

The Changing Status of Women and Divorce

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THE impact of freedom is being felt on every imaginable aspect of life. Old institutions are being questioned and new values are being assessed. In this period of transition, there is a real danger that the essentials of change may be forgotten, that they may not be kept related to that which is changing. This appears to be the case in regard to the social legislation that has come up before the provincial and central legislatures, in so far at least that they affect the status of women. Mrs. Munshi's bill in the Bombay Assembly had imposed restrictions on men in regard to the choice of their future partners and had freed women from bigamous marriages contracted by their husbands, before this act had been passed. Dr. Ambedkar's bill for the codification of Hindu Law is expected to give the women of India, for the first time, a real choice, though it is very much circumscribed at the moment, in the matter of choosing their partners or continuing life with them. Women, henceforth, are going to have the right to rectify any mistake they or their parents may have made at the time of their marriage. It is a reciprocal right and as such it seems fair.

The cry has long been heard that woman in India does not have equal rights in law and hence as her position is virtually that of a dependent and a keep. When she has been the victim of cruelty and suffered, the only solace she has known was to pray for greater powers of forbearance. This may have been, or probably is, only the seamy side of the picture. But there can be no justifying it

nor can there be any objection against taking steps to re-dress the wrongs that have existed so long. The question that has to be faced now, however, is somewhat different. If certain rights are conferred on them out not others, will it improve the lot of Indian women?

There can be no objection to the right of divorce. But conferring this right on women, by itself would be unmeaning and probably more productive of harm than of good.

The position of women in India is backward, it is true, if judged from the modern standpoint of the West. But it gave protection and security; it gave stability and a firm basis to life, the very same things that the law today tries to establish. The suffering of women has not been a peculiar feature of India nor has the share of her sorrow been greater here than elsewhere. Due to the curious position that India has been in, politically and economically, all that is shady, sorrowful and ugly in the life of her people has been so widely publicised all over the world that one is apt to forget that as things stand today, women in India are more protected and much better cared for than in the West. The Indian woman finds happiness more often than not in her home; her troubles and heartaches are solved in the family, since it is there that she has to live and from there alone she can build. The family unit means far more than its component parts, so that sagaciously and yet with no loss of dignity has the Indian home become proverbial for its stability. The man in such a social structure feels

more responsible for the wife and children. The woman being so dependent, he takes up her security as an obligation. The incompatibility may sometimes be very great indeed; but in spite of it, the family is maintained. Matters of greater importance than incompatibility of temperament cement life. So much has been written about the lack of scope for self-expression the woman suffers from in such a unit. That in order that the whole is not divided, she has to merge herself in complete obscurity. That her personality ceases to exist. These are very serious allegations. But the criteria of self expression accepted in any one country are not necessarily the only ones.

The problem that is being raised today is confined to a particular class. Divorce has not been a problem for most of our poorer classes, nor for those who have been living on the produce of the land in self-sufficient villages where rural economy still prevails and bourgeois ideas have not penetrated deeply enough to leave an impression. Matters of conjugal lights and of widow remarriage are solved with little regard to what the law sanctions and what it frowns upon. Despite all the gross improprieties that prevail, despite the many injustices suffered and perpetrated, life is still simple and even happy. What the conditions will be once this self-sufficiency is broken and village economy is amalgamated with urban economy, is debatable.

It is, therefore the middle class which has been most concerned about changing the status of its women. Here precisely lies the danger of applying the criteria

that may hold for one section of society to another and this danger is very grave. These problems can only be dealt with in strict accordance with the norms that determine the character of social life as lived in a certain atmosphere and environment. Therefore social legislation which fails to take note of the peculiarities inherent in social life is bound to fail and is bound to prove erroneous. Law cannot be taken in isolation and independently of the whole. These are problems which are integral to a community life and in order to have real value they must spring from the wants of the community. Reforms that are studied in abstract and worked in another situation may be quite sound in themselves, but inadequate when out of context. We are trying to give rights to women without finding out what rights they have and what rights they must have. The problems of one class are not the problems of another and this is much more so in India than in Western countries from where we are borrowing our standards.

The West has moved along certain lines of industrial development. From an economy that was feudal and based on personal contact, the West has gradually, though steadily, become more and more industrial. This had wider implications; the family unit of old gradually broke up. The people became more aware and the whole social structure moulded itself around the one salient fact of industrial progress. It has been the cycle of development that as industrialization grew so did literacy. With the power to compare one's status with another, the obvious follows. The social standard born of competition and temporary affluence is established. The clamour for more of the material comforts and

satisfaction is rife. In order to improve the standard of living and to maintain it on a certain comparative basis, there have to be adequate means. To that end, in the industrial era, men and women both work on the same level of responsibility. The work is not, as before, divided into domestic and bread-earning activities. Women keep the same hours of work, have the same conditions of work and are in fact equal in every way to the men they work with. Such a life has not produced very happy results in the West. It has brought friction in domestic life; it vitiates family life at a comparatively early stage. The consequences are that the parties concerned decide to separate and live henceforth independently. The point about such a break up is that both the man and woman are quite capable of looking after themselves and neither of them is essentially dependent. The women have been brought up always with the idea of work and find no difficulty in getting a job and keeping it. On such a basis divorce not only seems fair but even necessary. There is no point in living together if the partners are dissatisfied with each other, when the partnership was sought primarily for companionship and love. That having been found wanting there no longer seems to be any reason to continue to live together.

This situation is peculiar to the social structure that has developed in the West; it is the outcome of a cycle of development which has taken place through intrinsic growth. The change has been integral to the whole.

The position is palpably different in India. Life has not even touched the centralised form in the greater portion of the sub-continent. The economy is still fundamentally rural, it is per-

sonal and simple. The people are not only illiterate but uneducated. There has been no contact with the outside world, not even with one village and another. Therefore the clamour for better living is absent. The discontent of life is missing, for the mind has not thought of and the body not experienced the joys of a more exciting life or more conspicuous consumption. The problems of love and hate, of marriage and remarriage, are solved on a very simple plan which is worked out for the community only. It is, therefore, different from one community to another. Life is adjusted through expediency and if there be no more to it, logically it may fall to be convincing. The law may not recognise the deed that is at variance with its codes. But the fact remains that today in India remote villages are not only ignorant of their rights but have their own code of behaviour which takes or the social sanctions necessary. Thus whether divorce is granted or not, does not concern the very vast majority of people.

The higher middle-class which is educated, even though it may not have had the opportunity to see beyond the garden path, is the benefactor of this legal amendment and innovation. This class cannot as yet be compared with its counterpart in the West. The differences are such that they nullify the similarities. Women of this class go through primary education, rarely one or two years

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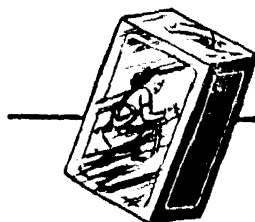
of higher education. This period of education has been general: they have been trained for nothing in particular, they have learnt no specific work. This period of growth has been under the shelter of the home. The girl has not known independent responsibility, she has no knowledge of the world outside her home and of its ways. Education has been an eye-wash and no more. It has benefited her to the extent that she can probably speak a few sentences of incorrect English and has a vague idea of what is being said in the papers. In such a situation, it is obviously absurd to give equal rights to the woman when the whole of her life has been an unequal sharing of the fundamental benefits.

This new weapon that is almost in the hands of the modern woman is a dangerous one and not yet ready for use. It is the by-word through which we are trying to proclaim our freedom and equality. But if this freedom is used before its time and before it has been extended to the other spheres of life, the results will be disastrous. We must first begin to prepare our life to fit the new change; we must be made to think that living on one's work is honourable, though difficult. And before we can take our stand as free and equal, we must educate ourselves "to that end. To use modern concepts in an age which is still not modern in that civilization is absurd: There must be the wherewithal to implement the new concept in its fullest possible sense. Marriage in India has signified a home where the demands of the whole have taken precedence over the individual. The unit has always been more important than any one component of that unit. The basis of social life is different in the West and we are trying to incorporate

that basis in our life. Whatever the effects of such innovations may be, it is important not to dissociate the concepts from the social background of the coun-

tries in which they originated, nor to introduce a change without making it a change not in part but in the whole.

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A MONOLOGUE ON BURMA

(Continued from page 8)

woven into a garland without art (the concealment of art is sometimes regarded as the highest art),—call it soliloquy or monologue as you will, deserved to be recorded for posterity. Only *Indian Information* did that. It is always a treat to listen to Panditji thinking aloud and when he starts exploring a subject mingling the British pose of understatement with the torrential overflow of facile phrase making which is his forte, it is indeed a treat for the gods. And to this superb intellectual fare, when he adds the extra spice of approaching a subject with an open mind and ending up also with an open mind, he rises to heights which can sometimes be found enshrined in the pages of *Indian Information* and *Indian Information* alone.

To the question what steps the Government proposed to take with regard to Burma, whether the Government were contacting or thinking of contacting the Karens and what measures of help, financial, military, or otherwise, were under consideration,—Panditji managed to maintain a running fire to answer the fusil-

lade of questions without retreating a single step. About the Karens, yes and no; military help, nothing in particular, a loan,—the matter could be discussed but nothing had been discussed yet; whether Burma would come up before the Commonwealth Prime Ministers' Conference—yes and no,—giving a picture to the journalists assembled on which they were free to put in the outlines as they liked and fill-in the details, each according to his own predictions—

This happened before Panditji's historic visits to London and soon after his return, the papers carried the news that Britain had set up an informal committee with India, Pakistan and Ceylon represented through their respective Ambassadors in Rangoon, for "doing the needful" by Thakin Nu. The final picture that emerged differed from that outlined by the Panditji,—or did it? Thus unrolls the pattern, of new Commonwealth relations in Burma and Malaya. Its counter-parts in the dying but not yet dead colonial administrations in Indonesia and Indo-China would not be very different.

The overall picture is one of stabilisation and the only point of stability that promises equilibrium, but which is that point? For once you leave India and move farther east, there is no propertied class among the native population in any of the countries in south-east Asia which could serve as the focal point for maintaining stability and thus restoring or moving on to a new equilibrium. In Burma, the propertied classes are British, Indian and Chinese. Any Government which does not swear by expropriation would not be worth a week's purchase. It can be stabilised only by unstabilising the forces which stand up against it.

True, Burma has not yet sought for admission into the membership of the Commonwealth nor would Thakin Nu seek such an unpopular measure. He has not Panditji's literary gifts; he would not be able to put across to his followers,—numerous or microscopic is not in question, the need for peace, amity and friendly co-operation in such magnificent prose. Therefore, in Burma the demands of world peace have to take the slightly ungainly shape of British gun-boats sent out to the Government as a free gift, and other peace offerings of a like nature. In Indonesia, perhaps Soekarnos not-so-left Government could be jockeyed into position against the impending threat of continuous pressure of a Federation that would be even less to the left. In Indo-China, an extinct monarch has been brought back to life to serve as the focal point of a thrust which has stocks of rice to back it up and French arms.

Means cannot be dissociated from the ends. This is Gandhiji's teaching and also Congress history. How will the re-orientation of south east Asia take shape under the impact of these forces? It is a pity that the *Indian Information* would no longer be there to record faithfully the subsequent stages of this unfolding drama.

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