Rights of Muslim Women in India - An Islamic Perspective

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Abstract

The Topic: Rights of Muslim Women in India: An Islamic Perspective, is a very heartfelt study in Islamic perspective to unearth the manmade misconceptions entangled with the patriarchy and so-called Feminism. This article reflects handsome analysis between modern thought and Islamic thought in a very lucid and vivid manner. Though there have been many books and articles written on this topic in Indian perspective, but I dealt with the topic in a very scientific manner in accordance with the Islamic perspective.

This research article traces the historical background of deplorable conditions of Muslim women in India and its remedies, as well as clearly deals with that men and women are complement of each other but differs prominently in terms of biological phenomenon. Owing to completely fundamental difference of organism, Almighty Allah has not granted women same power and responsibilities. Though there are many affirmative and Indian constitutional provisions for the empowerment and upliftment for the women but at large the real picture of real meaning of amelioration for Muslim women is dwindling. Day to day experiences state that women should understand their own nature and accordingly they should realize their own potentials to contribute meritorious efforts for the nurturing and socializing the new generation. Researcher clearly demonstrates that it is need of the hour that Muslim women should comprehend that their role is much higher and higher in building the society and humanity at large that of male counterparts.

Key words:

Rights of Muslim Women, Patriarchy, Feminism, Deplorable conditions, Biological, organism, Affirmative and constitutional provisions, empowerment, building the society and humanity, Islamic Perspective

Introduction

At a time when there is vociferously demand for the rights after rights at every nook and corner, but at the same time there is dearth of duty consciousness, without any exaggeration, both rights and duties are obligatory to each other for being a good citizen.

Since time immemorial, conflict of patriarchal notion and feminism made this issue much more complex as well as paradoxical phenomena. Although many books and articles have been written on this topic, most of them were dealt with an Indian perspective as well as remained a scope to discuss in greater detail with authentication on the topic. Considering my paper to be concise yet useful as well as reflection of my heart-felt study to unmask man made misconceptions, and to row out this issue entangled with the quagmire of personal thoughts to the safe shore. No research is final, being a human endeavor, it can never be without blemishes. However, every new research should be given a serious thought. No term has been so much written, misunderstood and shunned as women's rights, deliberately demonstrating that men and women are equal in terms of all responsibilities and powers, let me put it clear here, that men and women are mutually complements for each other but differs profoundly from men in terms of major biological differences. They are more of fundamental difference in terms of biological phenomenon comprised of such organisms having certain types of chemical substances released by the ovary. Due to sheer ignorance and negligence about these facts has compelled advocates of so-called feminism to say that both men and women have the same worldly chores and responsibilities. Women should well comprehend their own nature, in accordance with, they should develop their attitudes without trying to ape and imitate the males. They should realize that their role in the progress of civilized world is much higher and noteworthy that of males.

Before dwell to the topic, it seems essential that some space to be devoted to the meaning of rights, rights are reasonable claims of persons recognized by society and sanctioned

by the law. This definition denotes that what we desire and what we feel to do, cannot be termed as rights as our society vividly inclined to negative meaning of rights.

With reference to the topic, Muslim women Rights in India, i would say that gender equality is first and foremost part of Human Rights and united nations values, the most important being, the UN convention on the elimination of all forms of discrimination against women CEDAW adopted in 1979, in 1993, 45 years after the UN declaration of human rights was adopted and 8 years after CEDAW entered in to force, the UN world conference on human rights in Vienna confirmed that women rights were human rights.

Despite of these international provisions, the denial of women's basic rights is persistent for instance, they made women's liberation disguised tool for exploitation of her body, they reduced her status to use and throw policy, to concubines, to society butterflies on the pretext of job temptation and for better settlement etc., luring them to meet their whims and desires they are being exploited for the vested interests behind the colorful screen of art and culture without being realized of where they are being haunted, looked like same feather flock together.

This menace requires solid and unshaken commitment, perseverance, and right frame of mind, utmost sincerity based upon informal and formal mechanism. At this grave and deplorable stage, we must well comprehend that life is not the name of water tight departments, its domains regulate in its entirety not any specific aspect of it.

Constitutional Rights: cherisher and protector for women

It is not denying the fact that every constitutional right is the cherisher and protector for the women as well as to safeguard the modesty and chastity of the women. But in the name of individual rights some unethical and immoral acts are going to be prevalent in Indian society which is completely against the ethos of civilized society. The Indian Constitution not only

¹ Democratic politics class ix NCERT page no.100

guarantees the equal right to women, but also directs the State to have affirmative measures for the sake of empowerment and development of the women folks.

Laws related violence against women includes violence happening in the four walls of home, dowry, atrocity to wife, harassment for dowry, dowry death, sex selection, human trafficking and sexual offences

This section: Laws regarding atrocity against women: need to elaborate in somewhat detail.

Domestic violence; our constitution is a utmost safeguard for the protection of women from Domestic Violence. in 2005 a law named; the protection of women from domestic violence (DV Act, for short), guarantees protection for women against any violence facing women with in the family. According to this act a woman facing any violence can file an application for relief before magistrate.

Domestic violence denotes any physical, psychological and mental harm or abuse or harassment.

Despite the law, very ironic is that violence against women both inside and outside their home has been a crucial issue in the contemporary Indian society¹

Harassment for dowry, dowry death, atrocity on wife, sex sellection

At the time of science and technology explosion, women are still abused they are harassed and beaten for dowry, so much so, subjected to deplorable and animal condition, consequently, many precious lives have been lost, homes deserted with love and compassion of mother, children became delinquent, detrimental to the society at large. Sex selection is a stigma and curse to the society. Female feticide and fetal killing has been a crucial problem in some urban areas. Misuse of sex determination test has been a detrimental to the Indian society.²

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¹ IGNOU SSS ESO 12 Society in india 32

² IGNOU ESO 12 Society in india Unit 33.

More than 80 percent districts of India have the worsening condition of high male sex ratio with the highest recording, the state of Punjab.

According to statistic more than ten million female fetuses have been mercilessly killed in India. Have we ever thought about the impact of this menace? To curb this problem, tough deterrent policy must be taken in to consideration.

Human Trafficking, Sexual offences

Human trafficking and sexual offences are rapidly growing than ever existed before in Indian society. Gang rape and women trafficking grab the headlines of daily news. Many cases of rapes go unreported.

A basic question arises here, why the notion of mother, sister, brother, is getting dwindled in our society. Disrespect of womanhood is rampant, so to say, our eyes are gazed with lust on every woman. For the vested interests, women are bought and sold. The immoral traffic prevention act

1956 aims to deter any kind of practice trade and transport of human beings for obscenity.

(Commonly referred to as prostitution). It contains provisions for the rescue and rehabilitation of victims.¹

Despite the established law, social deviance is an order of the day, the upper section of the society encourages prostitution in the form of keeps and; call girls²; so to say, prostitution is being fashioned for so called intellectual girls, at this stage no law can eradicate this social evil.

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¹ The rights of Muslim women in india by Auj Talukdar, Rajesh Deoli

² Indian Society xii NCERT prepared by prof, K.L Sharma, Center, SSS, JNU

Special provisions

The Government of India set-up national commission for women a statuary body in January 1992 to examine minutely all matters for the development of the women and this body was given a power to amend the laws whenever is required and necessary.

Personal Laws

In India, a secular country, where there is no matter of religion in the government system, yet it entertains enough space to be governed by their specific religious doctrine in such issues like, marriage, mahr, divorce, maintenance, gifts, waqf, wills and inheritance. The matter of concern is that many times bone of contention lies between board and overarching power of state. Personal law encourages secular ethos to respect religious and cultural norms, at the same time strengthens the feeling of cooperation and generates mutual recognition as well as instills the sense of common goal for safeguarding the personal law. Proper maintenance of personal law by government marks the distinctive nature of pluralism in India.

problems related to the implementation of law

In India, various progressive laws have been passed for the women empowerment, at the same time, many significant amendments have been introduced to the existing laws for women's upliftment. Many women of our country are remained unaware about the significant provisions of the laws. There is great need to educate women about the legal provisions and to make specific provisions for free legal aid to women. ¹

Status of Muslim women in India; socio-religious economic perspective:

precepts and practice

We live in a country which rhetorically boasts of its shining position where the condition of women particularly Muslim women is a grave concern and alarming situation. Despite the all constitutional and legal guarantees, they are still face inhuman behavior and pathetic

¹ IGNOU ESO Society in india Unit 33

condition and are being meted out just like commodities. She is still identified as an object of scolding in the family, the experience shows that growing sense of disrespect towards women as wells patriarchal hegemony is overarching and overwhelmingly strong and deep rooted to allow any change in short run. the facts against Muslim women's amelioration is too glaring in terms of education, marriage, divorce, inheritance, proper involvement in socio economic development etc. further more contemporary Indian society has been exposed to the broad process of social transformation, economic development rapid industrialization and globalization. These processes have generated regional imbalances and augmented gender disparities. All these have affected adversely the various aspect of women's status in Indian society. Dowry harassment, divorce intimidation, apprehension about the change, indifferent attitude towards higher education of Muslim women, disgrace feeling towards little girl, these are the issues need to be tackled meticulously and efforts to be made to establish the significant position that she can uplift of her own self, family and the society at large.

Women's rights in the mirror of Islam; A comprehensive study

(Essential two wheels of life based on absolute love and tenderness)

Human life never exists without women, they are called as essential two wheels of life for the the continuity of human existence. Any indifference attitude and discrimination based on gender is a heinous and criminal offence as well as stigma to the human dignity.

According to The Quranic verses the relationship between husband and wife is as a source of happiness built upon mutual love and kindness. It is not denying the fact that before the advent of Islam the union of husband and wife considered as harmful for morality and spirit, as it hampered their development.¹.

It is not enough, Russian proverb says about the women, a horse may be good or bad it needs beating. There is a proverb in the Spanish one should shun an ugly woman but one should never rely upon a beautiful face. Whereas Islam elevated the position of women that never existed

¹ Siratul Nabi VOL.V

before, prophet Muhammad says: It means in the world and in it all things are precious and the most precious thing in the world is a virtuous woman¹

In fact, when the baby girl is born, Islam secures the right of women. She should be welcomed with joy and happiness.

Significance of upbringing Girls and exalted position to parents

Today, new born girl baby is disfigured in our society. When the tiding of the birth of female come to father, his face remains darkened. From beginning, they are burden to their parents, when they come to puberty, parents become anxious to get them married. This kind of burden repeats the age of ignorance bearing pathetic and heartrending condition. Prophet Muhammad given exalted position to the parents for upbringing their girls by saying that whoever looks after two girls and nurture and socialize them he and i will enter Jannah together like these two fingers.

Both are equally responsible

To the Islamic point of view, both are equally responsible in terms of fulfilling responsibility and practicing its obligations as Allah says in holy Quran; never will I suffer to be lost the work of any of you, be he male or female, you are members of one another²

Concept of Family: manifestation of women's elevated position.

No society can exist and prosper without having a first and foremost specialized institution named family³ characterized by proper selection of mates for marriage embedded with mutual respect, love and tenderness where women's rights have to be safeguarded. Marriage and parenthood are one of the main objectives of the Islamic legal system (maqasid al-shari'a). It is also narrated that the marriage and formation of a family is closer to the essence of religion which is "worshipping God" (Ibada), than to a human worldly dealing (muamala).

¹ Sahih AL-Bukhari

² Surah AAL Imran Verse 195

³ Indian Society xii NCERT

Compare to the past, parents are more preoccupied with materialistic approach in which family life lost its primary functions and responsibilities for which this institution was known for. In family, women have been made the queen of the house, as prophet Muhammad says the women is the ruler over the house of husband and she is answerable for the conduct of her duties ¹

Some ultra-modern intellectuals view this institution is an un necessary burden on individual freedom. In reality, the family institution safeguards husband and wife from anxiety and stress refraining from absolute freedom.

Marriage: universal institution of social development

marriage is one of the universal social institutions², it is named as a consenting contract based on the mutual agreement of the two spouses. In today's world, fornication is so easy than embracing marriage. According to prophet Muhammad's statement, consent of girl is obligatory for marriage nobody can impose her to marry with whom she does not want.

Let me put it clear here, the consent of wali (father of daughter, particularly), in the marriage of her daughter has a paramount place otherwise nikaah will entertain invalidity. It is not the task of few days, reality bears that immature marriages based upon fantasy of romantic love suffers strain and becomes impossible to bear and marriage ends in a failure. nowadays, notion of being unmarried is running on its magnitude where as ugly face of adultery and fornication is in practice. Just think If the institution of marriage is abolished, then the progress and development of the world would cease or not? and there would be confusion and chaos everywhere or not? as many countries face this worst situation these days. Women's rights by which they carry tantamount development for the society.

Education: first parameter to success

¹ Social System of Islam by Maulana Abul Ala Maududi

² Sociology C.N. Shankar Rao S. Chand Publication

Women's education occupies top priority for the nation-building. Without it, no society can prosper and flourish. The uproar of education in every nook or corner is clearly evident. But what type of education you are going to impart. Given the prevailing notion of education to get a handsome salary or get any profession to meet the consuming discipline is very disheartening. Let me put it very clearly, that everywhere the latent meaning of education is dwindling, the aim of education to humanize our life is going to be vanished, critical approach behind the meaning of education is losing to our academic life. Nurturing human life with utmost care from childhood lies in ethos of education. One may understand this clearly that first school of child is the lap of mother. It is very ironic to note here, that Islam whose first revelation begins with Read, how a follower of this divine law is illiterate.

Prophet Muhammad says to acquire knowledge is obligatory for every Muslim and Muslimah.

This narration explicitly demands for every Muslim men and women to attain knowledge; knowledge contains primarily basic injunctions of Islam so as they should not be ignorant about their faith. Knowledge also demands to have knowledge of this god-made vast universe in order to contribute for the welfare of society and harmonious world. There are many prominent women scholars and teachers whose contribution has adorned the illuminated pages of Islamic history.

Despite the glorious chapter of Muslim women and their meritorious efforts to the civilization in the past, Muslim women's education has a deplorable condition in higher education these days. many factors are responsible for this glooming picture overlapping each other, most importantly co-education by which many generations have lost their potentials suffered psychological and mental disruption and moral bankruptcy as judge Lindsey says that at least 45 percent of high school girls become sexually experienced before leaving the school and this percentage exceeds in later educational stages¹. Our system of education is not somewhat different to the decomposed culture. At this stage we have to think and ponder about the alternate where the latent meaning of education is to be secured.

¹ Purdah and status of women in islam By Maulana Abul Ala Maududi

Right to have own wealth or proprety

She has the right to own wealth or property earned or inherited. Very recently, western women were accorded for this right and Indian woman had wait until 1956 whereas Islam has already granted this right in surah Al-nisa verse 32.

freedom to express One's Opinion

No society can progress and flourish without freedom of opinion and healthy critic. In Islamic history there are many exemplary incidents which show the role of women's bravery based upon truth in front of ruler. Such examples are the manifestation of openness and accessible attitude of Islam. Hare i want to only point out to an exemplary incidence when Umer (ra) wanted to set an upper limit of the mehr a woman from the crowd raised her voice and recited the particular verse, Umer accepted his error and said woman is right and Umer is wrong.¹

Participation of women in jihad" SYMBOL of integrity and togetherness with noble cause"

Participation of women in jihad is a big blow against those who are constantly uttering that Muslim women's place is her four walls. Many modern women may be frightened by this noble contribution. A woman once asked the prophet shall we go on Jihad with men due to its excellence and awesome reward of Jannah, prophet declared that it is Jihad without any sort of fighting.

It is noteworthy here that prophet gave permission to take care of the injured and supply provision for mujahedin in some battles. A woman with a tribe of Ghifar came with their folks to the prophet, she told O Allah's Messenger, we wish to accompany you on this journey in order to nurse the injured and help the Muslims. Prophet responded; "Come May Allah shower His blessings upon you.

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¹ surah Al-nisa verse 20

women's participation for the promotion of good deeds and elimination of evils

Muslim women have equal opportunity to cooperate shoulder to shoulder for the dissemination of good deeds and wipe out the evils. By this way they would receive shower of mercy and many blessings.

Hijab: sign of modesty and womanhood

Hijab is a true sign of modesty and womanhood, it is not a compulsion but an obligation which speaks about her love to the creator, instills her role and responsibility, strengthens her in faith, preserves her god consciousness, just think and ponder how Allah commands in chapter al-noor to observe the satr of women should be covered even inside the home where close relatives freely come together. What a divine discipline in which women can expose their make-up and beautification such as jewelry or ornaments to other modest women and the men mentioned in greater detail in verses of Al-noor.

in case of outside home there is command to fulfill the duty of being good women wearing by wearing jilbaab, a long garment by which the entire body covered as Allah commands in chapter Al-ahzab so that they can safeguard their modesty and chastity as well as so as not to be annoyed"

here, Islam does not allow to mingle freely with men and women outside the close family group. it enjoins utmost wisdom and blessings, again, Allah commands for the purification of hearts if you ask his wives anything that you need ask them behind a curtain that is purer for your hearts and for their hearts"²

This verse commands all Muslim women to have such discipline. you may be heard Very recently the Hijab row was the issue of national debate where even good citizen of non-Muslims understood the essence of beauty of Hijab and its significance in this modern age.

¹ Surah AL-Ahzab Verse;59

² Surah Al-Ahzab Verse; 53

By this way, Islam establishes a society free from even for adultery of an eye. Both sexes are recommended to marry at suitable age in order to fulfill their desires lawfully. Marriage is very plausible and commendable institution based on informal mechanism. By hijab women's dignity and decency is safeguarded and protected. Their modest attire tells us that they are not beautiful object and very cheap for sale showing their availability in mini dress-up for wicked people. What happened with women who are constantly try to over masculine themselves wearing indecent clothes shorter than men when they fall prey to rape or molestation, they come out chanting slogans give me justice, sex is not crime. Adultery or fornication is not abhorred at all, but individuals are encouraged to have different partners, consequently, jealousy, mistrust dwell and life ends at failure.

women, s share in inheritance; manifestation of womenhood respect

Every Islamic law has farsighted approach for the wellbeing of the society. Many people fall in to fallacy about Islamic injunctions due to sheer ignorance, half reading or half listening, out of context interpretation to suit their interests. Islam has granted women the share of inheritance that never ever exists in the world history. One must understand that Islam revolutionized the women's inheritance rights granting them share half the males based upon scale of responsibility. If one just thinks rational behind this rule, and see in wider spectrum, socio cultural and economic aspect, he will surely demonstrate that female is much more favored financially than males. Issue of inheritance has a wider aspect with an enormous volume of details. Nevertheless, this issue needs clarity based upon reasons and intellect in order to establish thorough picture of inheritance. There are some beautiful reasons upon which women have much more advantage financially than their male counterparts.

- Any gift given to women before marriage is considered her own and her husband has no say legally on it even after marriage.
- Woman is entitled to receive marriage gift, this is her own property.

- She is never bounded to spend a single penny for household, even if she is rich, the full responsibility rests on the shoulder of her husband.
- The wife's earning through teaching or any investment is her own.
- In the case of divorce, if any differed part of the Maher is left unpaid it becomes due immediately.
- The divorcee women are granted maintenance facility during waiting period iddat.

Evidence of women

One should not shrug his shoulder to listen about the evidence of women regarding Islamic injunction that proof of two women is equal and similar that of one man, the logic behind if one forgets, the other have to remind her.

How the divine injunction minutely diagnoses the conditions and natures and accordingly gives the remedy. There are many signs for those who have intellect.¹

Divorce

Divorce is not a child's play, it is most abhorring and displeasing to god among permissible things. One can understand its ferocity on the society. It goes without saying, there are situations compelling to dissolve the marriage rather than formidable living. Many people believe that Muslim can dissolve his marriage at any time by three utterances. One must have clear cut perception that divorce process is much more favorable for women that never ever exists on the surface of history. Women's property is not divided in case of divorce, whereas men's property is divided if the divorce occurs according to the couple's marriage contract. It is generally believed that in the matter of divorce man is supreme and women is helpless, it is not the case, women have also right to dissolve the marriage based upon only valid reasons, this process is called Khul, aa. To understand whole system of Islam generally, particularly this

¹ www.sultan .org/books/women_rights and_duties.pdf

issue every one of us has a clear knowledge that every Islamic injunction is based upon men and women's biological and psychological differences not on the basis of superiority or inferiority system as western world advocates vociferously. Why we see high rates of divorce in western world today, the answer is very clear, financial independency of women, free culture to change the partners like garments, relationship based upon vested interests not upon mutual love, compassion, mercy, tenderness, fear of god, and many things could be attributed to this pathetic western life. Islamic essence of living encourages men and women to live based on mutual respect and to consolidate their bond of love as is highly appreciated;" the best among you who is best for the wife and children'1"

Right to trade or entertain other employment

According to Islamic doctrine, a woman is allowed to trade or work in institutions for women only, segregation must be observed as women's primarily place in his home, but she may do job if she has no one to support her or owing to shortage of her husband's income. As stated earlier, that Islam doesn't permit to have free mixing of men and women and mingle with each other outside the ground of close relatives. Women should go to educational institutions, mosques for prayers, listening the sermon of Friday prayer participating in workshops, seminars, conferences, provided they must be in segregation and separate places. They may give medical assistance to the injured in the battlefield if there is dearth of their male counterparts. When both sexes work and study freely at the same place, there is highly chance of Satan's temptation as intimacy comes and governs the temptation, otherwise harassment, molestation, day-night tracing, engulfs the society. sexual cases and harassment at the places of employment in western society are quite common and this menace is followed in Indian educational institutions, work place, etc. therefore, Islamic ethos teaches us to tackle the root of the problem from its beginning in order to refrain the society from obscenity and immorality.

¹ Al- Tirmidhi 3895

Need of the hour; Muslim women may play strenuous role for the betterment of Indian society

Every one of us has a great urge to get prominent position in no time, everywhere there is race of individuality, and magnitudes of temptation multiply, particularly in the women world. Verily, women have multiplied social dimensions rather than their male counterparts. Woman is an architect of humanity, without her existence, there is nothing for the world. It is the woman who can bring the solutions facing the society. if we look at social problems surrounding the Indian society today, duty of Muslim women multiplies to fully share the burden of the odious task of their community primarily and Indian society at large, it is obligatory for them to work for womenfolk and arouse in the hearts of women new hopes and aspirations for the service of deteriorating and sinking society. they should realize their responsible jobs outside their homes and prove their worth and merit.

Muslim women must be acquainted with social problems facing the society. they should discuss about the issues such as how to attain good recognition in the family and society as well as how to socialize the children to be good citizen and how to deter from juvenile delinquency, special care of safe drinking water, public sanitation, street light, sympathy towards aged and disabled people.

History bears the fact that many Indian women armed with two weapons plunged to change the course of history. Firstly, by educated women there was mission to promote Christian missionary and to purely Indian movements for training women, such as conducted by Sharda Sadan and the Seva Sadan. At that time, the dire need of women teachers was extremely felt consequently, a number of girl schools were started, soon after, the profession of teaching became very prominent among women. Besides teaching, they headed fervently towards medical profession. The profession of medicine was never looked down upon, therefore, they made their work immortal to this field. Our society urgently demands to Muslim women to plunge in to the field of education and impart the disciplined behavior, need of mutual respect, importance of compassion and sacrifice for the upliftment of society. Besides these, there is a handsome chance in business for women. Indian government is giving

reasonable amount of money for women who have business ideas to borrow and start their respected business and they are encouraged in order to have own source of income. Different NGOS are also heading to support women financially for carrying out business activities. In today's world, online business is most feasible for Muslim women as in France Muslim women have recently started this noble job.

Let me put it clear with assurance that if they have will power to change the society by hook or by crook, the transformation will come in to their feet. Let us illustrate this with some examples, if they began to say that I will select the one as life partner who is the best for good conduct, and I want only permissible provision for the maintenance of home, and need not culture of exorbitant mode of living and so on. This is great enough not only to change the attitude of men but society at large.

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