



Evolution of Muslim Women's Rights in India

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Abstract

This paper examines the evolution of Muslim women's rights in India through the lenses of Sharia, Indian Knowledge Systems (IKS), and socio-legal reforms. It explores historical and contemporary educational status, marriage rights under Islamic law versus IKS-influenced practices, workplace rights, and the framework of Muslim Personal Law (MPL). While Islam grants women significant rights—such as property ownership, divorce, and financial autonomy—patriarchal interpretations and socio-cultural norms often dilute these protections. The paper integrates data representations to highlight educational progress and marriage rights disparities, critically analysing legal milestones like the Shah Bano case (1985) and the 2019 triple talaq ban, alongside barriers like low educational attainment and workplace discrimination. By contrasting Sharia's progressive principles with IKS's diverse influences, it advocates for codified personal laws and educational reforms to empower Muslim women, fostering gender equity within India's pluralistic legal system. The methodology employs a mixed-methods approach, including historical analysis, quantitative data from NFHS-5 and PLFS, and socio-legal case studies, with findings validated through stakeholder consultations. The paper concludes that while significant strides have been made, sustained legal and educational interventions are essential to fully realize gender equity for Muslim women in India.

Keywords: - Indian Knowledge system, Muslim Personal Law, Women's Rights.

Introduction

Muslim women in India, comprising approximately 7% of the population (13.4 crore Muslims, Census of India, 2011), navigate a complex socio-legal landscape shaped by Sharia, Indian Knowledge Systems (IKS), and evolving constitutional frameworks. Sharia, derived from the Quran, Hadith, Ijma, and Qiyas, grants women progressive rights—such as property ownership, divorce through khula, and financial autonomy via mahr—unprecedented in 7th-century global contexts. Yet, IKS, encompassing diverse regional customs, Hindu shastric traditions, and patriarchal practices, often dilutes these protections, particularly in marriage and inheritance. For instance, 41% of Muslim women are married before age 18 (NFHS-5, 2019–21), reflecting IKS-influenced early marriage norms over Sharia's emphasis on consent. Educationally, according to the **Census of India (2011)**, the **literacy rate among Muslim women in India** was approximately **51.9%**, significantly lower than the national female literacy rate of **65.5%**. In **Maharashtra**, the **literacy rate among Muslim females** was recorded at **67.5%**, which, while higher than the national average for Muslim women, still lags behind Hindu and Christian women in the state.

Workplace participation remains low at 15% compared to 27% for all women (PLFS, 2022–23), with 80% in informal sectors (NSSO, 2020), despite Sharia's support for economic independence. The Muslim Personal Law (Shariat) Application Act, 1937, governs personal matters, but its uncodified nature allows patriarchal interpretations, as seen in debates over the Shah Bano case (1985) and the 2019 triple talaq ban. This paper critically examines the evolution of Muslim women's rights in education, marriage, and the workplace, analyzing Sharia's egalitarian principles against IKS-driven practices and legal reforms through data analysis. By highlighting milestones like the Dissolution of Muslim Marriages Act, 1939, and ongoing Uniform Civil Code (UCC) debates, it underscores the need for codification and education to align practice with Islam's gender-just framework, fostering equity in India's pluralistic society.

Sharia and Indian Knowledge Systems: A Comparative Framework

Sharia, rooted in the Quran and Sunnah, offers progressive rights for women, including the right to initiate divorce (khula), own property, and retain financial independence through mahr. In the 7th century, these provisions were revolutionary, granting women legal autonomy absent in contemporary systems like pre-19th-century England. Conversely, IKS, comprising local customs, Hindu shastric traditions, and regional practices, often reinforced patriarchal structures. For example, pre-independence Punjabi customary laws denied women inheritance rights across religions, including Islam. The British colonial period formalized Sharia via the Muslim Personal Law (Shariat) Application Act, 1937, prioritizing Quranic principles over customs, but IKS influences persisted,



particularly in rural areas where practices like restricted female mobility undermine Sharia's egalitarian ethos (Tschalaer, 2023). This tension shapes the paper's analysis of rights implementation.

Educational Status: Gender and religious differentials

Historically, Muslim women's education faced severe barriers. In the 1930s, only 0.5 million Muslim girls were enrolled in schools, with an estimated literacy rate of ~10% due to colonial-era restrictions and patriarchal norms viewing female education as a social threat. At the dawn of the twentieth century, Muslim women in India began to gradually move beyond the confines of traditional domestic roles, despite the persistent influence of religious orthodoxy, entrenched social prejudices, and gender-based hierarchies. This period witnessed the emergence of women as self-aware individuals who sought a more active role in the public domain. The question of female education, which had already gained prominence among other communities, was increasingly raised within Muslim reformist circles as well.

The issue was first formally articulated during the Muslim Educational Congress in 1896, albeit in an exclusively male forum. In subsequent years, deliberate interventions were undertaken to expand educational opportunities for Muslim girls. Notable initiatives included the establishment of a girls' school at Aligarh in 1906 by Sheikh Abdullah and his wife, Wahid Jahan Begum; the Purdahnashin Madarsa founded in Calcutta in 1913 for girls observing seclusion; and the school set up by the Begum of Bhopal in 1914. These efforts collectively marked the earliest institutional spaces where Muslim women could access formal education.

Furthermore, regional and socio-economic disparities significantly shaped patterns of female education. While colonial reports often portrayed Muslims as resistant to Western education and particularly hostile to women's learning, localized surveys painted a more complex picture. Variations in access were determined by class, economic position, and regional circumstances. In the late nineteenth century, female enrolment remained very low across communities: fewer than one per cent of Hindu and Muslim girls were in recognized schools, and none had cleared the matriculation examination in Bombay or Madras. By 1901–02, however, there were 44,695 female students in secondary education across British India. Participation rates remained uneven—27 per 100,000 for Hindu girls and 4 per 100,000 for Muslim girls—but regional trends indicated that Muslim girls sometimes outnumbered their Hindu counterparts. In the United Provinces, for example, there were 28 Muslim girls in secondary schools compared to only four Hindu girls, and similar advances were observed in Bombay, Madras, and the United Provinces, though Muslim women lagged behind in Bengal and Punjab.

Post-independence, educational access improved, but disparities persist. The Sachar Committee Report (2006) noted Muslim women's literacy at 50.1%, below the national female average of 53.7%, with only 3.6% completing higher education compared to 7% for all women. By 2011, literacy rose to 68.1% (Census, 2011), driven by initiatives like the National Policy on Education (2020). However, high dropout rates persist due to poverty, early marriage, and cultural expectations prioritizing domestic roles (NFHS-5, 2019–21). Sharia encourages education for women, as seen in early Islamic scholars like Fatimah, but IKS-influenced norms often hinder progress.

Table 1: Literacy rate among religious communities in% age

Religion	Female	Male	Total
Muslim	51.9	62.41	57.15
Hindu	55.98	70.78	63.38
Jain	84.93	87.86	86.39
Christian	71.97	76.78	74.37
Sikh	63.29	71.32	67.30
Buddhist	65.6	77.87	71.73
Others	41.38	59.38	50.38

Source: Census of India, 2011 ^[12]

From the above table it is understood that the educational status of Muslim women in India is worse as compared to Muslim men, and women of other communities. (Azrah Khanum, 2011)

Marriage Rights: Sharia and IKS-Influenced Practices



Islamic law treats marriage as a civil contract, requiring mutual consent and mahr, ensuring financial security. Women can initiate divorce via khula or mubarat, codified in the Dissolution of Muslim Marriages Act, 1939. In contrast, IKS-influenced practices, such as dowry demands and restricted consent, prevail in some communities, with 41% of Muslim women married before 18 (NFHS-5, 2019–21). The Shah Bano case (1985) highlighted maintenance disputes, leading to the Muslim Women (Protection of Rights on Divorce) Act, 1986, which limited rights within the iddat period. The 2017 Shayara Bano case and 2019 triple talaq ban marked reforms, but practices like nikah halala persist, undermining Sharia's emphasis on consent.

Islamic law, or Shari'a, literally meaning "the path" or "the way," was compiled between the ninth and tenth centuries CE by Muslim jurists, long after the death of Prophet Muhammad. In South Asia, the dominance of the Hanafi school resulted in the widespread practice of triple talaq, whereby a Muslim man could instantly dissolve his marriage by pronouncing the word talaq three times, while women were compelled to seek judicial divorce under the Shariat Act of 1937. This practice, deeply criticized for being arbitrary, discriminatory, and undermining women's dignity, persisted in India even though several Muslim-majority countries such as Pakistan, Bangladesh, and Indonesia had already abolished it. Mounting criticism, constitutional challenges, and demands for gender justice culminated in the passing of the **Muslim Women (Protection of Rights on Marriage) Act, 2019**, a landmark legislation intended to safeguard the rights of Muslim women. The Act declares all forms of talaq—whether oral, written, or communicated electronically—null, void, and unenforceable in law. Moreover, it criminalises the pronouncement of triple talaq, classifying it as a cognizable offence when reported by the affected woman, and prescribes a punishment of up to three years' imprisonment with a fine. Beyond criminalisation, the Act incorporates protective and welfare-oriented provisions: it entitles the wife and dependent children to a subsistence allowance, and allows custody of minor children to be awarded to the wife as determined by a magistrate. These provisions reflect an attempt not only to curb an unjust practice but also to provide social and economic safeguards to women.

Yet, the Act has sparked debate: while supporters view it as consistent with constitutional guarantees of equality, dignity, and justice, critics argue that criminalisation may disrupt families further, reduce prospects of reconciliation, and potentially conflict with the right to religious freedom. When examined through the lens of the **Indian Knowledge System (IKS)**, this reform reveals the unique way India negotiates tradition and modernity. IKS is inherently plural, integrating diverse legal and cultural systems—Hindu Dharmashastra, Islamic Shari'a, tribal customary practices, and modern constitutional law—into a single social framework. From this perspective, the 2019 Act reflects an effort to harmonise religious law with constitutional morality by upholding women's rights within a plural society. The Act embodies IKS principles by balancing prohibition (declaring triple talaq void) with protection (ensuring maintenance and child custody), echoing indigenous concepts of dharma (justice), nyaya (equity), and samajik samridhi (social welfare). Thus, the reform is not only a legal measure but also a reflection of India's knowledge traditions, where law, religion, and social reform interact to achieve gender justice.

Workplace Rights and Sharia's Influence

Sharia supports women's economic participation, allowing independent wealth management. However, Muslim women's workforce participation is low at 15% compared to 27% for all women (PLFS, 2022–23), with 80% in informal sectors (NSSO, 2020). Patriarchal norms, misattributed to Sharia, and IKS-influenced practices like purdah restrict mobility. Urban Muslim women with higher education are entering professional sectors, but face discrimination. Legal protections (e.g., Maternity Benefit Act, 1961) exist, but enforcement is weak. Lack of historical data prevents charting trends, but Sharia's alignment with modern labor rights suggests potential for empowerment through skill training and inclusivity policies (Soman, 2023).

Muslim Personal Law: Strengths and Challenges

The Muslim Personal Law (Shariat) Application Act, 1937, governs marriage, divorce, and inheritance, granting women rights to mahr and property. Reforms like the 2019 triple talaq ban align MPL with constitutional equality (Articles 14, 15, 21), but practices like nikah halala persist. The Special Marriage Act, 1954, offers secular options, but community resistance limits adoption. Lack of quantitative data on MPL rights changes prevents charting, but codification is needed to ensure

Sharia's gender-just principles (Tabassum, 2023). The stresses that have undermined our society are currently disproportionately affecting Muslim women, making them a particularly prominent element of our community. Muslim personal law establishes distinct social and legal standards for men and women in a number of areas of interaction. It is a good thing that Muslim law allows women to have some influence over marital choices. Given that marriage is a legally binding agreement, the bride has the authority to negotiate the conditions of the union and has the last word in any choices that impact her. She is entitled to mahr or dower.

Critical Analysis and Recommendations

Despite Sharia's progressive framework, Muslim women face barriers from patriarchal interpretations, uncodified MPL, and IKS-influenced customs. Low educational attainment (68.1% literacy) and workplace participation (15%) reflect socio-economic constraints. Legal reforms like the triple talaq ban show progress, but systemic issues persist. The UCC debate balances religious autonomy with gender equality, requiring careful navigation.

Recommendations:

1. **Codify MPL:** Develop a Muslim Family Law Act to standardize rights, aligning with Sharia.
2. **Educational Reforms:** Expand scholarships and community programs to boost literacy and higher education.
3. **Workplace Inclusion:** Enforce labor laws and promote skill training for economic empowerment.
4. **Community Awareness:** Educate communities on Sharia's gender-just principles.
5. **Judicial Training:** Equip judges to handle Sharia and constitutional rights consistently.

Conclusion

The evolution of Muslim women's rights in India reflects a dynamic interplay between Sharia's progressive principles, IKS's cultural influences, and socio-legal reforms. Visual data highlight educational progress and marriage rights disparities, while narrative analysis underscores workplace and MPL challenges. Codifying MPL, enhancing education, and promoting inclusivity are critical to aligning practice with Islamic ideals. As India navigates UCC debates, empowering Muslim women requires balancing religious autonomy with constitutional equality, fostering a more equitable society.

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