⁶³Begum Aizaz Rasul, “Memoirs of a Lady Politician in India 1910-1992” (Unpublished Manuscript), 67.

⁶⁴Begum Aizaz Rasul, Interview.

⁶⁵*Pioneer*, 9 January 1940, 4.

⁶⁶*The Leader*, 13 January 1940, 13.

⁶⁷*The Leader*, 2 February 1940, 16. A resolution was passed which expressed confidence in Mr Jinnah’s leadership and a committee of women was formed to organise work among Muslim women. *Pioneer*, 3 February 1940, 7.

⁶⁸Attending the meeting were Begum Habibullah, Begum Wasim, Begum Khaliquzzaman, Begum Aizaz Rasul, Begum Muhammad Husain, Lady Shaafat Ahmad Khan, and Miss Qamar

branches continued to be established throughout the war years. In 1944, Miss Qamar Jehan presided over a largely attended meeting of the women's Muslim League in Aligarh, at which the women requested the Aligarh city and district League branches to give adequate representation to Muslim women in various League Councils.⁶⁹ A similar meeting held in Moradabad reaffirmed women's faith in Jinnah, and declared the League to be the only representative organisation of Muslims.⁷⁰ These meetings were held primarily to reaffirm the League's political programme, but they do display some concern with improving women's position. At a meeting of the provincial women's sub-committee held in late 1945, President Begum Aizaz Rasul explained the programme of constructive work which was planned to be done amongst women.⁷¹ A resolution was passed appealing to women to work for the League in the upcoming provincial elections, and the Begum argued that Muslim women could play an important part in their national struggle. She said that the two main issues were to prove to the world that the League was the main representative body of Muslims and that Pakistan was their goal.⁷²

The increase in activity by women's sub-committees both at local and provincial levels in the early 1940s was not isolated to UP, but occurred throughout India, especially in the north. I have chosen examples from Punjab and Bihar to illustrate the similarities between women's activities in UP and those in other parts of India. In 1944, at a meeting of the Punjab Women's League which was chaired by Lady Haroon, resolutions were passed which dealt with the necessity of imparting religious education as a compulsory subject to Muslim girl students, a protest against the Punjab

Jahan. See the *Pioneer*, 29 December 1940, 13. Solidarity with and concern for Muslim in other parts of India was displayed as well; in 1943, UP Muslim women helped to collect funds to aid the victims of the Bengal famine. See *Dawn*, 7 November 1943, 4.

⁶⁹*Dawn*, 7 March 1944, 5.

⁷⁰*Dawn*, 29 September 1945, 4. They also requested government aid to promote education for Muslim girls.

⁷¹*Dawn*, 18 September 1945, 4. This included the enrollment of new League members, the formation of local National Guards, the opening of industrial homes for women, the opening of *mohalla* (neighbourhood) schools for girls and adult schools for the propagation of League ideals.

⁷²Present at the meeting were Begum Shahid Husain (Moradabad), Begum Shareef (Meerut), Begum Sheesh Khan (Aligarh), Begum Shaukat Ali Khan (Bulandshahr), Fazila Begum (Agra), Anis Fatima Begum (Hardoi), Begum Wasim, Begum Khaliquzzaman, Begum Mubashir Husain, Begum Irfanullah, Begum Faridi, Begum Ale Raza, Begum Rashid Ali and Mrs Butt. See also *Dawn*, 23 September 1945, 9.

government in depriving women of their just and legal share in the proposed Lahore Corporation (the women added however that if women were to be nominated to it, Muslim League women should be given their due share of seats), an exhortation to Muslim members of the Punjab Legislative Assembly to pass the 'wirasat bill' to establish the supremacy of the Sharia, a call on Muslim women to remain aloof from the AIWC and Punjab Women's Conference "until they revise their attitude towards the Muslim women whose rights have so far been trampled under the guise of nationalism", and a request to Muslim women to help with the Bengal famine relief campaign.⁷³ As can be seen, the resolutions dealt with the long-standing aim of increasing women's political and legal rights, but a note of Muslim separatism and solidarity was injected into the proceedings as well. In Bihar, around 2000 Muslim women assembled at a provincial League meeting in 1944 and were addressed by Begum Aizaz Rasul. She argued that it was essential for Muslims to have their homelands in the Muslim majority provinces, and explained that the purpose of the women's branches was to spread education among Muslim women, create an awakening in them, and eradicate the social evils that had crept into Muslim society.⁷⁴ Later in the year, in what was described as perhaps the first time that such women had "stepped into the arena of active political work," members of the Zenana Muslim League actively campaigned for the League, going from door to door explaining the objectives of the League and enrolling members. They were led by Begum Anisul Haque, who reported that Muslim women joined the League with a "religious fervour" and that "this awakening...heralds the birth of a nation, active and agile, ready to shoulder the responsibilities that lie ahead."⁷⁵ As we shall see, this increased activity on the part of women and their focus on political themes and increasing support for the League was to prove important in the elections held in 1945.

The growing trend among Muslim women of placing allegiance to the League and participation in the Pakistan movement ahead of involvement with the women's movement can be seen from two examples. The first arose over the case of Begum Shah Nawaz, who along with two male members of the League had been nominated by the Viceroy to the National Defence Council in 1941. All three were ordered to resign by Jinnah and the League

⁷³*Dawn*, 21 February 1944, 6. Lady Haroon also exhorted Muslim women not to lag behind women of other communities.

⁷⁴*Dawn*, 14 April 1944, 6.

⁷⁵*Dawn*, 15 October 1944, 3.

Working Committee as their co-option into government service was deemed to be incompatible with their political activities.⁷⁶ Jalal has argued that this manoeuvre was a test of whether Jinnah could dictate to other League members, particularly provincial leaders who threatened his absolute authority over the League.⁷⁷ However, Begum Shah Nawaz refused to resign, saying that she had been nominated as a representative of Indian women and as she was the only female member of the Council, she should stay to protect the interests of women. In a statement to the press, she explained that she had been asked to represent both women and the Punjab, and had not joined as a representative of the League. Nevertheless, she continued, "the President of the All-India Muslim League has to come forward to ask the only woman placed on the National Defence Council to resign, but has not done anything to induce the Muslims to give the Muslim women their rights granted to them under the Muslim law of Shariat" and added that Muslim women needed to take advantage of every opportunity offered to them by the British government to promote their rights and interests.⁷⁸ She clearly felt that given the situation of Indian women, women leaders should take every opportunity to participate in activities which could lead to an improvement in women's position, even if it meant compromising with their political affiliations. However, she was expelled from the League for three years, and the women's sub-committee voted in favour of the punitive action.⁷⁹ In a meeting held in Lucknow, they also passed a resolution "condemning the statement of Begum Shah Nawaz...claiming to be the representative of the women in India" and held that the Begum was not the representative of Muslim women and did not enjoy their confidence.⁸⁰ They added that she had "been guilty of a gross breach of indiscipline...her accusations against the League President regarding the rights of Muslim women under Shariat law are unjustified and wholly irrelevant to the issues involved."⁸¹ On this issue, Muslim women stood

⁷⁶Zaidi, *Evolution of Muslim Political Thought*, Volume V, 318-19.

⁷⁷Jalal, *The Sole Spokesman*, 67-8. The other Leaguers affected were Sikander Hayat and Fazlul Huq.

⁷⁸*Pioneer*, 11 September 1941, 4.

⁷⁹Mirza, *Muslim Women's Role*, 56-7. However, she rejoined the League several years later after apologising for her stand.

⁸⁰*Dawn*, 7 December 1941, 10.

⁸¹*Pioneer*, 1 December 1941, 2. Attendees at the meeting included Begum Aizaz Rasul, Begum Muhammad Ali, Begum Isa, Begum Akthar Muhammad Khan, Begum Habiubullah, and Begum Wasim.

firmly behind their leader and did not even admit that Begum Shah Nawaz had raised a pertinent point regarding the League's attitudes towards women's rights; for some women, politics had replaced social reform activities almost altogether, although the Begum was still displaying the mixed loyalties that we have seen earlier in the dissertation.

The issue of whether or not Muslim League women should also be allowed to remain as members of other social or political organisations was raised as well. At the Allahabad session in 1942, a Begum Hafeez-ud-din of Surat moved a resolution that the AIML women's sub-committee expressed a want of confidence in the AIWC, which was unanimously passed. At this time, many members of the AIWC declared their resignation from the organisation, which was deemed to be too overtly political.⁸² A year later, at the Karachi session, a meeting of the women's sub-committee attended by approximately 5000 women passed a resolution which called upon all Muslim women to join the League and to cease all other connections with other women's organisations such as the AIWC or with communist organisations, "the aims and objects of which were against the policy and programme of the League."⁸³ Propaganda against the AIWC was sustained by comments made in the League newspaper, *Dawn*, such as the reference made by its regular female columnist that the AIWC was a "handmaid of the Congress."⁸⁴ Pressure against the participation of Muslim women in the organisation continued and became more direct; at a mass meeting held in Delhi in 1944, a Miss Hamida Arif said that the AIWC was

"purely a Hindu body, which safeguarded the interests of Hindu women alone...the few Muslim women in that conference were not the real representatives of the Muslim women, nor had they any effective voice in the deliberations of that Conference. The best example is that the AIWC held its last meeting on such an important day as the Id-uz-Zuha."⁸⁵

A resolution at the same gathering noted that "We regret...that the Standing Committee of the AIWC, a Hindu organisation, should still dream of evolving a common formula for national unity." By 1945 the participation of

⁸²*Dawn*, 12 April 1942, 10-11. The changing nature of the relationship between Muslim women and the AIWC has been discussed in the previous chapter.

⁸³Mirza, *Muslim Women's Role*, 67-8. At the same meeting, Begum Aizaz Rasul was elected as Secretary of the Subcommittee. See also *Dawn*, 27 December 1943, 1.

⁸⁴*Dawn*, 22 April 1944, 2&5.

⁸⁵*Dawn*, 2 December 1944, 1.

Muslim women in League activities was considered by some ardent Leaguers to be an essential duty. At a meeting of the Punjab women's League in Lyallpur, a delegation consisting of Begum Bashir Ahmad, Begum Tasadduque Hussain and Fatima Begum exhorted women to join the League, and Fatima Begum said that it would be considered as non-cooperation if they did not join their "national" organisation.⁸⁶ As we can see, the discourse against the AIWC had developed into overt warnings not to take part in its activities. On the issue of representation, the women's sub-committee had firmly positioned itself as the sole representative of all Muslim women, much as the League was arguing that it was the sole representative of all Muslims.

8.3 The 1946 elections

Although women had participated in the 1937 elections, the 1945 campaigns and 1946 elections proved to be the first major occasion for sustained political activism by Muslim women, particularly those who supported the Muslim League. In 1945 Jinnah had made a special appeal to Muslim women to give support to the League in the elections, and many of them responded.⁸⁷ Begum Ikramullah, while mentioning the large amount of work done by women and students for the elections, noted that it was the first time that Muslim women had taken part en masse in political activity.⁸⁸ Women such as Mumtaz Shah Nawaz campaigned among women on behalf of the League throughout the Punjab and inspired other women to do the same.⁸⁹ In the Punjab, women played an especially active role, led by Begum Bashir Ahmad, who headed the provincial women's sub-committee, as well as Fatima Begum, another politically-active woman.⁹⁰ However, women

⁸⁶*Dawn*, 21 February 1945, 5.

⁸⁷Parveen Shaukat Ali, "Muslim Women's Liberation Movement", 68. Mirza notes that by 1945 the League had become powerful in Punjab, and several prominent women who had not been in the League joined, including Begum Iftikar-ud-Din (Congress and head of the AIWC provincial branch) and Begum Shah Nawaz (who had been expelled for insubordination). See Mirza, *Muslim Women's Role*, 74.

⁸⁸Ikramullah, *From Purdah to Parliament*, 122.

⁸⁹Mumtaz was the daughter of Begum Shah Nawaz. Although initially a girl with socialist leanings who corresponded with Nehru and was a staunch supporter of the Congress, she had become disillusioned with the idea of Indian nationalism around 1942 and joined the League. She had initially worked among Muslim women of old Delhi converting them to the League cause. See Begum Shah Nawaz, "The Quaid as I knew Him", 12.

⁹⁰Shah Nawaz, *Father and Daughter*, 195-6. Begum Bashir Ahmad was the sister of Begum Shah Nawaz.

were also active in other regions of India, particularly Delhi and UP, where there was already a well-established network of elite women who were capable of campaigning on behalf of the League.

While the UP branch had been active throughout the early 1940s, the elections provided an excuse for increased campaigning, meetings, and the establishment of more sub-branches at the local level. The elections were seen as a crucial test of the League's popularity and its claim to represent the Muslim community (after its disastrous electoral results in 1937), and thus were regarded as extremely important by Muslim leaders. In addition, female campaigners viewed the elections as a further way in which women could prove their loyalty to the League cause and their effectiveness in contributing to their community's struggle for Pakistan. This section will examine the increased activity by women during this period as well as the rhetoric employed by women to enlist more supporters to the League cause.

Election campaigning began in late 1945, when alongside the traditional speeches at women's conferences expressing support for Jinnah and the goal of Pakistan, speakers also made reference to the upcoming elections and their importance for the League. At a meeting of Muslim women in Lucknow in August 1945, Begum Aizaz Rasul reiterated these points and urged women to organise themselves in preparation for the elections; a month later, when speaking to a gathering of women in Dehra Dun, Begum Habibullah appealed for funds and emphasized the importance of the elections as a way to show the Congress that the Muslims were united behind the League.⁹¹ Women used the existing networks of district and local women's Leagues to hold meetings, and many new branches were founded during this period. As the campaigning was primarily political in nature, female activists would have probably focused most of their efforts on potential voters, which due to the limited franchise meant that they would have been targeting fairly elite women, although all women would probably have been encouraged to attend mass meetings.

⁹¹See *Dawn*, 19 August 1945, 3; and *Dawn*, 15 September 1945, 4. Similar meetings were held in Meerut, Moradabad, Lucknow, and Amroha throughout October and November, in which provincial and well as local women leaders addressed the same themes. See *Dawn*, 13 October 1945, 4; 18 October 1945, 4; 24 October 1945, 4; 25 October 1945, 4; and 18 November 1945, 7. At the Lucknow meeting, Begum Aizaz Rasul made an appeal to Muslim women to stand solidly behind the League and not to raise any issue of representation of Shias or Ansars as it would weaken the cause of Muslims. She observed that the League's enemies were trying to create rifts in Muslim ranks but hoped that Muslim women would see through their game and support the League and Pakistan. See *Dawn*, 25 October 1945, 4.

As one of the primary female figures at the national level in League affairs, Begum Aizaz Rasul played a major part in the campaigning, issuing a statement in which she said that "Muslim women can and should play a very prominent part in this struggle and we should see that we do not lag behind."⁹² She also undertook a hectic election tour of UP, where she observed the great enthusiasm of the Muslims of the eastern districts for the League, stating "The women who are generally orthodox and backward in these districts...have risen to the occasion and felt their responsibilities for the League cause."⁹³ The following month, she was in western UP, addressing women in Agra, Moradabad and Bareilly on the part which women could play in building the future and on the the importance of Pakistan which she argued was the only solution to communal differences.⁹⁴ In Barabanki, she exhorted women to stand by the League as it was the only representative of their interests as Muslims.⁹⁵ While she and Begum Habibullah were the most active women from UP at the national and provincial levels, local women leaders also held meetings, campaigned, and more rarely, travelled outside of their localities on election tours. For example, in February 1946, just before the polling began, Begum Mohamed Sharif, the President of the Meerut Zenana Muslim League, proceeded on tour accompanied by two other female Leaguers, covering Hapur, Bulandshahr, Khurja, Aligarh, Muzaffarnagar, Saharanpur, Dehra Dun and Moradabad.⁹⁶ This type of sustained political activism was unprecedented in UP and in the rest of India.

The impending elections also galvanised women into forming new branches in districts and smaller towns, which gave local women a chance to become active in politics and practice leadership roles. A women's League was formed in Bulandshahr in October 1945 and a committee elected.⁹⁷ After a long lapse the Allahabad branch of the women's League was

⁹²*Dawn*, 3 October 1945, 4.

⁹³*Dawn*, 3 November 1945, 6. At meetings in Lucknow and Cawnpore she noted the great enthusiasm and involvement of women on behalf of the League; in Cawnpore over 2000 women attended her meeting and Rs.3000 plus gold ornaments was collected. *Dawn*, 7 November 1945, 6; and 9 November 1945, 6.

⁹⁴*Dawn*, 7 December 1945, 5; 29 December 1945, 7; 2 January 1946, 6.

⁹⁵*Dawn*, 28 January 1946, 6.

⁹⁶*Dawn*, 1 February 1946, 6.

⁹⁷*Dawn*, 11 October 1945, 4. A women's League was also formed at Faridabad in January 1946. See *Dawn*, 4 January 1946, 3.

rejuvenated; its secretary Begum Ibadur Rehman started collecting money for the League election fund and organised two meetings for the city's Muslim women.⁹⁸ Under the leadership of Begum Shahid Husain, the President of the Moradabad branch, women's committees were formed in all the *tehsils* of Moradabad district to propagate the League viewpoint among the Muslim masses, and numerous public meetings were held.⁹⁹ At a large meeting of Muslim women in Sambhal presided over by the Begum, the first of its kind, women were reported to be "deeply touched by the League appeal made to them."¹⁰⁰ In Saharanpur, a Mrs Mohammad Askari convened a meeting of Muslim women at the local girls school to form a 'Zenana Muslim League'; around 100 women from respectable families came and a Mrs Yusuf, wife of manager of court of wards, presided.¹⁰¹ Under the guidance of provincial female leaders, the League was able to extend its reach into previously untapped areas of support.

Apart from holding meetings, the primary form of campaigning at the local level consisted of personally visiting individual voters. This tactic was usually employed by candidates themselves, but could also be used by activists on behalf of a political party. For example, in Khurja, the 'Muslim League Khawatian' or women plunged into the election campaign, visiting every woman voter individually. As a result, a large percentage of women voted, including women in purdah who had never left their homes in recent years.¹⁰² Due to the personal efforts of Begum Mohamed Sharif, the leader of the Meerut branch, almost all the Muslim ladies voted for the League candidate.¹⁰³ In Lucknow, the women's sub-committee had been campaigning zealously, even taking responsibility for polling arrangements; on election day, 85% of eligible women polled their votes.¹⁰⁴

In UP, some familiar Muslim women stood for election in 1946, although there was a fair amount of manoeuvring and rivalry among women to be chosen as the League's candidate for the two seats allotted to them. For the Lucknow seat, which had been held since 1937 by Begum

⁹⁸*Dawn*, 20 October 1945, 4.

⁹⁹*Dawn*, 11 November 1945, 8.

¹⁰⁰*Dawn*, 21 November 1945, 5.

¹⁰¹*Dawn*, 9 December 1945, 5.

¹⁰²*Dawn*, 4 December 1945, 5.

¹⁰³*Dawn*, 30 November 1945, 5.

¹⁰⁴*Dawn*, 14 April 1946, 6.

Habibullah, Begum Mohammad Ali had been nominated as the League candidate to contest elections from the Lucknow women's seat.¹⁰⁵ However, there were reports circulating of serious differences between provincial League leaders over which woman should be chosen to run for the Lucknow women's seat; Maulana Hasrat Mohani believed that the claims of local Muslim women "should not be sacrificed by importing Begum Mohamed Ali," while Maulana Jamal Mian supported her candidature and eventually after much infighting she was nominated.¹⁰⁶ Considering that Lucknow had a wide selection of politically active Muslim women who were qualified for the post, it is surprising that Begum Mohamed Ali was chosen to fill this seat. However, it is possible that because of the close contest for the seat in 1937, male Leaguers thought that her spotless reputation and stature as the widow of Mohamed Ali would ensure a win in the League's favour in 1946.¹⁰⁷ Begum Habibullah's noticeable absence from the proceedings was clarified by her long letter to the editor of *The Leader*, in which she explained that due to a misunderstanding, she had decided not to run for re-election.¹⁰⁸ Begum Mohamed Ali's tenure in provincial government proved to be shortlived; she died the following year and in 1947 five women contested her seat in a bye-election: Begum Habibullah, Mrs Rahman, Begum Wajahat Husain, Begum Irfan Ullah and Begum Abdul Ghani (although the last was disqualified).¹⁰⁹

¹⁰⁵*Dawn*, 22 January 1946, 6.

¹⁰⁶*The Leader*, 21 January 1946, 12.

¹⁰⁷*The Leader*, 7 February 1946, 8 and 8 February 1946, 1. She was to be opposed by a Begum Basharrat Husain (Nationalist Muslim), Begum Wahidul Hasan (Sunni Board), and Begum Wasim (Muslim League), but after the examination of nomination papers by the election officer, Begum Wahidul Hasan was disqualified and Begum Wasim withdrew, leaving only Begum Mohamed Ali and Begum Basharrat Husain in contention. However, after only a few days her opponent withdrew her candidature and Begum Mohamed Ali was elected unopposed. *The Leader*, 11 February 1946, 2. Election results can be seen in Appendix III.

¹⁰⁸According to her, there had been a considerable amount of controversy about the adoption of Begum Mohamed Ali by the Muslim League board, as well as "an attempt to start dissensions and rivalries within the Women's Sub-committee." Her version of events was that she had been pressed to stand for re-election in October 1945 by Begum Wasim and other members of Chaudhury Khaliqzaman's family; she thought that some other Muslim woman from Lucknow should be given a chance to stand, but was persuaded and applied. In January she found out that Begum Mohamed Ali had also applied, but thought that as the incumbent candidate she would have the support of the League board and that Begum Mohamed Ali had been asked if she would contest for another seat. Although she maintained that if Begum Mohamed Ali had contacted her, the misunderstanding could have been avoided, she stepped down and vowed to render all assistance to the League and Begum Mohamed Ali, and added that she considered it a "political crime" to revolt against the League's constitutional authority, as it was the duty of Muslims to unite and make sacrifices for the League. See *The Leader*, 11 February 1946, 6.

In Moradabad, however, there was a heated fight between candidates for the Muslim women's rural seat in an election that was also fraught with changes in League sponsorship. As the incumbent candidate, Begum Shahid Husain was selected by the League in January to run under their banner; in fact, she had already begun campaigning and meeting voters as early as November 1945.¹¹⁰ Against her, Begam Abdul Wajid intended to run as a 'Nationalist Muslim'.¹¹¹ However, the League changed its decision in February 1946 after an appeal, and nominated a Begum Mashkooor Ahmad as their new candidate, whereupon Begum Shahid Husain decided to run as an Independent candidate.¹¹² One local Nawab, although he believed the League's decision to be unwise, advised the Begum not to play into the hands of political enemies but to sacrifice her candidacy for unity among Muslims.¹¹³ His letter proved to be prophetic. Begam Abdul Wajid, the Nationalist candidate, won with a significant majority, polling 4321 votes, while Begam Mashkooor Ahmad (Muslim League) collected 1900 votes and Begum Shahid Husain (Independent) collected 2223 votes in her favour.¹¹⁴ The two elections for the women's seats demonstrate that in UP, political affiliations were still not all-encompassing and that personal rivalries were still important. After the elections, Begum Aizaz Rasul, the Secretary of the Women's Central sub-committee, commended women in the following statement:

"It is a matter of great gratification that Muslim women who were generally supposed to be backward and apathetic, suddenly woke up to their duties and responsibilities and have played a very significant part in these elections. They can justly claim every share in the League's success. From the reports I am receiving from every province and from my own personal experience gained during my tours in connection with the election campaign, I am glad to say that this stupendous awakening among Muslim women is universal."¹¹⁵

She added that now these awakened energies needed to be channelled along

¹⁰⁹*The Leader*, 3 April 1947, 7.

¹¹⁰*Dawn*, 28 November 1945, 5; and *The Leader*, 11 January 1946, 11.

¹¹¹*The Leader*, 3 January 1946, 8.

¹¹²*The Leader*, 2 February 1946, 1.

¹¹³*Dawn*, 4 March 1946, 3.

¹¹⁴*Dawn*, 14 March 1946, 1; see also *The Leader*, 4 April 1946, 9.

¹¹⁵Shaukat Ali, "Muslim Women's Liberation Movement", 69.

the right lines in order to aid the upliftment of Muslim women, and paid tribute to the women's Leagues whose position used to be ill-defined but who had carved out a place for themselves in the political landscape.¹¹⁶

Political activism by Muslim women continued in the non-violent civil disobedience movement initiated by the League in 1947, when women took part in large numbers in demonstrations and picketing. However, the focus of these campaigns was in NWFP and Punjab, with occasional marches in Delhi, and thus women in UP did not play a large part in direct street action.¹¹⁷ According to Choudhry Khaliquzzaman, Punjabi women played a significant part in this struggle; he noted that "under the guidance of Miss Tazi (Mumtaz Shah Nawaz)...ladies of noble families, such as...Begum Salma Tasadduq, Begum Noon and Begum Fatima paraded the streets wearing burqa in peaceful processions, and held meetings in defiance of prohibitive orders..."¹¹⁸ In addition to women from elite families who had already been involved in leadership roles both politically and in terms of the women's movement, women from the lower and middle classes also participated. The sight of burqa-clad women taking part in demonstrations became common in the cities of Punjab and NWFP, providing an important public symbol of Muslim distinctiveness and activism. Ian Talbot has argued that these women were able to use the constraints of the purdah system to limit male authority over their actions, and thus played an important role in picketing as they could do things that their male counterparts would have been arrested or treated roughly for.¹¹⁹

We have seen from the above evidence that Muslim women played a crucial role in supporting the League, its political agenda, and the demand for Pakistan. Although the final phase of street activism which took place in 1946-7 was concentrated in NWFP, Punjab and Delhi, women from UP had played a vital role in establishing the women's sub-committee as well as campaigning for the League in the 1946 elections. However, despite their vehement support for the idea of Pakistan, many stayed in India after 1947. Begum Aizaz Rasul said that she never thought of emigrating to Pakistan, but wanted to take care of Muslim interests in India.¹²⁰ The Habibullah family,

¹¹⁶*Dawn*, 4 April 1946, 6.

¹¹⁷See *Dawn*, 19 April 1947, 1; 20 April 1947, 1; 1 May 1947, 8.

¹¹⁸Khaliquzzaman, *Pathway to Pakistan*, 373.

¹¹⁹Talbot, *Freedom's Cry*, 42.

although also staunch supporters of the League's demand for Pakistan, did not think of migrating there, but similarly wanted to stay and organise Muslims in India.¹²¹ A key question then is what 'Pakistan' meant to the women who took part in the movement. Certainly for some, as Jalal has argued, Pakistan was more of a bargaining chip; when Jinnah's attempts to win parity at the centre failed and when India was partitioned along religious lines, the UP elites pragmatically disbanded the UP Muslim League and many joined their former arch-enemy, the Congress.¹²² But for others, 'Pakistan', or the 'land of the pure', can be seen as the culmination of ideas, whose substance, as we have seen, had been provided by the discourse on gender issues which stressed a return to Islamic purity through adherence to the Sharia and modifications in purdah practice. As Begum Ikramullah explained, "the demand for Pakistan was an assertion of our separate, independent, religious and cultural existence. We feared and objected to the assimilation being attempted, for we were proud of our culture and wanted to keep it intact. We wanted political power to enable us to preserve it."¹²³ Parts of this cultural heritage, such as Islamic law, were seen to be beneficial for women, and in Pakistan women believed that these rights would be assured. Women also relished their new-found roles in politics and their importance in contributing to the 'national' struggle, and saw Pakistan as a fresh slate on which Muslim women could discard their 'backwardness' and assume their rightful place in society and politics.

This chapter has traced the relationship between women and the Muslim League through examinations both of the League discourse on gender issues and of women's activities and statements. There was little debate within the League of key issues such as Islamic law, although as we have seen in the previous chapter, League representatives in the National Assembly had combined with the JUH in employing issues of gender and law. Likewise purdah was not debated frequently, although by encouraging women's increased political activity the leadership was in effect hinting that maintaining the purdah system was not an essential part of their agenda. Instead, women's roles both within the family as well as, more unusually, their public roles were highlighted as an essential support base for the League,

¹²⁰Begam Aizaz Rasul, Interview.

¹²¹Attia Hosain, Interview.

¹²²Begum Aizaz Rasul, Interview.

¹²³Ikramullah, From Purdah to Parliament, 99.

and by extension, the wider Muslim cause. Women were encouraged to 'fight' for Islam, which they did in large numbers in the decade before independence. As in the case of the Khilafat movement, women's public participation was justified as being Islamically acceptable as they were playing a vital role in their national struggle; indeed, women's involvement in the public sphere was upheld as being an important and distinctive feature of the Muslim tradition. Muslim women had become politicised on behalf of their community, and gender issues, rather than becoming a force for women's unity, were increasingly being used to add substance to Muslim distinctiveness in the decade before independence and Partition.

CONCLUSION

This dissertation has traced aspects of the relationship between gender and the formation of Muslim community identity through parallel examinations of both practice and discourse in the late colonial period. As I have argued, gender provides an important perspective from which to examine the development of Muslim separatism, both cultural and political, during this period. Jalal has correctly argued that Indian Muslims were socially, culturally and politically divided until the late 1930s and thus attempts to unify Muslims politically on the basis of religion and at a national level were largely unsuccessful until the decade preceding Partition.¹ However, my examination of gender shows that the longer-term forces in favour of communalisation at the cultural and social levels may have been more powerful than she suggests. Gender issues provided a way in which Muslim identity could be 'universalised', which could be supported by a wide variety of interest groups, including the ulema and westernised politicians. The perspective of gender thus provides substance for the idea of an all-India Muslim identity, a factor which has been overlooked due to historians' preoccupation with the high politics of this period.

In addition, issues concerning women were used to delineate the Muslim community as distinctive, and as superior in certain ways but in need of special protection in others. This dissertation has focused on two primary issues which were constantly debated during this period: purdah and Islamic personal law. As we have seen, Muslim personal law was seen as superior because it was advantageous for women, a belief which has been corroborated by my examination of Muslim women's experiences in the court system in the late colonial period. In the late nineteenth century, social reformers berated Indian Muslims for adherence to inferior forms of law and 'evil customs' borrowed from the Hindus, and advocated a return to the Sharia as one way to regenerate the community. This theme was taken up by a variety of groups in the early twentieth century: Muslim women, the ulema, and politicians, all of whom had differing agendas but who employed similar discourses concerning the law as it related to women. All three

¹Sugata Bose and Ayesha Jalal, *Modern South Asia: History, Culture, Political Economy* (Delhi: Oxford University Press, 1998).

supported a return to the 'purity' of true Islam as symbolised by Muslim personal law. Muslim women also supported legislation which would improve their position, such as the Sarda Child Marriage Act, and generally argued in favour of a 'liberal' reading of the Quran in which polygamy was allowed but not encouraged, divorce by the woman was possible, child marriage was against the spirit of scriptures which allowed both men and women to choose their spouse, and a woman's right to inheritance was upheld. However, significantly for the development of community identity, male ulema and politicians accompanied their support for the Sharia with the argument that as the Sharia was a complete and superior legal code, any other legislation which concerned marriage or inheritance would be seen as an unacceptable infringement of Muslim personal law and thus of Muslim rights, unless it had been initiated and supported by Indian Muslims themselves. Islamic personal law thus came to be seen as a sacred site of Indian Muslim identity and culture, particularly as argued by the JUH. While the Muslim League and its supporters did not employ the issue of personal law until the late 1930s, the ground had already been laid by the earlier debates on gender advanced by social reformers, Muslim women and the ulema. For Muslims, arguing in favour of a return to Islamic law can be seen as a way in which they attempted to resolve the dilemma concerning tradition and modernity, as the Sharia could become a symbol of both the 'essential Muslim tradition' as well as the emancipatory nature of Islam for women.

The dissertation has also examined debates concerning purdah throughout the same period. The considerably wider divergence of opinion on purdah suggests that it did not become sacralised to the same extent as Islamic law. However, purdah did become communalised to a certain extent. Instead of being viewed as a practice which affected all women, purdah was described by both Hindus and the British as a Muslim practice. Muslim women themselves made a distinction between the 'Indian' form of purdah and 'Islamic' purdah, and advocated adherence to the 'Islamic' form in another example of trying to purify Indian Muslim practices. Nevertheless, purdah was not seen as being essential to Indian Muslim identity. During the 1920s elite women emerged from complete seclusion and some discarded purdah altogether, and dispensing with the excessively strict norms of 'Indian' purdah, particularly in order to become involved in political

struggles, could even be seen as Islamically pure. Involvement in both social reform and politics could be achieved either in or out of purdah, and as we have seen from an examination of women's involvement in the Muslim League, the important factor was that women should be fighting on behalf of Muslim needs and interests. However, the image of the 'helpless' purdah-observing Muslim woman was used in order to argue that Muslim women were in need of special protection in the political sphere, much as Muslims generally needed safeguards against the Hindu majority. Common to both of these themes was the idea of a return to Islamic purity as a key way in which to regenerate and unify the Indian Muslim community as well as to improve women's position.

In arguing for a return to Islamic purity, reformers, women, politicians and ulema all used Islamic history and examples from contemporary developments in the wider Islamic world to bolster their arguments concerning issues of gender, correct practice, and legal reform. The use of these types of referents added substance to the idea that Indian Muslims, through their cultural and religious connections to the Middle East, were distinct from other Indians. In addition, as we have seen, the existence of Islamic 'models' such as Turkey and Egypt were also important in helping to justify reformatory measures during this period.

As well as the construction of a discourse concerning gender during the colonial period, my dissertation has also charted the activities of elite Muslim women during the decades preceding independence. As well as providing information about the actual position of women, which helps to refute assumptions that Muslim women were uninvolved with either politics or social reform during this period, I also examine the ways in which Muslim women were able to enter the public sphere and the initial effectiveness of the women's movement and their concerns. An important point concerns the concept of universalisation: while, as we have seen above, male leaders largely used it to create unity among Muslims, women used the argument that all women had similar problems in order to add to unity among women and to improve women's status. We have seen that while at some points, notably during the late 1920s, Muslim women pulled against communitarian forces, at other points they supported them. However, despite the fact that women became divided during these crucial decades on the basis of their religious affiliation, they were able to maintain their own spaces of continued

cooperation, largely at the local level and concerning social reform issues rather than politics. A concentration on the specificities concerning both discourse and practice as seen in the case of UP underscores the view that the UP can be seen as the seat of the formation of an Indian Muslim cultural ideal during this period.

The close connections between gender and community formed during this period have only intensified in the post-colonial states of South Asia. Numerous scholars of the contemporary period have focused on several key ways in which this trend has developed over the past fifty years, including the evolving relationship between women and Muslim personal law, the discourse on a universalised Indian Muslim woman as employed by the Hindu right, and the impact of communal violence on women. In terms of practice too, my study has suggested that the roots of more recent forms of activism and criticism of social practice on the part of the Indian women's movement can be found in the late colonial period, when women first united on issues of concern to all Indian women.

The use of the issue of Muslim personal law which I have charted for the colonial period has had several implications. According to Mukhopadhyay, the close association drawn between women's status and the Muslim 'community' in the colonial period has meant that the issue of Muslim women's rights within the family "cannot be discussed from the point of view of gender equality and [is] always displaced on to debates about the Muslim community."² The right which Muslim legislators had been fighting for during the 1930s, that Muslim religious and political leaders should have the deciding voice on any changes in their personal law, has become virtually enshrined since independence. This problem has been compounded by another in the post-colonial period. Whereas in the colonial period there was a sense that Muslim law was in many ways more beneficial for women and therefore was not in need of drastic change, with the sweeping reforms in Hindu laws in the 1950s which culminated with the Hindu Code Bill, Hindu law was seen as more 'secular' and 'modern' while Islamic law became seen as 'conservative', 'oppressive' and 'unchanging'.

The primary debate over Muslim women's legal status since independence has been the Shah Bano case of 1986, in which a divorced

²Mukhopadhyay, "Construction of Gender Identity", 89.

Muslim woman sued for maintenance, was initially successful, and then had her case dismissed following an outcry from sections of the Muslim community.³ The case exhibits many similarities with the material presented in my dissertation. The propagation of stereotypes of Muslim women can be seen, as Kozlowski notes, by the fact that while sections of the media portrayed Shah Bano as a helpless, indigent Muslim woman who was the victim of cruel practices of divorce sanctioned by the Quran, she was in fact the wife of a successful lawyer and the divorce case was one part of a more complicated family dispute involving inheritance.⁴ More importantly, the case provoked an uproar from representatives of the ulema, who argued that granting maintenance to a Muslim woman on the basis of destitution under the provisions of the Criminal Procedure Code was a violation of Islamic law, which required a wife to be granted maintenance for a period of three months. As we have seen, this argument was not a novel one but a reiteration of a familiar theme. Another example of the close connection between women's legal status and community identity can be seen in the continued efforts of some Muslims to avoid the imposition of a Uniform Civil Code (UCC), as suggested in the NPC report of 1945, which would apply one civil law to all Indians regardless of community, by using the argument that Muslim personal law is both complete and sacred, requiring no improvements and allowing no modifications. Thus we can see a continuation of the themes raised in the late colonial period as well as a strengthening of beliefs regarding the distinctiveness of the Sharia and its importance for Indian Muslims.

The support for the UCC by the Hindu nationalist Bharatiya Janata Party, based on the depiction of Muslim women as oppressed by archaic religious laws, in part of a wider trend of negative stereotyping by the Hindu right which casts all Indian Muslim women as victims of Islam.⁵ It is these

³This case has been addressed by Zoya Hasan, "Minority Identity, State Policy and the Political Process" in Zoya Hasan, ed., Forging Identities; and Asghar Ali Engineer, ed., The Shah Bano Controversy (Hyderabad: Orient Longman, 1987).

⁴Gregory C. Kozlowski, "Shah Banu's Case, Britain's Legal Legacy and Muslim Politics in Modern India" in Yogendra K. Malik and Dharendra K. Vajpeyi, eds., Boeings and Bullock-Carts: Studies in Change and Continuity in Indian Civilisation (Delhi: Chanakya Publications, 1990), 89-90.

⁵Constructions of the Muslim woman have already been ably examined by scholars such as Bacchetta. Paola Bacchetta, "Communal Property/Sexual Property: on representations of Muslim women in Hindu nationalist discourse" in Zoya Hasan, ed., Forging Identities: Gender, Communities and the State (New Delhi, Kali for Women, 1994).

stereotypes, as well as depictions of Hindu men as being traditionally emasculated while Muslim men are cast as being historically aggressive, which have contributed to an increase of sexual violence directed against women of specific communities in South Asia, usually as part of larger scale outbreaks of violence such as rioting. Recently, scholars have examined the violence which accompanied Partition from a gendered angle, and have found that the connections between women's honour and the honour of their community as a whole assumed paramount importance during and after Partition.⁶ In more recent riots in India, Muslim women in particular have been targeted. One can see that women have become sites for the construction and upholding of community identity and honour.

The way to understand this sexualisation of community identity is to look back to the late colonial period. My research has revealed the ways in which connections were constructed between gender, community identity and 'nation' during this crucial period. As much as high politics and centre-province relations, the perspective of gender can provide important insights into the formation of Muslim nationalism during the 1930s and 1940s.

⁶Urvashi Butalia, "Muslims and Hindus, Men and Women: Communal Stereotypes and the Partition of India" in Tanika Sarkar and Urvashi Butalia, eds., Women and the Hindu Right (New Delhi: Kali for Women, 1995); see also Ritu Menon and Kamla Bhasin, Borders and Boundaries: Women in India's Partition. New Delhi, Kali for Women, 1998.

APPENDIX I

WOMEN NOMINATED TO MUNICIPAL AND DISTRICT BOARDS IN THE UNITED PROVINCES

Muslim women nominated to Municipal Boards (1936)

- | | |
|------------------------------------|--------------------------------------|
| 1. Mrs M.M. Sharif (Aligarh) | 14. Begum Habibullah (Lucknow) |
| 2. Mrs A Rawat (Almora) | 15. Begum Shahid Husain (Moradabad) |
| 3. Musammat Anis Fatma (Amroha) | 16. Miss V.A. Khan (Muzaffarnagar) |
| 4. B.B. Aisha Khatun (Atrauli) | 17. Musammat Shahir Bano (Nagina) |
| 5. Anis Fatima Begum (Bahraich) | 18. Musammat Saivada Begum (Orai) |
| 6. Mrs P Haidar Ali (Baraut) | 19. Dr Begum Abdul Ghafur (Pihilbit) |
| 7. Ruqaiya Begum (Chandpur) | 20. Mrs Azfal (Rae Bareli) |
| 8. Sultan Jahan Begum (Deoband) | 21. Mst. Maqbul Sultan (Saharanpur) |
| 9. Fatima Begum (Farrukhabad) | 22. Nazir Begum (Sahaswan) |
| 10. Mrs A F Maruf (Gonda) | 23. Begum Aizaz Rasul (Sandila) |
| 11. Kulsoom Begum (Jalesar) | 24. Mst. Habib Rasul (Sikandra Rao) |
| 12. Anwari Begum (Kairana in Muz.) | 25. Begum Munawar Jan (Soron) |
| 13. Anwari Begum (Kasganj) | 26. Musammat Jafri Begum (Tilhar) |

The breakdown of women nominated to UP Municipal Boards was 22 Hindus, 26 Muslims, and 13 miscellaneous (including European and Indian Christian women)

Muslim women nominated to District Boards (1936)

- | | |
|------------------------------|-----------------------------------|
| 1. Miss K Abdulla (Aligarh) | 5. Musammat Wahidan (Fatehpur) |
| 2. Mrs Ghulam Qadir (Ballia) | 6. Saiyada Begum (Hamirpur) |
| 3. Mrs Masuduzzaman (Banda) | 7. Badrunissan Begum (Mainpuri) |
| 4. Muzzayab Begum (Etah) | 8. Musammat Fazilat Fatima (Unao) |

The breakdown of women nominated to District Boards was 20 Hindus, 13 Muslims, and 15 miscellaneous

Source: *The Leader*, 14 January 1936, 7.

Muslim Women members of Municipal Boards (1946)

- | | |
|---|---|
| 1. Mrs Masooduzzaman (Banda) | 12. Begum Shahid Husain(Moradabad) |
| 2. Mrs Maqsood Ahmad (Bijnor) | 13. Sahida Begum (Muzzafarnagar) |
| 3. Aziza Banu (Chandpur) | 14. Iqbal Fatima (Nagina) |
| 4. Fakhar Sultan Jahan (Deoband) | 15. Dr Begum Abdul Ghafoor (Pilibhit) |
| 5. Kishwari Begum (Tilhar) | 16. Mrs A. Mubarak (Saharanpur) |
| 6. Nyasi Begum (Haldwani) | 17. Sakina Khatoon (Sahaswan) |
| 7. Hamida Begum (Kairana) | 18. Begum Aizaz Rasul (Sandila) |
| 8. Iqbal Jehan Begum (Kalpi) | 19. Shakhina Khatoon (Shahjahanpur) |
| 9. Begum Habibullah (Lucknow) | 20. Mrs Habibur Rasool (Sikandra Rao) |
| 10. Mrs Ali Zaheer (Lucknow) | 21. Nasira Khatoon(Soron) |
| 11. Ruqaiya Begum Ansari
(Lakhimpur) | 22. Mrs Akhtar Husain Ansari
(Firozabad) |
-

* out of 86 municipalities, there were 22 Muslim women members*

Muslim women members of District Boards (1946)

- | | |
|--------------------------------|---|
| 1. Mrs. M J K Haidar (Aligarh) | 4. Sughra Begum (Muzaffarnagar) |
| 2. Muzaiyab Begum (Etah) | 5. Badarunnissa Begum (Mainpuri) |
| 3. Musammam Wahidan (Fatehpur) | 6. Sajida Begum Hasan Raza
(Lucknow) |
-

out of 49 District Boards there were six Muslim women (but 9 posts are vacant)

Source: AIWC Papers, Reel 25, File #384, 424-5.

APPENDIX II

MUSLIM WOMEN'S ELECTION RESULTS IN THE UNITED PROVINCES, 1937-46

Legislative Council (1937): Sitapur, Hardoi & Kheri Districts (Muhammadan Rural)

Begum Aizaz Rasul (Independent)	41 votes (56%)
Qazi Habib Ashraf (Independent)	22 votes (30%)
Nawab Mirza Mohammad Sadiq Ali Khan (Independent)	10 votes (14%)

electorate of 105 voters, of which 69.52% voted

Legislative Council (1940): Sitapur, Hardoi & Kheri Districts (Muhammadan Rural)

Begum Aizaz Rasul (Muslim League)	66 votes (71%)
Nawab Mirza Mohammad Sadiq Ali Khan (Independent)	27 votes (29%)

electorate of 105 voters, percentage not known

Legislative Assembly (1937): Lucknow City (Muhammadan Urban Women)

Begum Habibullah (Muslim League)	5005 votes (51%)
Begum Majida Banu (Congress)	4864 votes (49%)

electorate of 23,882 voters of which 41.32% voted

Legislative Assembly (1937): Moradabad District (Northeast) (Muhammadan Rural Women)

Kishwar Zamani Begum (Begum MA Rehman) (National Agriculturalist Party of Agra)	2886 votes (44%)
Kulsam Begum (Begum Shahid Husain) (Independent)	3752 votes (56%)

electorate 10,184 voters, of which 65% voted

Legislative Assembly (1946): Lucknow City (Muhammad Urban Women)

Begum Muhammad Ali (Muslim League)	elected unopposed
Begum Basharat Husain (Nationalist Muslim)	withdrew
Begum Wahidul Hasan (Sunni Board)	disqualified
Begum Wasim (Muslim League)	withdrew

electorate of 62,059 voters, percentage not known

Legislative Assembly (1946): Moradabad District (Northeast) (Muhammadan Rural Women)

Maryam Mashkur Ahmad (Muslim League)	1900 votes (23%)
Begum Abdul Wajid (Nationalist Muslim)	4321 votes (52%)
Kulsam Begum (Begum Shahid Husain) (Independent)	2023 votes (25%)

electorate 13,854 voters, of which 59.51% voted

Legislative Assembly bye-election (1947): Lucknow City (Muhammad Urban Women)

Begum Inam Habibullah (Muslim League)	elected unopposed
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Sources: PD Reeves, BD Graham and JM Goodman, A Handbook to Elections in Uttar Pradesh 1920-1951 (Delhi: Manohar, 1975), 205, 210, 306-7, 359, 365; and The Leader, February 1946.

APPENDIX III

MEMBERS OF THE ALL-INDIA MUSLIM LEAGUE WOMEN'S SUB-COMMITTEE, 1938-43

All-India Muslim Women's Sub-Committee, 26-29 December 1938

Punjab: Begum Shah Nawaz, Mrs Rashida Latif, Lady Jamal Khan, Lady Abdul Qadir

Bengal: Begum Shahabuddin, Mrs MM Ispahani

Bombay: Miss Fatima Jinnah, Mrs Faiz Tyabji, Begum Hafizuddin

UP: Begum Habibullah, Begum Aizaz Rasul, Begum Wasim, Begum Muhammad Ali, Begum Nawab Ismail Khan, Miss Rahilla Khatoon

Central Provinces: Begum Nawab Siddiq Ali Khan, Miss Nadir Jahan

Bihar: Lady Imam, Begum Akhtar

Assam: Mrs Ataur Rahman, Miss J Khan

Sind: Lady Haroon, Lady Hidayatullah, Begum Shaaban, Mrs Hatim Tyabji

Delhi: Mrs Husain Malik, Mrs Najmul Hasan, Begum Rahman

NWFP: Begum Haji Saadullah Khan, Mrs Khwaja Allah Bukhsh

Madras: Mrs Ayisha Kulhamoro Haji, Mrs Qureshi

All-India Muslim Women's Sub-Committee, 12-15 April 1941

Punjab: Begum Shah Nawaz, Begum Bashir Ahmad, Lady Abdul Qadir, Fatma Begum

Bengal: Begum Shahabuddin, Mrs MM Ispahani, Mrs Hakam

Bombay: Miss Fatima Jinnah, Begum Hafizuddin, Mrs Jairazbhoy, Mrs Somjee, Mrs Simjee

UP: Begum Habibullah, Begum Aizaz Rasul, Begum Wasim, Begum Muhammad Ali, Miss Rahilla Khatoon, Begum Akhtar M Khan

Central Provinces: Begum Nawab Siddiq Ali Khan, Miss Nadir Jahan

Bihar: Begum Akhtar

Assam: Mrs Ataur Rahman

Sind: Lady Haroon

Delhi: Mrs Husain Malik, Begum Rahman, Mrs Razaullah Beg, Begum Muhammad Husain

NWFP: Begum Haji Saadullah Khan, Mrs Aslam, Mrs Kamaluddin

Madras: Mrs Hameed Khan, Mrs Malang Ahmad Badshah, Mrs Abdul Hameed Hasan, Mrs Saiyid Abdul Wahab Bokhari

All-India Muslim Women's Sub-Committee, 24-26 April 1943

- UP:* Begum Habibullah, Begum Aizaz Rasul, Begum Wasim, Begum Muhammad Ali, Miss Rahilla Khatoon, Begum Akhtar M Khan, Mrs Razaullah Beg, Mrs Saiuddin
- Punjab:* Begum Abdul Aziz, Begum Bashir Ahmad, Fatma Begum, Begum Tassaduq Husain, Begum Rahman
- Bengal:* Begum Shahabuddin, Mrs Hakim
- Bombay:* Begum Hafizuddin, Mrs Jairazbhoy, Mrs Muhammad Husain
- Central Provinces:* Begum Nawab Siddiq Ali Khan, Salimuzzohra Begum, Mrs Iftikhar Ali
- Bihar:* Begum Akhtar
- Assam:* Begum Abdul Matin Chaudhuri
- Sind:* Lady Haroon, Begum Anwar Hidayatullah, Mrs Allana
- Baluchistan:* Begum Qazi Muhammad Isa
- Delhi:* Mrs Husain Malik, Anjuman Ara Begum, Mrs Ikramullah, Mrs AS Bokhari, Begum Muhammad Husain
- NWFP:* Begum Wahab, Mrs Kamaluddin
- Madras:* Mrs Karim Ispahani

Source: K.K. Aziz, ed., Public Life in Muslim India 1850-1947 (Lahore: Vanguard Books, 1992), 375-83.

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