

# How Islam, Holy Quran and Prophet Mohammad (S.A.W) Changed the Life of Muslim Women

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*Abstract- There is a common belief that Islam gives a higher status to men in comparison to women. This is misconception in the truest sense of the word. Contrary to the common misconception that Islam holds men superior to women, Islam gives equal status to women as that of men. The Quran says: "You are members, one of another." (3:195)*

*This means that there is no difference between the two as regards status, rights and blessings both in this world and in the Hereafter. The following Hadith gives an apt description of the role of women: Men and women are two equal halves of a single unit. (Al Tirmizi) We see that both the sacred scriptures of Islam make it clear that neither sex is inferior or superior to the other. However, studies in biology and psychology show that the sexes are different in nature, each being designed for a different purpose. So, the Islamic maxim runs: Equal in respect, but different in role. Each being equal has a different sphere of action. That is, in making their contribution to social activity, the men undertake whatever is harder, while the women deal with whatever is lighter. The Quran says that men are in-charge of, that is, they are 'maintainers' of women (4:34). This leads to a common misconception that Islam gives a higher status to men than women. According to this verse of the Quran, it does not mean that men have a distinctive status over women – being maintainers of women has never been intended as a form of discriminatory treatment, it rather concerns the practical management of the home, for which the man is held responsible. However, this does not mean that a woman will never be allowed to shoulder these responsibilities. If she finds that she can bear this burden, no objection will be raised from any quarter. One example of this can be found in the Quran with reference to the people of Sheba. They lived in Yemen. The famous dam of Marib made their country very prosperous and enabled it to attain a high degree of civilization. The Quran tells us that they were ruled by a woman*

*(27:23) without disapproving of her rule. Bilqis, the Queen of Sheba was very wise and sagacious, even more so than the men in her court. She did not want to embroil her country in war, while the men advised her to confront her enemies, namely, Solomon's army. Abdullah Yusuf Ali writes: "In Bilqis we have a picture of womanhood, gentle, prudent, and able to tame the wilder passions of her subjects." It is an accepted principle with the commentators of the Quran that when the Quran reports something without any disapproval, that means that has been approved of by the Quran. So, when we look at this incident in the light of the Quran, we find the status of woman even higher than that of men. A woman oversees men, and she has shouldered this responsibility with greater efficacy. Thus, the example of the Queen of Sheba having found mention in the Quran shows that rulership is not man's monopoly. A woman can be a 'qawwam' over a man and the Quran has itself testified to it. In fact, in the early period of Islam, both the sexes were fully active in different fields of life, from housework to agriculture and horticulture, and from worship in the mosque to the battleground. Everywhere women were visible and active. Gradually there came about a division of labour, which is justifiable not only biologically and physiologically, but also in terms of the ensuing social benefits. One such important benefit is that they can see each other's lives objectively, without that personal involvement which tends to cloud their judgment and lead to a damaging emotionalism. They are better able to counsel each other coolly and wisely, to give moral support at critical moments, and to offer the daily encouragement with which every successful union should be marked. In Islamic history, there are many examples of women giving invaluable help to their husbands in critical situations. One of the most notable was Khadijah, the wife of the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) who successfully brought the Muhammad Prophet of*

*Islam (S.A.W.) (Peace be upon him) back from a state of fear and trembling to a state of normalcy after his receiving the first divine revelation in the solitude of the Cave of Hira from the Archangel Gabriel. She was able to reassure him that his life was not, as he feared, in danger, as she herself was emotionally detached from the incident. She observed: "God will surely never forsake you. You are kind to your kin; you always help the weak; you take care of whoever crosses your threshold; you solace the weary; you speak the truth." The reassurance that Khadijah gave to the Prophet of Islam on this occasion was one of the most significant contributions to the furtherance of Islam. Then it occurred to Khadijah that she had best make enquiries of some learned Christians, who, well versed as they were in the scriptures, were bound to have knowledge of revelation and prophethood. She went first to a rahib (hermit) who lived near Mecca. On seeing her, the priest asked, "O noble lady of the Quraysh, what has brought you here?" Khadijah replied, "I have come here to ask you about Gabriel." To this the rahib said, "Glory be to God, he is God's pure angel. He visits prophets: he came to Jesus and Moses." Then Khadijah went to another Christian called Addas. She put the same question to him, and he too told her that Gabriel was an angel of God, the very same who had been with Moses when God drowned the Pharaoh. He had also come to Jesus, and through him God had helped Jesus. Then Khadijah hastened to Waraqah ibn Nawfal, a Christian convert who had translated part of the Bible into Arabic. When she had finished telling him of what Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) had seen and heard, Waraqah exclaimed, "Holy, holy! By the Master of my soul, if your report be true, O Khadijah, this must be the great spirit who spoke to Moses. This means that Muhammad must be the Prophet of this nation." On a subsequent visit, Khadijah brought Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) to meet Waraqah ibn Nawfal. Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) related the events exactly as they had taken place and, when he had finished, Waraqah said, "By the Master of my soul, I swear that you are the same Prophet who's coming was foretold by Jesus, son of Mary." But then Waraqah sounded a note of warning: "You will be denied, and you will be hurt. You will be abused, and*

*you will be pursued." He nevertheless immediately pledged himself to the Prophet: "If I should ever live to see that day, I should surely help you." Thus, we can say that Islam does not hold women inferior to men. Islam considers men and women as equal in respect, but different in role. Islam has guaranteed rights of men and women in an equal degree and there is no discrimination between men and women. But due to the prevailing socio-cultural norms and practices in India, sometimes the guarantee of Islam does not get translated into tangible actions. Islam is the religion which liberated Muslim women by ensuring equal rights to them in comparison to their male fellow. There are some misconceptions prevailing in India, Bangladesh and South Asia regarding women's rights in Islam. Sometimes Muslim women themselves falsely think that they are backward and oppressed by their religion. Some make great mistake in presuming that all conduct and practices of a Muslim are connected to Islam. The prime object of this study is to pick out how rights of women are ensured in Islam. This study concludes with an allusion that women are not subordinate of men and indicate an avenue to identify properly women in the light of Islam. This research is qualitative in nature where only secondary data has been used. Analytical method was also used in this research. Data has been collected from various books, journals, holy Qur'an and sunnah (tradition) of the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him). This research finds that Islam does not deprive the women rather ensuring proper rights, dignity and status but due to lack of proper Islamic knowledge and awareness and sometimes to dominate or neglect some misconceptions prevailing in South Asia, Republic of India and Bangladesh. To eliminate prevailing misconceptions regarding women rights in Islam proper Islamic knowledge and awareness of the women is essential. The core implication of this research is that it will play a vital role to eliminate prevailing misconceptions regarding women rights in Islam and to ensure the rights, dignity and status of women as given in Islam. This study will open a new avenue for scholars who will be able to contribute their knowledge and wisdom to ensure the position of women as given in Islam. This research includes only those rights of the women as guaranteed by Islam and it does not include*

*constitutional rights, social rights, economical rights or other rights ensured by the existing laws of the Republic of India. Allah (SWT) has created both men and women without subordination of one another. Islam has ensured gender equality and women's rights in every sphere of their life.*

***Indexed Terms- Muhammad Prophet of Islam (S.A.W.) (Peace be upon him), Women's Rights, Gender Equality, Women's Freedom, Islam, Misconceptions***

## I. INTRODUCTION

Undoubtedly, there is no discrepancy in Islam between men and women as far as their relationship to Allah in concerning as both are promised the same reward for good conduct and the same punishment for evil conduct. Allah says:

“And for women are rights over men similar to those of men over women.” (2: 228)

The Holy Quran, in addressing the believers, often uses the expression “believing men and women” to accentuate the equality of both male and female regarding their duties, rights, virtues and merits. Islam is such a religion which has first given to the women a place of dignity and honor because before the advent of Islam, there were huge discriminations towards women. Islam abolished inhumanity, inequality, discrimination towards women as well as gave a complete code of conduct for both male and female. Prior to the arrival of Islam, the pagan Arabs used to bury their female children alive, make women dance naked in the vicinity of Ka'ba during their annual fairs and treated women just like slaves or chattels and they used women only for their sexual contentment who possess no rights, dignity, honor or position (Doi, 1992). Unlike other religions, which regarded women as being possessed of inherent sin and wickedness and men are being possessed of inherent virtue and nobility, Islam treats men and women as being of the equal essence created from one soul. Allah says:

“O mankind, be mindful of your duty to your Lord, who created you from a single soul and from it created its mate and from the two created and spread many men and women”. (4: 2)

To understand the rights, honor, dignity and status of women in Islam, it is sufficient to judge the position of women before the advent of Islam. At that time, they were like slaves and most often their positions were worse than animals. The Prophet (peace be upon him) proposed to stop any sorts of torture, cruelty or inhuman to women. He showed greatness towards them. He advised the Muslims: “Fear Allah in respect of women.” And: “The best of you are them who behave best to their wives.” And: “A Muslim must not hate his wife, and if he is displeased with one bad quality in her, let him be pleased with one that is good.” And: “The more civil and kinder a Muslim is to his wife, the more perfect in faith he is” (Doi, 1992). The Prophet (peace be upon him) was very much forceful in enjoining upon Muslims so that they are kind to the women. In his Farewell Pilgrimage (Hajj al-Wada), he directed those present, and through them all those Muslim whoever to come later, to be courteous and kinds towards women. He said: “Fear Allah (SWT) regarding women. Verily you have married them with the trust of Allah (SWT) and made their bodies lawful with the word of Allah. You have got (rights) over them, and they have got (rights) over you in respect of their food and clothing according to your means” (Doi, 1992). In Islam spiritual equality have guaranteed for both men and women (Orakzai, 2014). Allah says, “Whoso does good whatever male or female, and is a believer, shall enter Paradise and they shall not be wronged a whit.” (4:125)

But currently in many Muslim communities' women are not consider according to the rights given them in Islam. In many societies Muslim are practicing their own cultures and customs and women are being subject to cultural issues, patriarchal features of their society and political oppression (Sechzer, 2004). In Republic of India as 20 to 25 % of the people are Muslim, Islam plays a significant role in the country. Although Quran and the tradition of the Prophet (peace be upon him) emphasis on gender equality and rights, dignity and status of women but somebody use it for exploiting and discriminating against women after tempering some verses of the text to dehumanize them

In South Asia, Republic of India, many misconceptions prevailing regarding women's rights due to proper religious knowledge, misinterpretation

of Quran and the tradition of the Prophet (peace be upon him). The power to explain the religious rules is preserved by men in Republic of India as women are not so qualified in religious knowledge and for this reason patriarchal importance is reflected and sometimes it is politicized as the Ulema (religious scholars) are mostly men (Siddika, & Khatun, 2014). Due misconceptions and misinterpretations of Islamic rules women are being deprived of their rights, dignity, honor and status as given them in Islam and sometimes are being subject of oppression. To prevent domination of male, women's subordination and to ensure rights of women in Republic of India as given in Islam by abolishing misconceptions about women's rights proper religious knowledge as well as awareness of women is essential.

## II. RIGHTS AND STATUS OF WOMEN PRIOR TO THE ADVENT OF ISLAM

In the pagan society of pre-Islamic Arabia, the status of women was like slaves who had no rights and dignity. Women would not get share either from parents or spouse as inheritance. But Islam ensures share of women in the property of parents and husband (Rahman, 2008). Regular shape of marriage as we understand at present time was totally absent. There were such types of marriage as may be treated as fornication, prostitution, adultery or polyandry (Faiz-ud-din, 2008). Men could marry any number as he like and there were no specific rules regarding marriage, they could marry even two real sisters at one and at the same time (Rashid, 2004). But in case of marriage, Islam imposes prohibition on account of affinity (prohibition due to marriage relationship). In this respect the Holy Qur'an declares:

"Forbidden for you (to marry) are the mothers of your wives and your step-daughters that are in your laps (in charge of you) through your wives to whom you have gone in; but if you have not gone into them, then there is no sin upon you (to marry them); and the wives of your sons whom you have begotten." (4: 23). Husband possessed the power of divorce which was so unlimited and unrestricted that he could divorce his wife whenever he wishes without any lawful ground and could revoked his divorce and divorce again as many times as he favored. He could illogically accuse his wife of falseness, dismiss her and leave her with

such infamy as would prevent other suitors, while he himself would go free from any kinds of liability of maintenance or legal punishment. Neither of the wives could get a dower but Islam approves dower as a respect to the wife (Faiz-ud-din, 2003). False charges of unchastely were frequently used for depriving the wife from her right of dower. Her protector could deliver her to any person as he wished. But showing respect to women, Islam reformed marriage laws in a sweeping and far-reaching way.

Women were considered as material things and where husband were unable to pay his debt during his lifetime, after his death his creditor would own his wife as reparation (Saifee, Baloach, Sultan, & Khalid, 2012). Female child was considered an evil omen and fathers were terrified if the newborn baby were female. Fathers not only become unhappy when a female child was born but also felt embarrassed. In pre-Islamic Arabia, there was a ridiculous discrimination against their female children whom they used to bury alive. The Messenger of Allah (peace be upon him) Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) not only protest to this culture but also ordered to stop it. He is showing them that supporting their female children would act as a screen for them against the fire of Hell (Doi, 1992).

Under original Hindu law, women were treated like slave who had no rights of inheritance (Uddin, & Hossain, 2017). If the husband of woman died during her lifetime, then she had to burn herself alive when the dead body was cremated (Doi, 1992). Widow had no right to remarry who had to bear intolerable pain in her daily life. In Chinese culture, there were many atrocious customs had to bear a girl. A male child was treated as an immense gift of God, but female was an acceptable degradation (Saifee, Baloach, Sultan, & Khalid, 2012). In Greek society, women were treated to be the incarnation of evil and they had no right of inheritance, education, divorce etc. (Saifee, Baloach, Sultan, & Khalid, 2012). They were considered as material goods who had no feelings and free will. In ancient Rome, cruelties towards women were unbearable. Women had no rights, dignity or honor and the position of the women was like slave (Kabir, 2009). Men had authority to sell her or send her into exile even a husband had power of summarily putting his wife to death for acts like drinking, poisoning and

substitution of a spurious child (Doi, 1992). In Jewish society, women were lived without right, dignity and honor. They had no right of inheritance and were considered as an object owned by the male protector.

### III. RIGHTS, DIGNITY, HONOR AND STATUS OF WOMEN IN ISLAM

Islam does not allow the domination of men over women rather it upholds the rights, dignity, honor and status of women by ensuring gender equality and equality of rights for both male and female in every area of human life. In Islam a woman is completely self-regulating who has legal personality and who can enter contract or can make bequest in her own name. She has right to perform any profession or business and has authority to dispose her property as like as men. She is entitled for inheritance in different capacity like as mother, as wife, as sister and as daughter. She has full freedom to select her husband and allowed to her dower and maintenance. As the command of Islam to the men is to treat with compassion and full respect to their wives, women are respectable and honorable in Islam (Mohammad, & Lehmann, 2011). A woman as mother has immense respect in Islam than any other person. The holy Quran in many verses commands Muslims to demonstrate respect to their mothers and serve them well even if they left Islam and are remain as unbelievers. The prophet (peace be upon him) states insistently that the rights of the mother are supreme (Doi, 1992). In Islam women are most respectable and honorable “if she is a wife, she is life partner, if she is as a mother, the paradise is under the feet of mother, if she is daughter it is blessing of Almighty Allah” (Soomro, & Khuhro, 2018). The different types of rights of women ensured in Islam are:

#### 3.1 Inheritance

The pre-Islamic customs relating to succession were biased, vindictive, and unreasonable and in most of the cases violated justice (Akhter, Rahman, & Dolon, 2012). Women were treated as property, and they were not entitled to inheritance whether as mother or wife or daughter or sister. There was no specific system for cognates and agnates and always males could get preferences. There were established traditions that the nearest male agnates succeeded to the entire estate of the deceased and females and cognates were excluded

(Rashid, 2004). Islam ensured the rights of inheritance of women many centuries ago than western countries (Sechzer, 2004). In Islam six classes of persons never deprive from inheritance (Faiz-ud-din, 2008). Among these six classes of persons, three classes of persons are male (father, husband and son) and rest three are female (mother, wife and daughter). In Islamic law of inheritance, among twelve sharers (called Quranic sharer whose share is define in Quran) numbers of women are eight (“wife, mother, daughter, son’s daughter, true grandmother, full sister, consanguine sister and uterine sister”) and the numbers of men are four (father, husband, true grandfather and uterine brother) (Haque, 2009). So Islam does not neglect women giving more importance to men.

In case of right of inheritance of a woman as mother three situations may arise. She may be entitling either 1/6 (if the deceased person has a child or son’s child how low so ever or two or more brothers or sisters) or 1/3 (if the deceased person does not have any child or son’s child or not more than one brother and sister) or 1/3 of residue (if the deceased person has wife or husband and father) (4:11). As wife two situations may arise and she may be entitling either 1/4 (if the deceased person has child or son’s child how low so ever) or 1/8 (if the deceased person does not have any child or son’s child) of the property of the deceased. (4:12). As daughter, if only one daughter and no son her share is 1/2 and if two or more daughters and no son their share is 2/3 and if there is son daughter will be residue and each daughter will get half of son. (4:11). Besides this, parents could distribute property equally between a son and a daughter (Khanum, 2008). Islam is the only religion that does not deprive women from their right of inheritance rather ensured right of inheritance of women.

#### 3.2 Marriage

Allah (SWT) has created men and women as company for one another and so that they can procreate and live in peace and tranquility according to the commandments of almighty Allah and the directions of His Messenger. Allah says:

“And among His signs is this that He created for you mates from among yourselves, that you may dwell in tranquility with them, and He has put love and mercy

between your hearts. Undoubtedly in these are signs for those who reflect.” (30:21)

Marriage is treated as the basis of social life and the beginning of the family life. It is compulsory (Wajib) for a man who has the means to easily pay the dower (Mahr) and to bear the expenses of a wife and children, and also physically fit, and doubts that if does not marry, he may be allured to commit adultery (Zina) and also obligatory for a woman who do not have any other legal way of maintaining herself and who doubts that her sexual urge may move forward her into adultery (Doi, 1992). It protects society and safeguard human being from foulness and un-chastity (Akhter, Rahman, & Dolon, 2012).

In Islam marriage is an act for the pleasant of Allah (SWT) because it is according to His orders that husband and wife love each other and help each other to make efforts to continue humans and rear and foster their children to become true servant of Allah (SWT). As it is also the biological instincts to have sexual intercourse, marriage is not only satisfying sexual lust of men and women but also preserve future generation (Hidayatullah & Hidayatullah, 1990).

In case of marriage, Islam has given equal importance both bride groom and bride as for being a valid marriage any party may offer to the other party, and it must be accepted by the other party (Rashid, 2004). Through valid marriage mutual right of inheritance are established and wife become entitle to her dower and maintenance. But marries does not give power to the husband over the wife’s person beyond the limit of law and right upon her goods and property (Hidayatullah & Hidayatullah, 1990). In marriage in Islam women are at liberty to choose their life partner. Nobody can force her to choose her mate or to marry even one’s father, mother, brother, sister or any paternal or maternal guardian. Marriage of major woman previously married without her consent is unanimously void and of a major virgin girl without her consent is unlawful (Faiz-ud-din, 2008). Islam showed full respect to the women and ensured rights, dignity and honor and equal status of men and women in case of marriage because for being a valid marriage acquiescence of the bride groom as well as bride is mandatory. In this regard no one is superior.

### 3.3 Dower

In pre-Islamic period dower was paid to the wife’s father or other guardian, which was used to signify gifts (sadaka) and could therefore be regarded as sell price in present time. Islam approved dower (mahr) to be paid to the wife in case of regular marriage as respect to the wife and not as sell price. Dower may be a sum of money or any other kind of property of which the wife is legally entitled to get from the husband as a token of respect. It cannot be treated as consideration or exchange given to the wife for entering marriage contract.

Islam has given importance for the payment of dower and imposed duty on the husband to pay dower to the wife. The holy Quran states, “Give women (wives) their dower with no strings attached. If they themselves (wives) give some of it back to you (waive it), then consume it (dower) with good cheers.” (4:4). The Prophet (peace be upon him) said, “Pay dower (mahr) to your wife even it is a ring made of iron” (Faiz-ud-din, 2008). According to the provision of Islam, husband must have to pay dower to the wife either in cash or any other form and husband has no way to deny his liability except paying dower. It may be prompt or deferred.

It is like a debt or duty for the husband to pay dower and a right of the wife to receive it. In case of dower Islam has showed respect and given full authority to the wife as she can demand her dower at any time without any explanation and can waive full or any part of her dower as she like, and no one can interfere in this matter. Islam has given rights to the wife and imposed duty on the husband if the amount of dower was not settled during the time of marriage or later on, the wife is entitled to proper dower, though the marriage was completed on the stipulation that the wife cannot demand any dower (Hidayatullah & Hidayatullah, 1990). In determine the amount of proper dower, the social position of the wife’s family, financial condition of the husband, personal qualifications of the bride and dower settled upon the female members of the family of the bride’s father will be consider. Under Islamic law, where there is a marriage there is a dower whatever may be the amount and it is bridal gift (Akhter, Rahman, & Dolon, 2012). According to the direction of the Prophet (peace be upon him) if anybody does not pay the dower in the

Day of Judgment he will be treated as adulterate. Islam has ensured the right of dower of a woman and given her unlimited and unrestricted power to dispose her dower in any lawful way as she like.

### 3.4 Maintenance

Maintenance (nafaqa) is very significant issue in Muslim personal law. To afford maintenance is not only legally approved but also it is an act of devotion (ibadat). Under Muslim law, maintenance is due to the wife from the husband as a recompense for the matrimonial restraint and is one of the necessary and inherent conditions of the marriage contract. Husband responsibility is to provide proper maintenance and it is such a duty that must be discharged cheerfully without any censure, hurt or patronization (Faiz-uddin, 2008). The holy command "Let him provide her (wife) maintenance according to his ability". (65:7). It is duty upon the husband to provide proper food, cloth and accommodation if she surrenders herself to him although she is Muslim or infidel or poor or rich, grown-up or young (Rashid, 2004).

Muslim husband is legally bound to provide maintenance to his wife so long as she is truthful to him and observe his lawful orders whether she is poor or rich will not be considered. Maintenance is one of important legal rights of the wife and a legal duty of the husband who will not be exempted from this liability whatever may be his financial condition. A wife can demand maintenance during her sickness in her husband's house and even if a man divorces his wife her bread and accommodation are attributed upon him during the period of iddat (remaining unmarried for a period of three months after dissolution of marriage) whether the divorce is of reversible or irreversible kind. The wife becomes entitle for maintenance immediately after valid marriage and husband cannot deny his liability of providing maintenance. When there subsists a valid marriage there must have a right of maintenance by the wife. Islam does not impose liability upon the wife to bear expenses of the family or to bear expenses of her husband on any condition rather ensured her right to get maintenance from her husband.

In Republic of India currently there are two statutes containing provisions regarding the maintenance of wife. Section 5 of the Family Courts Ordinance, 1985

(Ordinance No- XVIII of 1985) states that every family court is competent to entertain, try and dispose of any suit relating to the dower and maintenance of a woman. Section 9 of the Muslim Family Laws Ordinance, 1961 (Ordinance No- VIII of 1961) runs: "If any husband fails to maintain his wife adequately or where there are more wives than one, fails to maintain them equitably, the wife or all or any of the wives may, in addition to seeking any other legal remedy available, apply to the chairman who shall constitute an arbitration council to determine the matter, and the arbitration council may issue a certificate specifying the amount which shall be paid as maintenance by the husband and the amount fixed by the council is recoverable as arrears of land revenue. Of course, an aggrieved party may prefer an appeal to the court of assistant judge whose decision is final and no appeal shall lie in any court of law."

### 3.5 Divorce

In the Dark Age, when Islam does not emerge in Arabs, only the husband had power of divorce, and which was so unrestricted and unlimited that he practiced in the most inhuman ways. Husband could divorce his wife whenever he like without any legal or reasonable cause. He had also the power to revoke his divorce and divorce again as many times as he favored. He could, moreover, if he so desired, swear that he had made no sexual relation with his wife, though still living with her. The husband exercised limitless rights over the wife. If a man became angry with his wife, whether for any reasonable cause or just to satisfy his caprice, he could divorce her at once, but the unfortunate wife could neither have recourse to any legal procedure nor get any maintenance from him nor claim any other kind of right from him. Regarding right of divorce men enjoyed vast powers who could easily get rid of his wife by leveling a flimsy charge against him.

The Prophet (peace be upon him) looked upon these evil customs of divorce with tremendous dissatisfaction and regarded their practice as considered to damage the foundation of society. It was quite impossible to abolish this evil custom completely. The Prophet (peace be upon him) had to mold the mind of an uncultured and semi-barbarous community to a higher development. In case of extreme emergency, Islam permitted divorce if all

efforts of bringing together have unsuccessful. Islam recognized that when it has become impossible to continue conjugal life it is better for both husband and wife to separate harmoniously rather than miserably bound together which turns the home into a hell.

The rectification of Prophet Mohammad marked a new departure in the history of Eastern legislation. He reserved unrestricted power of divorce by the husband but also given to the wife the right of obtaining the partition on rational grounds. Though divorce is allowed in Islam with some conditions it discourages dissolution of a marriage-tie as Prophet (peace be upon him) says: "Of all things that Islam has permitted, divorce is the most hated by Allah." (Abu Da'ud). Islam has given to the women right regarding dissolution of marriage by:

- 1) Delegated divorce (Talaque-e-tafweez): Though the husband possesses primarily the power of divorce wife also may exercise this right to dissolve her marriage if the husband delegates the power of dissolution of marriage to the wife (Soomro & Khuhro, 2018). This delegation of power can be during the marriage or at any time after marriage. The power so delegated to the wife is irrevocable and it can be exercised even after the institution of a suit by the husband against her for restitution of conjugal rights.
- 2) Redemption (Khul'a): It means a mutual agreement between husband and wife where both agree to break off their marriage in lieu of a recompense paid by the wife to her husband out of her property (Faiz-ud-din, 2008). If the relationship of a husband and a wife is not fine, the wife has a right to seek divorce (khul'a) by renouncing her claim to the dower (Rashid, 2004). According to the Prophet (Sm) of Islam, "If a woman be prejudiced by a marriage, let it be broken."
- 3) Mutual release (Mubar'at): When both the parties of a marriage feel aversion, they have liberty to release each other without any claim upon the other. In this form of divorce both of the parties to the marriage have right to offer and the other party has right to accept and when it is accepted marriage

will be dissolved and it is an irrevocable divorce (Hidayatullah & Hidayatullah, 1990).

### 3.6 Right to Choose Profession

In Islam like men women have various responsibilities towards the family and society as she is considered one of the two important pillars of the society. Islam does not like laziness, vanity and workless people. In Islam there is no difference between men and women regarding work and working is a duty for both. In Islam women have freedom to choose their occupation but in choosing their profession they must keep in mind that they have some limitations due to their physical structure. As they are exquisite, sensitive beautiful beings they must be more conscious before involving any profession. Though in Islam women have liberty to select their profession but it imposes some restrictions at the same time because a married woman cannot choose any profession by which her husband will be deprived to enjoy his conjugal rights or children will be deprived from maternal love, care and affection and proper education and training.

### 3.7 Right to Proprietorship

Regarding ownership of property Islam has given equal respect to the women like men. She may gain property through lawful means and become owner and she has also right to dispose of that property in any legal way as she wishes. Nobody whether father or husband or mother or even her children have no right to interfere her regarding her property. It is not her responsibility to bear expense of the family even her maintenance or maintenance of the children. Husband has no right in her personal property. She is not liable to pay the debt of her husband. But in case of necessity, he may take loan from her and in that case, she will have all rights of a creditor.

### 3.8 Right to Seek Knowledge

In Islam acquiring knowledge is obligatory for both men and women. In this regard an unmarried woman has full freedom to acquire knowledge, and nobody can obstruct her from acquiring knowledge. A married woman also has right of acquiring knowledge, but she must observe the right of her husband and children.



### 3.9 Right to Involve in Politics

Islam ensured political independence of men and women. There is opportunity for a woman to involve in politics (Rezvani, 2013). She can participate in political convention, street demonstrations, congregations and Friday prayers. She has right to self-defense and defends her property and even she can participate in war to defend the sovereignty of her own country. But for all these she has to follow the directions of Islam.

### 3.10 Right to Choose Residence

A woman has freedom to choose residence for herself. In Islam, as it is the liability of husband to provide proper maintenance to his wife, a married woman must stay to her husband's place of residence. Considering the ability and benefit of her husband a married woman can select her residence in such place as dignity of the family is properly maintained. According to the direction of Islam she cannot claim her residence in such place which will be some hardship for her husband.

### 3.11 Economic Rights of Women

A Muslim woman is allowed to involve herself in economic activities following some rules. The women who are highly talented and can acquire higher degree can render services for the betterment of the society, particularly in the teaching profession. But here too, a strict Islamic code of conduct must be observed in the classroom. As for medical profession, women doctors are badly needed in the field of gynecology and obstetrics. Usually, women feel shy and even forbidden by Islam from consulting male doctor as per as possible in their ante-natal and post-natal treatment but if it is a question of life and death then in special circumstances it is permitted. In Islam women are encouraged in medical profession. Women can involve in welfare institutions of the society. With her Allah-given touch of loving and affection she can handle juvenile delinquents, drop-outs from schools frustrated youths. Even she has right to work in a factory if it is run by women.

Woman is not forbidden to go out of her home for necessity. In the time of the Prophet (peace be upon him), women went out to the market or their farms. The prophet (peace be upon him) did not stop a woman

in her iddat from going out of her house in case of necessity. Jabir ibn Abdullah says husband of my aunt divorced her and when she was spending her iddat in the house she wanted to go outside of the house to get some of her date palms harvested and sold. Someone halted her, saying that you are not allowed to go out of the house during iddat. She went to the Prophet (peace be upon him) to whether she could go outside of the house or not and the Prophet (peace be upon him) said, "You go out and get the date trees harvested (and sold) so that you may be able to do some other good work." (Abu Da'ud).

## IV. PREVAILING MISCONCEPTIONS IN SOUTH ASIA, INDIA AND BANGLADESH REGARDING WOMEN RIGHTS IN ISLAM

Some misconceptions regarding women's rights in Islam are prevailing in South Asia, India and Bangladesh for long time. These misconceptions directly neglect the women, dishonored them and discriminate them. Some people without proper religious knowledge, to dominate the women, to deprive women from their rights as given in Islam and to establish superiority of men over women practice these misconceptions as rule of Islam. But Islam does not support these misconceptions these are direct contradiction of Islamic rules and principles. Some misconceptions regarding women rights prevailing in Republic of India are:

- 1) "Islam deprived women as in inheritance they are getting half share as compared to men". There is a misconception in Republic of India that Islam deprived women in case of right of inheritance. But most of the people do not realize what the place of women in Islam is. In Islam, from the property of her parents a woman is entitled to get 1/2 of the share as compared to her brother but she has no financial liability towards the family. She is entitled to her dower, to get gifts during her marriage and she is not required to spend her income to bear the expenses of the family. Her all expenses are bear by father before marriage and by the husband after marriage (Orakzai, 2014). Besides these, she has right of inheritance in the property of her husband and in the property of the children.

“Unconditionally a man can take four wives at a time”. Another misconception prevailing in Bangladesh regarding polygamy. According to the rules of Islam, maximum four wives might be taken by a man at one time only when he possessed the strength of character to deal justly with them. The holy Quran says:

- 2) “If you fear that you will not be able to deal justly with the orphans, marry women of your choice, two or three or four; but if you fear that you will not be able to deal justly with them, then only one.” (4: 3).

The above rule on polygamy is conditional. The verse specially refers to the justice to be done to orphans. It was revealed immediately after the Battle Uhud when the Muslim community was left with many orphans and widows and some captives-of-war. The treatment was to be governed by principles of greatest humanity and equality. If a man wants to take more than one wife, he should have sufficient financial resources to look after the needs of the additional wives that he has taken, and he must do equal justice with them in regard to the fulfillment of their conjugal and other rights (Doi, 1992). The logic to justify polygamy is that it prevents divorce of the sick, older and barren wife and to refrains men from extra-marital relationship and remove social hypocrisy (Marcotte, 2003).

- 3) “Consent of bride is not so important for marriage”. Male dominated societies of Republic of India do not want to give equal importance of the consent of bride like bride groom in case of marriage. They think that consent of the father or guardian is final for the marriage of a girl, but Islam does not support it. According to Islam, for a valid marriage free consent of the bride and bride groom is required. Islam has given right of a woman to choose her life partner.
- 4) “No marriage without dowry”. The most heinous practice in Bangladesh which Islam never supports is dowry system. It has become such social practice in Republic of India that sometimes marriage cannot imagine without dowry. Some greedy people established system in the society that wife must bring wealth from her parents and sometimes they torture physically or mentally and even

sometimes causes death of the wife by torture for dowry (Ahmed, 1997).

- 5) “Women have no right of divorce in Islam”. Though in Islam husband has absolute power to divorce but he may delegate this power to the wife. According to Islam both husband and wife can separate by mutual understanding. Besides these, she may demand separation by relinquishing all claims to the husband.

The main reasons of prevailing misconceptions in Republic of India regarding women rights in Islam are firstly not having proper knowledge regarding rules and regulations of Islam; secondly to dominate the women and to establish superiority of men over women; thirdly to deprive the women from their legal rights as given them by Islam; fourthly illiteracy of women and lack of awareness among women are one of the main reasons of misconceptions regarding women rights in Islam; fifthly to neglect the women and to dishonor them and to discriminate them; as most of the religious interpreters are male.

- 6) Islam Indeed Give Very Rights to Woman and The Issue of Equality Should Be Surveyed by Diverse Aspects ... Of Note:

1. Woman is the symbol and manifestation of elegance, beauty and residence. Each creature is a manifestation of the name of the divine letters; Because creation, which is one of the current attributes of God (and not one of His intrinsic attributes), is: the manifestation of the Creator in the face of various creatures. [1] As Imam Ali (AS) said: "All praises are for God who reveals himself to his creatures through the creatures." [2]

From the Qur'anic point of view, the secret of the creation of a woman and the establishment of a family institution and marital bond is something beyond instinctual tendencies and temporary successes: "And one of the signs of God is that He created for you mates from among yourselves, that you might find rest in them, and He established between your friendship and mercy.

Undoubtedly, in this creation and friendship (period) are signs and verses for those who think. "[3]

All the privileges of race, gender, etc. are absurd, and "the most honorable beings in the sight of God are with the most pious of them." [4] The invitation of all the prophets (AS), and the address of all the heavenly books is only for human beings, and all of them call out: "Whoever follows me is from me." [5] The place of woman in creation is where there is no limit to victories, possessions and achievements: "O man! Do not doubt that you will meet your Lord, albeit with difficulty, in an endeavor and in the end." [6] "Everyone is dependent on their business." [7] "For whatever you try, you become its owner, and the beneficiary man will soon see the result of his effort." [8] Whoever is a servant of God is close to him, whether male or female: "Whenever my servants ask you, 'Where is God?' Say it's close. I am close and I obey the prayers of those who pray." [9] Achieving a good life (pure and pleasant) has two conditions: being righteous and a believer. (Whether male or female):

"Whoever does a good deed - whether a woman or a man - but is a believer, and we will certainly give him life by enjoying a clean life and give him a punishment beyond his deeds." [10] Anyone who steps on the truth will be cursed by God: "Those who disbelieved and left this world while remaining in their disbelief will be cursed by God and the angels and all people." [11] What can be deduced from these verses is that the addressee of God is man. Man is dependent on his faith, belief, and action, and greets whatever he sows, "whether male or female, and woman in the view of revelation is in the position of the" human "character, and gender is an influence on the main lines of duties and personality. It does not have humans. In Islam there is absolutely no difference between men and women as far as their relationship to Allah is concerned, as both are promised the same reward for good conduct and the same punishment for evil conduct. The Quran says:

And for women are rights over men similar to those of men over women. (2:226)

The Quran, in addressing the believers, often uses the expression, 'believing men and women' to emphasize the equality of men and women in regard to their respective duties, rights, virtues and merits. It says:

For Muslim men and women,  
for believing men and women,

for devout men and women,  
for true men and women,  
for men and women who are patient and constant,  
for men and women who humble themselves,  
for men and women who give in charity,  
for men and women who fast,  
for men and women who guard their chastity,  
and for men and women  
who engage much in Allah's praise,  
for them has Allah prepared  
forgiveness and great reward. (33:35)

This clearly contradicts the assertion of the Christian Fathers that women do not possess souls and that they will exist as sexless beings in the next life. The Qur'an says that women have souls in exactly the same way as men and will enter Paradise if they do good:

Enter Paradise, you and your wives, with delight. (43:70)

Who so does that which is right, and believes, whether male or female, him or her will We quicken to happy life. (16:97)

The Qur'an admonishes those men who oppress or ill-treat women:

O you who believe! You are forbidden  
to inherit women against their will.  
Nor should you treat them with harshness,  
that you may take away part of the dowry  
you have given them - except when  
they have become guilty of open lewdness.  
On the contrary live with them  
on a footing of kindness and equity.  
If you take a dislike to them,  
it may be that you dislike something  
and Allah will bring about through it  
a great deal of good. (4:19)

Considering the fact that before the advent of Islam the pagan Arabs used to bury their female children alive, make women dance naked in the vicinity of the Ka'ba during their annual fairs, and treat women as mere chattels and objects of sexual pleasure possessing no rights or position whatsoever, these teachings of the Noble Qur'an were revolutionary. Unlike other religions, which regarded women as being possessed of inherent sin and wickedness and men as being possessed of inherent virtue and nobility, Islam

regards men and women as being of the same essence created from a single soul. The Quran declares:

O mankind! Reverence your Guardian-Lord, who created you from a single person, created, of like nature, his mate, and from this pair scattered (like seeds) countless men and women. Reverence Allah, through Whom you demand your mutual (rights), and reverence the wombs (that bore you); for Allah ever watches over you. (4:1)

Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) said, "Women are the twin halves of men." The Quran emphasizes the essential unity of men and women in a most beautiful simile:

They (your wives) are your garment, and you are a garment for them. (2:187)

Just as a garment hides our nakedness, so do husband and wife, by entering the relationship of marriage, secure each other's chastity. The garment gives comfort to the body; so, does the husband find comfort in his wife's company and she in his. "The garment is the grace, the beauty, the embellishment of the body, so too are wives to their husbands as their husbands are to them."

Islam does not consider woman "an instrument of the Devil", but rather the Quran calls her muhsana - a fortress against Satan because a good woman, by marrying a man, helps him keep to the path of rectitude in his life. It is for this reason that marriage was considered by the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) as a most virtuous act. He said: "When a man marries, he has completed one half of his religion." He enjoined matrimony on Muslims by saying: "Marriage is part of my way and whoever keeps away from my way is not from me (i.e., is not my follower)." The Quran has given the raison of marriage in the following words:

And among His signs is this, that He has created for you mates from among yourselves, that you may dwell in tranquility with them; and He has put love and mercy between you. Verily in that are signs for those who reflect. (30:21)

Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) was full of praise for virtuous and chaste women. He said:

"The world and all things in the world are precious but the most precious thing in the world is a virtuous woman. He once told the future khalif, 'Umar: "Shall I not inform you about the best treasure a man can hoard? It is a virtuous wife who pleases him whenever he looks towards her, and who guards herself when he is absent from her."

On other occasions the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) said:

"The best property a man can have is a remembering tongue (about Allah (SWT)), a grateful heart and a believing wife who helps him in his faith." And again: "The world, the whole of it, is a commodity and the best of the commodities of the world is a virtuous wife."

Before the advent of Islam women were often treated worse than animals. The Prophet wanted to put a stop to all cruelties to women. He preached kindness towards them. He told the Muslims: "Fear Allah (SWT) in respect of women." And: "The best of you are they who behave best to their wives." And: "A Muslim must not hate his wife, and if he be displeased with one bad quality in her, let him be pleased with one that is good." And: "The more civil and kinder a Muslim is to his wife, the more perfect in faith he is."

Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) was most emphatic in enjoining upon Muslims to be kind to their women when he delivered his famous khutba on the Mount of Mercy at Arafat in the presence of one hundred and twenty-four thousand of his Companions who had gathered there for the Hajj al-Wada (Farewell Pilgrimage). In it he ordered those present, and through them all those Muslims who were to come later, to be respectful and kind towards women. He said:

"Fear Allah (SWT) regarding women. Verily you have married them with the trust of Allah (SWT) and made their bodies lawful with the word of Allah (SWT). You have got (rights) over them, and they have got (rights) over you in respect of their food and clothing according to your means."

In Islam a woman is a completely independent personality. She can make any contract or bequest in

her own name. She is entitled to inherit in her position as mother, as wife, as sister and as daughter. She has perfect liberty to choose her husband. The pagan society of pre-Islamic Arabia had an irrational prejudice against their female children whom they used to bury alive. The Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) was totally opposed to this practice. He showed them that supporting their female children would act as a screen for them against the fire of Hell:

It is narrated by the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) `s wife, Aisha, that a woman entered her house with two of her daughters. She asked for charity but Aisha could not find anything except a date, which was given to her. The woman divided it between her two daughters and did not eat any herself. Then she got up and left. When the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) came to the house, Aisha told him about what had happened, and he declared that when the woman was brought to account (on the Day of Judgment) about her two daughters they would act as a screen for her from the fires of Hell.

The worst calamity for a woman is when her husband passes away and, as a widow, the responsibility of maintaining the children falls upon her. In the Eastern World, where a woman does not always go out to earn her living, the problems of widowhood are indescribable. Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) upheld the cause of widows. Most of his wives were widows. In an age when widows were rarely permitted to remarry, the Prophet encouraged his followers to marry them. He was always ready to help widows and exhorted his followers to do the same. Abu Hurairah reported that the Muhammad Prophet of Islam (S.A.W.) (Peace be upon him) said: "One who makes efforts (to help) the widow or a poor person is like a mujahid (warrior) in the path of Allah (SWT), or like one who stands up for prayers in the night and fasts in the day."

Woman as mother commands great respect in Islam. The Noble Quran speaks of the rights of the mother in a number of verses. It enjoins Muslims to show respect to their mothers and serve them well even if they are still unbelievers. The Prophet states emphatically that the rights of the mother are paramount. Abu Hurairah

reported that a man came to the Messenger of Allah (peace be upon him) and asked: "O Messenger of Allah (SWT), who is the person who has the greatest right on me with regards to kindness and attention?" He replied, "Your mother." "Then who?" He replied, "Your mother." "Then who?" He replied, "Your mother." "Then who?" He replied, "Your father."

In another tradition, the Messenger of Allah (peace be upon him) advised a believer not to join the war against the Quraish in defense of Islam, but to look after his mother, saying that his service to his mother would be a cause of his salvation. Mu'awiyah, the son of Jahimah, reported that Jahimah came to the Prophet (peace be upon him) and said, " Messenger of Allah! I want to join the fighting (in the path of Allah) and I have come to seek your advice." He said, "Then remain in your mother's service, because Paradise is under her feet."

The Prophet Muhammad Messenger of Allah (peace be upon him) `s followers accepted his teachings and brought about a revolution in their social attitude towards women. They no longer considered women as a mere chattels, but as an integral part of society. For the first time women were given the right to have a share in inheritance. In the new social climate, women rediscovered themselves and became highly active members of society rendering useful service during the wars which the pagan Arabs forced on the emerging Muslim umma. They carried provisions for the soldiers, nursed them, and even fought alongside them if it was necessary. It became a common sight to see women helping their husbands in the fields, carrying on trade and business independently, and going out of their homes to satisfy their needs.

Aisha reported that Saudah bint Zam'ah went out one night. 'Umar saw her and recognized her and said, "By God, O Saudah, why do you not hide yourself from us?" She went back to the Prophet (peace be upon him) and told him about it while he was having supper in her room, and he said, "It is permitted by Allah (SWT) for you to go out for your needs." The predominant idea in the teachings of Islam with regard to men and women is that a husband and wife should be full-fledged partners in making their home a happy and prosperous place, that they should be loyal and faithful to one another, and genuinely interested in each other's

welfare and the welfare of their children. A woman is expected to exercise a humanizing influence over her husband and to soften the sternness inherent in his nature. A man is enjoined to educate the women in his care so that they cultivate the qualities in which they, by their very nature, excel.

These aspects were much emphasized by The Prophet (peace be upon him), He exhorted men to marry women of piety and women to be faithful to their husbands and kind to their children. He said:

"Among my followers the best of men is those who are best to their wives, and the best of women are those who are best to their husbands. To each of such women is set down a reward equivalent to the reward of a thousand martyrs. Among my followers, again, the best of women is those who assist their husbands in their work, and love them dearly for everything, save what is a transgression of Allah's laws."

Once Mu'awiyah asked The Prophet (peace be upon him), "What are the rights that a wife has over her husband?" The Prophet (peace be upon him), replied, "Feed her when you take your food, give her clothes to wear when you wear clothes, refrain from giving her a slap on the face or abusing her, and do not separate from your wife, except within the house." Once a woman came to the The Prophet (peace be upon him), with a complaint against her husband. He told her: "There is no woman who removes something to replace it in its proper place, with a view to tidying her husband's house, but that Allah (SWT) sets it down as a virtue for her. Nor is there a man who walks with his wife hand-in-hand, but that Allah (SWT) sets it down as a virtue for him; and if he puts his arm round her shoulder in love, his virtue is increased tenfold." Once he was heard praising the women of the tribe of Quraish, "...because they are the kindest to their children while they are infants and because they keep a careful watch over the belongings of their husbands."

The Shari'ah regards women as the spiritual and intellectual equals of men. The main distinction it makes between them is in the physical realm based on the equitable principle of fair division of labor. It allots the more strenuous work to the man and makes him responsible for the maintenance of the family. It allots the work of managing the home and the upbringing

and training of children to the woman, work which has the greatest importance in the task of building a healthy and prosperous society.

It is a fact, however, that sound administration within the domestic field is impossible without a unified policy. For this reason, the Shariah requires a man, as head of the family, to consult with his family and then to have the final say in decisions concerning it. In doing so he must not abuse his prerogative to cause any injury to his wife. Any transgression of this principle involves for him the risk of losing the favor of Allah (SWT), because his wife is not his subordinate, but she is, to use the words of The Prophet (peace be upon him), 'the queen of her house', and this is the position a true believer is expected to give his wife. In contrast to these enlightened teachings of Islam in respect of women, Western talk of women's liberation or emancipation is actually a disguised form of exploitation of her body, deprivation of her honor, and degradation of her soul!

- Rights of Parents, and special status of mothers:  
"We have enjoined on man kindness to his parents; in pain did his mother bear him, and in pain did she give him birth" (Al-Quran 46:15).

"Your Lord hath decreed that you worship none but Him, and that you be kind to parents. Whether one or both attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honor. And out of kindness, lower to them the wing of humility, and say: 'My Lord! bestow on them Your Mercy even as they cherished me in childhood'" (Al-Quran 17:23-24).

"We have enjoined on man and woman kindness to parents; but if they (either of them) strive (to force) thee to join with Me anything of which thou hast no knowledge, obey them not" (Al-Quran 29:8).

"We have enjoined on man and woman (to be good) to his/her parents; show gratitude to Me and to thy parents; to Me is (thy final) Goal. If they (parents) strive to make thee join in worship with Me things of which thou hast no knowledge, obey them not; yet bear them company in this life with justice (and consideration) and follow the way of those who turn to Me (in love)" (Al-Quran 31:14-15).

The Prophet Muhammad (may Allah's peace and blessings be upon him) said: "Your Heaven lies under the feet of your mother" (Ahmad, Nasai).

A man came to the Prophet and said, 'O Messenger of God! Who among the people is the most worthy of my good companionship? The Prophet said: "Your mother". The man said, 'Then who?' The Prophet said: "Then your mother". The man further asked, 'Then who?' The Prophet said: "Then your mother". The man asked again, 'Then who?' The Prophet said: "Then your father". (Bukhari, Muslim).

Abu Usaid Saidi said: We were once sitting with Rasulullah when a man from the tribe of Salmah came and said to him: "O Messenger of Allah! do my parents have rights over me even after they have died?" And Rasulullah said: "Yes. You must pray to Allah to bless them with His Forgiveness and Mercy, fulfill the promises they made to anyone, and respect their relations and their friends." (Abu Dawud and Ibn Majah).

Abdullah ibn Amr related that the Messenger of Allah said: "The major sins are to believe that Allah has partners, to disobey one's parents, to commit murder, and to bear false witness" (Bukhari, Muslim).

It is narrated by Asma bint Abu Bakr that during the treaty of Hudaibiyah, her mother, who was then pagan, came to see her from Makkah. Asma informed the Messenger of Allah of her arrival and that she needed help. He said: "Be good to your mother." (Bukhari, Muslim).

- Rights of Wives:

"And of His signs is this: He created for you spouses from yourselves that ye might find rest in them, and He ordained between you love and mercy. Lo! herein indeed are portents for folk who reflect." [Al Quran 30:21]

"Men are the protectors and maintainers of women..." [Al-Quran 4: 34]. Meaning it is the duty of men to financially support women, even if woman is rich.

"And they (women) have rights (over their husbands) similar (to those of their husbands) over them (as

regards obedience and respect) to what is reasonable" (Al-Quran 2:228)

"And give to the women (whom you marry) their 'Mahr' with a good heart" (Quran 4:4) (Mahr is the money paid by the groom to the bride upon marriage.) The Prophet (SAW) said: "The perfect man in his faith among the believers is the one whose behavior is most excellent, and the best of you are those who are the best to their wives." (Tirmidhi)

The Prophet (SAW) said: "Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah...Their rights upon you are that you should provide them with food and clothing in a fitting manner." (Muslim, 1218)

The Prophet (SAW) said: "The wicked among the people in the eye of Allah on the Day of Judgment is the man who goes to his wife, and she comes to him, and then he divulges her secret." (Sahih Muslim). Meaning that husband should not reveal the secrets of his wife to anyone.

In one of hadith The Prophet (SAW) said: 'Give charity.' A man said: 'O Messenger of Allah, I have a Dinar.' He said: 'Spend it on yourself.' He said: 'I have another.' He said: 'Spend it on your wife.' He said: 'I have another.' He said: 'Spend it on your son.' He said: 'I have another.' He said: 'Spend it on your servant.' He said: 'I have another.' He said: 'You know best (what to do with it).'" (Sunan an-Nasa'i)

The Prophet (SAW) said: "A believer must not hate (his wife) believing woman; if he dislikes one of her characteristics, he will be pleased with another". (Muslim). Islam dislikes and discourages divorce to the last extent. Men are therefore advised to be broad minded and not search for defects in their wives unnecessarily, and also not to look for lame excuses for divorce.

Dissolution of marriage: Wife has the right to dissolution of marriage through applying for "Khula" in the court. She does not have to give any reason for Khula other than that she is not happy and is unwilling to continue it. In this case she will have to return "Mahr" i.e., money paid by the groom to the bride upon marriage.

Wife's options when husband does not spend on her: If it is proven that the husband is no longer able to spend on her, she has the choice of three options:

She may annul the marriage.

She may stay with him and allow him to be intimate with her, and it is her right that he should spend on her whatever he is able to spend.

She may remain married to him, without having to allow him to be intimate with her – rather she may leave his house, because allowing intimacy is only obligatory upon her when he spends on her maintenance, but he is not doing so in this case.

She is not entitled to maintenance when she is keeping herself away from him, because maintenance is only enjoined in return for allowing intimacy, but in this case, she is not allowing him to be intimate with her.

#### V. REWARD FOR RAISING DAUGHTERS AND SISTERS

“If anyone has a female child, and does not bury her alive, or slight her, or prefer his male children to her, Allah will bring him into Paradise.” (Ahmad)

“Whoever has three daughters, and he accommodates them, show mercy toward them, and supports them, Paradise is definitely guaranteed for him.” Thus, someone asked the Prophet, what if they are two daughters only

He replied, “[He gets that reward,] even if they are [only] two. “Some of those present believed that had the Prophet been asked about only one daughter, he would have answered that the reward was applicable for one daughter too. (Musnad Ahmad)

“He who is tested with these girl children, and he is benevolent towards them, they will become protection for him against Hellfire” (Muslim)

“Whoever has three daughters and is patient towards them, and feeds them, gives them to drink, and clothes them from his wealth; they will be a shield for him from the Fire on the Day of Resurrection.” (Ibn Majah) “Whoever supports two girls till they attain maturity, he and I will come on the Day of Resurrection (close

to each other) like this –The Messenger of Allah joined his fingers to illustrate closeness.” (Muslim)

“There is not one of you with three daughters or three sisters, or two daughters or two sisters, fearing Allah regarding them and treating them in the best manner, but that he will enter Paradise.” (Musnad Ahmad)

The Messenger of Allah said: “Do not hate your daughters, for they are your precious companions.” (Musnad Ahmad)

#### VI. GENERAL RULINGS REGARDING BOTH MEN AND WOMEN

According to Islam both men and women are created from the same source. None of them is in any way superior or inferior to the other. The Prophet of Allah (PBUH) said: “Verily, women are the twin halves of men.” (Abu Dawood)

It is obligatory for both men and women to abide by all the laws of the Sharia in every aspect of life.

Men and women will receive similar rewards and punishments for their respective conducts and deeds. Allah in the Glorious Qur'an states: “Whoever does righteousness, whether male or female, while he is a believer - We will surely cause him to live a good life, and We will surely give them their reward [in the Hereafter] according to the best of what they used to do.” (Al-Quran 16:97)

Both men and women enjoy equal respect in the society. If a woman is wrongly accused of fornication or adultery, the culprit will receive the same penalty as would be the case with him/her if a man was accused. Allah, the Exalted, states in the Glorious Qur'an: “And those who accuse chaste women and then do not produce four witnesses - lash them with eighty lashes and do not accept from them testimony ever after. And those are the defiantly disobedient.” (Al-Quran 24:4)

Women, like men, can buy, sell, and participate in any legal financial activity.

Both men and women are instructed to behave in a modest manner, lower their gaze and guard their chastity: “Tell the believing men to reduce [some] of



their vision and guard their private parts...And tell the believing women to reduce [some] of their vision and guard their private parts..." (Al-Quran 24:30-31)

## VII. RULES SPECIFIC TO WOMEN

**Inheritance:** "Allah instructs you concerning your children: for the male, what is equal to the share of two females..." (Al-Quran 4:11). In Islam, financial responsibilities are placed on the shoulders of men only. For this reason, Allah Almighty does justice with both men and women by giving them that much share in inheritance that would make it possible for both to fulfill their subsequent responsibilities. A woman gets fewer shares than a man only because she has no responsibility to look after the financial needs of the household. Despite this, she gets her share. Conversely, if the case is such that responsibility of woman does not fall on the man, then both man and woman get equal share as mentioned in the Quran regarding share of half-brother and half-sister from mother's side: "...And if a man or woman leaves neither ascendants nor descendants but has a brother or a sister, then for each one of them is a sixth..." (Al-Quran 4:12)

**Hijab:** Islam forbids nudity for both men and women. This is to dignify and honor both. Women are to be honored and are not considered as objects to be displayed for the pleasure of men, as in western society. Hence, they have specific dress code in public and private lives: "O Prophet, tell your wives and your daughters and the women of the believers to bring down over themselves [part] of their outer garments. That is more suitable that they will be known and not be abused. And ever is Allah Forgiving and Merciful." (Al-Quran 33:50)

**Wife Disciplining:** "Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand." (Al-Quran 4:34). The "strike" which is mentioned in the

ayah is not for punishment but for correction & a warning for her to mend her way. Hence, husbands are not allowed to beat women harshly such that it leaves a mark on the body. Moreover, hitting her on the face is not allowed in any case. The Prophet (saw) said: "Fear Allah concerning women! Verily you have taken them on the security of Allah, and intercourse with them has been made lawful unto you by words of Allah. You too have right over them, and that they should not allow anyone to sit on your bed whom you do not like. But if they do that, you can chastise them but not severely..." (Muslim). Islam strongly condemns beating and abusing women. The Prophet (PBUH) always treated his wives with love, affection, and compassion. You can read about what was the relationship between the Prophet (saw) and his wife Ayesha (ra) here: Syed Hasan Shirazi's answer to What did Aisha really think about her husband, the Prophet Muhammad? Islam gives utmost importance to household. Hence, to save the marriage, Quran spelled out detailed ruling regarding what a husband should do if he sees signs of disobedience in his wife. This includes advising his wife, showing his displeasure by separating her from his bed, and then lightly striking her. However, if the matter is not resolved then the last step is mentioned in the next ayah: And if you fear dissension between the two, send an arbitrator from his people and an arbitrator from her people. If they both desire reconciliation, Allah will cause it between them. Indeed, Allah is ever Knowing and Acquainted [with all things]. (Al-Quran 4:35). All of this is to save the marriage and household from destruction, which is the building unit of whole society.

**Women as witnesses:** It is usually mentioned with reference to the ayah of the Quran that two women witnesses are considered equal to one man, thereby implying as if Islam degrades the women. This 2:1 ratio is only specific to financial matters. And Allah has mentioned the wisdom behind the ruling i.e., "...so that if one of the women errs, then the other can remind her..." (2:282). It should not be a matter which creates confusion or doubt, as Allah is the All Wise and All Knowing, and He knows what the best ruling is for both men and women in each and every situation. Moreover, in certain matters e.g., suckling, milk kinship etc. evidence of women is preferred over men.

Similarly, as narrators of hadith both man and woman are treated as equal.

If science comes up with research on the human brain which reveals that indeed brains of men and women are designed differently such that women tend to be more forgetful in financial matters and men in family matters, then everyone will happily accept it and will also be full of praise for the scientists who did research on it. But we tend to have doubts when we do not find any scientific backing for something mentioned in the Quran and Sunnah. To make matters worse, some ignorant people reject these rulings just because they cannot understand these scientifically.

What Quran mentions is THE TRUTH. It needs no scientific evidence to establish its veracity. In fact, it guides us to do research on such topics for which it has already given us the answers [1]. This is how Muslims in the golden age of Islam progressed. They took the facts mentioned in the Quran and Sunnah and then went about researching and exploring those topics.

It is usually portrayed in the western media that women in Islam are victims of brutality and violence, and live a stifled and repressed life, while women in west are free and empowered, and hence are ideals to be aspired for. In reality, women in the western society are subject to exploitation by destruction of the marriage system which has forced women to live and raise their children all alone in what is known as single mother phenomena. There is no one to take care of them when they need help the most. They are forced to work all their lives because no one is required to look after them or support them. When they get out of their houses and go for work, then they are subjected to sexual exploitation which is sometimes the requirement of their jobs (like in fashion or film industry) or at other times by their male colleagues.

In Islam women are never left alone to fend for themselves. Hence, when she is a daughter, it is her father's responsibility to look after her till she is married. After marriage, it is her husband's responsibility. If she gets divorced, the responsibility shifts to the father again. If the father is not alive or unable to support her, then the responsibility shifts to her brothers, or sons, and then to her uncles etc. And if there is no one left of her male relatives, then the

Ruler is responsible for her. This ensures that a woman can live securely in her house, without the worry of earning her livelihood. Having said that Islam does not prohibit any legal activity for the woman, like doing business, or job (which does not involve sexual exploitation), or studies, or driving, or buying and selling or owning property etc. However, even if she is rich, her responsibility lies with her male guardian, and she does not have to spend even a single penny on herself. Moreover, she is never left in a situation where she can be exploited by other men.

In conclusion, Islam honors both men and women. The general rulings of Islam are same for both men and women. However, based on the fact that both men and women are not identical, Islam gives specific rulings for both men and women as per their roles in society.

And Allah (SWT) knows best.

Islam is the complete and comprehensive code of life which covers all aspects of human life from cradle to grave. Allah has created both male and female for worship and thralldom and to play distinct roles in the society but there is no superiority between them except on the ground of morality. Islam has guaranteed the rights of women in every sphere of life like men. It is only the religious which does not discriminate between men and women. It also does not allow the domination of men over women. In the Dark Age, when women were treated as material things and who had no rights and if the husband of a woman died during her lifetime, then she had to burn herself alive when the dead body was cremated and then Islam not only protected the women but also gave them right, dignity and honor. Islam does not impose any financial liability on the women rather ensuring her right of dower, maintenance and inheritance. Islam does not treat women "an instrument of the Devil". In Islam, she has freedom to involve herself in any social and economic activities and even in politics. But in male dominated society of South Asia, India and Bangladesh, some misconceptions are prevailing regarding women rights in Islam due to lack of proper religious knowledge, lack of awareness of women regarding their rights as given in Islam, the prevailing customs and for dominating mentality of men. Sometimes to deprive the women or to dishonor the women or to blaspheme the women or for financial

interest or for political interest, men practice some bad customs and claim these are the rules of Islam, but Islam never supports these bad practices. Due to the lack of proper Islamic knowledge, sometimes women also blamed the Islam injustice to them or dishonored them or deprived them. To know the rights of women in Islam and to understand the actual position of women in Islam and to eliminate the prevailing misconceptions regarding women's rights in Islam, proper Islamic knowledge and awareness of women is essential and necessary to change the dominating mentality of the men.

#### VIII. RIGHTS OF MUSLIM WOMEN IN INDIA

- Introduction

Equality and justice have consistently been encircled by issues and summoned by politics and law. Women like Mernieth has been leader of the framework since 3000 BCE and even today women and men together rule over innumerable individuals too, yet this is not similarly spread all through all the networks of the world. There is likewise an comparison of statistical information dependent on the census of 2011 of Muslim people in India contrasting it and reality which exists in the Indian culture and in nations who has lion's share of Muslim populace inside with the provisions of Indian laws and Muslim personal laws.

A "right life" is achieved at the point at which one has rights throughout his life. Each human is brought into the world free; liberated from duties, allowed to pick their method of living and any individual who meddles in their opportunity full life and ties them without their free will and command them, on purpose of making themselves better over the other, parting endlessly the delight and respect of other's life for their own delight, is the person who indeed shouldn't merit the "Right life".

India is a secular and a sovereign nation; it welcomes people from throughout the world carrying whatever history or religion. It purports to treat everybody with equality and dignity and so India is a diverse country. There are a hundred and eighty-two million Muslims (acc. To 2017 gauge), India's Muslim populace is about the world's third largest and the world's biggest Muslim-minority population. Out of the total no. of

Muslims throughout the world, India is home to 10.3% of the world's Muslim populace.

According to the census report of 2011, there are more than 84 million Muslim women in India compared to more than 88 million Muslim men, this reflects a 5% less birth rate of females over males in Islam.

When we delve into the demographics and statistics of year 2011 we will see that around only 1.7 million females are graduating out of the complete populace of 84 million Muslim ladies though on the off chance that we note on men, at that point in excess of 3 million men have graduated and afterward in the event that we take a gander at the marriage pattern in Muslims an aggregate of very nearly 43 million ladies get married and on the opposite side only 37 million men got married.

We see a blatant infringement on rights to Muslim women not just in India but on Muslim women throughout the world. If we draw a comparative analysis on laws of Muslim's in some different nation, we will note that India provides enjoyment of personal laws and also of legislature made Indian laws. The Muslim women can go to Indian courts and have benefit of Indian rights and of their personal laws. This thing is not available in every country for instance if we pick Article 2 from the constitution of Egypt makes sharia to be the countries law source, hence they only follow Islamic law and so Egypt has very much restrictions on women's maintenance rights also their marriage age is set at 16 with polygamy being permitted, the husband just informs the rest of his wives. This stands uniform for many other Muslim countries.

- Statutes

The Muslim Women (Protection of Rights on Divorce) Act 1986

Section 3(1)(a) from Muslim women (protection of rights on divorce) Act, 1986 which expresses that "a sensible and reasonable maintenance and support to be made and paid to her inside the iddah period by her previous spouse". If the women is living a life alone and she doesn't have her family or relatives around to look after her needs and requirements also she doesn't have any means to earn her livelihood or any way through which she could earn or look after herself then

she shall be paid money by the state Waqf board. Thus, the major reason and objective of this act was also one of its drawback that this act limited the settlement of subsistence living amount by her spouse un till Iddah period and after that either by herself or her relatives or the state Waqf board but later in K Zunnaiddin v. Ameena Begam, in this case the court adhered that the word within in Section 3(1)(a) did not mean that the husband will have to pay only for the time between the time in iddah but what it really means is that he is liable to pay the wife un till she marries again. So, if wife does not marry for her whole life again so husband will have to pay maintenance to her for the rest of her life.

- new legal draft

- Muslim Personal Laws in India

All Indian Muslims carry freedom to choose their personal laws like The Shariat Application Act, 1937. There are statutes which deals with succession, divorce, marriage among Muslims.

- Marriage and divorce in Muslims

In India, marriage in Muslims is a common agreement. Disintegration of marriage is possible at the occurrence of the man (talaq), wife (khula) or commonly (mubarat). The husband has the capacity to articulate talaq to his better half or a third individual by understanding, called talaq-e-tafweez. The Muslim man does not need referring an explanation behind separation.

Unmistakably there is polygamy allowed in Muslim laws. That one man can have numerous spouses regardless of their age religion or number but females are allowed for one husband only additionally under Islam she isn't permitted to wed a non-Muslim yet no such conditions for a Muslim man. He is absolutely free.

Women can seek divorce in a court of law. A woman can ask for divorce in many circumstances one of which is:

if the husband does not be good to her because he is with other wives as in Quran; or completes some other

ground perceived as legitimate for the separation of relationships under Muslim law.

- Inheritance

A boy gets twofold the portion of the girl any property they together acquire.

In instance of death: only one-fourth is given to the wife if both have no children on the contrary if there are children then only one-eight of the total property.

The Muslim Women (Protection of Right on Marriage) 2019

The Act makes all assertion of talaq, remembering for composed or electronic structure, is void. Talaq-e-biddat alludes to the training under Muslim individual laws where declaration of the word 'talaq' threefold at a time by a Muslim male The act makes revelation of talaq a cognizable offense, pulling in as long as three years' detainment with a fine

- Indian Statutes

- Indian Constitution

The preamble read with Article 25 mentions about secularism and sovereignty which means a person is free to practice any religion and that India does not create difference among its citizens on their religion. Everybody can follow their own laws. Indian constitution guarantees to all women who lives in India many rights. India has done numerous works to uplift women. Some of the rights worth mentioning are:

Right to equality Article 14: it guarantees that no person due to caste, sex or religion shall be discriminated in India

Article 15: which provided for reservation to women and Dalit's as well.

Article 15(3), renounces practices derogatory for a women's dignity.

Article 16: that every person should get equal opportunity.

Article 21: No one shall be deprived of his life and liberty. This for sure is available for women as well so

no women shall be deprived to live her life and that she deserves liberty to choose her own way of living a dignified and good life. This also give her a right of choosing her husband, but some data reviles that not many women get that right as they get married at very young age and so they didn't got to either live their life their way or choose her life partner.

Article 39(d): which is a duty of state to ensure everyone in the workplace gets paid according to their work and not their gender or caste or religion etc. Besides them there are Article 42 and Article 51(A)(e) in the DPSP.

#### Maintenance

Section 125 CrPC: This section allows every woman to claim maintenance from her husband. Husband who has sufficient means and who refuses to take care of his wife or maintain her whoever needs it the courts makes it mandatory for such husbands to maintain their wives with monthly payments.

- Polygamy in India

Polygamy is illegitimate in India since 1956 with exception for Muslims and in Goa. Section 494 and 495 makes polygamy a crime, also this is a ground for divorce for those who married under the Hindu Marriage Act as such marriages are null and void.

- Right to Education

It is the fundamental parental duty to teach and educate their children up to 14 so that every female gets educated and do not become dependent on the males for every work.

- Education

If we talk about India and specially about Indian Muslims, we should go through the education system and trends in Jammu and Kashmir. J&K's social, monetary and political conditions have expanded sex difference in the locale, with men ruling its financial and political procedures. Ladies' jobs have generally been household, and ladies in country zones don't approach training. As indicated by a 2011 census, the male education rate in J&K was 68.74 percent; education among ladies was 58.01 percent. The female secondary school dropout rate is higher than the male rate, and one out of each three adult ladies in J&K

cannot peruse or compose (contrasted and one out of five adult males)

The tabular representation above only considers the Muslim population in India. This is based on the data provided in Census 2011, as we note we see that lesser no. of girls are educated than boys, which is a fundamental right of a child and duty of every parent to give education to children up to at least 16 years of age, but we see discrimination and infringement to equality right towards girls. We can also see a significant dropout rate not just for girls but for boys as well. Number of both girls and boys keep dropping as education level increases which lessens their future chances of opportunities.

On the other hand, now that we look at the marriage statistics, it is really shocking to see the number of girls and boys getting married at such a young age. Most of them are married at their very young age when they might don't even know the meaning of marriage. Almost 3.7 million girls are married at the age of 15 and lesser number of girls is in education at the same age. Up till 7.9 million girls are married till the age of 21. Marriage at such young age takes away their freedom and the opportunity to grow or become independent. They give birth to new lives at such age when it was time for their own life.

- Judicial Decisions

Indian courts have put many efforts to improvise the conditions of Muslim women in India. Some of the important judicial decisions taken by the Indian courts are the following.

- Shah Bano case

Justice Chandrachud who passed a verdict in Shah Bano's favors sixty-year-old divorced women on the matter regarding her divorce and Mehr. Mehr is amount of money the husband pays to his wife at the time of marriage, that money belongs to the wife only. This case was a fight for Muslim Women's right in India, and against their Male gender biased Muslim Personal Laws. Supreme Court helped those Muslim women in fight for their rightful claim over maintenance.

- The award of Triple Talaq  
Shah Bano v. UOI & Ors. this case managed the divorce practice among Muslims, which is if on the off chance that any Muslim man said Divorce three times, at that point he is liberated from his marriage. The Supreme Court laid its verdict and said that “this non-religious if we check in to the Quran and such thing should be void and illegal” and shall not be encouraged ever at any cost. Presently no man can divorce from the spouse by only multiple times rehashing the words talaq. This additionally fortifies the Muslim women’s status and rights in India.

### CONCLUSION

Women are an integral part of community in Islam. The role of woman is manifested specifically as a mother, wife, daughter and sister. Islam has given special status to women in each of these roles. I have quoted, stated some of the Ayat from Quran and ahadith of The Prophet Muhammad (SAW), which may have clarified the status of women in Islam, according to best of my knowledge.

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