



There was a time when the oppressive situation that women were in was brazenly obvious - patriarchal laws, distinctly patriarchal local self-governance bodies (like *khap* panchayats), courts with not a single woman judge (in Goa, for instance), all male bank managers, non-equitable situations for women where they had to fight for their share of the pie despite being all in a disadvantaged situation. The list could go on and on.

There is now an apparent change in the situation. After all, women now have special laws that ostensibly recognise their situation, 33% representation for women in panchayats, ever so many women judges, so many female bank managers, and special schemes for women. Women are now asked 'What more could you want?'

And yet these legal provision have not translated into an effective realization of rights for women. Rather than a world of empowered women, we have a situation where women live in gilded cages. For instance, we have laws on domestic violence and maintenance that are meant to ensure that a woman does not suffer from violence or economic deprivation. Yet, patriarchal perspectives continue to determine what is understood as violence or economic deprivation. Or, if a woman is provided food and clothes, and car, as per the means of the husband, and a mansion of a house, most courts tend to have that quizzical look of what more can a woman want.

This is the Gilded Cage that I suggest. Just like a parrot in a cage, even if she is well fed, the fact is that the parrot exists within a cage for the pleasure of the owner. The cage is the normality imposed by patriarchy, and not a code that is articulated through taking the desires of women into account. There is a certain 'normality' against which yardstick a woman's own dignity is held.

It is 'normal' for women to have to abide by the dictates of their male family members, even in nuclear households. It is 'normal' for women to follow the code of conduct laid down by their male family members. And yet, the fact is that when a woman is seen as "happily sitting at home", she is in fact, getting up early in the morning, taking up the children's lessons, preparing their breakfast, preparing their tiffin, dropping the children to school, shopping, cooking, bringing the children back from school, serving everyone lunch, washing the dishes, mopping the floor, taking up the children's lessons, being there for them, cooking for dinner, serving dinner, and then the conjugal duties, irrespective of whether her husband is drunk or whether she has the temperament for it on that day. "I have kept her so well, I have treated her like a queen. I didn't expect her to work", says the husband of his wife.

So there is a certain conception of normality which we are actively conditioned to follow. Being in a gilded cage is considered as normal in the interests of protection of women. This normality is perpetuated not only in terms of how men are conditioned to treat women individually, but it is also reinforced by the State. One may think that this is only a case for women to be concerned about, but the fact is that patriarchal assumptions not only negatively impact all people, but the logic of the gilded cage for women is the slippery slope down which the State has extended this logic to all its citizens.

For instance, it is considered normal to breach basic human rights available to the accused in cases where there is an unconfirmed allegation, i.e. the act has not yet been confirmed to be a fact. Therefore, it is considered normal to have an Unlawful Activities Prevention Act by which citizens can be in custody without the usual due access to bail that 'normal' accused have in offences under the Indian Penal Code, for instance. Thus while this act impacts on all, in its impact on women, one sees the full force. Women are doubly victims, one as citizens, and second as women, and third on account of the marginalized identities that they stand up for. We see that politically dissenting women including a professor and a lawyer have been detained under the Unlawful Activities Prevention Act. So in the interests of protection of a gilded cage of protection for the nation, women in a democracy have been so brazenly arrested and detained under the Unlawful Activities Prevention Act for months together.

We need to be aware that this is a continuum from the individual normalization of situations to the macro normalization of situations. And women's freedoms are curtailed in the name of keeping this normal situation. That is why we cannot afford to ignore the normalization of military interventions and strikes and war-in-the-air language to deal with the Pulwama attack. It will come to haunt us and affect whatever is remaining of peace in the region.

As Lady Hale aptly put it in her 2014 judgement which this writer shall talk about below, "A gilded cage is still a cage". The judgement delivered in challenged what is considered 'normal' for depriving persons of their liberty because of the tinted lens with which we look at an issue. It challenged justifications for keeping people in a gilded cage. The Supreme Court of UK had heard two cases - what is called the Cheshire case and the P and Q Case, which while different in facts, posed the same legal issue: what constitutes a deprivation of liberty? In the first case, a 39-year-old man with cerebral palsy and Down's syndrome who required 24hr supervision had lived with his mother until he was 37, when his mother's health declined and he was moved to an accommodation arranged by the social services authority on the pretext that it was in the said man's best interests to live in accommodation arranged by the authority. From the facts of the case, we can see that the said 39 year old man lived in a neighbourhood bungalow which adequately provided necessities and support staff to take care of him, with other residents near his home and had one-to-one support to enable him to

leave the house frequently for activities and visits. The support staff would intervene when the man exhibited challenging behaviour. The original judge in the High Court had held that these arrangements did indeed deprive the man of his liberty, but that it was in his best interests for them to continue. When challenged, the Court of Appeal opined that it did not amount to deprivation of liberty, as other people with the same age and disabilities were put under similar restrictions. It ruled that it was 'normal' for people like the said disabled man.

The other case that the Court considered was the case of P and Q v Surrey County Council (2011), where two sisters, known throughout the process as MIG and MEG, are sisters aged 16 and 15 who both had learning disabilities. MIG was placed with a foster-mother and never attempted to leave the foster home by herself but would have been restrained from doing so had she tried. The other sister MEG was moved from foster care to a residential home for learning disabled adolescents with complex needs. It was argued that she sometimes required physical restraint and received tranquillising medication. When the care proceedings were transferred to the Court of Protection in 2009, the judge held that these living arrangements were in the sisters' best interests and did not amount to a deprivation of liberty. This finding was upheld by the Court of Appeal. In its judgement in 2014, the Court observed that "It is axiomatic, that people with disabilities, both mental and physical, have the same human rights as the rest of the human race", basically implying that the standards of human rights cannot be different for different people. "It may be that those rights have sometimes to be limited or restricted because of their disabilities, but the starting point should be the same as that for everyone else.

This flows inexorably from the universal character of human rights, founded on the inherent dignity of all human beings, and is confirmed in the United Nations Convention on the Rights of Persons with Disabilities. Far from disability entitling the state to deny such people human rights: rather it places upon the state (and upon others) the duty to make reasonable accommodation to cater for the special needs of those with disabilities", the Court observed . The Court in the voice of Lady Hale continued, "Those rights include the right to physical liberty, which is guaranteed by article 5 of the European Convention. This is not a right to do or to go where one pleases. It is a more focused right, not to be deprived of that physical liberty. But, as it seems to me, what it means to be deprived of liberty must be the same for everyone, whether or not they have physical or mental disabilities. If it would be a deprivation of my liberty to be obliged to live in a particular place, subject to constant monitoring and control, only allowed out with close supervision, and unable to move away without permission even if such an opportunity became available, then it must also be a deprivation of the liberty of a disabled person. The fact that my living arrangements are comfortable, and indeed make my life as enjoyable as it could possibly be, should make no difference. A gilded cage is still a cage."

The 'acid test' for deprivation of liberty, the Court said, is whether the person is under continuous supervision and control and is not free to leave. The Court further remarked that the following are not relevant: (a) the person's compliance or lack of objection; the relative normality of the placement (whatever the comparison made); and the reason or purpose behind a particular placement. It further contended that because of the extreme vulnerability of people like P, MIG and MEG, decision-makers should err on the side of caution in deciding what constitutes a deprivation of liberty.

In other words, what these cases were establishing was that in the name of protection and in the best interests of a class of persons, in one case, a person with disabilities and, in another case, two sisters with learning disabilities, there were certain restrictions being placed on the liberties of these persons. But that the criteria has to be special measures to enable these persons to live a dignified life and not to restrict their movements in the name of their protection or best interests.

In the end, a gilded cage presents an illusion of everything being glittery, which is read as fine. It presents a mirage of well-being. It may even have everything but freedom and an own space and the liberty that a human being would normally need. Moreover, even what a woman gets in that cage will be obtained so long as she agrees to be a doormat. The day she talks about her own life and space and her rights, the spouse may even throw her out.

As a matter of fact, Goa itself presents a mirage of well-being. Bollywood and touristic representations have hyped the state of Goa as a land of peace and harmony that they have in fact spun a gilded cage to which we are all prisoners and may even not get the benefits, leave alone special status that other states get, all because it feels that we are so on the way to the ultimate in progress that we do not need any special consideration, like BIMARU states or say Kashmir.

Consequently, there are women in Goa whose husbands have migrated after acquiring Portuguese citizenship, and who are left behind to guard the local properties, specially fields. This is because their spouses, on account of loss of Indian citizenship on acquiring a Portuguese passport, are prohibited by the Indian state from continuing to possess these fields. In some cases, the women are left here in Goa, because the living conditions of their spouses are not advisable or do not permit taking them. All this could have been aptly taken care of, if the concerned Governments had a negotiated a treaty for dual citizenship for Goans after India's right to Goa was acknowledged by the Portuguese state. Child travel issues are also endemic for single parenting women, who have acquired a Portuguese passport and want to migrate for better prospects both socially and economically.

It also seems that because of tourism, in hotels, women are often recruited in the

housekeeping department. It appears that the tourism industry is providing decent jobs to all women. And maybe they even have a decent salary. But again, what they do not have is the possibility of unionizing. They can be summarily transferred because of monopolistic service rules. And they may even be bonded to the starred hotel to work for certain number of years, all because they underwent a year's training.

As can be seen, the gilded cage story is not true only of individual situations for women. It is also true today in terms of what the State is projecting as providing for women, either as women or as entitled individuals by virtue of the low income of their family or any of their marginalized identities.

The latest fad is bio-toilets. I was at a tribal ward in Kholā in Canacona last month. This village is the first village in Goa to have been declared as a 'Adarsh Gram' (model village) after the Central Government floated the *Sansad Adarsh Gram Yojana* (a Member of Parliament Scheme). But the irony is that not even the panch (the local self-government representative) of that tribal ward knew that the village is declared a model village. At the same time, we found forms being distributed, to be filled and submitted to the administration by anyone who wants a bio-toilet. These tribal villagers live in mud houses on a rocky hillside. And the situation is similar to what could be faced in many a tribal area, where the toilet is not designed for local conditions.

In the first place, there is no proper information disseminated about what this particular bio-toilet that the panchayat is asking people to apply for, looks like. No pictures even. What the villagers perceive is that this disposable bio toilet will fill up and the stink will invade the locality as there is no possibility of absorption in that hilly area. A classic case of one shoe fits all schemes that do not take into account the specificities of the problem. So yes, another kind of gilded cage, where you have what is called an 'ideal eco-toilet', but one that the villagers cannot use, except at great cost to themselves, which they can ill afford.

Actually, women are almost prisoners of their doles and of this mirage of the so-called development. The most apt example of how a mirage of a gilded cage is projected when even it is so apparently not even gilded, is the case of the coal unloading taking place in Vasco at the Mormugao Port Trust berth and the transportation along what is now called the coal route in Goa. One might wonder how this can be called a gilded cage with all the black soot. But that is exactly how the Goa State Pollution Control Board perceives it. They have, after suspending consent for the unloading following complaints, given consent again. They say that the excess limits of coal particulate matter in Vasco's air are not due to the coal handling at MPT, but stop short in terms of explaining what then the source of the particulate matter in Vasco is - all this with the aid of specialists flown in from elsewhere.

If one goes down memory lane, one will recall that we had a similar situation in Goa when the Zuari Agro Chemicals landed on the Goan horizon. The specialists flown from elsewhere literally had given Zuari Agro Chemicas a clean chit. But our very own Health Services, with Dr. Emidio Afonso, insisted that the factory would cause pollution. Which brings us to the point that so called specially flown in specialists are harnessed to buttress the gilded cage image, while local people and their lived and on-site experiences are not considered valid. These flown-in specialists are either not introduced to the larger picture, or do not themselves want to see the larger picture with integrity.

And in the meanwhile, women continue to grapple with having to care for children and spouses and other family members with respiratory illnesses such as asthma. But what the eyes of authorities are on, is what they can gain from the deals with these huge companies, while presenting a a gilded cage, or mirage, of development.

It is the same mirage that seeks to hide the costs and purpose of the unrequired bridges, while Goans are made to think that we will have a better travel experience and that our transportation hardships will be minimized. If only public transport and safety were prime concerns of the Government, so much of the workload and stress of women would have been reduced. But that would mean the State gets out of the gilded-cage-of-development model which the State wants us to be so enamoured by!

So what is good for the gander is not necessarily good for the goose. Because the parameters are different for measuring progress. A gilded cage of development is not an indicator of progress. Having good basic amenities and access to them is. Having decent wages without being bonded is. Having pure clean air is. Having the freedom to be oneself without harming others is. Having one's own right to self determination as an individual and as a community is. This is where we would put an end to this gilded cage model that does not consult women, does not take their rights into account and imposes what it thinks is in the best interests of women.

(First published in *Goa Today*, dt: March, 2019)



Share this...



Facebook



Whatsapp



The 'Gilded Cage' of Progress