

Empowerment of Muslim Women in India: A Sociological Analysis

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Abstract: *Muslim women's disempowerment are commonly believed to be permanent and laying in their religion, laws and cultural practices. Hence, it is widely propagated that Muslim women can not be empowered so long as they follow codes of Shariat and MPL remain in existence. This culture essentialist discourse on Muslim women's empowerment is neither scientific nor empirical. It is mere reductionism. Such a discourse overlooks the discrepancies between laws and practices as well as undermines the significance of existential condition and political disposition in the empowerment or disempowerment of women. Embedded poverty, high illiteracy, constantly increasing everyday insecurity and deprivation of welfare schemes are some of the major causes of Muslim women's disempowerment.*

Keywords: Empowerment, Muslim women, Muslim Personal Law, *sharia*, divorce, insecurity

Introduction

'Empowerment' is a buzz word. It is employed in media, on television, in policy documents as well as in academic, political and legal circles. As the focus of empowerment is on the well being of individual and group, one could find discourse on empowerment of groups like 'scheduled Caste', 'scheduled tribes', 'backward castes', 'minorities', women etc. and individuals such as differently abled persons, bonded and child labourer, sex workers, homeless persons, stateless citizens and many more unprotected and vulnerable individuals. The phrase 'empowerment of women' was in vogue since the emergence of women's liberation movements. United Nations Organization (UNO) declared 2001 as the year of women's empowerment. India too recognized the same year as the year of 'women's empowerment'.

"The scholarly discussion of empowerment has been context driven rather than theory driven." Writes Andre Beteille (1999:589). Every scholar invokes the word according to the ideology and goal he or she pursues. Therefore, the meaning and aims of empowerment differ from one situation to another. However, the idea of empowerment is being derived from the values of 'equality', 'liberty', and 'freedom' and from the principles of democratic polity such as 'equity' and 'social justice'. The idea and consciousness of empowerment is advanced and popularized by movements that emerged the world over for the protection and promotion of individual and group rights. Consequently the idea of empowerment has taken a hold over the mind of increasing number of people in the last few decades which is expressed through multiple forms such as highlighting causes and extent of deprivation, alienation, marginality, vulnerability etc., articulation and demand of various 'Rights', protest against society and political disposition for denial and violation of articulated 'Rights' and so on. The call of empowerment is thought to be panacea of ills like squalor, misery, inequality, deprivation, vulnerability, marginality etc. by which many people and groups are afflicted. It is a means to struggle for achieving the goal of exploitation free socio-economic and political order. Hence, empowerment is used to transform social relations, social institutions, laws and public policies.

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Issues that figure prominently in the discourse of women's empowerment are broadly of three types. One is related with the status of women in societal values and in social institutions like family, marriage, and religion. The other is concerned with forcing governments to formulate and implement policies and programmes for the welfare of women. And the third issue aims at pressurizing government to enact such laws which enhance their security both in private and public life, protect them from vulnerability and enable them to fight against social barriers as well as to access and participate in public life. These are not disjointed issues but intertwined with each other. One is the logical corollary of another. However, all are not value free and uncontested issues. Most contentious are issues related with marriage, divorce, child bearing, appearance in public places, and many more associated with beliefs and customary practices. For example, abortion right to women is a contentious issue in many Muslim and Catholic dominated countries. Man and woman are not allowed to 'live together' in India without marriage. If they are living in such a way, they will be considered husband and wife, ruled Supreme Court of India in its recent judgment. The list of such issues is comprehensive both in India and abroad. In addition, some ideas of 'Feminist' scholars for empowerment of women like 'marriage is necessary evil', 'family enslaves women', 'religion promotes women's exploitation', etc are considered non-human views by many individuals and groups. In a nutshell, ideas and issues aiming at bringing about change in values, institutions and practices for the empowerment of women are vociferously raised and powerfully resisted the world over. Indeed, many customary practices and social structures may be found as barriers to women's empowerment. They do not merely prevent women from having access to public opportunities but also make women's welfare programmes and laws for their protection and rights ineffective.

This paper reflects upon issues of Muslim women's empowerment, emanating from 'Muslim Personal Law' (MPL), from government's policies for the welfare of Muslim women and from communal violence which frequently occur in India. Any attempt to analyze the status of Muslim women and the issues of their empowerment is impeded by dearth of empirical data. Although a large body of information and analysis about the status of Indian women on various indicators of human development is grown, there is a paucity of disaggregated data on women's status. Neither the Census of India nor large scale sample surveys provide community-wise data on all indicators of women marginalization. Hence the extent, forms and factors of Muslim women's deprivation and disempowerment are not exactly known. The dearth of empirical data about the status of Muslim women and communalization of gender issues led scholars to focus disproportionately on issues related with MPL such as 'triple divorce', 'polygyny' and unequal share of women in parental property. Whereas issues emerging from their socio-economic and political condition as well as from their increasing insecurity are undermined. Contrary to empirical realities Muslims and Muslim women are depicted as monolithic category and their life condition is seen in terms of religion. And religion of Islam is projected as conservative and oppressive to women's liberty and empowerment. In a nutshell, the defining factors of 'Muslim women' identity and status "are popularly believed to be segregation, the male privilege of unilateral divorce, high fertility, ubiquitous veil, and conformity to the strict confines of womanhood within a fundamentalist religious code." (Hasan and Menon, 2004: 3)

MPL and Sociological Realities

In this section we do not intend to discuss status of women in Islam, sources and varieties of Islamic laws and jurisprudence and provisions of MPL in entirety. Our aim is to highlight empirical reality of Muslim women in regard to divorce, the most controversial issues in the discourse on MPL and empowerment of Muslim women.

Constitution of India permitted religious and tribal communities to retain their Personal and customary laws, prevailing before independence. However, the constitution directs the state (Art. 44) to formulate and implement Uniform Civil Code (UCC). As the UCC has still not been formulated, every religious community has its Personal Law in regard to family, marriage, inheritance and related practices. Personal law of every community contains some provisions which may be interpreted against the spirit of constitutional values. Nevertheless MPL has been a focal point of debate which very often is charged with intense emotions and communal politics. Some groups of women activists forcefully advocate abrogation of all personal laws as they believe UCC, based on modern principles of equality and justice is a pre-requisite to women's empowerment. While others are in favour of women friendly reform in personal laws as they think it is a difficult task to repeal personal laws in a plural country like India which accorded constitutional legitimacy to customary practices of tribal and other communities. MPL has also been a dominant issue of Hindu-Muslim politics. Hindu right wing outfits vehemently attack MPL as they want to impose Hindu Civil Code in the country. For them MPL is a threat to national pride and unity. The attack on MPL, denigration of Islam and portrayal of Muslims as enemy of women's empowerment intensified from 'Shah Bano Case' controversy and thereafter the enactment of 'The Muslim Women (Protection of Rights on Divorce)' Act by the Parliament in 1986. Muslims responded to these attacks by highlighting merits of Islamic values and laws for protecting and promotion of woman's dignity and rights; by projecting MPL as a symbol of Muslim identity and by asserting their constitutional rights of religious and cultural freedom. They formed a voluntary organization called 'All India Muslim Personal Law Board' (AIMPLB) in 1972. In short, the issue of MPL has been communalized and politicized to the extent that any voice of meaningful reform in it is either ignored or opposed. Even AIMPLB finds it difficult to unite Muslims of different shades and opinions on various issues of reform.

Civil matters were mainly controlled by customary practices until the enactment of 'Family Laws' in the late 19th and early twentieth centuries. Broadly two factors led to the enactment of such laws. First, Colonial rulers were interested in the imposition of state's hegemony by enacting uniform laws for the country. It was economically beneficial and administratively convenient to them. Secondly, many customary practices were attacked and the demand to introduce reform was raised by socio-religious reform movements, emerged among different communities of the country during 19th and 20th century. Hence, Family Laws of various communities including Muslims emerged.

Iqbal A. Ansari writes that "The Muslim family laws relating to marriage, divorce, dower, maintenance, succession, inheritance, wills, legacies, adoption, guardianship were enacted during the period of British rule in India, especially in the first three decades of 20th century. Prior to these enactments the judiciary in British India decided family cases between Muslim parties in accordance with the laws of the State, the customs and usages of the people concerned and the provisions of the Islamic *Sharia*. Customs and usages sometimes took precedence over the written law of the *Sharia*. Thus, for example, the Mapillas of Malabar, the Cutchi Memons, and the Muslims of the Punjab, North-West Frontier Province (NWFP) and Kashmir had their own customary laws and usages regarding succession and inheritance which were contrary to the *Sharia* (Ansari 1979: 87).

In course of time laws of various socio regional Muslim communities were enacted with the view to make them compatible with the provisions of *Sharia*. For example, The Mapilla Succession Act, 1918; Mapilla Wills Act, 1928; Cutchi Memons Act, 1920; Cutchi Memons Act, 1938 and North-West Frontier Province Muslim Personal Law (Shariat) Application Act, 1935 were enacted to undermine customary practices. These laws paved the way for the enactment of the Muslim Personal Law (Shariat) Application Act or Act XXVI of 1937 that had all India jurisdictions.

In the statement of objects and reasons of Shariat Application Act 1937 it is stated that:

“For several years past it has been the cherished desire of the Muslims of India that customary law should in no case take the place of Muslim Personal Law. Explaining the background of this desire, it further said: The status of women under the so called customary law is simply disgraceful. The Muslim women organizations have condemned customary law as it adversely affects their rights, and have demanded that the Muslim Personal Law (Shariat) should be applicable to them. The introduction of Muslim Personal Law will automatically raise them up to the position to which they are naturally entitled” .

Much has been written about MPL. Most of the writings are either legal or emotional and polemical. Neither the provisions of MPL are comparatively analyzed nor are their empirical reality explored. Virtually no comparative legal and empirical study of MPL is available. MPL contains many provisions of marriage and divorce but only few (i.e. oral and triple divorce, polygyny and alimony after divorce) have been controversial. Very often these provisions are highlighted to propagate that Muslim man has unlimited rights of marriage with more than one woman and unbridle power of divorce to his wife/wives whenever and wherever he like it most. And a Muslim woman is projected as a helpless person who always lives under constant fear of being arbitrarily and unilaterally abandoned by her husband. She is a mere chattel. Thus, it is stated:

A Muslim man can have up to four wives at a time with no legal protection to the woman against the exercise of the privilege. The law does not admit polygamy as a cause for seeking divorce by a Muslim woman. Of course, the corresponding right of a woman to have more than one husband in any circumstance is inconceivable, much less granted under law...A man can divorce at will just by uttering the word ‘I divorce you’ three times, anywhere, anytime without any witnesses. He is also not required by law to give any maintenance to the wife beyond the period of *iddat*, which is three months and a few days. If a man divorces his wife, he is obliged to pay *mehr*, a sum of money agreed upon at the time of marriage. This provision is also taken as security for Muslim women against easy divorce. But as long as the right to have four wives continues to be enjoyed by a man, he need not divorce his wife, if he does not wish to pay *mehr*, he can simply discard her or ill-treat her, while still taking another wife...so at every stage Muslim Law is fettered with inequities, with the women in every case being less equal (Bhatty, 1976: 102-4).

Commenting on this statement Lucy Carrol, an internationally acclaimed expert of MPL, says: ‘This is not scholarship, it is polemic. It is also factually incorrect as far as Muslim women in India are concerned’ (Carrol 1983:208). While Imtiyaz Ahmad, a noted sociologist known for his works on Indian Muslims, observes : ‘she shows little awareness of the possibility that the dismal picture she draws of Muslim women may not conform to existing reality and the inequities she draw attention to may not be so severe in practice’. (Ahmed 1976: xix). What is empirical reality? Are Muslim women being divorced in a way as it is projected?

Divorce is a social fact and, therefore, its causes and consequences should be understood in a social context. Explaining divorce solely in terms of law is reductionism. For, it undermines the significance of social factors in marital stability or instability and overlooks the discrepancy between law and practice. Indeed divorce is the product of a long process of marital discord, resulted due to adverse economic condition, disloyalty to a marital alliance, physical handicaps, psychological disturbances, etc. William Goode writes:

Of course divorce is one of the major solutions for an intense degree of marital disharmony and is to be found in most societies and nations. Yet I know of no contemporary society, primitive or industrialized, in which divorce actually valued. Divorce has its consequences for the society, the kin networks and the individual. And the consequences are tedious when not awkward, and burdensome when not destructive (Goode 1970: 139).

Every society wants to have stable family system and, therefore, creates social barriers to minimize both the propensity to and action of divorce. These barriers are of different types such as “ the emotional, religious and moral commitment that a partner feels towards his marriage or towards his children, the external pressure of kin and community, of law, the church and other associational membership”(Levinger, 1970:108). As the effectiveness of these social barriers is not static and uniform, divorce rate varies from one group to another and within a group from time to time. Explaining the pattern and causes of divorce in a stratified society, Goode writes:

where there is a well developed stratification system, it would seem likely that the lower class (or caste) does not count on the stability of marriage, that the marriage itself cost less, less is invested in it than in the upper strata, the kin ties are less important and, therefore, the ambiguity created by divorce would not be taken so seriously as in the upper strata (Goode 1970: 113).

Indian sociology and social Anthropology did not pay due attention to the study of divorce. Nor did Census of post-independent India and large scale surveys provide community-wise data about the phenomenon. However, available sociological evidences show that incidence of divorce and remarriage after divorce or death of a spouse were rare in higher castes and upper class while they frequently occurred among poors and people of lower castes until very recently in India. Such a pattern of marriage and divorce prevailed both among Hindus and Muslims. Bhatta who frequently attributes divorce to the single factor of law, herself observes in a village of eastern U.P.: “divorce permitted by Islam carries a strong stigma among the Ashraf, but to much less degree among the Non-Ashraf. In Kasauli I found that divorce, remarriage after divorce and marriage of widows were more frequent among the Non-Ashraf than among the Ashraf” (Bhatta 1980:203-4). Many changes have taken place in the practice of marriage and divorce during the last few decades. Middle class people, of both higher and lower castes, and those living in abject poverty are increasingly becoming unstable at marital relations, leading to constantly rising incidence of separation, desertion and divorce.

Madhu Jain reports: “divorce has now, in fact, gone democratic, fashionable, and mundane. Even school teachers, receptionists, petty traders, government servants, insurance agents and of course, housewives fill the courts” (Jain 1986: 86).

Incidences of divorce among Muslims have not been static and uniform. They differed from time to time and within a time from one community/class to another. Census of India, 1931, the last census to provide community-wise data, compiled statistics on ‘widowed persons’ which included divorced persons who remained unmarried. The percentage of such persons was less among Indian Muslims as compared to percentage of the whole country and of major communities. This is shown in following table no. 1.

It is evident from the table that the percentage of widowed male was 5.4 while it was 15.7 for females in the country. Muslims had only 4.4 percent of widowed males and 12.9 percent of widowed females. If we compare Muslims with Hindus the difference widens further as there were 5.7 percent males and 16.9 percent females widowed among Hindus. Even if one assumes higher rate of divorce among Muslims, the data show that Muslims were managing divorce and widowhood more effectively than the other community.

Table No: 1. 'Widowed' Persons in 1931

Unit	Sex	Unmarried	Married	Widowed
India Excluding Burma	Males	47.6	47.0	5.4
	Females	33.8	50.5	15.7
Hindus	Males	46.3	48.0	5.7
	Females	32.4	50.7	16.9
Jains	Males	50.3	41.5	8.2
	Females	33.7	44.2	2.1
Sikhs	Males	55.0	37.0	8.0
	Females	41.1	47.5	11.4
Muslims	Males	50.0	45.6	4.4
	Females	35.8	51.3	12.9
Others	Males	53.6	42.6	3.8
	Females	45.2	43.9	10.9

In 1961, the Census of India conducted a survey of 587 selected villages with a sample of 133775 families, covering a period of 50 years, on the incidence of marriage with consanguineous and affinal relations in different parts of the country. The data of the survey show highest incidence of divorce among Muslims (6.06 percent), followed by Hindus (3.21 percent), Buddhists (3.07 percent), Jains (1.68 percent), Sikhs (0.91 percent) and Christians (0.47 percent). Adultery, barrenness and extreme poverty were found to be the main causes of divorce in most of the villages (Basu, 1985: 33). The survey reports that there has not been persistent trend of divorce in all religious communities over the period of 50 years. Incidence of divorce consistently increased in the first three decades while it declined in the two decades prior to the survey. As the first three decades was a period of social and political instability, it had adverse impact on marital relations. (Govt. of India, 1973: 4). It must also be noted that Muslims of villages were and still are extremely poor and landless, many of them have lost their marital partner due to partition of the country.

On the contrary data of some empirical studies of urban Muslims, conducted in the late 80s, show 1 percent divorce rate among them equal to National average. In his study of fertility behavior among Muslims of Kanpur city, M.E. Khan found only three cases of divorce among 330 couple respondents. The data was collected from Muslims concentrated wards representing all sections of the population. He writes:

Though divorce can be easily obtained, its frequency is very low among all sections of Muslims. People view divorce with disapproval and social pressure forbids individuals to go in for such an extreme action. In our sample three cases, less than one percent, of divorce was reported. A widow or divorcee can remarry after completing her period of *iddat*. Widow remarriage is quite prevalent and encouraged by all sections of Muslims (Khan 1979:33).

Similar findings were also reported by Shibhani Roy in her study of Ashraf middle class families in Delhi and Lucknow. The investigation was conducted in the most populous Muslim areas and was based on a sample of 300 families, 150 each from Delhi and Lucknow. The respondents had white collar jobs, their income ranging between Rs.400 to 1,000 per month. She found only three cases of divorce in the entire sample. The causes were social and varied. She explains:

In the first case the woman was divorce the very next day of her *nikah* due to her physical deformity. In the second case the husband was not of a balance mind and could not provide for his wife and children regularly. The woman after having two children realized that her husband was incapable of looking after the family. Moreover, the man used to keep away from the family for months together. The girl's parents were sympathetic towards her and brought their daughter back to their home. Later the woman signed the divorce paper and succeeded in

getting her husband's consent. But to get the possession of her children, she had to forego *mehr*. In these two cases the women were educated up to middle school. The last case is of a graduate girl who had to divorce her husband due to his infidelity. In this case the woman demanded her mehr worth Rs. 75,000/-. The divorce case went from the lower court and ultimately she won her case, the court granted her one-third of *mehr* money. Thus, woman being educated could face the situation with courage and determination (Roy 1979:90).

Sushila Jain in her study of Jaipur Muslims also found three cases of divorce in the sample of 375 respondents; 350 respondents (86.7%) were married while 10.7 percent and 2.6 percent were unmarried and widowers respectively. Not only numbers of divorce cases were equal to that of reported by two studies cited above, causes of the divorce were also similar and reported in the same language as was used by Shibani Roy (Jain 1986:88).

The findings of these studies are verified by the data of large scale survey of Muslim women (detail of which is given below). The Survey reports that "of those who are married, over 85% remained married till they are widowed; and less than 1% of all women, urban and rural are divorced according to both the NFHS and the MWS. It would be correct than to say that, for the better part of their life (45 years on average), the unvarying norm for the majority of the women is their marital status (Hasan and Menon, 2004:97). It is further stated that "close to 98% of women remain married for the better part of their lives. Divorce, desertion, separation and widowhood accounted for less than 5% of the single women in our sample, not including those who have never been married." (Hasan and Menon, 2004:237).

These evidences amply demonstrate that divorce is generally not valued by Muslims. If it occurs, its causes are mainly social. Not only husband pronounces divorce to his wife but wife also seeks divorce from her husband. In addition, frequency of divorce is not as much as it is believed. It is equal to national rate of divorce. Even if frequency of divorce is found to be high in some Muslim communities/class, evidences suggest that they manage after effects of divorce by the practice of remarriage after divorce or death of a spouse. In a nutshell, divorce does not appear a major cause of family disorganization and women's destitution among Muslims. We do not intend to defend the provision of 'triple divorce' nor do we oppose reform in MPL.

Our argument is simple and empirical. Government of India enacted laws and introduced changes in existing civil and criminal laws for protecting women from exploitation and violence and for enabling them to raise their status. But many laws appear to be ineffective in making women empowered. For example, dowry demand and bride harassment are not curbed despite 'Dowry Prohibition Act'. Family and social pressure generally prevent women from claiming their share in parental property despite their legal entitlement for it. Cumbersome laws of divorce have failed to arrest the growing trend of marital disharmony and divorce. In such a prevailing situation how can one expect empowerment of Muslim women by mere reform in MPL or imposition of UCC? No doubt, laws are made or reformed to enable people but they can not be enabled to avail the benefits of laws so long as existential condition of marginality prevails. Thus real issues of Muslim women's empowerment emanate from their existential condition than from MPL.

Existential condition:

It is common knowledge that Muslims, constituting about 15% population of India, are the largest but highly marginalized minority community of the country. Spread over the length and breadth of the country, their majority population resides in most backward states like Uttar Pradesh(UP), Bihar, Bengal, and Assam. Most of them, being landless in villages and property-less in urban areas, eke out their livelihood by engaging themselves in petty and menial occupations. Subjected to many forms

of organized and unorganized torture and violence, they are compelled to live in dingy lanes, in dark rooms and in 'ghettoes', deprived of civic amenities. Indeed, they are educationally most backward, economically impoverished and politically powerless community of the country. Being unable to reap the benefits of developmental process and remained virtually outside the net of government sponsored schemes of welfare, they have been continuously lagging behind other 'socio-religious communities' (SRCs) as per the findings of all individual researches, organizational surveys and Government appointed committees/commissions. A 'High Level Committee' (HLC), set up by Ministry of Home Affairs, Govt. of India early 1980 under the chairmanship of Dr. Gopal Singh to enquire into the condition of religious minorities, Scheduled Castes (SCs) and Scheduled Tribes (STs), found Muslims most marginalized and educationally backward community of India. Their condition further worsened as reported by 'Prime Minister's High Level Committee' on Muslims set up under the chairmanship of Justice Rajendar Sachar in 2005 and vindicated by findings of 'National Commission on Linguistic and Religious Minorities', constituted by Ministry of Social Justice and Empowerment under the chairmanship of Justice Rangnath Misra in 2005.

The condition of Muslim women is worse than that of Muslim men. A survey, with a sample of 10,000 households from 40 districts in 12 states with a large Muslim population, was undertaken by Zoya Hasan and Ritu Menon in 2000 to explore the existential condition of Muslim women and compare it with that of Hindu women. However, 9541 households were interviewed, 80% of them were Muslims and remaining Hindus, the sample size for Hindus was appropriately weighted to enable inter community comparisons. The proportion of urban rural household selected was 60:40. The survey was conducted with a theoretical framework of social inequality and, therefore, Standard of Living Index (SLI) was employed to categorized surveyed households into five categories i.e. low, lower middle, middle, upper middle and high. It was found that Muslims have very low SLI (14.1%) less than even the 'Other Backward Classes'(OBCs) and well below upper caste Hindus. The all India SLI underscored the lower standard of living of Muslims, below that of the Hindu Lower castes and significantly less than that of the Hindu upper Castes. Thus, on the whole, they were just slightly better off than the SCs population. (Hasan and Menon, 2004: 20-21).

The Survey found Muslim women most illiterate (57.55%), the percentage of illiterates among them rose to 84% in rural North. Although educational status of south Indian Muslim women was reported to be better than that of their counterparts in North India., it was below educational status of Hindu women. Illiteracy level of Muslim women was found lower than that of SC, ST and OBCs. However, their level of middle and secondary education was found slightly better than that of SC and ST women. But they lagged behind SC women in higher education. Overall "Muslim women across are more illiterate than Hindus – 59% of them have never attended school, less have completed it; in short, Muslim women fare more poorly than the average Hindu women in education. Very few Muslim women study beyond the primary stage and even fewer beyond the age of 15 years." (Hasan and Menon, 2004:233).

'Work Participation Rate' (WPR) of Muslim women was also found to be lowest. Less than 15% of them "report themselves to be working. With the exception of those in a higher economic stratum, the regional picture, too, reflects the national trend of low women's work participation-the proportion of non working women is huge, irrespective of place of residence or region. The one notable difference between Muslim and Hindu women in the Survey is that two thirds of Muslims are self employed or engaged in home based labour, probably the most exploited category of work other than bonded labour. Occupationally, they are in the informal sector, self employed in low paying often semi skilled home based work, casual labourers, and domestic workers, all of which would be categorized by poor

working conditions and low wages.” (Hasan and Menon, 2004:234). “In some key areas Muslim women are not even equal to women in the Hindu community. The difference can be seen most sharply in the socio-economic status of Muslim households, occupational distribution, asset structure and education. The standard of living of Muslims is generally poor and in comparative terms much below that of Hindu upper castes, lower even than that of OBC. Hindu –Muslim disparities in socio-economic status are statistically significant and constitute a major source differentiation in women’s status” (Hasan and Menon, 2004:232).

Educational backwardness and economic impoverishment are inter-twined. They are major cause of many socio-cultural disabilities. But why do Muslim women lag behind even to SCs women in education and work participation? The common perception is because of their religious beliefs and cultural practices. This stereotype is demolished by the findings of the Survey which reports that “socio-economic condition of households most certainly affects the prospects of school enrolment, that is the poorer the household the less likely that they will be able to send their children to school” (Hasan and Menon, 2004: 3). As majority of Muslim women belong to poor households, they probably prefer to engage their girl child in household work instead of enrolling them into schools. It is revealed that, “In the North zone, financial constraints are much more important for Muslims (proportions similar to all-India) than they are for Hindus, underlining once again the poverty of Muslim households in this part of the country, and this provides the most powerful explanation for the poor levels of Muslim women’s education in the North” (Hasan and Menon, 2004: 57). Contrary to the commonly held belief, the Survey does not find the practice of veil (*parda*) for Muslim women’s low WPR. It is observed that “it is probably more useful to look not at religion or at *parda* or conservatism for Muslim women’s work status, but at low education, lack of opportunities, low mobility, and domestic responsibilities as important inhibiting factors.”(Hasan and Menon, 2004: 235).

Being most illiterate and impoverished citizens of India, Muslim women deserve affirmative action for their empowerment. But neither have they been provided reservation facility nor any meaningful policy is formulated for their welfare. They are virtually neglected and unprotected citizens of the country. Indeed, reservation facility to SCs enabled them to leave Muslims and Muslim women behind in education, mainly in higher education and in work participation, especially in regular salaried employment and white collar occupations. Reservation is a catalyst for change and empowerment.

Government welfare schemes are another mechanism for ameliorating the condition of marginalized individuals and groups. No doubt many welfare schemes for the welfare of women have been devised in post-independent India. But the benefits of these schemes did not percolate down to Muslim women. They have also been deprived of welfare schemes exclusively designed for raising their status. For, either these are insubstantial or implemented ineffectively. For example, ‘Area Intensive’ scheme was launched in 1992 for promoting primary and secondary level of education in 325 Minority Concentration Blocks/*tehsil* of 89 districts of the country. Opening of ‘multi stream residential schools for girls was one of the components of the scheme. State governments and voluntary organizations, through which this centrally funded schemes was supposed to be implemented, did show little concern to translate the scheme into reality. The fund of the scheme was either diverted to other purpose or lapsed. Only a few multi stream residential schools for girls were opened, that too in South India (Anita Nuna, 2009). Thus, it is evident that the real source of Muslim women’ disempowerment lie in their lowest level of education, economic impoverishment and deprivation of welfare schemes. Their endemic illiteracy and poverty made them vulnerable to many patriarchal beliefs and practices. Hence, government protection-reservation and welfare schemes exclusively for them-is urgently needed for their empowerment.

Everyday Insecurity:

"Hindu-Muslim riots and anti-Muslim pogroms have been endemic in India since independence. They have occurred and recurred in many cities and towns throughout the country, but especially in the northern and western parts. Their frequency and intensity have fluctuated from time to time and place to place but hardly a month passes in India in which a Hindu-Muslim riot does not occur that is large enough to be noted in the press. But there are also many such events on a smaller scale that occur much more frequently. Indeed, it is likely that not a day passes without many instances of quarrel, fight and fracas between Hindu and Muslim in different places in India, many of which carry the potential for conversion into large-scale riots in which arson, looting, and killing may take place". Writes Paul Brass.

In every incidence of Hindu-Muslim violence, no matter who engineers it and who initiates it, Muslims are the worst sufferers as per the findings of every enquiry committee/commission appointed by the government and non-government organization. They are brutally assaulted, tortured, maimed and killed. Their women are molested, paraded naked in public and gang raped. Even still born baby is reported to be beheaded after continuously raping a pregnant woman for hours in 'Gujrat Carnage' of 2002. Their hard earned property is looted and houses are razed to the ground. Law enforcing agencies, instead of curbing the violence, are reported to be discriminatory against Muslims. Some incidence of communal violence appeared to be supported by the state and assume the form of 'Muslims cleansing'.

Rapidly growing communalism and communal violence are increasingly forcing Muslims to compact in dingy lanes, in congested *mohallas/wards* and in slums, bereft of civic amenities and educational facilities. Muslim concentrated localities are heavily populated by poverty stricken and diseases afflicted people and hopeless unemployed youths, many of whom are vulnerable to drug addiction, gambling and crime. They are what Seabrook and Siddiqui (2011) called 'People Without History'. In such an unsecured social environment parents see security of their young daughters in marriage. Those who desire education for their daughters become hopeless due to lack of opportunities within their localities on the one hand and; on the other, are unwilling to send them outside localities because of perceived or real insecurity. As a result a large number of Muslim girls remained uneducated and married in tender age.

Everyday insecurity also make Muslim women, both educated and uneducated, reluctant to work outside their localities, resulting into their low work participation and dwindling prospects of regular salaried employment and mobility.

Violence is discontinuous but hate propaganda, prejudices and discrimination against Muslims are not. Muslims, like any helpless and continuously victimized minority community, are responding in different ways to their increasingly demonizing images and everyday insecurity. Some are taking refuge in religion while others are asserting their identity in public spheres. Some are reactionary and conservative, the first target of this response is women who are believed to be both guardian and symbol of group pride and identity in Indian society. Their freedom and liberty are opposed and patriarchal codes for everyday life behaviour are prescribed to them. Opposition to reform in MPL may also be seen as a product of growing communalism. Even a sensible and meaningful voice of reform in MPL is seen with suspicion and fear. For, imposition of UCC and scrapping of MPL is one of the agendas of Hindu right wing social and political organizations.

Conclusion

Preceding facts and analysis amply demonstrate a complete mismatch between 'constructed', 'projected' and commonly perceived images of Muslim women and that exist in reality. Causes of Muslim women's disempowerment are commonly believed to be permanent and laying in their religion, laws and cultural practices. Hence, it is widely propagated that Muslim women can not be empowered so long as they follow codes of *Shariat* and MPL remain in existence. This culture essentialist discourse on Muslim women's empowerment is neither scientific nor empirical. It is mere reductionism. Such a discourse overlooks the discrepancies between laws and practices as well as undermines the significance of existential condition and political disposition in the empowerment or disempowerment of women. Available empirical evidences explicitly show that incidence and patterns of divorce among Muslims are similar to other communities despite dissimilarities in the laws of divorce. Practice of veil is not found a cause for low WPR of Muslim women. Statistic and analysis of declining female sex ratio in Indian population reveal that girl child is more safe in Muslim families than in families of other communities. (Vani K. Borooah, 2005). Indeed, embedded poverty, high illiteracy, constantly increasing everyday insecurity and deprivation of welfare schemes are some of the major causes of Muslim women's disempowerment. This is not to defend MPL in its present form. It requires changes. However, changes in MPL or even imposition of UCC will likely be ineffective in making Muslim women empowered so long they remain illiterate, poor and insecure. Therefore, immediate needs of Muslim women are to implement their 'Fundamental Rights' such as Right to education, Right to work, Right to safety and security to life and property, Right to social justice and so on.

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