CHAPTER VII
CONCLUSION AND SUGGESTION
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To draw conclusion from any research study is the toughest and the most comprehensive task for a researcher. It takes a great deal of perseverance and skills to bring any research work to conclusion and thus, demands a lot of time and patience of the researcher. But once the researcher overcomes all the hardships in bringing out his research successfully, it brings joy to him that his efforts have proved to be efficacious in the accomplishment of his goal and his research work has made some sort of contributions in the broad arena of knowledge of the world. The present research work is also an attempt to bring forth the poor socio-economic status and discrimination of women in the hands of male-dominated society. Present research work includes the study of socio-economic rights granted to Muslim women by Islamic Law and their gross violations in different ways by the societal norms in India and especially in the State of Jammu and Kashmir.

First chapter of this study shows that Islam has elevated the status of woman from a very degraded and disgraceful position, under which she was living in the pre-Islamic Arabia, to a higher and honourable position by recognising her individual existence and granting her rights and privileges. In the days of ignorance, the pre-Islamic Arabian society treated woman in a very disrespectful manner and had almost outcast her. She was thrown in such a deep abyss that there seemed no hope of her redemption. Arabs considered her a burden and liability upon the family so they never wanted to have a girl child. They considered the birth of daughters a shame and a drain on their resources and therefore, used to kill them by burying them alive in their childhood only. Yet another reason for the custom of killing the girl child was perhaps the poverty, as the Arabs were usually poor people who could not make their existence in the Arabian Desert and thus, this was the easiest way for them to kill daughters in their childhood so that they could get rid of additional burden then and there only. Woman in pre-Islamic Arabia had no say in her own marriage. She was not free to choose a life-partner for herself and it was her father or any other male guardian, in whose custody the woman was, who selected bride-groom for her. Woman was usually given in marriage to the one who could pay a high amount of dower to her father or male guardian as the *mahr* in pre-Islamic Arabian society was paid to the father or other male guardian of the girl and not to the bride. The amount of *mahr* was considered as the right of the father of the girl (or her male guardian in the absence of her father) for the expenses incurred upon his
daughter for bringing her up. So, the father of the girl or her brother was entitled to mahr and the bride had no claim over it. In the matters of divorce also, woman had no say and it was the husband, who could divorce his wife the number of times he wanted to do so and take her back any number of times he wished so. The husband could divorce his wife on any ground e.g., even if the wife spoke highly of her people, the husband divorced her. In some exceptional cases, the women among few tribes could persuade their husbands to divorce them in certain circumstances but generally, women had no right to divorce. In some cases, even after the divorce, a woman was not allowed to remarry until and unless her former husband agreed to her remarriage and if any other man wanted to marry a divorced woman, he had to seek the permission of her former husband and sometimes had to pay a certain amount also to him for his permission. This kind of divorce was known as ‘al ‘adl’. After the divorce, the wife was not given any maintenance.

The widows, in pre-Islamic Arabian society, too had a much degraded position and if a woman became widow, then she had to go through a lot of tortures of the society and she was not allowed to lead a normal life after the death of her husband. She had to stay at a filthy place, eat a limited items and quantity of foods only, could not take bath for a certain number of days, could not touch things, was confined to a small room at least for a year, could not comb her hair, etc. The justification that Arabs gave, for this poor condition in which a widow was forced to live, was that if she would be allowed to lead a normal life, she will attract other men towards herself and therefore, she had to live such a life where no one could ever imagine of even having a look at her. In pre-Islamic Arabia also existed the institution of polygamy and there was no limit for the number of wives that a man could have. Dr. Mufti Samiya Tabasum has mentioned in her book ‘Status of Muslim Women in India’ that there were some instances where men had married about five hundred wives, and also the instances of seventy-three or ninety wives of a man had been found in the pre-Islamic Arabia.¹

Arabs also prevented woman from inheriting a share in the property of any of her deceased relations and in fact, considered her a property herself which was inherited by sons after the death of their father along with his other property left behind by him. Woman was treated like a commodity in the pre-Islamic era and thus, had no independent existence of her own. The Arabs considered women not worthy of inheriting anything from their fathers or husbands or any other deceased relations. They were of the view that as the little children and women

¹ Dr. Mufti Samiya Tabasum, Status of Muslim Women in India- Law Relating to Marriage Divorce and Maintenance 3 (Regal Publications, New Delhi, 2013).
were not capable of going to wars and bring any property into the family by way of war captives, thus, they are not entitled to any share in their deceased relation’s property and only the men capable of fighting in the battle-field were entitled to inheritance. After the death of the father, the son could inherit his widows along with the other property of the deceased and could marry them other than their own mothers or could even give them away in marriage to another man. Thus, if any man wanted to marry a widow, then he had to pay dower amount to the son who inherited her and in return, ask for her hand in marriage.

Further, second chapter also shows that this was the position of woman not only in the Arabian society before the advent of Islam but in fact, the most civilised societies of that time had denied women even of their basic rights. The western scholars and religious leaders have treated women in their writings and teachings like an animal who had no right except to that what a man gives her with his own free will. They claimed that woman is the source of all evils in the world and thus, bears a black soul. Major religions of the world had treated her with a great subjugation for a long time in the history of mankind. No doubt, women have been granted many rights by different religions today but the history has clearly witnessed their long-term exploitation in the past. Aristotle, a well-known Greek philosopher of his time, has argued in his writings that woman has no right as she is not a full human being and thus, she is, by nature, deficient who should not be trusted and must be treated as a half human only. According to his writings, except a few elite class women, other women were no better than animals or slaves. According to Saint Thomas Aquinas’ teachings, a woman is the trap of satan who caused downfall of humanity and therefore, must be treated with caution and weariness as all the evil proceeds from her only. This philosophy can be witnessed in the Christian traditions of Catholic Church also. Yet another scholar, Rousseau, has treated woman as a burden in his writings and had proposed that a different kind of education should be provided for her as she is not capable of understanding the education that was given to men due to her low intellectual levels of understanding.

The early Roman and Greek Civilisations, treated marriage as an institution for the procreation of children only and if a woman failed to give birth to a soldier, then she was put to death. Thus, they considered the giving birth to a child by woman as a matter of national interest and not her personal matter. Earlier, the divorce was unknown to these societies for about 250 years but later it was a right of the husband only and he could divorce his wife
whenever he wanted to do so. Though later Romanian laws gave some rights to woman but still she was not treated equal to man and she could not even make a contract or will.

In Hinduism also, woman has suffered a long period of subjugation and brutal insult at the hands of men. Hinduism never recognised her independent existence and for a long period of history, she was kept away from learning the religious texts of Vedas. The institution of marriage in Hinduism is regarded as a sacrament and yet it includes a prayer for the male offspring. In Manu Samriti, one witnesses a great number of evidences regarding the humiliating and degraded status of woman in Hinduism. Manu has compared woman with animals at many places and considers her as a source of all the evil. According to him, a woman has no independent existence of her own and thus, she should be kept under the authority of her father in her childhood, husband in her youth and son in her widowhood. Manu has gone up to the extent of saying that one should not sit alone with his own mother, daughter or sister as the senses are powerful then and even the most learned man cannot be spared by them. Thus, he considers woman as a seducer and regards her as the one who leads man to astray. Female infanticide was widely committed by the early Vedic Aryans as they considered female child as a burden. Prayers were being offered to get a male offspring. A woman could have cohabitation with a man other than her husband for begetting child in her womb if her husband was an impotent or a eunuch. Hinduism gives divine sanction to the child marriages and child molestations. The customs of devdasi and sati are, further, a proof of the exploitation of woman in the Hindu religion. After the death of her husband, his brother could have sexual relationship with the widow of his deceased brother. Widow remarrying was strictly prohibited under Hinduism. For a long period, women had suffered in unwanted and unhappy marriages as divorce was not recognised in Hindu law. It was only in the years 1955 and 1956 that the Hindu religious laws got codified and women have been given many rights and privileges by these laws otherwise, there were no rights granted to women under the classical Hindu texts. A woman had no right to inheritance or holding an independent property absolutely in her own name before the year 1956.

The attitude of Christianity was also not very good towards its women and Christian women had been denied their rights for a long period of history. Christianity holds the view that woman is the gateway, through which the devil enters into the souls of human beings; she is a scorpion, who is ever ready to sting everyone around her. It considers women responsible for all the sufferings of the humanity as it a woman (Eve) who persuaded man (Adam) to commit...
the original sin of mankind. Saint Paul considers woman as a symbol of slavery, for it was woman who was created for man and thus, man is the God and woman a human being. Christianity considers abstinence from woman as the height of spiritualism and therefore, regards celibacy as a means of achieving salvation. The Christian Church, in this way, denounced the institution of marriage and laid down that the priests should be restricted from living even with their mothers and sisters. Christianity did not allow women to appear as a witness in the court and restricted them to a certain area of life only and rest of the rights were denied to her in totality. Saint Augustine was of the view that women should not be allowed in the Church, as they are less spiritual human beings. By female education, in Christianity, meant that the females should be trained in the domestic skills only so that they may be able to lead a successful marriage with the only exception that she was allowed to study the Bible in vernacular language. In this way, the early Christianity did not only regard woman as an inferior to man but also considered her as an evil and sinful object who destroys the humankind. But later on, many rights were conferred upon her by the legislative enactments which upgraded her status in the society.

Judaism also was not behind in the ill-treatment and degraded status of its women. It professes itself to be grounded on the principles honour and truthfulness but its holy scriptures and traditions both considered woman as an appendage to the man in the society whose main task is to procreate and ensure the comfort of man. Apart from this, the woman has no individual existence of her own and therefore, she has to remain under the authority of man. Judaism considers woman as a frail, vicious and an image of deceit, who is under the eternal divine curse for she is responsible for the expulsion of man from the heaven to earth and thus, deprivation of all the bounties from God to man. Under the orthodox Jewish law, the woman holds inferior status outside her home but inside her home she has the full authority in matters of upbringing of her children and their education and husband must abide by all her decisions in this regard as it is her responsibility to look-after the same. The orthodox Jewish traditions did not allow women to study the teachings of Torah and Jewish law and thus, kept them ignorant for a long period. They claimed that the teachings of Torah must rather to be burnt than to be entrusted to a woman and the father who teaches her daughter the Torah is like the one who teaches her obscenity. This was the view of Judaism towards the education of women. The Rabbis of Jewish traditions held the view that women should not be saluted or talked to in the streets and should not receive any share in the inheritance and also no legal instructions should be imparted to them. A wife could not walk
side-by-side with her husband and was commanded always to walk six paces behind him. Jews considered the birth of a daughter as a misfortune upon her father and thus, highly desired the male off-springs only. Jewish law gives authority to a father even to sell his daughter if he wants to do so. Jewish teachings have decreed that the wife must rise up when her husband enters the house and cannot sit until he sits down. It is said that when the husband beats his wife up, she must thank him for his beating brings her closer to salvation. Under Judaism, a woman can be acquired in three ways i.e., by agreement, by money or by cohabitation. A father can give her daughter to any man whom he wants and daughter has no say in this regard. He can even take money from the man for giving his daughter to him in marriage. After her marriage, a woman was allowed to hold her property but the husband has the right to manage the same and enjoy its profits. A husband can divorce his wife for any indecency and the indecency does not include the act of adultery only but also any matter that a husband dislikes in his wife. After the death of her husband, a widow can be taken as his wife by her deceased husband’s brother even though he is already married and if the widow refused to accept her brother-in-law as her husband then she could be raped by him to effect a marriage between them. Judaism allows priests to copulate with small baby girls of even three years of age. This shows the cruel treatment of Judaism towards its women and even the small baby girls have not been spared from this ill-treatment. Polygamy was also practised on a large scale in the early Jewish societies.

Thus, it is clear from the above historical facts that every civilisation and religion has discriminated against women and has ill-treated them by denying them their basic rights that are compulsory for human existence. At that time, Islam brought changes in the pre-Islamic customs and came forward to woman’s rescue against her degradation and subjugation. Islam uplifted the status of woman by recognising her full-fledged existence as an individual of the society and granting her every right that a man had. Islam completely banned the ill-practice of female infanticide and declared that daughters are a blessing for their parents. They must be educated and maintained the same way as the sons are and whosoever discriminates in his behaviour towards the daughters and sons will be made answerable on the Day of Resurrection for his acts. The maintenance of a daughter has been made the responsibility of the father till her marriage. Islam made it mandatory for father to get the consent of his daughter before her marriage and if she refuses to marry a man with whom her father wants to marry her, he cannot give her away into such a marriage and Islam declares such a marriage as an invalid one. Therefore, Islam gives right to a woman to choose a life-partner
for herself like a man and if she does not want to marry a man selected by her parents, then she has the right to refuse the same even at the time of nikah also. In this way, Islam regards the free consent of a woman as an essential for the validity of her marriage with her husband. If a girl is married by her guardian during her minority, in such a case, she has the option of puberty and she can repudiate her marriage with her husband after the attainment of puberty but before the age of eighteen years on the condition that no consummation of marriage has taken place between them. Islam commands men to treat their wives with kindness and love and if a man has more than one wife, he is obliged Under Islamic Law to treat all of them with equality. Thus, Islamic Law allows restricted polygamy (up to four wives) but with the condition of treating all the wives with justice and equality and if a man finds himself in a position that he cannot treat his wives with justice and equality, then Islam commands him to marry one wife only.

The social rights of woman under Shari’ah that have been discussed in chapter three make it clear that Islam regards marriage as a highly revered institution and prohibits celibacy. Marriage in Islam is a beautiful union of man and woman so that they can enjoy life as a companion to each other. Allah has described the beautiful relationship between husband and wife by considering them as garments for each other and thus, wants to live them together with love, peace and harmony. But it does not force any one to stay in an unhappy marriage and in those cases, where it becomes impossible for them to live together without hurting each other, Islam permits divorce. Islam regards divorce as the most detestable act in the sight of Allah but permits the same only in those cases where it has become impossible for the couples to stay together and not on trivial issues like it is done today. Where, a dispute arises between a husband and wife then in such a case, Allah commands His followers to choose one conciliator from both the sides (i.e., from the husband and the wife’s families) and bring both of them to reconciliation but if it seems that there is no scope left for reconciliation, then only the resort to divorce must be suggested. Before the advent of Islam, only the husband could divorce his wife whenever he wanted to do so and the wife had no choice except to accept his decision. She had no corresponding right to divorce her husband and if she was not happy with her marriage, she had to remain in the marriage against her wish. Sometimes, she was divorced by her husband as many times as he wished and at other times, a husband could divorce his wife with the restriction on her remarriage. But Islam gave woman the right to seek divorce in an unhappy marriage by way of khula. She also has the right to divorce her husband in the form of talaq-e-tafweez if he delegates the authority of
pronouncing divorce to her. *Ila* and *zihar* are yet another two kinds of divorce under which a wife gets the right to seek divorce on certain conditions if fulfilled. Women also have the right to seek divorce against her husband if he lays false charge adultery on her but fails to prove the same. This is known as *lian*. There are also provided certain grounds upon which the wife can seek judicial divorce against her husband from a court of law if he fails to fulfil his obligations towards marriage that have been provided under the *Dissolution of Muslim Marriages Act, 1939*. In this way, Islam empowered women to get rid of unhappy marital unions against their wishes.

Islam also gave the women certain economic rights, which have been discussed in chapter four of this study, so that they may not be dependent upon men for their economic necessities. These rights include the right to maintenance, dower and inheritance. A man is obliged to maintain his wife, children and parents and this obligation of providing maintenance is not dependent upon his means but taking into consideration his earning capacity. His responsibility to maintain children and parents is limited to the extent of their incapacity to maintain themselves and where the children have become major or have their own resources to maintain themselves and also the parents hold the resources for their maintenance, his liability to maintain them comes to an end. But his obligation to maintain his wife is not dependent on the earning capacity or the resources of wife and even if the wife is richer than the husband, her maintenance is obligatory upon the husband. Thus, a husband is responsible for the maintenance of his wife during the subsistence of their marriage and also after her divorce with him till her death or remarriage. A wife may lose her right to maintenance if she has not attained the age of majority and thus, is incapable and unfit for the consummation of marriage, is disobedient towards her husband, refuses to stay with him in his house without any just and reasonable excuse, or is unchaste towards her husband. The minority of the husband is not an excuse for the refusal of maintenance to the wife under Islamic Law. Where the husband and wife or their guardians (in case of minors) enter into an agreement regarding the maintenance of the wife by the husband, then the husband or his guardian shall be bound to fulfil the conditions of the same agreement, if it is not opposed to the principles of Islamic Law and public policy. The regard should be paid to the status of the wife for the fixation of her maintenance under *Shari’ah*. In India, the Muslim women’s right to maintenance is governed by the *Muslim Women (Protection of Rights on Divorce) Act, 1986*. 

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The maintenance of the wife has been made the responsibility of the husband so that she may fulfill her obligations properly towards her family without taking any stress regarding her maintenance by herself. But that does not mean that Islamic Law restricts women from earning money outside their homes. If a woman gets enough time to work outside, after fulfilling her obligations towards her family, then she has the right to earn money for herself in a decent way by seeking employment at any place that has not been prohibited by Shari’ah.

A Muslim wife has also got the right to dower from her husband at the time of her marriage. Dower is considered as a token of love and respect of the husband for his wife. Some people has confused dower as the consideration for the contract of Muslim marriage but it must be remembered that it has nothing to do with the contract of marriage and non-fixation of dower does not render a marriage invalid under Islamic Law. Dower has been classified in two kinds; one is prompt dower and other is deferred dower. Prompt dower has to be paid at the time of marriage only and before the consummation of marriage but the deferred dower is paid at the time of dissolution of marriage. Usually, the half of the dower amount is treated as prompt and the other half as deferred dower. The wife may even refuse to consummate her marriage with her husband unless he pays the full amount of prompt dower to her. A wife’s right to dower against her husband is so absolute that after his death, it can be enforced against the deceased husband’s property. Wife’s right to receive dower from her husband is a transferable right and if at the death of the wife, her dower has not been paid then her heirs can recover it. If the wife is in possession of any property of her husband, she can retain it until the recovery of her dower. The wife can also relinquish her right to dower if she wishes to do so. Islam does not prescribe any maximum or minimum limit of dower but in fact, leaves it at the disposal of the parties. Basically, the provision of payment of dower has been laid down under Islamic Law for husband to show his wife that he loves and respects her and thus, wants her in his life. But there are also other objects of dower which includes putting restrictions and check upon the husband’s arbitrary power of divorce and also to restrain him from polygamy. The fixation of dower is the right of the wife only but one always witness that she is not even consulted before fixing the same and the parents of the bride fix her dower. Whatever the parents of the bride desire is fixed as the amount of dower and she has no say in this matter. Under Islamic Law, dower of a woman is to be fixed by taking into consideration her age, beauty, educational qualifications, social and family status, economic
condition of the husband, etc. Dower is the absolute property of the wife and her husband or father or any other relation has no right over the same.

Another right granted to woman by Islamic Law to make her economically strong is the right to inheritance in the property of her deceased relations. Before the advent of Islam, women, all over the world, were deprived of their right to inherit property from their relations. In fact, they by themselves were considered as an object of inheritance for men. Islam disregarded this practice and took the revolutionary step of giving women the right to inheritance of property back in the 7th century when the west could not even think of doing so. Under the Islamic system of inheritance, a woman inherits share from her deceased relations in the capacity of a daughter, mother, wife and sister and her share depends upon the closeness of her relation with the deceased. Islam declared a definite share for woman in different capacities and made her a Qur’anic sharer. It is noteworthy that out of twelve sharers, eight are women. Her marriage has no effect on her inheritance right and both, the unmarried as well as the married daughters, have equal share in their deceased father’s property. In some cases, man gets double the share of woman and in other cases, woman gets a share equal to that of a man and in some cases, the share of a woman is more than the man. This all depends upon the relation of the woman with the deceased but she always inherits her share that has been mentioned by the Holy Qur’an. The right to inheritance played a major role in the upliftment of the status of woman in the society. Islam declared woman the absolute owner of her property, be it her inherited or gifted property or the self-acquired one. No one has any right to disentitle her of her right to disposal of her property and she is free to dispose it off the way she wants it to. Therefore, a woman is free to sell, mortgage, lease, gift, lend, donate, rent, give in charity or make a will or wakf of his property and no one can prevent her from doing so.

It has become crystal clear now that Islam has granted a great deal of rights to women to raise their socio-economic status in the society. They have been given the right to education, right to choose their life-partner, get the marriage dissolved if they are not happy, right to fix and receive dower, right to maintenance as a daughter, wife and mother, right to inheritance, right to earn, right to absolute ownership of property and much more. But practically, they have still been deprived of the enforcement of these rights by the Muslim societies. The socio-economic status of Muslim women across the globe is not the same as Islam has accorded them. In India, the Muslim women are governed by their personal laws when it comes to their
personal matters like marriage, divorce, dower, maintenance and inheritance, etc. In this regard, the *Muslim Personal Law (Shariat) Application Act* was passed in the year 1937 which declares that where the parties are Muslims, they shall be governed by the principles of Islamic Law in their personal matters. But one may often witnesses that the society has deprived them of these rights due to their ignorance and unawareness of their rights under Islamic Law and being a Muslim majority State, the Jammu and Kashmir is no exception to the same. Although, the *Muslim Personal Law (Shariat) Application Act* was made applicable in India in 1937 but in the State of Jammu and Kashmir, it was legislated in the year 2007 as the laws of India are not applicable to people of Jammu and Kashmir. Before 2007, when the Jammu and Kashmir Legislative Assembly enacted the *Jammu and Kashmir Muslim Personal Law (Shariat) Application Act*, Muslims had been given the choice, under the *Sri Pratap Jammu and Kashmir Laws Consolidation Act, 1977 Svt.*, of being governed either by the principles of Islamic Law or customs.

Chapter five of this academic venture further makes it clear that most of the Muslim tribes in the State of Jammu and Kashmir had their own customs and were governed by them in their personal matters. These customs were generally in strict derogation with the principles of Islamic Law. For example, the Islamic Law prohibits adoption of a son for the purpose of appointing him as an heir to one’s property and thus, restraining the original heirs from inheritance of the property of their deceased relation but the Valley of Kashmir recognised the institution of adopted son (*pisar-e-parwarda*) and he could inherit all the property of his adoptive father, disentitling all his other heirs under Islamic Law. The institutions of *khanadamadi* and *dukhtar-e-khana nashin* were also in clear cut contradiction with the principles of Islamic Law. By bringing home a *khana-damad* for his daughter, a father could appoint her daughter as a *khana-nashin dukhtar* who was entitled to the inheritance of whole property of her father after his death and thus, excluding all other relations, except her brothers-whether natural or adopted, and her *khana-nashin* sisters (if any), from inheriting any share in the property of deceased including her own *berun-khana* sisters also. Where the deceased had left behind a son or sons (natural as well as adopted), the *khana-nashin* daughter was entitled to an equal share in the property of her deceased father along with her brother(s) opposed to the principles of Islamic Law which provides that the share of the daughter is half the share of a son. The system of inheritance also discriminated against the other natural heirs of the deceased. However, the *khana-nashin* daughter inherited the property of her deceased father for her life time only and if she died sonless or without
leaving behind a dukhtar-e-khana nashin, her property devolved not upon her heirs, but upon the heirs of her deceased father. A khana-damad had no right in the property of his deceased wife and if the concerned person had made a deed in his favour, only then he could get a life interest in the property of his father-in-law after the death of his wife. After the death of khana-damad, property would devolve upon the heirs of his deceased father-in-law and not to his heirs. Thus, a khana-damad had no right to inheritance in the property of his deceased wife. Also, he had no right to inheritance in the property of his natural father unless his brothers consented to the same.

Not only this, but these institutions had affected the other rights of the parties also like the right to maintenance, dower, restitution of conjugal rights, etc. A khana-nashin daughter could not claim maintenance from khana-damad while staying at her parental house and if the khana-damad left the house of his father-in-law without any reasonable justification, he had not right against his wife for the restitution of conjugal rights. In this way, the customary law of the State of Jammu and Kashmir have discriminated against Muslim women and they have been deprived of their socio-economic rights for a long time.

In chapter six, the findings of survey conducted during the research have been provided which prove that even though the Islamic Law has been made applicable to the Muslims of Jammu and Kashmir under the Jammu and Kashmir Muslim Personal Law (Shariat) Application Act, 2007 and almost ten years have passed to the enactment of the same but still the socio-economic status of Muslim women in the State is not much better than before. Though the law has been passed but its implementation is not satisfactory and position of Muslim women, especially at the rural levels, has not improved much. Still some people follow the old customary laws and prefer to decide their personal matters within the family only and do not prefer going to courts for the enforcement of their rights. Woman is not asked before fixing her marriage and generally, the parents get their daughter married to the man of their own choice and thus, woman has no say in her marriage. Triple talaq is the most common form of divorce among the Muslims of Kashmir Valley. Still the khana-nashin daughters are being appointed and are made heir of the whole property of their deceased father.

But it has been seen during the research that the position of women in cities and towns is much better than that of the rural women. All this is due to lack of education and awareness of their rights among the women of rural areas. During the survey, it was found by the
researcher that in the twenty-first century also, when the right to education has been made a fundamental right, girls are rarely educated in the rural areas of Kashmir Valley and are unaware even of their rights basic rights. Women are not aware of their share in inheritance in the property of their deceased relations except as a daughter and wife. Most of the rural women of old-age cannot even speak Urdu language. They are not aware of the Islamic Laws that have been enacted in the State of Jammu and Kashmir for the protection and enforcement of their rights. In short, it can be summarised that the majority of Muslim women in the State of Jammu and Kashmir have no awareness regarding their socio-economic rights under Islamic Law. Therefore, there is a great need for organising awareness programmes in the State under which Muslim women must be made aware of their rights as a human being and also their rights in relation to others so that their socio-economic status gets improved.

In the concluding remarks it can be said that no other religion or society provides such considerate laws for the welfare of women as Islam does. Fourteen hundreds years ago, the Muslim woman was given a role, duties, and rights that most women do not enjoy today, even in the west. Yet, the religion which revolutionized the status of women is being portrayed as repressive to women. The attitude of the Holy Qur’an and the early Muslims bears witness to the fact that woman is as vital to life as man himself, and that she is not inferior to him nor is she one of the lower species. The rights and responsibilities of a woman are equal to those of a man but they are not necessarily identical with them. Equality and identicalness are two quite different things. This difference is understandable because man and woman are not identical but they are created equals. Woman is recognized by Islam as a full and equal partner of man in the procreation of humankind. He is the father; she is the mother, and both are essential for life and her role is not less vital than his. She is equal to man in bearing personal and common responsibilities and in receiving rewards for her deeds. Islam has acknowledged her as an independent personality and she has been declared as equal to man in the pursuit of education and knowledge. When Islam enjoins the seeking of knowledge upon Muslims, it makes no distinction between man and woman. Time and again, the Holy Qur’an reproaches those who used to believe woman to be inferior to man. It is not possible for anyone to justify any mistreatment of woman by any decree of rule embodied in the Islamic Law, nor could anyone dare to cancel, reduce, or distort the clear-cut legal rights of women given in Islamic Law.
It is also worthwhile to state that the status which women across the globe have reached, during the present era, was not achieved due to the kindness of men or due to natural progress. It was rather achieved through a long struggle and sacrifice on woman’s part and only when society needed her contribution and work, more especially during the two world wars, and due to the escalation of technological change. In the case of Islam, such compassionate and dignified status was decreed, not because it reflects the environment of the seventh century, nor under the threat or pressure of women and their organizations, but rather because of its intrinsic truthfulness.

But today, the position of women in the Islamic world shows that there is a world of difference between Qur’anic teachings and Muslim practices. Nevertheless many practices, understandably Muslim practices, which were less than fair to women for a variety of reasons, are thought to be Islamic practices; but the fact is that Islam is not necessarily what the Muslims do. It is, therefore, necessary to distinguish between the two and also to understand the reasons for the difference. Islam has raised women’s status in the society by issuing many laws to protect her and give her an honourable and dignified life. It has been rightly claimed by some scholars that any interpretation of the Holy Qur’an that is discriminatory against women is contradictory to core spirit, general principles and ultimate purposes of Islam.

But men cannot be considered as wholly responsible for the subjugated and degraded socio-economic status of women in the Muslim societies today and the main reason for the poor socio-economic status of Muslim women is their lack of education and knowledge due to which they are unaware of their rights under Shari‘ah. That is why Islam made the seeking of education and knowledge compulsory for its followers. The Holy Qur’an and Traditions of Prophet Muhammad (PBUH), both oblige Muslim men and women to acquire knowledge and education. It is a duty for every Muslim under Islamic Law to educate himself/herself with every branch of knowledge, be it science, religion, law, mathematics or any other. Islam encourages women to participate in the process of learning and does not like them to be ignorant and weak. Islam wants women to participate in the development of the society through their knowledge and talent. Islamic history is rich with the names of famous women who acquired knowledge and made great contributions in the development of society through their learning. But that did not last for long time and women’s right to education was snatched from them. Their status in the society got deteriorated. But by doing so, Muslims
have destroyed their strength and innate talents as much as they could, while at the same time calling for advancement and an end to their suppression, which is rather like a man in the desert running away from cool water. How is it possible for Muslims to get out of this situation if half of their population will remain inactive and weak? The only way to get out of this situation is by educating their women and fully recognizing the importance of the position of women in culture and society when drawing up the educational curriculum. It is time to get out of this darkness and start thinking in earnest about our actual place during the initial phase of Islam and also in the present era. Muslim women need to participate in the contemporary debate on Islam and women’s rights and to build co-operation and synergy between genders and communities to secure their empowerment. In a context where the Shari’ah is used to justify the denial of rights and freedoms to Muslim women, Indian Muslim women need to reclaim their right to education under Shari’ah. The lack of social opportunities for Muslim women is a crucial issue needing urgent action. An improvement in literacy rates would directly influence Muslim women’s socio-economic and political status as citizens of India. Islam has sanctioned the right to education for all Muslim women and if some Muslims don’t believe in allowing their daughters to go to school, to learn to read, to participate in debates, to pursue their Master degrees, to succeed in their respective careers, then it’s the beliefs and practices of such Muslims and not Islam. It can be confusing, but it is important to remember that Islam has honoured women in ways that society can’t, and Islam is a comprehensive way of life, that is not necessarily followed by Muslims. The following suggestive measures can be taken to improve the socio-economic status of Muslim women in the society in general and the State of Jammu and Kashmir in particular:

1. **Need for Education**

If we really want to improve the socio-economic status of Muslim Women in the society then they should be provided with equal opportunities of both the modern as well as the religious education. Though the literacy rate has increased in last few years but post militancy, the rate of education has decreased to a great extent at the village levels in the Valley of Kashmir. Therefore, steps should be taken to educate women so that they may understand their rights and duties in a proper manner. That is why Islam has made seeking knowledge and education obligatory upon every Muslim, whether male or female.
2. Need for Awareness among Women

The main reason for the poor socio-economic status of women, in any society generally and in the State of Jammu and Kashmir specifically, is the lack of knowledge and awareness of their rights granted to them by Islamic Law. Therefore, women should be made aware of their status under the Islamic Law and also of their rights and duties under the same.

3. Measures to be Adopted

Workshops and conferences should be organised at the village and district levels to make Muslim women aware of their rights under the enacted legislations on Islamic Law like the Muslim Dower Act, Dissolution of Muslim Marriages Act, Muslim Personal Law (Shariat) Application Act, etc. in the State of Jammu and Kashmir.

4. Compulsory Legal Education

Legal education should be made compulsory along with the other branches of modern education so that women get to know about the laws for the enforcement of their rights.

5. Importance of Education

It is often seen that many jurists have drawn a picture in the minds of people that Islam only allows religious education for women and modern education is not meant for them. When one goes through the teachings of Holy Qur’an and Sunn’ah, it appears that this is totally a misinterpretation of the principles of Islamic teachings and there is no reality in the same. in fact, the Holy Prophet (PBUH) himself used to teach women and thus, encouraged their participation in learning and education during his lifetime. Thus, Muslim women should be made aware of the importance and role of education and knowledge in Islam.

6. Role of Media

Even in the twenty-first century when the knowledge has become more easily accessible to everyone in the world, the so-called modern educated Muslim men treat their women counterparts unequally and with discrimination due to the lack of true knowledge of Islamic teachings regarding the status of women in the Islamic society. Arrangements should be made through the medium of various modes of communication like the social media, Islamic
lectures, print and electronic media, etc. to make these men aware of the true rulings of Islamic Law regarding the status, rights and duties of women in Islam.

7. **Role of NGOs**

Help of Non-Government Organisations (NGOs) should also be sought for making Muslim women aware of their rights under Islamic Law, and the proper procedure for the enforcement of the same.

8. **Need for Co-operation**

Those who are well qualified and acquainted with true knowledge of Islamic Law should educate others (both men and women) regarding their rights and duties in Islam and should not confine their knowledge to themselves only.

9. **Role of Men**

Men should be encouraged to provide to their women (i.e., daughters, wives, sisters and mothers) all the rights granted to them under Islamic Law like the right to education, choice of life partner, maintenance, inheritance, dower, divorce, etc.