Among the Muslims religion regulates the sacred as well as the secular practices. The Muslims by and large accept their religion as unalterable and resist any major innovations. Under these conditions the men–women relationship and the authority structure in the family continues to be rooted in traditional sanctions as written in the sacred text for the followers of Islam even the minutes details of their every day secular life becomes the concern of religion. In a Muslim society the code of conduct for the followers of Islam at home and outside is laid down in the religious text and this forms a firm base for the functioning of the society. Muslim women cannot be viewed mainly from the point of view of a religious entity but also as a society consisting of numerous socio-economic groups and wide dispersal across different states and regions of India, as Muslims in India are an enormous variety in their social organisation, beliefs, attitudes and values (Samiullaha 2012). Some of the problems Muslim women facing in Muslim society are of social nature and are common to women of all communities like that of patriarchy as women are reduced to secondary position to men. Men are thought to be bread winner, supporter, protector of women and decision maker across all the communities. But only difference is that among other religious groups this is fast changing as women are becoming self sufficient and decision makers but situation has not improved among Muslims particularly of women. Thus it is important to understand the role of society as much as that of religion. In order to bring about change in the conditions of Muslim women it is essential to bring about change in the socio-cultural and economic conditions of Muslim women. If Muslim women continue to remain poor and illiterate than it is difficult to improve their Status (Engineer 2001)

Muslims constitute the majority community in the state of Jammu and Kashmir and the primary objectives of the present study were to analyse the social position of Muslim women in Muslim society and identification of socio-economic factors that hinder their social position and to understand how they are positioned in family and social structure. The present study had further analysed how patriarchy and religion control their social life and how education and employment are useful to uplift Muslim women in the society. The study also made an attempt to understand how they are taking benefits of rights under Muslim Personal Law. It offers relevant information about the respondents education, employment, social status, socio-economic activities and their
social participation in decision making. The real test of women’s empowerment begins when they start exercising their rights and responsibilities and actively participate in the decision making process within and outside the family. We find slow and steady change in the overall conditions of Muslim women such as their role and status in the family. Socio-economic profile of Muslim women indicates that education and employment has led to considerable change in the status of Muslim women in Bhaderwah but reforms are needed in Muslim personal law for the betterment of Muslim women as they suffer due to triple talaq, polygamy and no provision of maintenance beyond iddat period. The right of inheritance of property is not enjoyed by Muslim women inspite of the fact that Islam has given them right to property which is denied to them in Muslim society. The study has also taken into consideration the opinion of the Muslim men to understand the attitude of Muslim men towards education and employment of Muslim women and the problems Muslim women face due to Muslim personal law.

The present study is important because now there are various government policies for the education of women in general and reservation for women in different fields. The main concern is to understand how Muslim women are accepting the opportunities given to them and how through education and employment Muslim women are changing their social position in patriarchal Muslim society. These dimensions of Muslim women’s social life forms an interesting area for research which has not been explored earlier in Jammu and Kashmir.

The present study has followed the radical feminist model as the basic theoretical perspective which views that women’s position in society is unequal to that of man and that society is structured in such a way as to benefit men. Radical feminism emphasizes the patriarchal roots of inequality between men and women and views patriarchy as dividing rights, privileges and power primarily by gender and as a result oppressing women and privileging men. The socially accepted gender roles for both males and females are framed in accordance with the patriarchal ideology. In the study an effort was made to see whether Muslim women’s education and employment lead to their change in social status and were they making efforts to bring changes in their social life and demanding their rights given to them by Islam or making any efforts to demand reforms
in Muslim personal law.

Some of the earlier studies on Muslim women in India (Brijbushan 1980; Jain 1986; Roy 1979; Hasan and Menon 2005; Azim 1997; Ghanchi 2012; Shafi 2002; Singh 1992; Kurshid 2013) reveal that education and employment have contributed significantly in the amelioration of the lot of Muslim women in India inspite of traditional bound patriarchal social structure of Muslim society in India. The above mentioned studies reveal that educated Muslim women though employed or not employed achieved certain degree of independence in matters relating to family, purdah, economic and decision making activities in the family and taking decision regarding children and family matters. These studies concluded that Muslim women can ameliorate their socio-economic conditions through education and taking up jobs. Kurshid (2013) depicts in her study the role of education in changing the status of Muslim women in Kashmir.

In agreement to the findings of above mentioned studies the present study depicts the role of Muslim personal law in the present social position of Muslim women. The study further reveals the role of education and employment in changing the social status of women. The findings reveal the attitude of Muslim men towards the education and employment of Muslim women and the position of Muslim women under personal law. The findings reveal a positive change in the attitude of Muslim women and men in Bhaderwah and the necessity of being educated and employed besides the desire to improve the economic condition of family reflect the change attained by them. Regarding the question of Muslim personal law and inheritance rights of Muslim women, the situation is not positive as majority of the respondents both women and men were not in favour of reforms and majority of women respondents especially illiterate women do not understand the need of change in personal law and do not speak against personal law. But the highly educated women who understand the true spirit of Islamic rights granted to women want changes in personal law and favour reforms in MPL so that women do not suffer due to triple talaq and polygamy. There is a great need for awareness among the Muslim women about their rights with in MPL. The study further reveals that the women are not getting their rightful dues in matters of maintenance, dowry, mehr and child support even within the tenets of the existing Muslim law.
5.1 Findings of the study

The salient findings of the study have been given below under various headings

**Socio- Economic profile**

For the present study, the social and economic factors have been taken which influence the social status of Muslim women. It has emerged from the study that:

- Most of the selected women respondents (62.5 percent) belong to the younger age group below 40 years and 28 percent belong to the middle age group between 40 to 60 years and 13.5 percent women respondents belong between 60 to 80 years. There is a high rate of literacy among younger group of respondents and most of the elder women were illiterate it shows the increasing importance of women’s education among Muslim society.

- In the present study it was found that 78 percent respondents were married and 17.5 percent were unmarried. Married women and women with children enjoy more autonomy in the family than unmarried women and women with no children. Unmarried girls are dependent on their parents and all decisions regarding them are taken by their father and in some cases by both and enjoy less freedom. Widows (2.5%) were living with their grown up children and they were taking all decisions in the family and their sons also consulting them in family decisions. Young widows do not enjoy that much autonomy as middle age or older widows enjoy. And divorced women (2 percent) were living with their parental family.

- Age of marriage also determines the social position of an individual. Late marriage improves the chances of getting high education which help individual in getting jobs where as early marriage hinders progress and development of an individual and effect their education and social status. The present study reveals that majority of the respondents (38 percent) got married after the age of 26 years and (34.5 percent) between the age group of 20 to 25 years which indicates that average age of marriage for girls among Muslims have increased as they prefer
giving education to their daughters before marriage and only (10 percent) women married before attains 20 years of age and majority of these women were middle age respondents.

- Education is an important index of socio-economic progress of the modern society and important aspect of Indian society. It is an important agent of social change and plays an important role in understanding of the society and its structures. Formal education plays an important role in the empowerment of women. It has been found that 80 percent of the respondents were literates and 20 percent of the women respondents were illiterate. Many of the respondents were highly educated and some respondents had education upto primary and middle level which shows that the rate of school dropout is also high among Muslims especially in far off villages.

- Inheritance of property rights helps women economically. During the study it was found that most of the Muslim women (84 percent) are aware of their property rights. Only 16 percent of the respondents did not know about the rights women enjoy under Islamic law. Education plays important role in understanding the Islamic rights.

- Type of family also plays important role in the position of women in the family. In nuclear family women have more roles to play and take decisions regarding children and household along with the husband more freely than in joint family. Majority of the respondents (66 percent) were living in the joint family and 44 percent were living in the nuclear family. Among Muslims joint family system is more prevalent.

- Occupation of an individual contributes to the social standing of a person and reflects one’s economic position and influences the social and economic status of a person and helps an individual in facing difficulties of the life and supporting their family. Majority of women respondents (61%) were doing government jobs or working as small vendors and 29 percent were housewives and 10 percent of the respondents were students. This shows that Muslim women are taking up jobs
Family income is an important index to determine the socio-economic status of an individual and family. For Muslim women the achieved status varies with the economic status of the family. It also affects the educational level of the individual and other social indicators for the development of women and improving her social position. Family income of the respondents varies from family to family. It was found that majority of the respondents (65 percent) income was above rupees 25000 and 6.5 percent respondents family income was below rupees 5000. There were (10%) respondents with family income below rupees 15000 and 18.5 percent respondents family income was below rupees 25000.

The present study reveals that majority of the women respondents take part in decision making in the family regarding their children and about household as women are considered important for the development of the children and for household chores. Majority of the (36.5 percent) respondents help in education of their children and (33.5 percent) women respondents decide regarding the purchase of household good and gadgets. The autonomy is a freedom enjoyed by an individual in decision making relating to household maintenance, children’s education, marriage, moving out, spending and saving money, taking part in social organization and exercising franchise. Regarding saving family income 21 percent women respondents are consulted and 9 percent respondents take decisions regarding purchasing property.

In Bhaderwah Muslim don’t follow purdah system in strict or in conservative way and is not a hindrance in socio-economic development of women. Most of the women take dupatta or chadder and girls prefer modern scarfs for covering heads instead of wearing burka. As from the present study it was found that majority of the respondents (55 percent) did not wear burka and 19.5 percent respondents wear burkha with their own choice, 12.5 percent respondent wear burkha some times and 13 percent women respondents wear as they are instructed by their parents to wear.
• Educational level of men directly affects the educational and employment prospective of woman. Majority of the male respondents (40 percent) were post graduates and 22 percent male respondents were graduates. 14 percent of the respondents had high school education, 3 percent respondents up to middle level and 18 percent male respondents were illiterate.

• The occupational background of the male determines the economic status of the family which directly affects the education and social position of women as mostly non working women are totally dependent on male members. The present study reveals that 4 percent respondents were not involved in any kind of work and 94 percent male respondents were involved in different occupations like government jobs, private sector and self employed.

• Income is a key indicator of measuring of economic status of an individual. Financial background of the person influences their children’s (especially girls) accessibility to education. Better income of the male member places the children in a better social position. It was found that 18 percent male respondents income was below Rs 10,000 and 18 percent of the male respondents income level was Rs 10,000-20-000 there were32 percent male respondents with income level between Rs 20,000-30,000 and 32 percent of the male respondents income was above Rs 30,000.

• From the present study it was found that Muslim men also do not prefer rigid burkha for women as now a days they prefer modest dress with head scarfs for women folk. It is found that 22% of the male respondents consider necessary or important for women to wear burka and majority of the male (42% percent) respondents were of the view that it is not necessary for women to wear burka and there were (36%) male respondent who prefer modest dress for women. It has been observed that now days wearing burka is no more a compulsion for women and most of the women prefer chadder to cover themselves.

• In the patriarchal structure of society most of the decisions regarding family household were taken by male members and in some cases elderly women were
consulted. Now a days this trend is also changing and wife and mother are consulted in household matters. It has been found that majority of the male respondents (38%) consult their wife/mother regarding the education of their children/ marriage of children, 24% of the male respondents consult their wife/mother in the decision of money saving whereas 38% male respondent consult their wife/mother regarding household/ property.

**Education and employment of respondents**

Muslim women’s education in Jammu and Kashmir has made considerable progress and parents are also showing interest to educate their daughters along with their sons. Muslim women aspire to achieve equal status by utilizing the opportunities of education and employment made available to them. But still their progress is slow.

- Education is one of the important social factors which plays an important role in improving the social position of women and help them economically and make them more aware and independent. It has been found that 20 percent of the women respondents were illiterate. 5 percent of the respondents had education upto middle level and 10 percent of the respondents were educated till secondary level. 10.5 percent of the respondents were educated upto high secondary level. 28.5 percent of the respondents were graduates and 26 percent of the respondents were post graduate and above. Most of the literate respondents found between the age group of 20 to 40 years which showed how the literacy level of women has increased and still increasing as Muslims of Jammu and Kashmir don’t relate education with the religion but consider providing education to their daughter as their duty.

- From the present study it was found that due to early marriage and the school being far away from their village, majority of the women remain illiterate. Most of the illiterate respondents were above 45 years of age. And some illiterate respondents were denied education because their parents do not consider female formal education as important.
• From the present study it was found that Muslim women consider education as an important indicator in improving the social condition of women in the society. Majority of the respondents (82.5 percent) agreed that education affects the status. There were 17.5 percent respondents who said that it does not affect the status of women. Infact education is one of the key factors in improving the social position of women; women become more aware and better understand their rights and role in the family and society. Parents especially the father understands the importance of education for their daughter in changing social trend but still Muslim women in rural areas of Bhaderwah are still remain educationally backward.

• From the present study it was found that, 29.5 percent respondents were of the view that they participate in family decision making and 25.5 percent respondents were of the view that education helps in becoming self-dependent. Besides there were 27.5 respondents who believed that educated women become aware of social issues. 17.5 percent were those who were of the view that it does not affect the status. Education has positive effect on the social position of women in Bhaderwah.

• The present study reveals that recognition of need of formal education for girls in the Muslim family is gradually increasing, enlarging the role of women and bringing about change in the attitude of the women themselves regarding education. But still many Muslim families were not allowing formal education to their daughters. Majority of the respondents (86 percent) allow formal education to daughters whereas 14 percent respondents did not allow education to their daughters.

• From the study it was found that 20% respondents thought that education helps their daughters to improve the social position/ status in the family and society whereas 23 percent respondents considered that education makes them independent economically and they do not remain as burden on family. There were 27 percent women respondents who gave opinion that education brought awareness. Awareness regarding health issues and medicines and about other things help women in looking after the family and house hold in a better way.
Whereas 16 percent women respondents considered that education helps mother to teach their children and help in their education. Educated women are an asset to any family in every sphere of life.

- From the present study it was found that majority of women respondents favoured higher education of daughters. All the Respondents whether with higher education qualification or those with less education and even illiterate have shown greater inclination towards education for daughters. Respondents who were not in favour of higher education have given social and other economic reason for their opposition. Especially the main reason was poor road connectivity and non availability of transport facility. The women whole heartedly support women education and consider formal education as another necessity of life. Few women who did not support higher education for girls cited their own example of having passed happy and peaceful life without any type of formal education.

- Perception of male respondents towards female education plays important role in improving education level among Muslim women. It has been found that majority of the male respondents, i.e. 86 percent respondents favoured and consider education important for women to improve their social position. There were 14 percent respondents who do not favour education for girls.

- In today’s changing world education has became important for everyone to move with the time. Muslim community in Jammu and Kashmir and particularly in Bhaderwah understands the importance of education for their daughters. It was found that 86 percent respondents favoured education for daughters and want to send their daughters for higher education whereas 14 percent respondents do not want higher education for their daughters. It was found that Muslims want education for their daughter but many do not favour higher education many were of the view that higher secondary is sufficient for a girl to become good housewife after marriage. Thus some of them consider education to be just a variable to be a good housewife.
The respondents who were not sending their daughter for education gave various reasons and the major reason behind not sending their daughter for education was mostly social. Most of the respondents cited that shortage of separate educational institution for girls at higher level and school and college being far away from their areas and difficult for their daughters to go for higher studies. Some respondents consider religious education as enough for girls to run their house and life after marriage. Locality of educational institutions plays a major role in girls education. Most of the parents don’t want to send their daughters to schools located at long distance from home or village.

It has been found that Muslims in Bhaderwah understands that education is important for bright and secure future of their daughter and helps them to improve their social position in the family and society. 80 percent respondents believed that education acts as a major factor in improving the status of women and 20 percent respondents did not agree to the view that education helps to improve the status of women. It was found that beside education other factors like economic independence, family background, education and status of husband, etc also serve as important factors in changing the social status of women. Beside secular and modern education, religious education is considered important for the women to understand their rights as analysed in the table above.

The opinion about how education contributes in the making of various types of decisions. From the present study it was found that 38 percent male respondents were of the view that that educated mother brings up children better than an uneducated mother. Whereas 48 percent male respondents hold the view that educated women can take the entire responsibility of the family and 14 percent respondents were of the opinion that educated women can manage household efficiently in the absence of husband and can properly look after the health of elderly people in the family and easily participate in family matters. It was further found that educated and working women are socially more aware about the current social trends and understand what is good for their children and family.
• The Muslim women of Jammu and Kashmir are attaining modern education, adopted new cultural patterns and developed career by working outside their homes in governmental and non-governmental offices on a regular basis. From the present study it was found that 61 percent respondents were employed. 39 percent respondents were unemployed Most of the working respondents were from urban areas and most of the rural working respondents belong to chakka, puneja village.

• Regarding the attitude of women respondents towards women employment it was found that 67 percent favour working of women and 21 percent respondents were not in favour of women working outside. 12 percent respondents consider it necessary for the women to take employment. It was further found that perception regarding working of women is changing among Muslim women but still the Muslim community as a whole does not favour as most of the people in Bhaderwah consider that doing job is double burden on married women and by doing job children and domestic sphere gets neglected.

• From the present study it has been found that 24 percent respondents consider that women become economically independent by doing jobs. 35.5 percent respondents were of the view that employment helps them to support their family which improve social status of the family and 19.5 percent respondents were of the view that the standard of living improves. There were 21 percent respondents who were not in favour of working women.

• The major reasons behind unemployment among Muslim women in Bhaderwah are not only Islamic but other factors equally contribute in their economic status. Islam gave the domestic responsibility to women therefore Muslims think that domestic life will be disturbed if both husband and wife go out for work. Many Muslims do not consider it important for the women to work outside family and ignore domestic sphere. It was found that 8.5 percent respondents were of the view that working of women results in neglect of children and children do not get proper attention of mother and 9.5 percent respondents were of the view that women should take care of domestic life only. 3 percent respondents consider
working of women against the principle of Islam. The unfavourable nature of respondents towards women employment cannot be attributed to their belief that Islam forbids women to seek employment but other factors were more dominating. Family responsibility and child care were the major factors beside illiteracy among the women’s in Bhaderwah for not doing any job.

- Muslims in Bhaderwah prefer government jobs for the women. It has been found that 22.5 percent respondents and 11 percent respondents were working in government sector as (bureaucrats, clerks and in other government offices). There were 10% respondents who were working in medical/ health sector as doctors and nurses. 18.5 respondents were self employed. There were 39% respondents who were not working. It was observed that Muslims in Bhaderwah prefer government jobs preferably in education department.

- Employment always helps the women to improve their economic position in the family as well as in the society. The present study reveals that 27 percent respondents were of the view that working helps to improve family income. 14.5 percent respondents were of the view that employment is to make use of education. 19.5 percent respondents were of the view that doing job helps them to become independent.

- From the present study it has been found that 15 percent respondents not working due to lack of education. Whereas 13 percent respondents were not allowed by parents and husband. There were 11 percent respondents who were not working due to family responsibilities. Too much should not be made of cultural norms in explaining the exclusion of Muslim women from work participation considering that social and cultural obstacles to women’s work constitute a very small percentage of reasons for not working.

- In Muslim community most of the women do not have the autonomy to make decision about their own work. It is mostly decided by the parents especially father before marriage and husband after marriage in many cases after marriage girls leave their job as husbands don’t allow to continue with job after marriage.
Mostly Muslim families are conservative and patriarchal, and cultural norms govern women’s work outside and often are not considered good. The family responsibilities that drive men to seek employment serve to keep women at home. Therefore very less number of women decide about their work themselves. It has been found that 38 percent respondents were of the view that their father decide about their working. 30.5 Percent respondents were of the view that husband decide about working. There were 31.5 percent respondents who were of the view that women decide by themselves.

- In traditional Muslim families husband is the earner and the wife is the organiser of the family finances and were mostly spenders. But when the wife became earner her placement in the family economy is different than in the traditional family. Control on their earning is another indicator of their autonomy. From the present study it was found that women decide about the expenses of the family. But regarding the use of income of women it is the monopoly of husband and father but in many cases especially unmarried girls spend and save their earning by themselves. It was found that 13.5 percent respondents save/ spend by themselves. There were 20.5 percent respondents were of the view that spending of salary is decided by family members. In case of 54 percent respondents it is decided by husband

Economic position of a person identifies their status in the society. Employment help the woman to face hurdles of the life and it provides economic security to woman. It was found that perception regarding women’s employment is changing among Muslims. Now Muslims are giving proper education to their daughters so that they become suitable for good jobs and become economically independent and chances of getting suitable life partner increases. It was found that 67 percent respondents consider that employment help in improving the social status of women and 33 percent were of the view that it does not improve. In the present study it was further found that 19 percent respondents consider that working women were consulted in taking family decisions and 28 percent were of the view that working women got social security. There were 20 percent respondents who were of the view that working women get respect in society. It was
observed that working Muslim women have better social position among Muslims in some aspects especially in family matters.

- Regarding the perception of male respondents towards women employment it was found that 72 percent male respondents were in favour of women employment and 28 percent male respondents did not favour women’s employment. It was further found that Muslim men’s attitude towards women’s employment is changing but still many consider women should not opt for employment instead they look after their families.

- From the present study it was found that 32 percent male respondents were of the view that employment gave economic independence to women and 24 percent were of the view that it helps family financially 14 percent male respondents were of the view that employment helps women in improving their social position/status.

- From the present study it has been found that many male respondents were not in favour of women working outside home. 12 percent male respondents were of the view that women should take care of family only. There were 10 percent male respondents who consider that doing job is double burden on women as they have to do house hold work also and 8 percent respondents were of the view that working of women outside is against Islam. It was further found that major reason behind women not allowed to work by men is child care and family responsibilities. They pointed out that if women go out for work, they would not be able to bring up children properly and their physical and emotional development would be affected. Some consider that employed women also do household chores which becomes double burden. They look after other family members and children besides doing work in the office. Male respondents believed that if women accept this dual responsibility their health would be affected.

- From the present study it was found that the attitude of the Muslims towards women’s education and employment got changed as education and employment
are two major factors in improving the socio-economic position of Muslim women. Muslim men want to educate their daughters to make them self-reliant and employable so that they can look after their family after marriage in a good way. Women have also shown more favourable attitude towards women’s education, the respondents with higher educational level are more favourable than those with low educational level. Muslim males are supporting formal education for Muslim women. Regarding employment Muslim women are also availing opportunities provided to an average woman citizen of India. Women working alongside men is still considered shocking and employment position/work participation among Muslim women is very low. The choice of careers for women becomes limited as in most cases the nature of job for them is decided by family members either father, brother or by husband and teaching is considered most honourable occupation for Muslim women.

**Women and Muslim personal law**

Muslim women have been facing many difficult problems due to rigid attitude of Ulama’s (Religious preachers) towards Shariah law and they do not want women to enjoy the rights given to them by Quran. Ulema’s think that women are intellectually weak and emotionally unstable and hence they should not become independent of man’s control. This is a faulty logic and actual issue is to keep women under check by men in any case. This medieval attitude has been divinised and is reflected in the laws that were compiled hundreds of years ago when women were confined to domestic sphere and were not educated neither active in any public sphere. But now women are not only educated but also becoming active in public sphere and discourses and some changes have become very necessary in Shariah law (Tabasum 2013).

- Muslim women are struggling for access to higher education and are determined to go for modern education and take up jobs and willing to contribute towards progress of Muslim community. This change has made them aware of their rights and need for change in MPL as it operates in India today. There is a proper need of codification of present MPL within Islamic Frame work.
As Muslims prefer registered nikah therefore in the present study 56 percent married respondents were found to have nikah registered and 26 percent respondents nikah was not registered. As there is a demand for model Nikah Nama among Muslim women therefore now a days Muslims are going for registered nikah namas. 18 percent respondents were unmarried.

From the present study it was found that 31 percent respondents received mehr (prompt dower) at the time of nikah and 51 percent did not receive mehr (deferred dower) at the time of nikah. Deferred Dower means written at the time of nikah on nikah nama and not given at the time of nikah.

The amount of the mehr is decided by the parents or elders of either side, taking into consideration the status of the family and the earnings of the boy concerned. In most of the cases, especially the illiterate rural women did not know the nature of the mehr decided in their marriages and quite a number did not know even the actual amount of their mehr. Whether it helped the women in practice or not but undoubtedly it gives a security to the married women. One of the most effective means which Islam adopted to safeguard the pecuniary interests of woman after her marriage was through mehr. However, in practice, it remained merely a paper transaction. Islam has ordained man that the woman, he marries must be paid her dower, without which nikah is not valid.

From the present study it was found that 24 percent respondents inherited land from their father and 76 percent respondents did not inherit land from their family. Most of the women never claim their right over their father’s property. Mostly women with no brother inherited land from their father.

In Indian culture most of the parents give dowry to their daughters at the time of marriage in the form of household things and in some cases cash. It was found that 78% respondents receive dowry whereas 6 respondents did not receive dowry at the time of marriage.
• From the present study it has been found that most of the respondents are not benefited by the rights under Muslim personal law. In Muslim society in Bhaderwah women were given only dowry in the form of household things and cash and they enjoy no property rights as mentioned in Quran and Muslim personal law.

• In many cases women are in disadvantaged position under Muslim personal unlike in other Islamic countries like turkey Tunisia and our neighbouring countries which modified their law for the benefit of women. No such step has been taken in India. Many women organization’s have raised their voices for the modifications in personal law. 49 percent respondents were of the view that MPL is discriminatory whereas 51 percent women consider it not discriminatory. It was found that women generally do not talk against Islamic shariat and follow whatever they learn from family members and from religious teacher without understanding real position of women under MPL.

• Respondents gave various reasons for the discriminatory nature of shariat which not benefiting women folk. Most of the respondents considered that triple talaq and no maintenance given to wife after completion of iddat period affect the life of poor woman who are not able to maintain themselves. Shah Bano case is a good example in this case demanding maintenance beyond iddat period. The national level debate is going for change in Muslim personal law especially demanding ban on triple talaq and maintenance to divorced wife should be given even after the expiry of iddat period and if she does not go for remarriage.

• Muslim women organizations all over India are demanding changes in Muslim personal law mostly young educated women are favouring the changes and similar situation was witnessed in Bhaderwah. It was found that 49 percent respondents want changes in Personal Law and 51 percent do not want changes in personal law. It was further found that women don’t speak openly against the Personal law. They accept it as it is mostly the illiterate women from two villages Dharaja and Shareki who know very little or have negligible knowledge about the shariat, thus they accept what is told by their father and husband.
The debate is going on regarding uniform civil code which would benefit women from all sections. Most of the respondents were not in favour of uniform civil code. From the present study it was found that 42 percent respondents want changes within the frame work of Islamic shariat whereas only 6 percent favour uniform civil code and 51 percent women do not favour any kind of change in MPL.

To understand the position of Muslim women and the problems Muslim women face it is also important to understand the views and perception of Muslim men towards Muslim personal law and about the changes required in MPL.

The present study reveals that most of the Muslim men in Bhaderwah do not favour polygamy as they think second marriage leads to quarrel in the home and property dispute between two set of children (step children of two wives) and financial burden increases. 76% respondents accept that polygamy affect the women in Muslim society. 24percent male respondents share the perception that polygamy does not affect the women.

In Quran it is mentioned that after divorce if a woman is unable to bear her expenses or she is financially poor the former husband can provide her financial help on humanitarian ground if he has sufficient wealth and it is considered a noble work. But in Muslim society men do not support their wife beyond iddat period even if he has sufficient wealth. 44 percent male respondents favour maintenance beyond iddat period and 56 percent male respondents do not favour maintenance beyond iddat period. Through group discussion it was observed that most of the people do not favour maintenance given to wife after iddat period. They were of the view that in most cases women can go for second marriage and parents and Waqf Board should provide maintenance if a woman does not go for marriage and maintenance should be given for children only.

5.2 Suggestions

The study clearly brings out that education and employment plays significant role in improving the social position of women in Muslim society but Muslim personal law is
Chapter-V

Conclusion

not favourable to women. No doubt Muslim women’s education and work participation has made considerable progress in Bhaderwah but still their progress is slow. To improve the overall position of Muslim women Muslim community as well as state needs to brings reforms in MPL and make strict implementation of various policies for the women. Government laws, development policies have enabled the women advancement in different spheres in the society and empowerment of women- economically, socially and legally. But still a lot is required to be done as there exists a wide gap between the constitutional goals and the situational reality of the status of women in Muslim society. In order to improve the status of Muslim women, they have to be informed about legal and administrative provisions in the country.

Educational programmes like SarvSiksha Abhiyan, National Programme for Education of Girls at Elementary level (NPEGEL), Kasturba Gandhi Balika Vidyalaya (KGBG) should be strictly implemented in far off villages. Scholarships should be given to all girls upto matric level. all girls schools should be opened as Muslims prefer to send their daughters to all girls school.

To improve the women’s employment rate reservations should be made for women in government jobs, free application form facilities in the state, reservation in promotions as well as Postings in home district or near by village. For poor illiterate women work should be given to them under various rural schemes like MGNREGA.

Changes suggested in Muslim Personal Law

Marriage must be performed under proper registration of Model Nikahnama which is under the consideration of Muslim Personal Law Board.

The old Nikahnama should be replaced by Model Nikahnama in which conditions of talaq are also written and which gives clear picture of maintenance and dower.

Marriage age of girl child should be raised and girl education must be encouraged and marriages before 18 years should be made voidable under Prohibition of Child Marriage Act, 2006.

Polygamy should be abolished. Pronouncing triple talaq may be treated as cruelty to women and talaq in absence of witness should be abolished.
Daughters should be allowed to inherit their share in property according to *shariat*. Maintenance should be given to women after *Iddat* period if she does not go for re-marriage and incase she is not able to support herself financially. Provision of maintenance for Muslim wife should also be included in Muslim Women Act, 1986.