

Empowerment of Muslim Women and Muslim Women Protection of Rights on Marriage Act 2019

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Abstract

Indian Muslim women have been suffering from decades on the name of religion. The rigid laws of Islam have deprived half of the population of their basic human rights. Muslim women are suffering due to gender discrimination in all the spheres of life.

Muslims in India are governed by the Muslim personal law. This law deals with marriage, succession, inheritance and charities among Muslims. According to Islamic law husband can divorce his wife only by saying "you are divorced " three times. Islamic law is a religious law forming part of the Islamic traditions. It is derived from the religious precepts of Islam particularly Quran and the the Hadith. The article 14 of the Indian Constitution grants "equal protection of law" to all its citizens but when it comes to personal issues just as marriage, divorce, inheritance, custody of children, Muslims in India are governed by Muslim personal law ,which came in force in 1937.

According to Islamic law, husband can divorce his wife only by saying "You are Divorced" three times.

Triple Talaq in India has been subject of controversy arising many questions of gender equality, human rights and secularism. On 25th July 2019, bill is passed and on 31st July 2019 , it is notified as law in official Gazett. Muslim Women Protection of rights on marriage act 2019 is the key to the empowerment of Muslim women.

In this paper, I have studied the pathetic condition of Muslim women and their growing awareness. I have studied the impact of above bill and how they feel protected by the Act.

Keywords: Muslim Women, Empowerment Gender Equality, Triple Talaq, Personal Law.

Introduction

The constitution of India is secular, which gives full freedom and equal respect to all religions. The presence of large number of religions minority is the testimony of the secular state and they are allowed to act according to their traditions and religious beliefs. Muslims follow their personal law, the position of Muslim women in Indian Muslim society is always decided by the provisions of Muslim Personal Law, which are most repressive to women, Nowadays Muslim women are getting education and also they come across the electronic media and they feel that they are exploited on the name of religion and all the religions legitimize the subordinate position of women. Fundamentalist Muslims in India have accepted change in Shariat relating to criminal code on the basis that Islam is not considered to be in danger but refused to accept any change in Personal Law.

Religion and religious beliefs play an important role in the society. It provides individuals with a sense of identity, unite people and helps individuals to adopt all kinds of social change. According to Arnold W. Green religion has three universal functions—

1. It rationalizes individual suffering and makes it bearable in the known world.
2. It enhances self importance.
3. It helps to knit the social values of a society into a cohesive whole.

I want to state that religion unites and encourages to stand against injustice and wrong doings of others. It is also observed that Politics has been religionized and religion has been politicized. The collusion between religion and politics is taking place.

Indian Muslim women have been suffering from decades on the name of religion. Indian Muslim women are being sacrificed at the alter of politics and religion for catching their votes as they are dominated by male members of the family and have no choice but to follow them. Muslim women do not get the opportunity to have good education due to hijab (Burka). Nowadays some advance families send their daughters for education but their percentage is low. Most of them are also deprived of technical and Professional education. Due to lack of education, they are exploited on the name of religion and their developmental growth is very slow. They are still in the clutches of Teen Talaq and Hijab tradition and they are treated as Gulam in their household.

Objective of the Study

In this paper, author have tried to study the changing position of Indian Muslim women marching towards the road of empowerment, the objectives of the paper are—

1. To study the level of awareness towards gender discrimination.
2. To study the influence of Muslim Women Protection of Rights on Marriage Act 2019 on their empowerment.

Sample Size

The paper is based on 50 Muslim women selected through purposive sample from Varanasi city.

Islam is second largest religion in the world after Christianity. There are two major sects Sunnis (85% of the world's Muslims) and Shias (who comprises 15% of the world's Muslims) Muslims represent the majority population in 56 countries but the largest Muslim communities can be found in Indonesia, Bangladesh, Pakistan and India. The population of Muslims in India is 14.2% and they play very important role in politics of India as they Vote enbloc to the party directed by their Imams and Fatwa.

The rigid laws of Islam have deprived half of the population of their basic human rights Muslim women are suffering due to gender discrimination in all the spheres of life.

Muslim in India governed by the Muslim Personal Law. This law deals with marriage, succession inheritance and charities among Muslims Sharia Islamic law is a religious law forming part of the Islamic tradition. It is derived from the religious percepts of Islam, Particularly the Quran and the Hadith, the Article 14 of the Indian constitution grants "equal protection of law" to all its citizens. But when it comes to personal issues just as marriage, divorce, inheritance, custody of children, Muslim in India governed by the Muslim Personal Law, which came in force in 1937.

The male is in-charge of the female Quran 4.34 and women are led to believe that supremacy or man is the will of Allah and women are destined to live as submissive, obedient wife. The women are forced to believe that men are superior even testimony of women considered only half as compared of men. They should always wear Burka except before father and brother.

The sex differentiated roles are the root cause of gender discrimination. Unequal status, subordination and dependency is being maintained by using Violence as an effective tool.

The gender based division of work, subordination of women, dependency, hijab, lack of education restrict their social, economic and political participation and decision making power and freedom of movements.

In This study I found that 80% women think that they are inferior to their male counter parts and it is the will of Allah, 15% women, who comes from educated families feel that there should be gender equality and there leaders should come forward and try to change this position. They also want that their daughters should get good education and should be economically independent.

The pathetic socio-economic condition of Muslim community is the outcome of the negligence of the political parties and the leaders of their own community. They are treated only as the Votebank.

The most humiliating practice of Burka shows that gender discrimination suppresses Muslim women. Burka or Hijab is the tradition to control the women and segregate them from the system. They are considered sex object and belonging to inferior sex. Now educated women think that as long as Muslim women are secluded from public life their social, economic, political progress is impossible.

France, Belgian and Quebec banned Burka in 2010. Italy imposed fine on wearing Burka to maintain the gender equality. Recently Sri Lanka imposed ban on Burka when on the Easter Sundry Churches were attacked. In India the Muslim women are making hue and cry from every corner to ban Burka, they say that they do not believe that women are sexual distraction to man.

This study indicates that Muslim women are awakening and they are partially united to stand against the traditions imposed on them on the name of Sharia. A group of Muslim women has filed an affidavit that courts which govern marriage, divorce and family cases for India's 150 million Muslims should not be allowed to function as a parallel judiciary. This organization included the All India Muslim Personal Law Board (AIMPLB) and demanded that It should also be abolished to save the country from the clutch as of fundamentalists.

This study indicates that 95% women want that Burka should be banned they should go freely to any place and live the life of normal women, some families send their daughters to English medium schools and want freedom from Burka for their daughters but still 35% women believe that as their husbands are bread winner they should be considered superior to women.

According to Islamic law husband can divorce his wife whenever he wants. He does not require to given any reason. He can divorce by saying "You are divorced", three times. A women can go to court for the divorce only on the ground of impotency, insanity and not providing money for her basic needs. She cannot sue on the ground of cruelty according to

Quran. According to Quran husband can keep four wives.

Triple (Teen) Talaq in India has been subject of controversy arising many questions of gender equality, human rights and secularism. The debate has involved Government of India and Supreme Court of India and Uniform Civil Code (Article 44) on 22 August 2017 was also discussed and supreme court declared triple talaq unconstitutional, three of the five judges were against triple talaq and remaining two declared this practice constitutional but also asked the Government to ban the practice by enacting a law.

The Prime Minister presented the bill "The Muslim Women Protection of rights on marriage bill 2017 and passed by Loksabha on 28th December 2017 but resisted in Rajya Sabha but was finally passed on 27th December 2018 with strong support but in Rajya Sabha the opposition demanded to send to select committee triple talaq is a 1400 year old practice among Sunni Muslims. Triple talaq is not mentioned in the Quran or Sharia Law. At present it is contradicted and disapproved by Muslim legal Scholars even it is banned in several Muslim countries. It is also to be noted that these laws are not applicable to Muslims who have married under the special marriage act 1954.

Triple Talaq bill of 2018 could not be passed in the parliament session, Government issued an ordinance to make this practice illegal and void and the ordinance was approved by the President on 12th January 2019. But it was for the short time.

Nearly 33 years after Shah Bano case which snatched the rights of Muslim women for the sake of appeasement policy of Congress. The Supreme Court concluded the Triple Talaq cannot take away the maintenance rights of a divorced Muslim women this case considered to be a milestone in the struggle of rights of the Muslim women. She fought against the system of Triple Talaq and won the case, but due to appeasement policy and contradictions of the Muslims, Congress passed the "Muslim women protection of rights on Divorce Act 1986" which diluted the judgment of the Supreme Court and restricted the right of Muslim divorcee to alimony from the husband only 90 days after the divorce. However in the later judgement Supreme Court Act 1986 was nullified.

Triple Talaq is the most serious problem amongst Muslim women for which present government came forward large human of Muslim women Voted for BJP, became they were sincerely trying to abolish Triple Talaq.

The bill is passed by Lok Sabha on 25th July and Rajya Sabha on 30th July 2019. After signed by the president of India on 31st July it is notified as law in official Gazette on 31st July. This Law is effective from 19th September 2019.

Now Teen Talaq cognizable offence with the provision of imprisonment up to three years. It is also worth mentioning that Teen Talaq is prohibited in 19

Muslim countries including Pakistan, Bangladesh, Indonesia, Malaysia, U.A.E, Iraq etc.

Conclusion

This study concludes that Muslim women are getting aware of their situation and want freedom from Triple Talaq. They are enthusiastic about the abolished of the ageold tradition and they feel that will not live under the threat of Talaq and insecurity.

The study also indicates that Muslim women are coming out of their shell of Sharia and marching towards the goal of empowerment. For the first time in Indian Political history a large number of Muslim women voted for BhartiyaJanta Party in 2014 and again in 2019 against the wishes of their counter parts and Fatwas of Imam.

Suggestion

The suggestions are that Muslim women should come together and form welfare societies for their community.

The religious leaders and social activists have neglected their task of educating and mobilizing women.

The N.G.Os should also come forward to take this task. There is a strong need to build self confidence and strengthen the linkage between women organizations for welfare a oppressed Muslim women in their community.

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