SOCIO-ECONOMIC STATUS OF WOMEN UNDER SHARI’AH
(Case Study of the State of Jammu and Kashmir)

ABSTRACT

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Abstract

Statement of the Problem

Islam regards the existence of woman in the society as an equal partner and companion of man and not his subordinate. But before the advent of Islam, women had no position in the society. They were at the mercy and caprice of their men-folk and were treated as goods and chattels. Caprice of unrestricted polygamy was the order of the day and women could be divorced at the whim and pleasure of their husbands. Rights and privileges were totally denied to women in the pre-Islamic Arabian society and were being considered as exclusively men’s dominion. They argued that woman was weak and incapable of enhancing family’s resources and was thus, a hindrance rather than an asset in the defence against the enemies. They considered her a burden because she was not able to bring home the spoils of war so that the economic condition of the household and the tribe could improve. On this ground, she was denied the share in the property too. The same way, the boys of tender age also could not get a share in the family substance because they could not participate in wars. Only those men who were young and able-bodied and could face the enemies in the battle field were entitled to inheritance.¹

It was not that only Arabian society alone kept women deprived of their rights and privileges. The other social orders of the world also kept her deprived of the same on the basis of above-mentioned and other pretexts and only men were entitled to have rights. Even the major civilisations and religions of the world failed to give equal status to women like that of men. It was Islam that came to their rescue at that time and gave them, for the first time, a status which the world could not even think of, not even to this day also. They have been given fair liberty in matters of marriage and divorce. Islam removed various domestic and conjugal hardships by prohibiting unlimited polygamy. Islam upgraded their status in the society by giving them the right to seek knowledge and educate themselves with every field of knowledge that is considered beneficial to the humankind. She has been given the right to choose her life-partner with her free consent without any pressure from the family members. She has also been given the right to keep her maiden name even after her marriage and hence, not losing her identity after becoming the wife of a man. This proves that Islam recognises women’s individuality and separate existence apart from being a daughter, mother, wife or

¹ Dr. Muniruddin Qureshi, Status of Woman in Islam 181 (Reference Press, New Delhi, 2003).
sister. Thus, Islam has done everything possible to enhance the status of women in the society, so that they may live their life with respect and dignity.

It, thus, becomes crystal clear that the Holy Qur’an has given women equal rights in all spheres of life. Islam has declared man and woman to be equals. They are considered as each other’s counterparts and no one is superior or inferior. Equality does not mean here the likeness; it means equality of status. No two individuals in this universe can be alike as everyone has been created with a different physical appearance and mental abilities but that does not mean that they are not equal. One may be better in one way and the other in another but overall they are equal. By the term ‘better’ we mean here that one may be having great potential in one area and the other may excel in another area. Thus, ‘equality’ is a term that needs to be understood with a liberal interpretation. For example, Article 14 of the Indian Constitution speaks of equality in this sense only i.e., everyone is equal before law but everyone is not treated alike. Same is the case with the concept of equality under Islamic Law and it treats both men and women in equal way but not alike. The Holy Qur’an provides clear-cut evidence that woman is completely equated with man in the sight of God in terms of her rights and responsibilities. A comprehensive study of the Holy Qur’an and Ahadith (Traditions of the Holy Prophet (PBUH) also shows that Islam has enjoined women with equal rights like that of men and they enjoy the same status like them. The Holy Qur’an says:

> “O mankind! Be dutiful to your Lord, Who created you from a single person (Adam), and from him (Adam) He created his wife [Hawwa (Eve)], and from them both He created many men and women and fear Allah through Whom you demand (your mutual rights), and (do not cut the relations of) the wombs (kinship). Surely, Allah is the Ever an All-Watcher over you.”²

In the above verse, Allah has made it clear that He has created all the human beings from a single pair (i.e., Adam and his wife, Eve) and hence, nobody is superior over the other in any way. Allah declares everyone to be equal, may it be a man or a woman and the only superiority among them is that of their character, faith, kindness and good deeds. The Holy Qur’an says in this regard:

> “So their Lord accepted their prayers, (saying): I will not suffer to be lost the work of any of you whether male or female. You proceed one from another…”³

² Holy Qur’an, IV:1.
³ Holy Qur’an, III:195.
“Whoever works righteousness, whether male or female—while he (or she) is a true believer (of Islamic Monotheism) verily, to him We will give a good life (in this life with respect, contentment and lawful provision), and We shall pay them certainly a reward in proportion to the best of what they used to do (i.e., Paradise in the Hereafter).”

“Verily, the Muslims (those who submit to Allah in Islam) men and women, the believers men and women (who believe in Islamic Monotheism), the men and the women who are obedient (to Allah), the men and women who are truthful (in their speeches and deeds), the men and the women who are patient (in performing all the duties which Allah has ordered and in abstaining from all that Allah has forbidden), the men and the women who are humble (before their Lord-Allah), the men and the women who give Sadaqat (i.e., Zakat, and alms), the men and the women who observe Saum (fast), the men and women who guard their chastity (from illegal sexual acts) and the men and women who remember Allah much with their hearts and tongues Allah has prepared for them forgiveness and a great reward (i.e., Paradise).”

“O mankind! We have created you from a male and a female, and made you into nations and tribes, that you may know one another. Verily, the most honourable of you with Allah is that (believer) who has At-Taqwa [i.e., one of the Muttaqun (the pious)]. Verily, Allah is All-Knowing, All-Aware.”

“Every soul will be (held) in pledge for its deeds.”

In the above verses, the Holy Qur’an declares that men and women are equally responsible for their actions without any distinction on the basis of sex. It should be noted that Allah has addressed all the human beings in a gender-neutral way and He has not used any term like “O men” only. Instead the non-sexist terms like, “O believers”, “O those who believe”, “O mankind”, etc. have been used by Him while communicating with the humans which shows that His Commandments are for men as well as women alike. He has declared them equal as human beings, both in this world and in the Hereafter. The Holy Qur’an specifies only one criterion for distinction between human beings, namely righteousness:

“And to all are (assigned) degrees according to the deeds which they (have done), and in order that (Allah) may recompense their deeds, and no injustice be done to them.”

Therefore, no question can arise of honour for man and dishonour for woman or the superiority of man over woman. Both of them are considered equally honourable under

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4 Holy Quran, XVI:97.
5 Holy Quran, XXXIII:35.
6 Holy Quran, XLIX:13.
7 Holy Qur’an, LXXIV:38.
8 Holy Qur’an, XLVI:19.
Islamic Law and it makes no distinction on the basis of sex. In fact, Allah has made both of them equally important for each other and wants them to live in harmony with each other and no one should try to dominate the other in any way. This shows that Islam did not intend to make men superior over the women and He wants them to live their life as a husband-wife with great love and affection in their hearts for each other without considering oneself superior to the other. This clearly and undoubtedly proves the Islamic Law’s principle of equality among spouses. Allah declares regarding the rights of women in the Holy Qur’an:

“...And they (women) have rights (over their husbands) similar to those of their husband) Over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them. And Allah is All-Mighty, All-Wise.”

Those who contend that a woman is not equal to man in the matter of rights and obligations, quote the following verse of the Qur’an in the support of their argument:

“Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband’s absence what Allah orders them to guard (e.g., their chastity, their husband’s property)...”

The plain wordings of this verse may seem to show that Allah has made men superior over women and most of the scholars (whether Muslims or non-Muslims) interpret this verse in this sense only but it is a well-known fact that the verses of the Holy Qur’an are to be interpreted after going through the whole context of it. Only then, one may be able to get through the true intentions of the Almighty Allah’s Commandments. Therefore, when the verse of the Holy Qur’an given above is interpreted in its proper Qur’anic and social context, the conclusion is that the Holy Qur’an never discriminates on the basis of gender. It is the interpretation of the Holy Qur’an, reflecting the masculine and patriarchal prejudices of the interpreters, that is discriminatory. Hence, it is clear that Islamic considers women to be equal to men and orders it followers to treat their better-halves in the best possible way that they can and not to mistreat them in any way.

Further, the Holy Qur’an strongly guarantees fundamental rights without reserving them to men alone. These rights are so deeply enrooted in our human nature that their denial or

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9 N. M. Shaikh, Women in Islamic Society 21 (Kitab Bhavan, New Delhi, 1991).
10 Holy Quran, II:228.
11 Holy Quran, IV:34.
violation is tantamount to a negation or degradation of that which makes us human. That is why the Holy Qur’an upholds women’s right to life considering it sacred and declares that no life can be taken without law and made the killing of women a crime equal to that of killing men. It lays down:

“…Take no life, which Allah hath made sacred, except by way of justice and law…”¹²

The Holy Qur’an also recognises the women’s right to property in general terms and forbids its improper acquisition and lays down in this regard:

“From what is left by parents and those nearest related there is a share for men and women, whether the property, be small or large, a determinate share.”¹³

As already mentioned earlier, the Holy Qur’an has provided the right to work and earn for themselves to women also like that of men, after fulfilling their basic duties at home and the fruits of the work belong to the one who does the same. The Holy Qur’an lays down in this regard:

“…To men belongs what they earn and to women belongs what they earn…”¹⁴

This shows that the earnings of a woman belong to her and her only and to no one else i.e., neither to her husband nor her parents and she has full right upon her earnings and she can dispose it off the way she wishes to do. At another place, the Holy Qur’an prevented all humans from taking each other’s property in the following words:

“And do not eat up your property among yourself for vanities, not use it as bait for the judges, with intent that ye may eat up wrongfully and knowingly a little of (other) people’s property.”¹⁵

Also, Islam has made the benevolence to widows and taking care of them, as one of the noblest actions in the sight of Allah. The Islamic Shari’ah commended with the good treatment of widows. Moreover, Islam exhorted people to marry previously married women and not to leave them as a subject for accusation and talks. The husbands have also been prohibited from blaming their wives maliciously and without any strict proof of the same. The Holy Qur’an says:

¹² Holy Quran, VI:151.
¹³ Holy Qur’an, IV:7.
¹⁴ Holy Quran, IV:32.
¹⁵ Holy Quran, II:188.
“And for those who launch a charge against their spouses, and have (in support) no evidence but their own, their solitary evidence (can be received) if they bear witness four times (with an oath) by Allah that they are solemnly telling the truth. And the fifth (oath) (should be) that they solemnly invoke the curse of Allah on themselves if they tell a lie. But it would avert the punishment from the wife, if she bears witness four times (with an oath) by Allah, that, (her husband) is telling a lie; And the fifth (oath) should be that she solemnly invokes the wrath of Allah on herself if (her accuser) is telling the truth.”16

It is crystal clear now from the text of the Holy Qur’an that the status of woman in Islam is equal to that of man and she is in no way inferior to him. But the behaviour of some people is totally irrational and partial towards the status of woman in Islam. This is due to the reason that, owing to their peculiar religious and political thoughts and views, they fail to bring themselves to recognise the excellence of Islamic Law relating to women’s rights. They subject to many objections, the rights conferred on women by Islam from the point of view of the superiority of man in Islam. They argue that the man is the guardian and supervisor of the household, he can enter into polygamous marriages, can divorce his wife whenever he wants to do so and gets double the share of woman in inheritance. But these objections are not of the recent origin and have been levied against Islam since long and though many efforts have been made since long to clear these misunderstandings against the Islamic Law but still the practice continues with greater fury.

It must be remembered that though the Holy Qur’an does not chronologically present the creation process of man and woman but it, nevertheless, does practically respect and view a woman as an important part of the whole cosmos (the same way as a man) and considers the existence of woman as urgent as that of a man. Almighty Allah gives equal rewards to everybody who performs good deeds and equal punishments for evil deeds. There is not even a single verse in the Holy Qur’an that supports and promotes discrimination on the basis of gender. But it is very unfortunate that in most societies, especially the Muslim ones, the concept of gender, which is actually a product of a social construct, tends to accord women a low status and often puts them in a non-advantageous position. This can be described in a better way with the following words of Azizah al-Hibri:

“It is worth noting that the rise of patriarchy in the Muslim world was not historically an isolated event. Muslim Arab patriarchy was greatly influenced in its development by the neighbouring Byzantine and Persian empires. In fact, during that period the whole world was in the firm grip of patriarchy. It took women endless centuries before they could even begin

16 Holy Qur’an, XXIV.6-9.
challenging it successfully. As patriarchal forces tightened their grip on Muslim countries, they attempted to reduce the status of women in society to that of inactive, immature, dependent beings who are neither full-fledged citizens of the State nor are capable of being in full control of their own destiny. When this status is compared to that of Muslim women during the life of the Holy Prophet (PBUH), the contrast is shocking. Early Muslim women were actively involved in every aspect of life of the nascent Muslim society. They included business women, poets, jurists, religious leaders and even warriors. Yet, it is futile to attempt to establish the liberating influence of Islam on women by pointing to these ancient historical examples alone. So much patriarchal jurisprudence and practice has developed in the interim, that we must also seriously examine these patriarchal developments.”

The above view of Azizah al-Hibri explains that the status of women in the Muslim societies today is the direct result of the patriarchal thinking of those societies from where they got influenced and thus, Islamic teachings has nothing to do with this. As Shakespeare has rightly said that the fault is not in stars, but in ourselves. Therefore, the fault lies in the interpreters of the Holy Qur’an and not in the Holy Qur’an itself. To understand the status of women under Islamic Law and the Qur’anic concept of gender equality properly, it is essential to look historically at all the verses of the Holy Qur’an dealing with women’s rights and interpret them in their proper social and historical context. If these verses are interpreted in isolation and out of their proper context, the result would be misinterpretation of women’s position in the Holy Qur’an and a misunderstanding of the Qur’anic universal goal i.e., a just society based on human equality. This type of misinterpretation fosters the theory of women’s physical and intellectual inferiority culminating in women’s legal and social subordination. This is because of the reason that some of the conservative Muslim scholars have taken the Qur’anic verses out of their context and read them literally, ignoring the fact that the Holy Qur’an often uses symbolic language to portray deep truths. Another significantly important point to keep in view, while interpreting these verses, is the liberating thrust of the Holy Qur’an: liberating human beings from tribalism, traditionalism, sexism, racism, etc. it is important to note here that the focus of the Holy Qur’an is more on women than on men for much of the Qur’anic legislation is designed to ensure that women are treated with justice in the home and in society.18

In spite of all the rights and privileges given to women by Islam, the Muslim societies treat them with great disrespect and discrimination. This is not only the case with a few patriarchal

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societies but, in fact, most of the Muslim societies across the world deprive women of their rights granted to them by Shari‘ah. In India also, Muslim women are completely ignorant of their rights, privileges and status under Islamic Law and thus, are leading a miserable life. They don’t even know their basic rights as women which Islamic Law provides them in their personal matters like their right to marry with free consent, right to settlement of *mahR*, right to education, maintenance and inheritance. The main reason behind their miserable lives is their ignorance of their status in Islam. This is the situation in whole of India and the State of Jammu and Kashmir is no exception to this miserable position of Muslim women in the society. In the State of Jammu and Kashmir, there existed customary laws which were applicable to its citizens until the year 2007. The Muslim Personal Law (Shariat) Application Act was made applicable to the citizens of India in 1937 but in the State of Jammu and Kashmir, it was passed by the State legislature in 2007 under which Islamic Law was made applicable to the Muslims of the State in their personal matters. Before 2007, the Muslims had the option of being governed either by the principles of Islamic Law or the customary law of the State. Where the parties succeeded in proving the existence of a valid custom, the court had to apply the same custom in their case even if it was contrary to the principles of Islamic Law. Under the customary law of the State, there existed many customs like the institution of *khana-nashin dukhtar, khana-damad* and *pisar-i-parwarda* which greatly influenced the rights of women under Shari‘ah and thus, discriminated especially against women to a large extent. The women were deprived even of their basic rights like the right to marriage, divorce, maintenance, dower and inheritance and much more. In this research work, the detailed study has been made of the rights granted to women by Islam in their personal matters and their current socio-economic status under Islamic Law in the Valley of Kashmir after the enactment of the *Jammu and Kashmir Muslim Personal Law (Shariat) Application Act, 2007*.

**Objectives of the Study**

- The main objective of this research work is to trace out the social and economic rights which the Muslim women are entitled to under Islamic Law viz a viz rights available to Muslim women in the State of Jammu and Kashmir through customs and/or legislations.
Another aim of this particular research work is to highlight the discriminatory nature of the customary law of the Jammu and Kashmir as well as the factors responsible for the denial of rights to Muslim women.

An attempt has also been made to study the challenges and problems faced by Muslim women in the enforcement of their rights.

At last, this research aims to find out whether the purpose for which the Jammu and Kashmir Muslim Personal Law (Shari’at) Application Act, 2007 has been passed has been achieved or not and what may be the remedial solutions/measure.

Research Hypothesis

The survey and perusal of fundamental sources of Shari’ah distinctly reveals that Islam has provided good deal of rights- social-economic and political- to the Muslim women which not only enhance their social and economic status but, at the same time, ensure them a dignified existence in the society. Despite that, one may find and is also an acknowledged fact that what has been sanctioned by the Shari’ah in terms of gender rights- be social or economic-do not find full expression in action in Muslim societies, especially in the State of Jammu and Kashmir. The rights granted to women by Shari’ah have either been denied to them or violated or not implemented in letter and spirit. In the State of Jammu and Kashmir, people were governed by Muslim Law in some matters and by customs in others until the year 2007. These customs which governed the Muslims of Jammu and Kashmir were not Islamic in nature and to a greater extent, were discriminatory to women. Though recently, the Jammu and Kashmir Muslim Personal Law (Shariat) Application Act, 2007 has been passed by Jammu and Kashmir Legislative Assembly after a long struggle but still majority of the people are unaware of such a legislation for a variety of reasons and they settle their disputes according to these customs which in ultimate analysis culminate into denial or violation of gender rights.

Research Methodology

The research methodology adopted by the researcher for carrying out this particular research is both doctrinal as well as empirical in nature. It involves the in-depth study of source materials, text reviews and the extensive literature on the particular issue and an empirical survey of selected four districts of the State of Jammu and Kashmir. The doctrinal portion of the research involves the analysis of basically two types of materials on the status of women
under *Shari’ah* i.e., primary and secondary materials. Primary material consists of the legal texts and declarations in the form of *Qura’nic* injunctions and *Sunn’ah* on the issue of status of women. Secondary material consists of the relevant books, articles, research papers, news reports and precepts of magazines on the concerned issue. Use of internet has also been made by the researcher up to some extent for gathering the relevant information regarding the above-mentioned issue. The empirical part of the research involves the survey method of the selected districts for gathering the relevant information regarding the socio-economic status of Muslim women.

**Review of Literature**

A survey of the available literature on the status of women under *Shari’ah* has been carried out which includes several books, journals, articles, judicial cases and juristic works. Of these few articles have been referred in the bibliography. Further, research studies specific to status of women under other religions and their limitations and research dimensions for the present study have been found out. Help has also been taken from various websites. My research in this particular area of Islamic Law has a glimpse of divergent views on the status of women under Islamic Law. From the views of various writers regarding the socio-economic status of women under Islamic Law, it can be summarized that in an imperial society, women get exploited by men for their material gains and thus, they should revolt against this exploitation. Islam offers a logical ground for such a revolt as it symbolizes justice and equality. Its principles eradicate injustice and exploitation from every sphere of life. Islam completely abandons all those tactics that are being used by capitalistic imperialists to exploit woman. Islam gives dignity and protection to woman with respect to her feminine characteristics. *Muslimah* has no financial responsibility and total economic responsibility lies with men. The woman owns a full financial status that is no less than man. She has right to earn, right to possess property in the form of asset, real wealth or cash. She has full right to spend her wealth in a manner she wishes so long as it is approved by the *Shari’ah*. Whatever a woman earns, she has full right to spend it in the manner she wishes within the Islamic limits. Neither her husband, nor in-laws can force her to work (take up a job), nor they can force her to give her earnings to them. Even for earning woman, her economic responsibility lies upon her husband.

Therefore, it is the man’s duty to provide financial support to his family, and it is also a man who is required to give dower to his wife at the time of their marriage. In the castle of his
home, the husband is the ruler and the wife is the pillar of support. As in any establishment, there can be only one ruler, the husband has thus been put in charge of his home, but this is a responsibility and not a privilege. In Islam, a woman enjoys the same status as that of a man. There is no difference between man and woman with regard to status, rights and blessings, both in this world and in the Hereafter. If Islam stresses the division of labour between the sexes rather than sexual equality, it is because of the reason that it does not countenance the idea of either sex suffering from the feelings of degradation and inferiority resulting from any imitation of the opposite sex. Man and woman, in the eyes of Allah, are not the duplicates of one another, but the complements. Thus, Islam has never asserted woman as an inferior to man, instead it has only made the point that woman has been constituted differently than him.

From the start of the Qur’anic revelation, Islam restored to the rights of woman and ensured her full spiritual equality with man. In Islam, man and woman are described as partners in life, each having different but complementary roles and responsibilities best suited to their unique abilities and strengths. Islamic Law freed woman from the shackles of oppression that were previously placed upon her at a time when the whole world considered her a burden upon the resources owned by men. It was at that time that Prophet Muhammad (PBUH) defended and reinforced women’s rights throughout his mission even till the very end. He did not allow females to be looked upon as economic burden or objects of lust.

Further, it appears from various sources that the issues of women continue to dominate the world, due to very slow change in the status of women in the Islamic world as a whole. With the exceptions of a few Muslim countries, the age old laws have not changed. These laws, which were essentially formulated by the Muslim jurists in the early centuries of Islam, were a human effort to understand the divine pronouncements in a feudal era. The problems faced by women, among minority or otherwise, in India are due to illiteracy mainly. Therefore, it becomes quite necessary that the gloom of ignorance be removed by the light of knowledge and education. It is time by now that the women must be made aware of their rights and duties so that they realize their rightful place in the society.

Islam has enhanced the status of woman and showered her with ample human rights which are her natural due, and has also acknowledged her freely. Due to the emancipation of woman’s status in Islamic Law, the crime rate against women is very less in Islamic societies and unfortunately, the crimes against women as bride burning and dowry-murders are more rampant among the Sikhs, Jains, Buddhist and Hindus while such inhumane events rarely
occur among the Muslims and Christians. The reason for this is that Islam gave women a better and equal status long before other communities. But even after the six decades of independence, the majority of Muslim women is one of the most disadvantaged, least literate, economically impoverished and politically marginalised sections of the Indian society. Islamic scholars argue that Islam treats both men and women as equals but despite the claim that the Holy Qur’an bestows equal status and rights on both men and women, the reality is different. In Muslim societies, the women have lower status than their men and they do not enjoy equal rights, both in the family and outside. The inferior status of women in India is placed on their role of mother and wife and further, based on conventional pattern of sexual division of labour. Even in the sphere of production, Muslim women are treated as non-producers despite the fact that they shoulder the whole responsibility of domestic work in their families. Not only this, Muslim women are also traditionally engaged in a few household industries which does not require their going out for work, still they lack economic independence and access to education which is an important cause for their lower status and lack of initiative to fight for their rights.

**Scheme of the Study**


In **Chapter 1**, the position of woman before the advent of Islam in the pre-Islamic Arabian society has been highlighted and also the various changes brought about by Islam for the enhancement of socio-economic status of women have been discussed. In this chapter the position of women with regard to their personal matters like marriage, divorce, dower, inheritance, polygamy, plight of widow, etc. has been provided.

In **Chapter 2**, a comparative study has been made depicting the status of women in the major religions and civilizations of the world. Further, their sufferings in the hands of men and their religious texts have also been discussed with evidence.
Chapter 3 deals with the social rights of women under Islamic Law that have proven tremendously significant in enhancing their status in the society. In this chapter, the social rights of Muslim women with regard to marriage and divorce have been discussed in detail.

Chapter 4 of this research study deals with the economic status of women under Shari’ah. This chapter includes a detailed study of various economic rights granted to women by Islamic Law like dower, maintenance and inheritance. Also, the women’s right to employment and absolute ownership over their properties have been discussed.

In Chapter 5, a detailed study of the un-Islamic customs of the State of Jammu and Kashmir has been made and also their discriminatory aspects especially towards women have been highlighted.

In Chapter 6, an empirical study has been provided which was conducted by the researcher in selected four districts of the State of Jammu and Kashmir i.e., Baramulla, Budgam, Kulgam and Srinagar, in order to examine the application of Islamic Law in the State and also to know the current position of socio-economic status of Muslim women in these Districts and the reasons behind the denial of their socio-economic rights.

And finally, in Chapter 7, the conclusion has been drawn in the light of the given facts and thus, appropriate suggestions have also been made accordingly.

**Conclusion and Suggestions**

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 bridegroom 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.19

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 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 remarriage 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 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.

The maintenance of the wife has been made the responsibility of the husband so that she may fulfil 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.

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. 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. 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. 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. 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. 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. 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. 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. 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. 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.