



A SOCIO LEGAL STUDY OF MARRIED MUSLIM WOMEN IN CONTEMPORARY INDIA

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ABSTRACT

A annexure after which a man and woman officially became each other's life partner in the eyes of law and community people and support each other within the restrictions of what has been laid down for duet in the terms of rights and obligation. The contract of Islamic marriage which has a veritable meaning of the work Nikah is the physical kinship amid man and woman, which makes the relationship legitimate. Nikah is an Arabic term used for marriage, meant discrete forms of sex relationship between a man and a women instituted on certain affair. This paper decodes that how women were demeaned as chattels, and were not given any privilege of inheritance and were the roughly dependent. First, I exhort you about how consuetude of marriage executed from pristine period and how the mechanisms transform for execution of marriage in Muslim community. This paper assist you to understand the detailed iteration and struggle faced by the married Muslim women in the contemporary India, radix of Muslim marriage and grounds of dissolution of marriage. The prime purpose of me to do research and compose on this subject is that now regime has aroused on this significant and sedate matter and made umpteenth law to seek grievances of women and to bestow them justice from erroneous behavior of laity. After wrote this paper I got to cognize that it's a wakeup call now that we need to change

our vision for women and moratorium to treat women as an object, it was prophet mohammad who brought an absolute change in the position of women but now we all need to stand by women and raise our voice for their concern.

INTRODUCTION

Marriage formed by the wedding customs and rituals prevailing in the Muslim word, though Islamic marriage depends upon the regulations of government and the origin of country. Quran specified both Muslim men and women as the set of cloth, guiding the concept that a married Muslim couple are like garments who complete and protect each other, "cover and conceal" the body of human being. Creation of marriage in United Arab Emirates begins to happen since a week before, which includes the wedding date and preparation. Wedding events start to happen with groom and bride and nights dazzling with singing and dancing. Whereas in the United States of America, Muslims come from many background, which involve the Muslim communities from South Asia, Arab countries and recently the largest segment from East Africa.

The rituals and customs are heavily influence for commemoration of Muslim wedding; Nikah will be the central events in all American- Muslim wedding. The wedding is superintended and oversees by Muslim cleric, an Imam. Albeit, the Muslim wedding can be done anywhere in mosque, either in bride's home or reception hall. As stated by the survey of North American Muslim that the merger of two or more countries, for instance, the two most popular colors of wedding dress is specified as red and white. Muslim wedding ceremony in China followed norms and customs practices in the



20th century, for instance wearing western clothing such as white wedding dress, however china religion rituals are used by Chinese Muslim marriage. Sultan and Mughal were the gossamer of the Islamic religion, who handed Islamic tradition to the medieval Indians. The compage is the similar to the Middle- Eastern Nikah; Muslims who belongs to Indian country generally obey those customs which are practiced by Muslims of the Middle East, based on Islamic convention. The rituals followed by Indian Islamic wedding ceremony is by proceeded by sending groom's baraat to the decided place of execution of marriage and share a sherbet drink with the brother of his bride. The wedding ceremony known as Nikah, which is performed by the Maulvi and a priest called Qazi, this contract of marriage is known as Nikaahnama, which is signed by couple and by the walises and maulvi. The bride brought to the premises of her husband, where she is greeting by her mother-in- law by holding Quran over her head. The wedding reception organizes by the groom's family, which is known as the Valmah or Dawat-e-walima.

Muslim marriage in India, all the Muslim people live in India are governed by the Muslim Personal law (shariat) Application Act, 1937. Muslim Personal Law basically deals in the context of marriage, inheritance and charities among Muslims.

1 Rooychowdhary, Arija (4 may 2016) , retrieved 1December 2017

Muslim marriage in India is a civil contract between a woman and a man to live as husband and wife and follow all the essentials of marriage contract. Marriage in Islam, or Nikah, is not a sacrament (as in Hinduism), Muslim marriage act in Indian constitution is

also a devotional act i.e. ibadat. The Prophet is reported to have said that marriage is obligatory (wajib) for every physical fit Muslim, that marriage is equal to jehad (holy war) and that he who marries completes half his religion, while the other half is completed by leading a virtuous life. Other schools of thought prescribe that the man must also have the means to earn a lawful livelihood, to pay Mahr and to support wife and children.

2 Mahr means the money and the property which the wife is entitled to receive from the husband in consideration of the marriage but this consideration is not the same as that of the civil contract.

3 History of the evolution of Muslim Personal Law in India. The journal of Dharmam Journal of Religious and Philosophies: Retrieved 1 December 2017.

4 By Prophet Mohammad.

HISTORY

PRE SARIAT SENERIO

The Muslim Personal Law (shariat) Application Act was passed in 1937 with the aim to formulate an Islamic law code for Indian Muslim. There were no evidence records administration of Muslim personal law until 1206 on the Indian peninsula; even Muslim invasion took place during this period. In the period of region of slave dynasty (1206- 1290 A.D), Khalji dynasty(1290- 1321), the Tughlaq dynasty (1321- 1413), the Lodi dynasty(1451-1526) and the Sur dynasty(1539- 1555), the court of shariat, assisted by the Mufti, dealt with cases involving personal law among Muslims. In the period of sher shah's regime, there were restrictions on the powers of the court and the modification in Muslim law was done which suit the requirements of the time. During the regime of Mughal kings Babur and humayun , at that time the earlier laws were followed,



and the ulemas(religious scholars) had considerable influence on legal decisions. During the period of Akbar's regime, the powers of ulemas were reduced and shattered the

Dominance of the orthodox sunni school but in the period of Jehangir's regime, cutting of nose and ears and death penalty could not be impose without the Emperor's permission. The accomplishment of code of law was orders by Aurangzeb³. During the period of East India Company, Muslim law was enforced except when Muslims left the disputes to be determined according to Hindu saastras. The regulation 11 of 1772 by sec. 27 enacted that

“IN ALL SUITS REGARDING INHERITANCE, SUCCESSION, MARRIAGE AND CASTE AND OTHER RELIGIOUS USAGES OR INSTITUTION, THE LAWS OF THE QURAN WITH RESPECT OF MOHAMEDAN AND THOSE OF THE SHASTRAS WITH RESPECT TO GENTOOS (HINDUS) SHALL BE INVARIABLY ADHERED TO”⁴

The Privy Council recognized the right of shia Muslims to their own law.

In 1937, the shariat act was passed by British Raj which was followed in India in matters marriage, divorce and succession among Muslims⁵.

⁵ All the Muslims in India are governed by the Muslim Law (Shariat Application Act, 1937). This law deals with the marriage, succession, inheritance, charities among Muslims.

⁶ Personal law and citizenship in India's transition to independence.

AFTER SARIAT SENERIO

The achievement of India's independence from the British was meant to bring about significant change in the regular life of Indians.

Earlier under British rule, Indian society was known by the social collectives, caste and religious identity, with a lack of focus on citizenship and the individual⁶. The political and law relationship India was indeed determined by these social measures; the fundamental Rights Constitution was passed and intended to reverse the concept that an individual could be limited based upon caste, religion, economic status etc. Although the new standards laid out in the constitution have no religious are still determinants of political influence and access to resources.

In 1937 the shariat application Act was enacted by the British government in India and after India became independence from British, the shariat Act (Muslim personal Law) was maintained in Indian society. The law was originally introduced as a matter of policy by the British government, but upon independence Muslim personal Law became significant to Muslim identify and religion.

The primary aspect of religion has created controversy across both Muslim communities and Hindu political organization.

SOURCES OF MUSLIM LAW

Muslim law lie on the prohibitory order of Quran, of the conventions introduce by the usage of prophet(sunna), of the generic consideration of the jurists(Ijma). Later, it has been satiate by the juristic preference(Istihsan), independent interpretation(Iltihad) and precedent(Taqlid). Sources of Muslim law align into two categories that is primary and secondary sources. Primary source re those on which



Muslim law relied upon, which comprise; Quran, Sunnat, Ijma, Qiyas. However the traditional source of Muslim law are Sunnat and Ahadis. On the other hand there is also a secondary source of Muslim law, which is not the main modality of Muslim law but is a supplementary source, which includes; Urf or Custom, Legislation, Judicial decision, Equity, justice and good conscience.

MUSLIM MARRIAGE IN INDIA MUSLIM PERSONAL LAW

In India Muslim Personal Law applies for marriage in Muslim. Muslim Personal Law (shariat) Application Act, 1937 governed in India for all the Muslims. This personal law deals with marriage, succession, inheritance and charities among Muslims. The Muslim personal Law does not applicable to Muslim who married under the Special Marriage Act, 1954. These laws are not applicable in Goa state, where the Goa civil code is applicable for all the persons irrespective of religion^{7,8}.

⁷ Registered marriage under special marriage Act, 1954 arrived from the original on 24 september 2010

⁸ The special marriage Act, 1954 archived from the original on 24 September 2010.

WIVES ALLOWED IN INDIA FOR MUSLIM MARRIAGE

The current organization of Muslim Personal Law in place discrimination against women in the three different ways-

1. A Muslim man is allowed to marry up to four wives at a time.
2. He can give divorce to his wife without entering into any legal processes.
3. A Muslim man does not need to provide any financial support to his ex- wife after three months of Divorce.

DISSOLUTION OF MUSLIM MARRIAGE ACT, 1939.

The Shariat Act, 1937 concerns Muslim women seeking divorce in Section 5. This section was subsequently deleted and replaced by dissolution of Muslim Marriage Act, 1939. A Muslim woman can go in court to seek divorce^{9,10}. This Act came to protect the rights of Muslim women who have been divorced by their husband, and also deal with the circumstances in which a married Muslim woman can divorce from their husband and to provide for related matters.

⁹ The concept of divorce under Muslim law retrieved 10 July 2018.

¹⁰ Muslim women's right for dissolution of marriage retrieved 10 July 2018.

The following are the circumstances where a Muslim woman can ask for divorce.

SECTION-2 of Act, 1939

- When the husband has not been known for four years.
- When the husband has not provided for the maintenance for two years.
- When the husband has been sentence for imprisonment for seven years or more.
- When the husband failed to fulfill or perform his marital obligations for three years.
- When the husband was impotent at the time of marriage and remains impotent.
- When the husband treats his wife with cruelty, even if absent physical violence.



- When the husband has been insane for two years or is suffering from leprosy or virulent venereal disease.
- In that case also when the wife has been given by her father or guardian before she attains the age of 15 years.
- When the husband associates with his wife of evil repute or leads an infamous life or attempts to force her to live an immoral life.
- When the husband disposes of her property or prevents her to exercise legal rights over it.
- When the husband prevents her from religious profession or practice.
- When the husband has more than one wife and he does not treat her equitably in accordance with the Quran or carries out any other ground recognized as a valid ground for the dissolution of marriage under Muslim Law.

CODIFICATION OF MUSLIM PERSONAL LAW

Before independence, every state has accepted and practice different sets of religious laws so in this according every communities has their personal and family matters and the court have always adjudicated family matters on this basis. The personal law which is made for Muslim in India has never been codified systematically and proper in comparison with the others Personal Law. The Dissolution of Muslim Marriage act, 1939 consistently taken as the most explicit and the Indian government also started intervention into Muslim personal law, the nine grounds was only codified on which a Muslim women can file a Divorce against her husband but those are eventually neither beneficial for women nor they change the mentality in male to initiate divorce. The

codification of Muslim Personal Law went for codification in the last few years. Article 246 of the constitution of India and entry 5 of the concurrent list gives power to the legislatures to pass law regulating personal law.

In the case of Mohd. Ahmed Khan v Shah Bano Begum¹¹ and John Vallamattom v Union of India¹², have come out from the requirement to bring in regard of gender just legal framework and not through the desire to preference to impose or force anything on different communities. There already exists a judicial and legislative framework the reform of Muslim Personal Law.

¹¹ 1985 SCR (3) 844
¹² AIR 2003 SC 2902

MUSLIM WOMEN (Protection of Rights on Marriage) Act, 2019

In August 2019 the supreme court of India enables Muslim men to give divorce their wives by triple talaq, to be unconstitutional. The Parliament of India criminalizing triple talaq. The citation of this Bill is Bill no. 247 of 2019, which was introduced by Ravi Shankar Prasad (Ministry of law and Justice).

Lok Sabha and Rajya Sabha reintroduced this Bill, which was passed in July 2019. As a result Bill gained assent from President of India. The Act has retrospectively effective from 19 September 2018¹³.

¹³ It replaces an ordinance promulgated on February 21, 2019.

PROVISIONS

This act provides:

- If Muslim husband made any proclamation upon his wife from his words, either spoken or written, by any electronic



means or any other form whatsoever, shall be VOID AND ILLEGAL.

- • When Muslim husband announces talaq upon his wife shall be punishable with three years imprisonment and shall also be liable for fine. The punishment of this offence under this shall be cognizable. But when the talaq is pronounced upon women with Magistrate's permission, to determine such condition or situation an offence shall be punishable under this Act as compoundable.
- • The Married Muslim women upon whom talaq is pronounced shall be liable or entitle to get maintenance allowance for livelihood for her and dependent child and shall also be entitled to custody of her minor child, which may be determined by the Magistrate.
- • An accused person can get a bail of this offence under this Act by the Magistrate, when the married woman upon whom talaq is announced, is satisfied with the grounds of talaq and that person need to file an application before Magistrate for ground of talaq which should be valid and reasonable to get bail.

**“TRIPLE TALAQ IN INDIA IS LEGALLY PROHIBITED”
CASE LAWS**

➤ MOHD. AHMED KHAN vs SHAH BANO BEGUN AND ORS 1985 SCR (3) 844

FACTS OF THE CASE A Muslim woman Shah Bano begun upon whom Triple Talaq is announced by her Mohd. Ahmed Khan on the ground of maintenance, Ms Bano claimed for maintenance under the Code of Criminal Procedure, in place of Personal Law. According to the personal law of Islam state, it is stated that a woman may be personal law of Islam state, it is stated that a woman may get maintenance during 'iddat' period. Iddat

period is of three menstrual cycles along with the 'mehr', where the women i.e. the bride will get the money which was promised to give at time of marriage. This was the only to get the maintenance which is legally enforceable by law to the married Muslim woman from her husband. In Indian law, it provides maintenance for life, barring some exception¹⁴.

14 Issue was raised that whether the personal laws the code of criminal procedure shall apply.

HELD IN THE CASE

All the three levels of court in India i.e. district court, high court and the supreme court posed their judgments, which was in favor of Ms Shah Bano. Although the case should come in Muslim Personal Law because the both plaintiff and the defendant being Muslim, the judgment opposed by the AIMPLB, as they claimed that adjudication of personal law was beyond the jurisdiction of the courts. This case has received many varied public posture. The government of India passed a legislation or an Act known as "The Muslim Women (Protection of Rights on Divorce) 1986", where a married Muslim wife will get the maintenance by her husband under this Act. Also under this Act the Muslim women is entitled to a 'Fair and Just' amount of money during the period of 'iddat', beyond which the husband was to have no liability.

➤ AHMEDABAD WOMEN ACTION GROUP(AWAG) v. UNION OF INDIA(AIR (1997)3SCC573

FACTS OF THE CASE

According to Muslim Law, Muslim men is allow to have four wives or to do four marriage with the right of Divorce under the



concept of Talaq, in which the husband has the authority to give to her wife without her consent and without using any judicial method. The PIL filed regarding this case which is considering the following five major issues, they are-

- To state Muslim Personal Law which allows polygamy as void as violating Articles 14 and 15 of the constitution.
- To state Muslim Personal Law this prohibits a Muslim Men to give Talaq to her wife, without her assent and without resort judicial process of court. As void and violating Article 13, 14 and 15 of the constitution.
- To state that a Muslim husband takes more than one wife is an Act of cruelty within the statement of Clause VIII.
- State Section 2 Dissolution of Muslim marriage Act, 1939.
- To state that Muslim women (protection of Right on Divorce Act), 1986 is void as it violating Article 14 and Article 15.
- Further proclaim that the provisions of Sunni and Shia Laws of inheritance which states discrimination of share in the same status between the males and females void as discriminating against females only on the ground of sex.

HELD IN THE CASE

On the basis of the above arguments the court was of opinion all the citizens of India or Indians have been governed by respective Personal Law, regardless of the time period. There was an argument or opinion that the effect of interference by the court would be come in several undesirable outcomes because the adjudication of personal laws was beyond the jurisdiction of the court. Therefore, the petition was dismissed

➤ DANIAL LATIFI AND ANOTHER v. UNION OF INDIA(2001) 7 SCC 740

FACTS OF THE CASE

The landmark judgment passed in Shah Bano's case has created confusion in the Muslim Personal Law, where it is said that a divorced woman is entitle to reasonable and fair provisions and maintenance within the period of 'iddat', in accordance with the Section 3(1) of Muslim women (Protection of Rights on Divorce) Act 1986. But this Act was challenged by the council i.e. Danial Latifi and claiming that it was unconstitutional and is violating Article 14 and 21.

15 Issue was raised provisions enacted which was section 3 of the Act as unconstitutional and violates Section 14 and 21 of the constitution.

16 Issued was raised was whether this practice of triple Talaq is unconstitutional because it violates Article 14, 19, 21 of the constitution.

HELD IN THE CASE

The Petitioner in this case, said in his arguments that the Act i.e. Muslim women Act, 1986, is unconstitutional and undermine the secular character, which is the basic feature of constitution because there is no reason of bereave the Muslim women on the applicability of Section 125 of the code of criminal procedure and present act is in violation of Article 14 and 21.

The Respondent said in his contention that Personal Law is a legitimate basis for discrimination and is not violating Article 14 of the constitution. Thereby the court held that this Act neither violating Article 14 and 21 of the Indian constitution, nor make any discrimination.



➤ SHAYARA BANO v. UNION OF INDIA AND OTHERS (Based on triple Talaq case)

This case was heard by the supreme court of India with a constitutional Bench of 5- judge. This case was challenged the very 'immediate triple Talaq' although this case hasn't receive any judgment¹⁶.

The PIL was filed by the Ms Shayara Bano which was based on the immoral and unfair practice and enlightens a hope for millions of women who were a victim of commercial riots. This PIL determined the need of change for struggling women and enhance the scope of subject matter related to support and provide opportunities for women. Shayara Bano, petitioner of this case, was repeatedly abused by her husband and eventually divorced through Triple Talaq. As India is secular country, the supreme court of India has chosen to acknowledge the needs and rights of those who truly deserve it. India is second largest country who consists more number of Muslims. Verdict is yet to come.

➤ SHAMIM ARA v. STATE OF U.P.

FACTS OF THE CASE

The appellant was filled for maintenance against husband, the appellant involving maintenance from her husband for herself and two of her four children on ground that her husband abandoned her and treated her cruelly. For it the respondent claimed that dower has already been paid and the husband agreed to pay Rs. 150 per month for the maintenance of minor child. Therefore, the application for maintenance was dismissed and an appeal was filed before the Supreme Court, which deals with the concept of maintenance where the wife was divorced by her husband and was also paid the dower.

Issues Rose: regardless if the dower was paid then can the court order the husband to pay maintenance to wife^{17,18}.

17 issued was raised was whether the court can order the husband to pay maintenance to the wife when the dower has been paid.

18 Another case related to it was Sarla Mudgal vs Union of India.

19 Naim, C.N. *"The Hijab and I"*. *Outlook the Website. Outlook Publishing (India) Pvt. Ltd. Archived from the original on September 2004. Retrieved 30 January 2018*

HELD IN THE CASE

It was stated by the apex court that the husband shall be liable to pay the maintenance for the two sons, were born from the marriage, hence order the husband to pay maintenance so that the wife who is in custody of the children can maintain the children.

SOCIAL CHALLENGES ON MARRIED MUSLIM WOMAN

DURUM MUGAL ERA the culture and civilized of the Muslim was known or considered by the practice of purdah combined with women¹⁹. Education of Mughal for Muslim women was limited to religious knowledge and based on the discrimination between boys and girls, therefore the education is not relevant or adequate for girls because prior the education of their began from Makatab/ primary school and then Madrasas for more education. Reason for discrimination was because of being son's preference in Indian male dominated society not of following the Islamic ritual. All the rituals or religion and education were take place in according with Quran. Early marriage gives right to unilateral divorce and encourages retaining it. Marriage in Muslim law can be done by



oral or written but early oral marriage was so common than written without having witness or regard of witness. The term 'Polygamy' was also very common and known in Muslim marriage early, women in polygamous marriage had to live with the co-wives.

In 1211CE the sultan of Delhi, instead of his son, he appoint his daughter Raziya Sultan of Delhi, she was the only single woman who appointed for royal seat of Delhi by highest and popular consent of most of the people. This reason was sufficient to make changes in society and create a big and dynamic image in their mind to change their perspective with rigid caste and culture and gender difference. After it several women in the royal Mughal family took private education. From this many things were starting to change:- after Raziya, Baber's daughter Gulbadan Begum, Author of Humayun Namah was the first women to archive the culture and social realities of Mughal women, an elder daughter of Aurangzeb became a poet. Accordingly women of royal Mughal family played a versatile role and were trained in both horseman ship and social behavior and protocol, later on, they started took part in every field which was defined for males only, such as politician and artists.

With the passage of time, the thinking of people and new opportunities for women was also available. With this in the 19th century, it became an idea to think how women be modernizes, grow and educated. But the rules and thinking for women in Muslim religion remained the same. Teaching and advancing women was meaningless for those people within Islamic law. Daughters and wives of Royal Muslim family took step forward, which helped other woman also go ahead and they started getting freedom. All the many

women started compare ourselves with males and started talking about their rights also. Hail argued for female education Mumtaz Ali and his wife Muhamamdi Begum founded an newspaper, which were known as Tazib- uniswan for took up the issue of female education, and also took up the issue related with women as female education, the age of marriage, polygamy, a women's role in marriage and purdah. By 1937, the average rate of Muslim girl's education through India had surpassed the nation average. Changes of All kinds started coming in the society, both legally and socially.

JUDICIAL OR LEGISLATIVE CHANGES: Now it's high time of a call for legal changes in society and in state for women status. 20th century has turned it into thinking of change and awareness for women. Rights of women started getting legal recognition, which were not in accordance of Quran but by the Sharia Act. In 1937, center legislation passed a Sharia Act and many Acts came into existence for welfare of women in every sector, such as Education, Marriage and Professional, whose purpose was to get the women the facilities and protect them from their rights, special provisions for their rights and special property of female, adoption, marriage, divorce and maintenance after marriage and to secure their interest. Every legislation has an aim and objective is to recognize to needs of women rights and to give them freedom and to keep them as equal as men so that no one can exploit them and to give them equal status in society.

GENDER DISPARITY

The society in which we live is male dominated from the beginning and restrictions have been imposed on women since God himself lived on the earth.



Discrimination from women has happened in every way such as bias between woman and man which has a live example Sati custom and Dowry. It is not only that only Indian woman had to suffer all these but Muslim women had to go through from this phase, even these women had to kill their desires. They didn't know their rights and only played a role of puppets for the society. Later, ever since the daughter of the royal families did not consider themselves separate from men, they began to advance in everything, they believed that there isn't any work which a women cannot do, this has become a matter of rust which was being fought in the society and women were demanding equal rights for them without assuming any discrimination such as caste, religion, race and gender. First this movement started in India and then every woman understands it and raised their voice against it. After a lot of struggle, the society started to understand this matter. To change this custom, not only some people but all people need corporation. In this recent century, in which we are living where everything has been upgraded, the society should also change for women. We should all continuously put our efforts so that the society can change their thinking for women and treat them equal in everything.

SOCIAL REVOLUTION ON MARRIGE MUSLIM WOMEN

This is a historic demand of change not because Muslim women have suddenly woken up but also it's a high time to not let them to compromise with any subject. More than 30 years ago, in 1985, Mohd. Ahmed Khan vs. Shah Bano Begum, which emphasize on the protection of the rights of the divorced Muslim Women and or to those who have got divorced from their husband. The enactment of this case was done by the

government of Rajiv Gandhi, to invalidate the decision passed by the Supreme Court in this case. In year later, in 1997, Ahmadabad women action group (AWAG) v Union of India, void as discriminating against female only on the ground of sex, predominantly void Sections 10 and 34 of the Indian Divorce Act and also declare void Sections 43 to 48 of Indian Succession Act, simultaneously. With the passage of time, government made laws, In 1972, Muslim Personal Law board established, to deal with the marriage, succession, inheritance, and charities among Muslim community, then later, in the year 1939, the Dissolution of marriage Act came to provide the legal right to married Muslim women to obtain divorce from their husband and to provide for related matters, which helped women to fight for themselves and to raise their voice against injustice going with them, with the change in the society and in the buildup needs of women to accomplish, another Act came into existence in the year 2019. An act which prohibit male to pronouncing the Talaq to their wives until they are not satisfy with reason the Talaq and is also protect the rights of women after divorce, men is entitled to provide maintenance to the women after divorce, apart from Mahr. This act declared the practice of triple Talaq as void and impose punishment on people who indulge in such practice would be liable for imprisonment for up to 3 years²⁰.

20 Encyclopedia of Islam Online

EFFECTS OF THE STEP TAKEN NO LONGER SOLITARY

Presently, the range of Muslim women who have approached the Supreme Court is the evidence that no Muslim women will be left alone to challenge Muslim Personal Law.



This is a reason of the ongoing historic fight. It is a bitter truth that Muslim women have always been a victim of triple Talaq and polygamy, every one of the poor divorcees wafted to the court consistently with the reason that they are contending for maintenance under Section 125 of the criminal procedure code²¹, and seeking from the court to be abolished triple Talaq and polygamy.

21 the purpose of the Section 125 of Crpc is to maintenance to the dependent wife, children and parents from destitution.

22 Ahl- e Hadees, the people of hadith, the sole sources of religious authority and oppose everything introducing in Islam in regard of the Quran, sunnah, and hadith, after the earliest times.

The records the courts revealing that women applied for divorce initially after the second marriage of husband and the discovery disclose that he has already married.

In the year 1993, Ahle- Hadees sect issued a Fatwa stated that triple Talaq is a invalid form of divorce and must be recognize as the single pronouncement of Talaq, hereby revocable²². Since then women have contrary triple Talaq and polygamy whenever a fatwa or a judgment has brought the issue to the in front.

In 2001, the constitution legality of the Muslim women Act, 1986 was upheld by the Supreme Court, which had been defiance as soon as it was passed, for depriving Muslim divorcees of rights available to other divorcees. The apex court interpret the meaning of the word 'fair and reasonable provision and maintenance' to be conferred to a Muslim divorcee within the three months of iddat period after divorce, meant an

amount of money that would maintain her through life.

A REFORM GENERATION

A lot of changes came with the passage of time, a new generation Muslim women has come up, by emphasizing on the subjects of education and self- confidence, asserting Muslim identity by altering their religious practice and norms or challenge their religious leaders. Earlier, they were not even allowed to pick up a Burqa from their face and talk to each other, At present, Muslim women came ahead to interact with media and share their consideration through media to the male leaders and the state, forming organization to protest against the injustice done against them. At the moment, Muslim women participate in every revolution to reform the procedure and the customs, for which they were struggling since so long.

MATTERS OF FOCAL POINTS

- Essentially we now required to reshape our customs and thinking related to women.
- Now it's the time to insert old laws which should be updated by inserting them to the needs of today's woman.
- It is written in Quran that husband and wife are the supporter of each other, but it seems like men have misunderstood that woman is just a thing should be thrown away after use.
- Equal and fair chance should be given to every women in every without any partiality or doing unfair bias in related to any disparities.
- Now it has become a great need that we should introduce women with their rights.
- The Muslim women had made great efforts to identify themselves in their society, and



their struggle also contributed in the development of country.

▪ We should inform everyone about the rights of women in the society and also make them aware about their marriage and after divorce rights^{23,24}.

23

<https://www.epw.in/engage/article/muslim-women-historic-demand-change>

²⁴Both Shah Bano and Shehnaaz Shaikh was alone fighter but now no women is alone.

CONCLUSION

The problem with people is they afraid to bring some changes in society. When it comes to bringing change for women, both society and law strike a silence, whether a women belongs to Hindu Caste or Muslim Caste, both of them had to struggle a lot in their life and also had to face many disparities. Let me tell you about the custom that was started long ago and still continues i.e. the Pardah practice, in which a female require to conceal their body from others, it's a religious and social practice of female seclusion prevalent among some Hindu and Muslim communities. Women were face challenges everywhere in related to every subject since beginning, they were facing triple pitfall simultaneously, first as a minority, then as a woman, and became a helpless woman who find herself a grain which is constantly being grinded between people who wanted them to obey their customs and perform their religious identity and with their desire of freedom. When it came to justice for women, the law had a black band on its eyes. Earlier, didn't want to see the truth and not ready to accept the revolution for women because prior law ran and performed their functions in accordance of society. Later, at a very slow pace, the Law

started modify their laws in gratifying the struggling women, and made some most effective Act, such as Muslim Personal law in 1972 and then Muslim women (Protection of Rights on Marriage) Act, 2019.

The struggle of women shouldn't go in vain, the revolution that women had raised; we should light that with victory. Women were a victim of a great manifestation of commercial riots.

This is a wakeup call for all of us that we all should now raise our voice in issues related to minority rights, identity based violence and Muslim women rights and do research on this to make this an important and serious subject.

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