

Origin and History of Muslim Women and Their Rights: An Overview

Sri Abdul Mannan

Research Scholar,
Mahatma Gandhi University, Meghalaya

Abstract- “The rights of Muslim Women originated from the Holy Quran and Hadith. Muslim belief in the divine origin of their Holy Book, which according of their belief was revealed to the Prophet Mohammad by Angel Gabriel. The right of a Muslim Women incorporated by divine law very well.”

Key Words: Origin, Muslim, Women, Right

INTRODUCTION:

Amongst the various communities of the India Muslims is the 2nd largest majority and Women of the Muslim community socially, economically, religiously, culturally and political very backward. Although Quran revealed the all sort of rights to women in Islam but practically and rapidly the Muslim Women are always a banded their rights. In Muslim Women are rigidly dominate by the men in every part of the state. For protection of the right of women in nationally and internationally have been passed the various legislation, convention conference and commission in the world. Nationally the parliament of India has been passed the various legislation for better protection of the Muslim Women. The constitution of India also inserting the various important provision for the protection of women without any distinction. Moreover the Indian judiciary also provided the various guidelines for protection of women in India. The origin and history of the rights of Muslim women may be classified into the three head: Ancient period (500 – 1400), Mediaval Period (1500 – 1946) and Modern Period (1947 – 2020).

Ancient Period (500AD – 1400BC)

In Ancient Period men were moving place to place and eating fruits of the tree and flesh of the animal of the forest. There were not possessing rights of human being and it was lack of relation between son and daughter, mother and father, wife and husband. Women were like a slave and common use by all man.¹

Before (500AD) advent of the Islam Women was treated very badly. They had to go through extremes of humiliation. Their rights were cruelty or it was much ambiguous view, such as women were not given their share in inheritance, both from parents and spouses. They were treated as material thing. The protector of a woman had the right to decide her faith. As proof, if a husband died without paying his debt, the lender would own the deceased wife as compensation. Men could marry as many women as they want to. There was not rule in this regard. Women did not have the right to choose their husbands, or getting consent from women for a marriage proposal was out of the question. Father were horrified at the birth of female child. After birth female child father were considered her an evil women and felt unhappy. Moreover women could obtain a divorce only with great difficulty. The Holy Quran ordains that, “And when one of them is informed of the birth of a female, his face becomes dark and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide”.²

The rights of Muslim women traced back from 570 AD. Historically, before 570 AD in pre Islamic Arabia were known as the age of Jahiliya meaning the age of barbarism, darkness, there was not permanent family. Specifically, the Quran mentions the presence of infanticide in the Arabian society during Jahiliya. In fanticide in the Quran mentions the presence of infanticide in the Arabian society during Jahiliya. Infanticide in the Quran is referred to as “qatl-al-awlad” which means killing children both males and females. Outside of the Quran, namely in the Hadith-Literature, it includes broader action like coitus interrupts called wa ‘d, Khafiya.³

After born of the Prophet Mohammad in 570 AD and Quran was revealed by the Angel Gabriel to Prophet Mohammad in 610, thereafter Islam advent seriously at Mecca in Arab.⁴ Islam bindings by their Holy Quran and Hedith. Quran approximately identify the all kinds of rights and status of men and women in Islam. 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 said “Variety, women are the twin halves of men.”⁵ After revelation of Quran it was revolutionary change in Islam. Quran including various rights to women, such as spiritual social, economical, political, educational and also other rights inheritance, maintenance, succession etc. The spiritual rights are “Oh Human kind! Reverence your Guardian- Lord who created you from a single person and created of like

¹ Das. J.N. Land Laws in Assam (1993) 18th Edition- Pub Panbazar, Page-I

² Gila Avner (1992). Children of Islam : Concept of childhood in Medieval Muslim Society.

³ Surat An – Nahl : 58 – 59.

⁴ Ahmed Aqil Mohammadan Law, 19th Edition- Page- 15

⁵ Abu Dawood # 234

nature his mate.”⁶ In Islam more than 1400 years before the west gave economical rights to women. Islam recognized the rights of adult women. Any adult woman has the right to possess or to own or to dispose any of her own property in any way she feels fit irrespective of whether she is single or married. Women is considered as a Home maker in Islam and not a housewife because she is not married to house. Women can also work and is entitled to get equal pay if she does the same job as that of a male. There is no text in the Quran or the Sunnah which makes it unlawful for women to work or to do any lawful job or profession (provided it is within the modesty level and within the purview of the Shariah). If she is married she should take the permission of her husband.⁷ Society women in Islam required the various status : As a daughter, As a wife, as a mother and as a sister. Islam prohibits infanticide or killing of female infants. This is considered a serious crime of murder.⁸

For rights to education of women the first guidance given to the mankind in the Qur’an was “Iqra’ i.e. to read, recite or proclaim. Read! Recite! Proclaim! In the name of the Lord and cherisher who created the human out of a congealed clot of blood (a leach like substance). Read and they Lord is Most Beautiful. He who taught (the use of) the pen taught man that which he knew not the first instruction in the Qur’an was, not to pray or fast or to give Zakkat, but to read this instruction was to both male and female. Islam gives great deal of importance to education.⁹

Equality is always apply in Islam. In Islam man and women are treated equally. The Shariah protects the life and safety of both men and women. If any man murders women, the “Hadd” punishment of Qisas will be applied to him and he will be put to death as a punishment for his crime. Likewise a woman murderer will also be put to death.¹⁰ Quran also inserted the political rights for both men and women are allowed and should participate in public affairs in the interest of society. “The believing men and women are protectors of one another. “They are protectors and supporters to each other not only in social affairs but also in public affairs.¹¹

From 100BC to 1100BC there was not any Muslim in India. But, from 1000CE onwards, northern India was invaded several times by Mohammad of Ghazni-a Turkish noble. In 1026 he moved south, reaching the coast of Gujarat, where he plundered the temple town of Somnath. Mahmuds desire for gold was distinguished in religious terms.¹² He was the believer smashing the idols of infidels. The loot he plundered from India was used amongst other things, for building a library, mosque and museum in his native Ghazni. For several centuries, the destination of Somnath symbolized not just Mohammad’s iconoclasm in Hindu memories but also the character of some Muslim rulers in India.¹³ After Sultan Mahmud of Ghazni in 1192, Mohammad Ghauri a prince from Afghanistan entered India through the Indus plan and defeated Prithviraj Chauhan at battle of Tarain. The reigns of Mohammad of Ghazni and Mohammad Ghauri laid the basis for Turkish rule in India.¹⁴

In 1211 CE when Iltutmish was the Sultan of Delhi. He went on to appoint his daughter Raziya Sultana of Delhi, instead of his sons, justifying his decision as follows, ‘My sons are incapable of leading and for that reason I have decided that it is my daughter who should reign after me’¹⁵ Razia was the only woman to ascend to the throne of Delhi by popular consent. Her first act of sovereignty was to have coins minted in her name with the following inscription.
“Pillar of Women,
Queen of the times,
Sultan Raziya Bint Shames al-Din Iltutmish.”¹⁶

The Muslim came to Assam in the early 13th Century, when Mohammad Bin Bhaktiyar Khiliji led an army to eastern India in 1205. A head of the Mech tribe converted to Islam at the invitation of Khilji and adopted the new name Ali Mech tribe converted to Islam at the invitation of Khilij and adopted the new name Mech Raja, he guided the Khilijis Army during the expedition.¹⁷ In 1400 BC the great Muslim saint Sufi Shah Jalal with his disciples and Ajan Fakir came to Assam from Baghdad of Iraq and some Assamese Hindu peoples converted to Islam and become his disciples of Ajani Fakir reside in Shivasagar District. When Shah Jalal with his disciple were arrival in the Barak Valley the then the maximum part of the Valley came under the Bengal Sultanate. From this time Muslim continue to take important part in Assam.¹⁸

Middle Period: (1500 – 1826)

Rights of Muslim Women were hardly development in the Middle Period, After the end of the battle of Panipath marking the beginning of the Mughal rule in India. Babar was the founder of Mughal emperor. From the beginning of

⁶ Surah Al Nisa (Chapter-4) Verse- 33.

⁷ Surah Al Nisa (Chapter-4) Verse- 33

⁸ Surah Al-Takvir Chapter 81, verses 8 and 9

⁹ Chapter 96, Verse- 1-5

¹⁰ Surah Baqarah, Chapter- 2, Verse 178-179

¹¹ Surah Al Taubah, Chapter 9, Verse 71

¹² Prior to the invasion of Somnath Mahmud had invaded the temple towns of Kanaju, Mathura and Thanesary U.K. Penguin.

¹³ Akbar M.J., India : The Siege within : Challenges to a Nations Unity.

¹⁴ Thapar, A History of India, Vol-I London, Penguin Books, 1966

¹⁵ Prasad, I. Mediavel History of India, 88, quoted in all-Najrani, M.Y. Al-alaqa, al-siysiyya wa thaqafiyya banaya al-Hind wa al Khalifa al ‘Abbasiya, Berquit, Dar al-Fikr, P. 125.

¹⁶ Ucoc Un, B, Al-Nisa at hakimatarik, tr. I. Daquqi, quoted in M. Mer, The Forgotten Queens of Islam, U.K. Polity Press, 1993.

¹⁷ MojlumKhan Mohammad (2013). The Muslim Heritage of Begnal (<https://books.google.ca/book-P-18 BN 9781847740625>)

¹⁸ Sayed Mohammad Ali, “A Chronology of Muslim Faujdars of Sylhet. The Proceedings of the All Pakistan History Conference, P.275

Mughal rule Muslim permanently growing in India. The king Akbar provided India with first Muslim dynasty to receive the free allegiance of Hindus as well as Muslims and whose claim to rule was accepted for reasons other than the possession of superior force.¹⁹ In middle India Muslim Women were always dominated by Muslim male. It is true to say in middle India it was common practice of 'Pardha' amongst the Muslim Women. The Muslim Women were wearing a gown or Veil to cover their face and upper part of the body. Before the Mughal rule of India 'Pardha' system was in practice only in the rich and royal classes amongst the Hindus but after continue the Mughal the rule the Hindu Women were also forced to wear the 'Pardah' mainly to escape from the sex looks of men and to protect themselves from being kidnapped or seduced.

The practice of 'Pardha' combined with social ideals of women as primarily wives and mothers, prevented female education. Muslim women's education, consequently restricted to religious knowledge. Although Muslim girls and boys were educated in Maktabas (Primary school), girls were completely absent from High Schools, Unless they could afford private instruction, girls, education was restricted to memorizing the Qurans and learning Persian or Urdu. Whatever, several women in the Mughal royal family received private education? Instances, Babur's daughter, Gulbadan Begum, author of the Humayan Namah, were the first Mughal Women to document the social realities of Mughal Women.²⁰

Socially the position of Muslim Women was not better than that of the Hindu Women, although Muslim rulers were mostly controlling Indian territories. Amongst the Muslim community which believes in the principle of male dominance could hardly give equal right to women. Some Muslim rulers desired male offspring. The Muslim ruler and general men could marry fair women and they retain unilateral divorce. Divorce was effective orally or in writing without any witness. The practice of Khula-a Women's right to seek divorce was prevalent, although this was subject to the willingness the husband to grant her a divorce. Divorces were common and continue of Muslim. There were not equal rights between men and women. The property of Mahr they were not able to enjoy by themselves. They had to depend upon their men folk.²¹

Very bitter restriction was imposed on the movements and activities of Muslim women. Mandatory of 'Pardah' the Muslim women always deprive from their educational opportunities, participation in public place, taking an active role in cultural and religious activities etc. only women of royal classes could enjoy to move freely in their own places, private field and gardens. The maximum women were neglected in this period.²² In the year of 1613, the Mughals emperor briefly annexed Koach, Hajo, Goalpara and other part of the Assam.²³

Before Yandabu Treaty the result of the battle of Plessey in 1757 the British East India Company had established its rule in the Bengal region, and Assam came in to colonial rule, the British brought with them a number of Bengali settlers. This Bengali to incite other Bengali settle in Assam for economic reasons. The maximum fertile land of Assam attracted a number of landless cultivators from East Bengal, nearly 85% of whom were Muslims. The Marwari, businessmen and tea planters who need the workers and welcomed the migrants.²⁴ The persons those were reside in Goalpara District mostly in the char lands, reserved forests and some were migrants knows as "Miah" and most of men have assimilated indigenous Muslims. The Muslim migrants from the gaud region were also known as Gariyas. After Yandabu Treaty (1826) the British Government was controlling the social, economical cultural and political rights of the people in Assam.²⁵

Modern Period (1947 – 2020)

Rights of Muslim women in modern period may be divided into two phases, that is before independence 1947 and after independence 1947 onwards.

In 1857 it was focused on reform along the lines of caste ideology, polygamy and the seclusion of windows. Its exclusive concern with Hindu Women led it towards intolerance towards both Muslim and Christians. Mainly Muslim women were concern poor women in 1857.²⁶

In 1880 Rokeya Shakhawat Hossain an advocate from Bengal a social reformer spoke out against the excessive absurdities of female seclusion. She was one of the few whose concerns included the bulk of poor, uneducated Muslim Women.²⁷

In 1901 Muslims were opposed to the idea of western education and that Muslim Women were prevented from being educated. Regional reviews of education, however, refuted such generalizations, pointing to the differing levels of western education among Muslims, depending upon their socio-economic status. Large disparities existed in levels of Muslims female education, although these levels of participation were not conspicuously lower than among other Indian Women. In the last of 19th century, only 0.86 percent of Muslim girls were attending the recognized schools and no girls had passed the matriculation examination in Bombay or Madras.²⁸

¹⁹ Akbar, M.J., India : The Siege Within : Challenges to a Nations Unity, U

²⁰ Shankar Rao C.N. Sociology of Indian Society, Reprint- 2020, Pub-Chand and Company Limited. Mangalore (Karnataka) P. 160

²¹ Ibid- Page- 161

²² Ibid- Page- 161

²³ Supra note- 18, Page- 275

²⁴ N.S. Sakena- Terrorism History and Facts (1985) : In the world and in India (<https://book.google.com>). Abhinav Pub. P. 165

²⁵ "Assam : Religion and Caste" ([https://web.archive.org/web/201208-31132114/http://online.Assam.gov.in/web/Government of Assam](https://web.archive.org/web/201208-31132114/http://online.Assam.gov.in/web/Government%20of%20Assam)). Archived from the original ([http](http://online.assam.gov.in/web/on)) online.assam.gov.in web/on 31 August 2012

²⁶ Met Calf, B.D. Reading and Writing about Muslim Women in British India in Z. Hasan (ed) *Forgang Identities : Gender Communities and the state, kali for women*, 1994, P-2

²⁷ Ibid- P- 12

²⁸ S. Lateef, *Muslim Women in India : Political and private realities 1890 to 1980s Raly for Women*, 1990 PP-48-9

In 1906, Sheikh Abdullah and his wife Wahid Jahan Begum established a separate school for girls at Aligarh. "Purdahnashin Madrasa" a school for girls in seclusion in Calcutta was established in 1913; and the Begum of Bhopal also founded a girls school in 1914. Muslim Women began entering educational institutions for the first time. At the Mohammedan co-educational College at Madras, girls were required to wear their burqas ((veils) and at Aligarh male teachers sat behind a curtain.²⁹

In 1905 one of the Muslim Women scholars Attiya Begum established a Muslim Women's conference at Aligarh. The All India Muslim Ladies conference claiming to represent the interest of all Muslim women, was established in Lahore in 1907. The session in Lahore attracted 400 Muslim Women participants from across the country. The Anjuman-e-Khawatten-Deccan (Women Association) was formed in 1919. Resolutions were passed at the meeting polygamy and the veil. But Women's leadership was restricted amongst the Women from elite families.³⁰

Child Marriage Restrain Act, 1929³¹ : The Child Marriage Restraint Act, is one of the important pieces for the protection of women rights in India. Under this Act it was punishable if any marriage of boys below 21 years and girls 18 years. This Act fixed the age of marriage of boys 21 years and the age of girls 18 years.

All India Women conference in 1929³² : By this conference the Begum of Bhopal, one of the pioneers of women's education, refuted the view that the practice had religious sanction. While preceding over the session of the All India women conference, She (Begum) publicly removed her veil in 1929. A resolution was passed against purdah in the same meeting.

All India Muslim Educational Conference, 1930³³ : In 1930, the Muslim Education Conference was held in Dhaka. This conference observed that the practice of purdah decreasing, attributing the decline to economic reasons and personalities. The Nizam of Hyderabad and Mohammad Ali Jinnah took public positions against purdah. Meanwhile, in her address to the All India Women's Conference Maharani of Travancore acknowledged the advantages of divorce and inheritance rights of Muslim Women but felt that their realisation was impeded by the practice of purdah.

The Shariat Act, 1937³⁴ : The Shariat Act was passed by the Central legislature for secure uniformity of laws for all Muslims in British India and to clarify questions regarding succession, special property of females, marriage, divorce, maintenance, dower, guardianship of minors, illegitimacy, family relations legacies, gifts, partition etc. The rules relating in cases where parties are Muslim shall be Muslim Personal Law, although there may be custom or usage to the contrary the Bill aims the uniformity of law among Muslims throughout British India in all their social and personal relations. By doing so it recognizes and does justice to the claims of women for inheriting family property who, under customary law, are debarred from succeeding to the same.

After the Government of India Act, 1935, a Legislative Assembly was established in Assam in 1937. The Muslim league, led by Mohammad Saudulah formed a minority Government in the state.³⁵

Dissolution of Muslim Marriage Act, 1939³⁶:

The Dissolution of Muslim Marriage Act, 1939 inserted the various remarkable grounds under which a Muslim Wife can obtain a decree for the dissolution of her marriage i.e. absence of husband, failure of maintenance, Imprisonment of husband, failure to perform material obligations, impotency of husband, Insanity, leprosy or venereal disease, Repudiation of marriage by wife, cruelty the husband.

The Independence Act, 1947³⁷ :

The Indian Independence Act, 1947 was to be effective from 15th August, 1947. By the Independence Act it was create two dominions, one is India and another is Pakistan. From this Independence Day India becoming full sovereign state and Assam becoming the part of Indian Territory. Before Independence there was not any civil and political rights fixed to the people of Assam. After the independence Act, the majority Muslim People went to Pakistan and Muslim minority peoples are settle in Assam.³⁸ Constitution was adopted by the constituent Assembly on 26th November, 1949 and come into force on 26th January, 1950.

Constitutional provisions the preamble of the Indian Constitution Proclaim to the citizen's justice, liberty, equality and fraternity. The constitution of India secure the equal rights to its citizen without any discrimination and state shall not deny to any person within its jurisdiction the equal protection of laws. (Article 14)³⁹

²⁹ Ibid- P- 80

³⁰ Ibid- P- 83

³¹ Sinha R.K. Muslim Law – Sixteen Edition – 2006, Central Pub. Page- 8

³² Shahnawaz, Begu J. Father and Daughter, Lahore, Nagarishar 1971, quoted by Lateef Page-84

³³ Ibid

³⁴ Muslim Personal Law (Shariat) Application Act, 1973 (26th of 1937) came into force (7th October, 1937) P-3

³⁵ N.S. Saksena Terrorism history and Facts (1985) in the world and in India (<https://books.google.com>) Abhinav Publications. P- 165

³⁶ The Dissolution of Muslim Marriage Act, 1939 (Act No. 8 of (1939) came in to force (17th March, 1939) Page- 1

³⁷ Dr. Puranjape N.V.- Indian legal and Constitutional History 6th Edition- 2002, Central Law Publication. Page- 20

³⁸ Kumar Narendra Constitutional Law of India, Third Edition, 2002 pioner Pub. Page-13

³⁹ Supra- Page- 90

The constitution U/A-15(3)⁴⁰ declares that state can make special provisions for women and children. Article 15 clauses (1)(3) imply that state can discriminate in favour of women against men but cannot discriminate in favour of men against women.

The right to life and personal liberty provides by the constitution of India under Article-21. Article 21 declares that “No person shall be deprived of his life personal liberty except according to procedure established by law.”⁴¹

The principles contain in the constitution of India under Article 23(I)⁴². Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any violation of these rules shall be an offence punishable in accordance with law.

According to Article 39(d)⁴³ of the constitution of India provided that ‘equal pay for equal work’. This Article envisages that it is the duty of employers to pay equal remuneration to men and women workers for some work.

The formulation of uniform Civil Code in India under Article 44⁴⁴ of the Constitution Which would be applicable to all religious communities in matters such as marriage, divorce, inheritance, adoption etc. Article 44 of the constitution which lays down that the state shall attempt to secure a uniform civil code for the citizens throughout the territory of India. *Sarla Mudgal V. UOI.*⁴⁵ The Apex Court rightly observed that Article 44 is based on the concept that there is no necessary connection between religion and personal laws. Marriage, succession and like matters of a secular character can not be brought within the guarantee of religious freedom in Article 25-28. Practice of polygamy has been treated as injurious to public morals in U.S.A. and many Islamic countries have also abolished polygamy. The court requested the Government of India to secure uniform civil code for all citizens of India.⁴⁶

*Ahmedbad women action Group V.UOI.*⁴⁷ In this cases petitioner petition was dismissed and challenging certain provisions under various personal Laws. Rejecting the prayer for the exactment of a common Civil Code, the court ruled that the issue was for the legislature to deal with and that the court could not legislate in this matters. The court referred to the *Pannalal Bansilal V State of A.P.*⁴⁸ decision, where the Apex Court had observed that the founding fathers, while making the constitution, were confronted with problems to unity and integrate people of India professing different religious faiths, born in different caste, sex or subsections in the society speaking in the different languages and dialects in different regions. They to integrate all section of the society as a united Bharat provided a secular constitution. A uniform law, though highly desirable, enactments thereof in one go perhaps might be counterproductive to unity and integrity of the nations. It could be done by process of law at stages, the court said legislative role- After independence the legislature of India taking important part for protection of the rights of Muslim Women in to the following head:

The Special Marriage Act, 1954⁴⁹ : Under the Special Marriage Act, a Muslim either male or female can lawfully marry a non-Muslim Marriage contracted under this Act is called ‘Court Marriage’. Whether a person is Hindu or Muslim may contracts marriage through this Act, this marriage will not governed by the personal law application to him. The Act clearly provide that if any Muslim contracts a marriage under this Act, the marriage and its other incidents i.e., the rights and duties of the parties are regulated by the provisions of this Act and Muslim Personal Law is not applicable.

The Criminal Procedure Code, 1973: The Criminal Procedure Code 1973 u/s 125 provided that maintenance of wife, children and parents. If wives are unable to maintain her after refusal or neglect by her husband then a magistrate of first class may upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife.⁵⁰

*Mohd. Ahmed Khan V. Shah Bano.*⁵¹ : In this case the court held that the Muslim divorced women shall be maintained till iddat period by her divorced husband.

The National Commission for Women Act, 1990 (NCWA)⁵²: The National Commission for Women Act, 1990 have include the various safeguard for the protection of women in national level, such as investigate and examine all matters relating to the safeguards provided for women under the constitution and other law; make some recommendations for the effective implementation of those safeguards for improving the conditions of women by the union or any state; review the existing provisions of the constitution and other laws in time to time which affecting women and recommend amend there so as to suggest remedial legislative measures to meet any lacunae inadequacies or short comings in such legislations’; take up the cases of violation of the provisions of the constitution and of other laws relating to women with the appropriate authorities look complaints and take suo-moto notice of matters relating to deprivation of women’s rights; participate and advice on the planning process of socio-economic

⁴⁰ Supra- Page- 126

⁴¹ Supra- Page- 228

⁴² Supra- Page- 283

⁴³ Ibid- Page- 357

⁴⁴ Ibid- Page- 361

⁴⁵ (1995) 3 Sec. 635

⁴⁶ Prof. Pande G.S. Constitutional Law of India, Pub-University Book House (e) Ltd. Fourth Edition- 2019, Page-356

⁴⁷ AIR, 1997 SC 3614

⁴⁸ AIR, 1996 SC

⁴⁹ 1023The Special Marriage Act- 1954 (43 of 1954) came in to force 1st January, 1955

⁵⁰ The code of criminal procedure, 1973 (Act No. 2 of 1972) came into force 25th January 1974

⁵¹ AIR- 1985, S.C- P. 945

⁵² The National commission for Women Act, 1990 came in to force 30th August, 1990, Page- 3

development of women; fund litigation involving issues affecting a large body of women and investigate any matter relating to against women.

Protection of Human Rights Act, 1993⁵³ : When Human Rights enforcement in the world at different countries, such as African Charter of Human and people Rights, European Convention on Human Rights and thereafter in Asian region no inter Governmental arrangement for the protection and promotion of human rights have so far been established. India is one of the parts of Asian Continent. The Indian Parliament has enacted the Protection of Human Rights Act, 1993 for the contribution of National Human Rights Commission, State Human Rights Commission and Human Rights Courts.

According to Protection of Human Right Act, 1993 Human Rights means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodiment in the international Covenant and enforcement by the court of India.⁵⁴

The Assam State Commission for Women Act, 1994⁵⁵ – The Assam State Commission for Women Act, 1994 has been including the various provisions for improvement the status and dignity of women in the society and to suggest suitable remedial measures against practice derogatory to women such as, All matters relating to the safeguards provides for women under the constitution and other laws these are investigate and examine; the existing provisions of the constitution and other laws affecting women and recommend amendments there to so as to suggest remedial legislative measures to meet any lacunae inadequacies of shortcoming of in such legislations, review from time to time; take up the cases of violation of the provisions of the constitution and of other laws relating to women with the appropriate authorities.⁵⁶

To make a complaints and take suo-moto notice of matters relating to deprivation of women's rights and participate and advice on the planning process of socio-economic development of women. Any other matter which may be referred to it by the State Government.⁵⁷

The Muslim Women (Protection of Rights on Divorce) Act, 1986⁵⁸ : It is one of the important role of legislature for the protection of rights of Muslim divorce Women. The Muslim Women Protection of Rights on Divorce Act, 1986 has been enumerating the various provisions in favour of the Muslim divorce Women. This provisions namely stated that, Mohr or other properties of the Muslim Women to be given to her at the time of divorce; where the divorce women herself maintains the children which is born before or after her divorce a reasonable and fair maintenance to be made and paid by her former husband for a period of two years from the respective dates of birth of such children maintenance to be made and paid to her iddat period by her former husband; a Muslim divorce Women is unable to maintain herself after iddat period and has not re-married if Magistrate deem fir within the reasonable ground he may make an order directing such of her relatives as would be entitled to inherit her property on her death according to Muslim law to pay her such reasonable and fair maintenance as he determine fit and proper.⁵⁹ In Mohammed Ahmed Khan V. Shah Bano.⁶⁰ In this case the Supreme Court held that the Muslim divorce Women shall be maintained till iddat period.

The Muslim Women (Protection on Marriage) Bill, 2017⁶¹ : The right of Muslim Women protected by the recent Parliamentary Bill passed by the Lok Sabah on 28th Dec, 2017. This Bill makes instant triple talaq (talaq-e-biddah) in any form spoken, in writing on by electronic means such as email, SMS and Whatsapp illegal and void, with up to three years jail for the husband. Under this Bill the Muslim Certainly get ride of from their illegal talaq by their husband and it is more impact in Assam. The minorities Muslim in Assam they enter in to marriage without systematic rule and they can easily enter into talaq. After passing the Parliamentary Bill, 2017 against Triple Talaq it has been better protection of Muslim Women in Assam.⁶²

CONCLUSION AND SUGGESTIONS: -

Among the Muslim women poverty is one of the major factor for violation of their rights. From the history and development of right of Muslim women it is certain that Muslim women are very poor in socially, educationally and politically. After independence the judiciary of India played an important role for the protection of rights of Muslim Women through the various judicial pronouncements about marriage, dower, divorce or talaq, and maintenance. In Hakim, Habibar Rahman V. Majid Khan.⁶³ Court held that for a valid marriage it is necessary that there should be a proposal made by one party to the marriage or on its behalf and acceptance by the other party in the presence and witness two males and one female or one male and two females who must be same and adult Muslims.

In Sarla Mudgal V. UOI,⁶⁴ the Supreme Court has judicially noticed it being acclaimed in the United States of America that the practice of polygamy is injurious to 'public morals' even though some religious may make it obligatory or desirable for its

⁵³ Protection Human Rights Act, 1993 (10 of 1994) the Act came in to force 8th January 1994, Page- 2

⁵⁴ Ibid- Page- 3

⁵⁵ The Assam State Commission for Women Act, 1994 came in to force on 5th May, 1994

⁵⁶ Ibid- Page- 5

⁵⁷ Ibid- Page- 5

⁵⁸ The Muslim Women (Protection of Right in Divorce) Act, 1986 (Act No. 25 of 1986) came in to force 19th May, 1986

⁵⁹ Ibid- Page- 11

⁶⁰ AIR- 1985, S.C.- Page- 945

⁶¹ The Muslim Women (Protection on Marriage) Bill- 2017 (28th of 2017)

⁶² Ibid

⁶³ (1977) Mah L.J. S. No. 2

⁶⁴ AIR 1995 S.C. 1531 : 3 SCC 635

followers. The Court held that polygamy can be superseded by the state just as it can prohibit human sacrifice or the practice of sati in the interest of public order.

In *Mohamed Ahmed Khan V. Shah Bano Begum*,⁶⁵ In this case court held that the Muslim divorce Women should be maintenance till iddat period through her divorce husband.

In *Shihabuddin V. Shybi* and another, the court was held that whether a marriage dissolution under the Dissolution of Muslim Marriage Act, 1939 or under talaq or Khula or mubrat if the divorce is accordance with the Muslim law. She will be a divorced wife. So, she will be entitled to get all the benefits which are available to her unless a reasonable and fair provision and maintenance has been made and paid or Mahr or dower was held.

In *Shayara Banu V. UOI* and others.⁶⁶ In this cases the Supreme Court five judge bench the 3:2 majority were held that triple Talaq violated the Islamic law and this practice is very unconstitutional and it should be banned.

⁶⁵ AIR 1985 S.C. 945

⁶⁶ AIR 2010 (NOC) 810 Ker