Chapter - VII

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In conclusion the data shows that in the Aligarh district 90% population is literate and non-formal form of education have also contributed in raising the literacy rate of Muslim women. Women have had access to and had benefited from other forms of education. Even in semi-urban and rural areas women have religious education and counts as literate. However those 10% are illiterate, they are migrant home based workers came from Bihar region for employment. But Findings also shows that in most of the family male members get preference over female in every matters. This evidence shows that the education levels are declining in the rural women. Education per se does not inform women's awareness as about Muslim Personal law, importance about contents of nikah-nama, compulsory registration marriage, knowledge about their social status rights as enshrined in Quran and sunnah, importance of consent in marriage negotiations and unhealthy attitude of Indian judiciary.

Women with formal education who have opted for Muslim Personal law to be retained without reform more than women with no education who preferred its replacement with gender just secular laws. Majority of women in Aligarh district working and even some house wives earning through the self employment like embroidery and handicrafts. In home based workers conditions are poor, their income does not exceed Rs 500 a month. These women totally ignorant about
their religious and legal rights though they offer prayers and read Quran. Women therefore participate in the employment as a need to sustain and support their families.

These are teachers, office employees, lawyers who earn their handsome amounts in comparison with home based workers and housewives.

Formally educated women want to marry according to their choice but they submit her wishes to their parents and marry according to their parents choice. But all the respondents in this survey want compulsory registration of marriage. Participations of these women in marriage negotiations with the permission of their elders. Thus we can find that there is clear relations between education, employment and decision making during marriage negotiations. Educations influence women's awareness and enhance their aspiration for changes and reformations under laws as well as strict imposition of laws when their is curtailment of their rights. All the respondents in this survey wanted to enact Muslim personal matrimonial code.

Women in many Islamic societies lack personal autonomy. Before marriage they are under the tutelage of their father or other male relatives. According to hypotheses findings of this designated research confirmed that they are expected to marry a husband chosen by her before marriage she obey her parents, after that obey their husbands, bring up children, stay at home and mostly avoid participation in public life. At every stage of their lives, they are
denied freedom of choice and their consent in different matters. They may be forbidden to acquire an education, prevented from getting a job and thwarted from exploring their full potential as members of the human community.

If we have watched an official Islamisation programmes in Saudi Arabia, Pakistan, Iran, Sudan and Afghanistan have led to serious violations of the human rights of women. Muslim conservatives in all Islamic countries, and even in nominally secular India, have refused to recognize women as full, equal human beings deserving of the same rights and freedoms as men. In actual practice this thought should not be in consonance with Shariah.

Laws and practices governing women's personal status, their legal capacity and role in the family continued to deny women rights. While this type of discrimination varied from region to region, women throughout the world found that their relationships to male relatives or husbands determined their rights. Some Saharan countries continued to use statutory and customary law to discriminate against women with regard to their status, property ownership and inheritance. So far as Nigeria, Ghana, Kenya, Uganda and Zimbabwe are concerned their statutory law reforms over last twenty years gave women equal rights to inheritance but judges in these countries continued to apply customary law, meaning thereby the situation is not improving in cases of women's issues.

For instance personal status laws in Syria and Morocco, among other countries, continued to curtail women's right entering
into marriage contracts, during marriage, and at the dissolution of marriage. For example, in Syria, the minimum age for marriage was eighteen for boys and seventeen for girls. If a woman over the age of seventeen married without the consent of a male guardian, the guardian could demand the annulment of the marriage if the husband was not of the same social standing as the wife, and as long as the wife was not pregnant. The findings of these two countries corroborated and prove the survey findings in the Aligarh district, where researcher also highlight same sort of result in this study. Further, a Muslim Syrian women could not marry a non-Muslim, while a Muslim man had absolute freedom to choose a spouse from other religion. Syrian law also assigned different rights and responsibilities for women and men during marriage negotiations. A wife's "disobedience" could led to forfeiture of her husbands responsibilities to provide support. A man could legally have rights up to four wives simultaneously, while a woman could have only one husband. Women did not have the same right as men to end marriage; while the personal status law provide for the unilateral and unconditional right of a husband to effort divorce by repudiation, a women seeking divorce was required to go to court and prove that her husband neglected his marital duties.

Women's right activists globally continued their long standing campaign to eliminate discriminatory provisions in the personal status code or their wrong interpretation while decide a case which causes discrimination against with respect to women legal rights in marriage, divorce, child custody and inheritance. For
example in Morocco, it appeared that, as was the case with the reform of the personal status code in 1993, the king would be the final arbitrator on women's rights. On March 5, 2001, the king Mohammed VI formed a royal commission comprising religious scholars, judges, sociologists and doctors to consider amending the code. In a speech on April 27, 2001, he reiterated his commitment to improving the status of Moroccan women and eliminating discriminations against them according to the Islamic shariah and the values of justice and equality. Though advisory committee appointed by Prime Minister El-Yousoufi had failed to act on the issues during 2000. It will be ironic if a countries like India and Islamic countries which so loudly profess its commitment to improve the women status is not serious.

In the midst of the darkness that engulfed the world, the divine revelation echoed in the wide desert of Arabia with a fresh, noble and universal manage to humanity: "O mankind keep your duty to your Lord who created you from a single soul and from it created its male (of save kind) and from them twain has spread a multitude of men and women (Quran, 4:1). It is believed that there is no text, old or new that deal with the humanity of the woman from all aspects with such amazing brevity, eloquence, depth, and originality as this divine decree.

The Quran clearly indicates that marriage is sharing between the two halves of the society. Its basis are love and mercy.

According to all the provisions for her shows protection at the time of marriage, it was specially decreased that woman has the full right to her mahr, a marriage gift, which is presented to her by
her husband and in included in the nupital contract, and that such ownership does not transfer to her father or husband. The concept of mahr in Islam is neither an actual or symbolic price for the woman as was the case in certain cultures, but rather it is a gift symbolizing love and affection.

Women consent in Marriage was not generally thought to be necessary and she was obliged to submit to the wishes of her parents and then submit to her husband and her lord, even though they were stranger to each other. Family laws pertaining to marriage and divorce that reinforce the image of relationships based on hierarchy with the rights of the husband superseding those of the wife and that prevent women from being in control of their lives.

Women want equality with men and in most recent women's movements the concept of "personal choice" has become central. Over the years, feminists have devoted considerable energy and resources to preserving women's right to choose her life partner, expanding the number of options her women to chose from, and mobilizing sufficient resources to enable women to act on their own desires rather than those of their families.

A compulsory system of registration of Muslim marriage and divorce should at once be introduced by the government. The proposal to work on optional law by means of officers styled Qazi would lead to no beneficial results. Inspite of opposition of certain sections of Muslim community it may be said that a compulsory registration of marriage law would be regarded as a public boon by the majority of Muslims.
A compulsory system of registration of marriage and divorce exists in all Muslim countries, so why not in India? This is high time to enact Muslim personal matrimonial code.

Indian Muslims should develop effective non-governmental organisations to launch literacy campaigns, particularly for women literacy.

Abuses of certain Islamic practices that affect women negatively, such as polygamy and temporary marriage when applied out of context and without abiding by Islamic restrictions should be controlled by strict implementations of laws.

There is need to enhance frequency of Muslim women in the Muslim personal law board so that they take their problems in a right perspective.

Those who desires to change in Muslim Personal law argue that on the whole Muslim law in respect of women tends to be quite progressive. Marriage is civil contract with equal rights for both the parties to stipulate conditions as marital contract would be valid on fulfilment of those conditions. Thus woman may always stipulate conditions which would protect them from whimsical behaviour on the part of the spouse. A woman can always stipulate that the husband shall not take a second wife at all or without her previous consent. Both these conditions will be Islamically valid. She can also delegate to herself the right to divorce on behalf of her husband (known as talaq-i-tafwid) in her nikah-nama (marriage contract). Some nikah-nama have also been devised to include these conditions in a standard form.
The main areas of reforms in the Muslim Personal law are as follows:

a. Polygamy
b. Arbitrary divorce
c. Maintenance after divorce
d. Review of consent doctrine
5. Uniform civil code etc.
6. Enactment of Muslim matrimonial code.

Many eminent Muslim scholars of the subcontinent, like Syed Amir Ali, Maulvi Chirag Ali, Sir Syed, Sir Mohd. Iqbal and several others have advocated for reforms in Muslim Personal law and greater justice for women. Educated women herself want reforms under Muslim Personal law in certain issues.

Instead of common civil courts women want separate Muslim matrimonial code in the future. But instead of reforms we submit there is need to establish theories of adjustments under matrimonial laws in light of Shariah.