

# **A CRITICAL EVALUATION ON THE RIGHTS OF MUSLIM WOMEN IN INDIA FROM ISLAMIC PERSPECTIVE**

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## CHAPTER-VII

### CONCLUSION AND SUGGESTIONS

“I raise up my voice not so I can shout but so that those without a voice can be heard, we cannot succeed when half of us are held back”

Malala Yousufzai

To draw out conclusion from any research work is the most difficult and compendious task, for a researcher. It requires a substantial amount of determination and expertise to submit any research work to conclusion and also requires a good deal of time and forbearance of the researcher. To this I remembered the everlasting words of leading Greek Philosopher Socrates who said, “I know nothing except the fact of my ignorance”. My inexperience and incomprehension may be detectable everywhere in this research work a mainly noticeable in this concluding part of my research. However, after all hardships are over, in submitting a research work prosperously, it gives cheer to researcher that all hard efforts have showed to be productive in the achievement of the researcher goal and the search work has constructed some sort of benefaction in the wide domain of understanding of the world.

The Present research work is carried out to bring forth the rights of Muslim women from Islamic perspective. The research work throws light on the basic rights of Muslim women in context to marriage, mahr and divorce. It emphasised upon the discrimination of Muslim women in every sphere of life meted out in a male dominated patriarchal society. The research work include the analysis of rights granted by the Holy Quran to Muslim women and the misinterpretation of Quranic verse, resulting into gross violation of rights of Muslim women in India.

Chapter one of this academic venture emphasised upon the introduction of the research work. The introductory portion gives details about the importance of both male and female as the foundation of a society. Female are the emblem of God’s heavenly

power. She is regarded as one of the strongest pillar of the society, even though she is deprived of her basic rights. The disparities are being faced by them from many years and still continuing till today. The chapter also emphasised upon the position of women in Pre-Islamic as well as in the Islamic period. The study shows that Islam grants enormous rights to Muslim women but in practice, the situation is alarming. The chapter provides details about the significance of the study, objective of the study, research hypothesis, research methodology, review of literature and lastly the chapter plan of the study.

Further second chapter of this research work shows the origin and development of Islam in India. Laws may either be territorial or personal depending upon the application of a particular branch of law. Thus, the Mohammedan Laws applied upon the Muslim Sections of the Indian Society. The Holy Prophet says, Muslim law is commandment of God and the Sovereigns in the Muslim States and it is his (Muslim's) duty to follow it literally. This chapter traces the development of Islam in two phases i.e. Pre-Islamic Arabian Society and Advent of Islam under the guidance of Holy Prophet. Islam has its birth in Arabia, the Society was culturally barren like the land of Arab. The inhabitants were leading a laborious life due to the climate which was meagre. In Pre-Islamic Period, no common religion was followed by the Arabians. Few of them worshipped Idols and few of them worshipped the nature, this period was known as 'Jahiliyah' (the Days of Ignorance) as there was no recognised religious system, no inspired prophet no revealed book. The customs prevalent in Pre-Islamic were barbaric and inhuman. There was also a custom of burying alive on unwanted female's child. Birth of daughter in the days of Ignorance was considered as shame. No human values were given to women and they were treated in a very disrespectful manner. Another important feature of Pre-Islamic Period was the severe and deterrent punishment for crimes.

Prophet Muhammad (PBUH) appeared as a saviour to the people of Arabs with a new religion known as 'Islam'. Islam has elevated the position of woman to a somewhat respectful position. Prophet Muhammad was a thoughtful and a religious person. He

was a great social reformer, for the betterment of the society, new principles of life were laid down by the Holy Prophet (PBUH). The evolutionary period of Muslim law may be divided into five periods. The first period (622-632 AD) is known as legislative period. This period starts with Hijarat and ends with the demise of the Holy Prophet. In 609 AD at Mecca, Muhammad received the first revelation and thereafter began the communication of reservations. The primary sources of Muslim law, the Quran and the Hadith are the fruitful consequence of the last ten years of Prophet's life (PBUH). The second period (632-661 AD) is the Caliphate period, lasts for 30 years. In this period, the scattered revelation was given final shape. The third period (661-900 AD). Importance of this period was the development of Muslim law in many aspects. Sunnat and Ahadis were collected and examined, Qiyas were signified as the most scientific method of legislation. The fourth period (900-1924), the introduction of the four Sunni Schools begins in this period. The fifth period (124 AD till date), the Caliphate period was abolished. Ijtihad helps in developing Islamic law. The Britishers enacted many legislation dealing with family matters. The chapter also analyzed about Quran as the foundation of law, basic principles of Islam, Application of Muslim in India. Analysis of Sources and Schools of Muslim law was done by the researcher. The Chapter make a details understanding of status of Muslim women in Pre-Islamic Period as well as in the Islamic Period.

In the Pre-Islamic Arabia no legal rights were granted to Muslim women, the practice of female infanticide, unlimited polygamy patrilineal marriage was prevalent.

However, after the advent of Islam, noble improvements were carried by Prophet Muhammad. In some part of Arab patriarchal system was replaced by matrilineal system. Many rights like inheritance right, property rights and in matters of divorce too right were granted to them. There was emancipation in the position of women and most significantly female infanticide was abolished. Consent of bride to the marriage becomes imperative which was not important in the pre-Islamic period. Muhammad (PBUH) also favours the right of women in the sphere and education and economic filed. The amount of Mahr has now become the sole property of the bride which

earlier goes to the father or the brother in lieu of the expenses incurred in the marriage. The condition of widows was also pathetic in the Pre-Islamic Period, which again was secured by the Holy Prophet by the making provision for the remarriage of the widow. In the Islamic period women are no more a commodity she has her own independent existence.

The concept of Muslim marriage and the marital rights of Muslim women is emphasised in chapter three of the research work. The almighty Allah has ordained Marriage as the most correct and legal way to reproduce offspring's and brings them an earth. In pre-Islamic Arabia, many forms of marriage practices existed for instance marriage by agreement, marriage by capture, marriage by Mahr and Mutah or temporary marriage. Regular marriage does not exist during the pre-Islamic period. Polygamy, Prostitution and adultery were the frequent occurrence in those days. After the advent of Islam, Muhammad (PBUH) reformed the laws and procedures of Marriages. The true interpretation of verse of Holy Quran was revealed which banned the practices prevalent in the Pre-Islamic days. Marriage by inheritance was forbidden and dowry previously regarded as bride price becomes a nuptial gift of the bride as her personal property. For a valid marriage consent of the bride, proposal and acceptance in the presence of two witnesses are mandatory. The wife was made a sharer in the inheritance. Thus the Holy Prophet Muhammad (PBUH) brought remarkable changes in the status of women with regard to marriage.

The primary object of Nikah is to legalise the sexual relationship between husband and wife. Regarding the nature of Muslim marriage, there is uniformity. However after analysing the various juristic opinion, it may be summed up that Nikah is neither a civil contract nor as a sacrament but the semblance of two. The marital rights of women are entitlement to Mahr, recovery of maintenance, right to receive equal treatment and equal share of husband's property, right to work, one of the important marital right of a woman is that she can dissolve her by invoking the provision of law.

Understanding about the concept of polygamy and its impact on women's right through various literary sources, inference may be drawn that it has become as of the

rites of Islam. Polygamy was only granted after the battle of Uhud to meet the emergency situation. In Islam, monogamy is general rule while polygamy is only an exception. Polygamy violates the privacy right of Muslim women. So awareness among women about their rights is the need of the hour to stop the evil practice of polygamy. Islam never support polygamy and impose restriction as to the number of wives to four. Islam command strict maintenance of equality among all the wives which is beyond the human capacity, thus in other word Islamic ask and prefer for only one marriage i.e. monogamy.

A deep study of the concept of Mahr has also been done by the researcher in the latter half of chapter three, it was found that Mahr is neither pre-Islamic nor non Islamic concept of Islam but is angelically ordained concept of Islam which has its origin in the Holy Quran and in the Hadith of Holy Prophet (PBUH). It is proclaims as one of the pecuniary rights of wife. It may be in the form of currency, Jewellery or any other commodity of value. In Pre-Islamic Period, Mahr was handed over to the father, brother or other relative of the bride. For a regular valid marriage the husband must fix some dower, which becomes the exclusive property of the wife. After the rise of Prophet Muhammad (PBUH), Mahr becomes binding in every marriage irrespective of its value and quantum. Mahr may be prompt or deferred depending upon the nature of its payment. The object of Mahr is to impose an obligation on the husband as a mark of respect of the wife. It is to be noted that the claim of wife to mahr did not fail even if she embrace another religion for instance Christianity, because Muslim male can have valid marriage with a kitabia, thus the wife shall be entitled to deferred dower after the dissolution of marriage. A critical analysis of the Institution of Mahr reveals that a wife may refuse to her husband in case of restitution of conjugal right to him on the occasion of non-payment of prompt dower.

Fundamentally Mahr provide for cornerstone Bridge upon which the institution of marriage rests. It is not a pressing method but a refining means of appealing and resting faith mutually with a amiable gesture by handing a gift to other with extended heart and smile. The foundation of Mahr lies in the Quran and Hadith where the term

Sadaqah, ajr and fariezah has been used which is not same as Roman donatio propter nuptians, French dot, Hindu stridhan and tradition like bride price and dowry in Islam. It is an essential requirement of Nikah and is legally enforceable as its non payment will be the infringement of provision of Holy Quran.

The study shows that the payment of Mahr is very rarely made prompt that the time of marriage. Although it is to be noted that the Holy Quran command for fast accomplishment of Marh. Again, it is to be understood that Mahr is not something in lieu of maintenance. There is huge difference between mahr and maintenance. Mahr is payable as a symbol of love and respect at the time of marriage where as maintenance is payable on the dissolution of marriage for which Islam provide a separate set of rules. The two cannot be tuned together. Chapter four discusses the right of Muslim women in context to divorce. The institution of divorce known as Talaq under Islamic law has been the most controversial subject and till today a much debated topic whenever the question of gender equality in Islamic society is consider. After an exhaustive study of relevant verses of the Holy Quran and other literary sources on the subject, the researcher found that there are different rules of divorce for men and women. The Muslim husband has been given the right to divorce, the process is known as Talaq and when the divorce is initiated by a Muslim women it is known and Khula. The rights granted to both men and women seem to be equally balanced and no one is having rights inferior to other. But in real practice Muslim husband has predominant authority without any sufficient check on his fickle power of divorce. Islam permits divorce only in such cases where the parties to the marriage cannot reside under the same roof. In pre-Islamic period, the power to divorce is solely granted to the husband. The powers are boundless and so exclusive that they can separate their wives at their own whims and fancy.

The status of women was very pathetic as the husband can arbitrarily accuse her wife of adultery and leave her. Even pregnant women were divorced in the pre-Islamic period. The Holy Prophet (PBUH) of Islam looks unilateral divorce with extraordinary objection. He started allowing the husband to divorce heir wife only on

reasonable grounds in there distinct period when the wife is free of menstrual cycle so as to encourage reconciliation between the parties. Woman was also allowed to seek divorce on reasonable ground from the husband. It is to be noted that unknowledgeable people who uttered divorce thrice in a single sitting was deemed to commit a sinful act which is against the verse of Holy Quran. The Holy Prophet highly dislike this mode of talaq as there is no chance of reconciliation and no scope left to bring back to the wife . Such utterance of Triple divorce is direct violation of Quranic Verses 4:35, 4:128, 33:49, 65:6, 65:7, 2:236, 228:229 and the Hadith of the messenger of Allah. Although Talaq-e-Biddat disapproved by Holy Quran, the Courts in India, held the pronouncement of Triple Talaq valid. However, it has now been an act punishable by law by the Muslim women (protection of rights on Marriage) Act, 2019.

The Islamic law provides two ways by which a woman can obtain divorce from her husband. Firstly by Khula, Mubarat i.e. by mutual agreement between the parties and Talaq-e-Tafweez. And secondly by seeking judicial decree on any of the grounds mentioned in the dissolution of Muslims marriage Act, 1939. In the first mode, the wife can seek khula only with the consent of the husband and in talaq-e-tafweez the power to divorce must be delegated to her by the husband. Khula generally is taken by wife by giving up a part or whole of the Mahr given to her by the husband so as to obtain the consent of the husband to release her from the marriage bond. Talaq-e-tafweez is a strong weapon with the Muslim wife to obtain divorce from the husband without the intervention of Court, but if the delegation is granted only upon a condition which is against the interest of wife then, she only have one resort to get separated from her husband i.e. by invoking the provision of law. The practice of Ila and Zihar mode of Talaq is very rare in India.

Again, if the husband falsely charged his wife of adultery, the wife can seek divorce on such allegation, levelling the wife falsely of adultery is known as lian. Apart from it the wife have other grounds of divorce like option of puberty, conversion, impotency, communicable disease, desertion, disappearance of husband by which she can get separated from the husband.



Thus, it may be submitted that Islam has given equal rights to both male and female with regard to dissolve the marriage. It is misinterpretation and misconception of the verse of Holy Quran that has brought inequality to Muslim women in practical experience. One of the evil consequence of triple divorce is Nikah Halala because once the husband divorces his wife she become unlawful and cannot live with him until she marry someone else and then get divorced, so that she may be allowed to remarry her previous husband. In Islam there is no theological basis for Nikah Halala. Nikah Halala stands violative of fundamental right guaranteed under the constitution of India.

Chapter five of this academic venture focused upon Muslim women and gender inequality in Islamic society. Gender inequality with respect to Muslim women is an ancient experience. Muslim women had been suppressed and oppressed by the male dominant society since many year and till today inequalities and discrimination is visible in every walk of life be it social, political or economical sphere. The central role assigned to Muslim women in a society is either motherhood or wifeness. Major inequalities are noticeable in the sphere of Health, Education, Financial availability and work opportunities. The essential cause of such discrimination and suffering is nothing but only due to their gender because the depiction of Muslim women is weak, delicate and downcast where as the men are considered as powerful, tough and capable of handling everything in a correct manner. However the roles carried by both men and women is according to their capacity in a society. The deep analysis of verse of Holy Quran makes it clear that Islam maintain equality between men and women. Inequality between the sexes exist due to patriarchal setup of Indian society. Moreover the traditional rites of Polygamy, Triple Talaq and Nikah Halala ruined the status of Muslim women to a greater extent. Inequalities are visible in every sphere which is evident from the gender indicators like son preference, sex ratios, health care, education, marriage spousal age differences. It is very unfortunate to mention that Muslim women face disparity not from cradle to grave but even before she is born. Sex biasness exist throughout her life which starts right from the inside of house. For instance in family itself from marrying early, giving delivery of children at tender age

without any accepted nourishing requirements and medical care results to many deficiencies and disease leading to maternal deaths. In other sphere too the picture is gloomy, similar situation was revealed by economic and social indicators. Female workers are paid less in comparison to male. Even in political field, the participation of women is less satisfactory. Illiteracy, lack of awareness, poverty and stamp of second class citizens are the factors for the low status of women in society. The Holy Quran command equal rights to men and women. Women have been granted independent existence in matter relating to family, financial resources, and may take part in public matters unless interferes with her family duties.

Gender disparity also been seen in health status of Muslim women, the study reveals negligence and resourceness are the vital reason of the poor health of Muslim women. Most of the Muslim women have less knowledge about AIDS. The sickness which is caused by HIV virus. Increase infant mortality rate and malnutrition of female children are visible. It is to remember that if the health of women is well in a family than only the other member give less importance to their health as the daily work load of household activities hardly allows her to think about herself. Most of the women are prone to reproductive tumours, cardiovascular disease and threat of Pre-Natal birth. Awareness of Muslim needs to be enhanced through health oriented educational programmes.

In the Education sphere too, Gender discrimination has same situation certain factors are deemed to be the cause of less education of Muslim women. They are socio-economic factors, child marriage, domestic responsibilities is discriminatory treatment among girls. However, it is to be noted that Holy Quran in verse of Surah-Iqra emphasised about the education of both men and women is a society.

The chapter also analysed the concept of uniform civil code towards gender justice. The framers of the constitution of India were fully aware of gender inequality and disparity of women so they incorporated Article 44 of the Constitution which provides for uniform civil code with the goal that may be in practised in future. In the analysis of Muslim personal law, it becomes clear that Muslim women have been given inferior

status in most of the personal matters due to misinterpretation done by the religious practitioners. Article 44 was made with an aim to promote unity in the nation and to achieve the ideals enshrined in the preamble to the constitution. Although other personal law has been changed to cope up with the changing needs of the society. But there has been no such amendment made in Muslim personal law due to resistance from Muslim community. It was observed by Justice Kuldeep Singh, in his leading Judgement in *Sarala Mudgal V. Union of India* (1995) 3 SCC 635 that Article 44 is founded on the concept that there is no connection between religion and personal laws. The Court pleaded the Government of India to secure uniform Civil Code for all citizens of India.

Thus, it may be summed up by saying that gender justice cannot be achieved in its complete sense, unless there is a uniform civil code comprising the finest arrangements taken from all the religions, with the ultimate goal of doing gender justice. However it is cardinal to note that only rights are uniform not the rituals otherwise it will prejudice the basic structure of the constitution i.e. Secularism.

Chapter six of this academic venture stress upon the constitutional and statutory rights of women. The constitutional rights guaranteed to Muslim women are established rights and the rights guaranteed by statutory legislation are the lawful rights. The preamble to the constitution contains the ideal of gender equality to women and additionally entrusts with the state to frame laws for pragmatic discrimination in support of woman. The government of India enunciated laws, policy, plans and schemes to empower women in all the spheres. Moreover, India is also a signatory to various international conventions. Protection of women's rights and welfare provisions for women are enshrined in the preamble, fundamental rights, fundamental duties and directive principles of the constitution of India. Article 14, 15, 15 (3), 16, 39 (a), 39 (b), 39 (c), and 42 of the constitution are of much importance in this aspect.

In spite of guaranteed rights by the Supreme law of the land. Muslim women are fighting and struggling to preserve their worthiness and liberty. Understanding the personal law properly and the legal and constitutional rights of a woman are very

much pertinent to strengthen the position of women in the society. Empowerment of Muslim women in legal, social, political and economic sphere is the need of the hour.

Legislations to strengthen the conditions in sphere of wages, maternity entitlements, and equal remuneration and property rights are enacted to assist the woman section in the specified areas. To ensure social justice to Muslim women, one of the important efforts should be codification of Muslim personal law in our country which is the biggest threat in this context. Again illiteracy among Muslim women prevents the aspirations of the framers of the constitution to become a reality. It is to be remembered that there is still a huge gap between constitutional rights and its application in reality. The chapter also study the institution of polygamy and the constitutional standpoint. Article 13 provides any law in contradictory with the provision of constitution is void. Article 14 declares, the state shall not deny to any person.

Equality before law and equal protection of the laws within the territory of India and Article 15 (1) forbids the state from discriminating against any citizen based on religion, caste, sex or place of birth. It was viewed by some legal expert that polygamy in one religion and punishing the some in other religion is unfair. Again polygamy of Muslim male and monogamy for Muslim female is violative of Article 15 on the Ground of sex. Similarly allowing Muslim male to marry a kitabia and prohibiting a Muslim female to marry a kitabi is discrimination on the ground of sex. The provision of Talaq, entrusting enormous power to husband to pronounce talaq on his wife, no such power is given to the wife in respect of Talaq. Thus, it was found that there are some practices like polygamy, Nikah Halala and triple talaq are violative of the provision of the constitution. Therefore from the entire analysis of the research work it was suggesting that Muslim women have been facing problems in India particularly, due to inflexible and stubborn attitude of Ulama towards the Shariah law and also mainly because of wrong interpretation of Holy Quran. The fundamentalist belief that Muslim women are both mentally and physically weak and they are unstable with regard to emotions, so they should be under man's control. There is an urgent

requirement for arranging programmes in every society under which Muslim women must be available to know about their basic rights as a citizen of India and the rights with respect to Muslim Personal law so as to raise their socio-economic status in the country.

In the concluding note it may be said that Islam is the only religion which provides for thoughtful laws for the well being of women. In spite of the fact that fourteen hundred years ago, Islam grants to women rights, roles and duties yet, the Muslim women are considered as oppressed by Islam. The Holy Quran indispensable in man's life, and she is not subordinate to him. Islam always affirmed women as an independent personality and commands equal treatment to both man and woman. But in the present time, the status of women in the Islamic society reveals that there is huge variance in the teaching of Quran and actual Islamic practices. The practices are unfair towards women not because of the Quranic injunctions but due to the irrational interpretation of the Holy Quran by some of the Religious practitioner.

It is however significant to note that no doubt dominance of patriarchy are the reason for degraded position of Muslim women in the society, but due to lack of education and unawareness of their fundamental rights enshrined in the constitution of India and also under Shari'ah has led them to struggle more in every sphere of life. That is why Prophet Muhammad (PBUH) also emphasized for acquisition of education and knowledge to all the followers of Islam. Islam commands involvement of women in public affairs. But in real practice such commands were not followed and women were restricted to education. Their position on in the society got worsened. It is essential to understand that to develop the Muslim community in India, it is very important that Muslim women which constitute of half of their population should not be weak and indolent. The only solution to this situation is to provide education to Muslim female and allowing her to take part in socio-cultural activities of the society. The following are certain suggestive measures that may be fruitful to refine the basic rights of Muslim women in the society specifically from Islamic perspective.

**Suggestion:****1. Improved Nikah Nama:**

An improved systematized with prudent organized Nikahnama should be accessible to all for the common use, the old Nikahnama should be replaced by a revised one, comprising of condition of Mahr, Talaq and maintenance should be available for the general public, both the parties to the marriage must mandatorily go through the contents of Nikahnama.

**2. Age of Marriage:**

The Marriage age of Muslim girl must be 18 years, in many cases they are given in marriage at the tender age, which hampers their education. So, marriages before attaining majority should be punishable by law, the consent of bride (girl) to the marriage must be obtained without force, fraud and undue influence.

**3. Awareness among Muslim Women:**

There is an urgent requirement of arranging awareness campaign for spreading knowledge about marital rights of Muslim women, mass education about the principles of Islamic law, Women in particular, are to be educated about the actual concept and working of Islamic law is the need of the hour. There is an exigency of awareness among Muslim women with respect to the rights enumerated in the Holy Quran. The study reveals majority of the Muslim women are unknowledgeable about their basic Human Rights, Educating Muslim females is the immediate requirement. Thus Qazi and exponents of Islamic law should come forward to sensitize about the importance and utility of rights of Muslim Women. Young married women should be permitted by their husband to continue their education. Since, marriage at the young age drastically hampers the education of the young girl. Legal researcher and the experts of Islamic law should come forward to disseminate the knowledge of

personal law to all particularly to Muslim women through the means of T.V. News Paper, internet an advertisement in the local newspapers.

#### **4. Mahr as an exclusive rights of Muslim Women:**

Mahr is an essential requirement of Muslim marriage and it is to be differentiated from mere traditional payments like jewellery and other item offered to the wife at the time of marriage. The amount given as Mahr should be a reasonable amount with consent of both the parties. In real practice Mahr should be delivered to the wife so that it serves as her economic purpose. Mahr is not a measure to prevent talaq for which excessive fixation of Mahr has been seen in practiced. Mahr is considered as a sign of respect and love not as a mere monetary benefit. It has been seen that real object of Mahr has never been served. In spite of fixing higher amount of Mahr it would be desirable that behaviour and ethical values should be emphasised more and also importance should be given to intellectual of both the parties to the marriage. The mode of Payment of Mahr should generally be prompt so as to avoid future issues. In respect to refusal of conjugal rights for non-payment of prompt Mahr, the instruction given by Abu Hanifa should be followed which viewed that the wife has the right to refuse for husband society for non payment of Mahr regardless of the fact that the marriage has consummated already between the parties. In General practice it has been visible that illiterate and semi-literate society, Muslim husband takes plea of relinquishment by the wife the right to claim mahr before consummation of marriage. It is to be noted such practice is against the spirit of Islam.

#### **5. Awareness about Talaq:**

In the era of globalization, it is necessary that Muslim women should understand the importance of Mahr. So that it may serve as economic security to her, Muslim women should be known about the institution of Talaq-e-Tafweez, Khula, and Mubarat, seeking Khula for the Muslim women with the consent of husband in India is a troublesome task, thus there is a need for

judicial Khula to be introduced in India, awareness regarding triple talaq being punishable by law should be made to a larger extent, pronouncement of Talaq in the absence of witness should be abolished particularly talaq through electronic medium, appointment of Arbitrator for reconciliation between the parties to the marriage should be encouraged in Muslim society, no pronouncement of Talaq should be effected during the pregnancy of the wife, once divorce is effected, maintenance be available to her right from the moment she is thrown out of the home and not from the date of the application of petition, the quantum of maintenance “Mata” should be reasonable and fair to meet the contemporary needs of the wife, measures should be taken to remove ambiguity between Mahr and Maintenance. Most of the Muslim women believe that Mahr is the amount given in maintenance once divorce is effected. Institution of Polygamy or Bigamy should be abolished, and if practiced than it must be in rare situation that too with the full and free consent of first wife.

#### **6. Removal of Gender Disparity:**

Half of the population of the world is women they are worthy of enjoying all rights and privileges irrespective of type of any type of disparity or biasness. This should be the goal of the existence of the social life, gender discrimination is implanted in the attitudes of people. Therefore, a remarkable alteration in the hierarchical paternal societies is the urgent need. A new system of relationship should be evolved where men and women will have equal right and both are complementary to each other, differentiation between baby girls and baby boys beginning from their birthing should be stopped at the earliest. Preference for a son is the cause of female foeticide and major reason of gender biasness. There should be equality between girls and boys in all matters be it education, work opportunities etc, Muslim women must be educated as it will widen their outlook and make them known about their right and obligation in the society. Illiterate women are more prone to face disparities in every field where as



educated women have a better position as they have idea about their rights, isolating Muslim women will not develop the community. Her role is unique both in family as well as in the outer world. So, the dignity and worthiness of her should be fully recognised, Elimination of Gender discrimination in every sector should be top most concerned in the field of social, political and economic etc.

#### **7. Role of NGOs:**

Assistance of Non-Government Organization (NGOs) should be helpful in making Muslim female aware of their right form Islamic Perspective. Most importantly women should unit themselves and start a well built movement so as to protect their rights and combat all issues discriminating against them. There is also a need of women's participation in various policies, schemes and programmes meant for their betterment as the beneficiary will feel comfortable to interact freely.

#### **8. Need of Uniform Civil Code:**

A uniform civil code is of urgent necessity, however there provision of Article 25 and Article 26 of the Constitution should be taken into consideration. Codification of Muslim Personal should be encouraged by the government with the support of respected Imams and Ulemas of Muslim community. It is to be noted that reforms or codification should not be in such a way that goes beyond the limits put up by the Islamic law. Framing of Uniform Civil Code should in such a way to incorporate with all the best personal laws without violating the basic structure of constitution of India namely secularism. Mere enacting laws for the welfare of women will not fulfil the desired goal. Thus it is recommended that there should be some enforcing agencies who will look the actual execution of laws as and when situation demands so. These enforcing agencies will act in consonance within the family welfare centres. Study reveals that women's are sufferers mainly because of the attitudinal

mindset of patriarchal family. Thus, a common code of human behaviour should be set up irrespective of any religion.

**9. Awareness about Legal Knowledge:**

Legal education should be compulsory in the academic Institution, thus, enabling women to know about their basic rights, the provision of the legal aid is implicit from Article 21 of the constitution, a woman who is victimised should be inform of her right to have access to the Court extension of legal aid should be made to woman whose basic right has been infringed, effective implementation of welfare legislation relating to women should be carried out to ensure protection from any kind discrimination, all international human rights agency should include the suffering faced by Muslim women to protect them against all types of discrimination, last, but not the least Muslim men should grant their woman be it daughters, sisters, wife and mother all the basic rights entrusted to them under Muslim Personal law for instance right to live with dignity, right to choose life partner, right to Mahr and maintenance.