
Struggle for Muslim Women's Rights in British India (1857 – 1947)

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The aim of this article is to define the miserable conditions of Muslim women in India under British rule, and their struggle to claim their rights from the government as well from patriarchal Indian society. The British government, the apparent champion of democracy and human rights, did nothing to improve the status of women in India. However, they tried to enforce Western norms and ideals, some of which were against the traditions and customs of India. The colonizers claimed to be morally progressive and cultured, asserting that they protected the rights of every citizen living in India and promoted equality, irrespective of sex. In this sense, many British rulers professed to be more civilized than Indians and more liberal in granting equal rights to women.

However, in actuality it seems that the British government did not concern themselves much with the condition of women,, although the reform efforts of particular individuals must not be ignored. Before the arrival of the British, the treatment and status of women varied widely according to class, community and region. In some areas, rigid systems were in place, that did not help Indian women much and which subjected women to the mercy of men entirely. Later, the British government also failed

to provide relief to a large population of (predominantly Hindu) women who faced very harsh circumstances to certain South Asian traditions. In part this was due to the British practice of interpreting and recording Hindu laws and traditions with the help of only a few, male pandits from a specific caste - usually Brahmins.

After the 1857 War of Independence, many changes were wrought in political relationships and imperial relationships in the subcontinent. It was at this point that many Indian Muslims realized that there was no alternative but to make friends with the rulers and embrace their polity. For this reason, many decided to pay attention to improving their financial and social conditions. In this connection it is worth mentioning that:

One such "community" was that of Indian Muslims who used these kinds of changes to improve their social condition as well as to gear themselves up for the internal consolidation to cope with and withstand the physical, social and intellectual attacks which they perceived were taking place on their interest.³

The Muslim community was thus forced to adapt to new circumstances and follow a fresh course of action for its survival in India.

Regarding the financial and social betterment of woman, the different approaches adopted by Muslims can be divided along two lines:

- (1) Traditional reformative
- (2) Modern

Religious mentors associated with Darul Alum Deoband played a prominent role in disseminating ideas belonging to the

first category of thought. The most prestigious among them was Maulana Ashraf Ali Thanvi, who authored the *Bahishati Zewar* (Ornament of Paradise). In this book, the Muslim woman is advised to order her life in accordance with Islamic principles in the traditional way.

During this period, women in Europe were fighting for their human rights and for universal suffrage. Some voices were being raised in their favour, whereas the Indian woman was fettered with old customs and norms. Their condition can be explained in these words:

“Norms for women in Hinduism derive from two separate though related sources. First, the male dominated literature prescribes control and subordination of women. Second, folk and oral traditions, often created and propagated by women, yield norms that are concerned with women’s welfare and emphasize the behavior of crucial male Kin (husband as lover, brother as protector and son as security) as well as female Kin (mother-in-law, husband and sister). She is not only the bearer of children but also a mother occupying an important position while wife is under male control. These two figures dominate Hindu thought about women.”⁴

In the subcontinent, many Hindu and Muslim reformers came forward to rescue the state of affairs prevailing at that time. Among other issues, the education of women was also discussed. Many Muslims decided to educate women so that they could recognize their rights and duties as provided by the Islam. It was often argued that Islam bestowed a high position on women. At long last, some Muslim reformers realized the gravity of the situation and they thought about equipping Muslim women with modern education so that their rights are secured from the

government and they could secure their rights and interests socially and financially. The heritage of feminism in the region can be traced to this colonial culture of reform and resistance.

The British government came under severe criticism due to the backwardness of women in the Indian subcontinent. Pressure was exerted upon imperial policy in India and elsewhere in the Empire, until it was decided to undertake large scale reforms. As many critics of the colonial setup considered that the plight of women was responsible for Indian society's backwardness, they wanted to change the social condition of women. It was also believed that this would help prepare society for further reforms⁵. However the British government did not do much for the status of women in practical terms. The movement towards women's emancipation was acted out against a background of nationalist struggles aimed at achieving political independence, asserting a national identity and modernizing the society.⁶

In Europe, after the industrial revolution, many movements including those fighting for the rights of workers, politically oppressed classes, farmers and women took birth. Many association for securing the rights of women came into being. In India, which was seen as a traditionally more religious society, the effect was different. Christian missionaries did much in the sphere of education. Organizations promoting many different ideologies, including Hindu reconversion movements such as Shuddhi and Sanghtan also sprang up.

At the same time, many Hindu leaders were progressive, giving females access to modern education. Hindu society had become conversant with modern trends. They were busy in rooting out such deleterious rites as "Sati", child marriage and the moving towards lifting the ban on widow remarriage. The first bill against "Sati" was passed in 1829 and the second one in 1856. In the second part of the nineteenth Century the frequency of "Sati" had decreased.⁷

In Indian society, some parents would give their young daughters in marriage to much older men. To put an end to this practice, a bill was passed in 1891, under which child marriage was banned. Both Hindus and Muslims supported this measure. Behramji Malabari of Bombay fought tooth and nail against child marriage and was instrumental in getting this bill passed.⁸ Thus, we see that different Hindu and Muslim leaders did improve the social status of women, and pursued the matter with a missionary zeal.

Many Indian women wore veils at this time. It is a widespread belief that the practice of wearing a veil practice originated with the arrival of Muslims in India. This is untrue. In fact, this custom accompanied the Aryans when they migrated from Central Asia to India, although initially it was not a common phenomenon, but with took root with the passage of time. This is explained by Akshe Kumar in his book, *Hindu History*, who relates that even in the early Vedic period, Hindu women covered their faces.⁹ Thus origin of veil is associated with both Muslims and Hindus in the subcontinent, as well as other religious and cultural communities.

The British were of the opinion that the veil signified a backward trend and they associated it with the Muslims of India. Many considered it to be against modernity and a retrogressive step against civilized world. At that time it was usually believed in west that veil is associated with Islam as it is part of Islamic teachings. Thus, Muslim women's observance of veils underwent intensive and extensive debate. In fact, purdah has proved to be a factor in depriving women of any participation in public affairs any activity in political or social field.¹

However, the response and attitude of Muslim men and women towards the veil was varied. Some Muslim scholars considered the veil to be a criterion of women's honour and modesty. They opined that this measure separated men from women. Many Muslim women expressed an inclination to wear

the veil and considered it part of their religious obligation. Later, some women also raised their voices against the veil.

Among others, Sir Syed Ahmed Khan was also interested in social reform. Despite this, his attitude towards women was quite biased. Sir Syed was in favour of veils for Muslim women and also believed that women should only receive education at their homes. Like other Muslims, Sir Syed thought that allowing Muslim women would be wrong as they would mix with other girls of all classes, castes and creeds were studying jointly. This was a cause of concern for Muslims. They thought that this will obliterate their civilization and their values would be trampled underfoot. However, Sir Syed Ahmed Khan convinced his co-religionists that they must be equipped with modern education to enable them to meet the requirements of the modern age through their scientific, technological and religious education.¹²

Most female social reformers, however, supported female education and were against the practice of wearing a veil. The notable exception among them was the Begum of Bhopal. When Sheikh Abdullah and his wife started a girls' school in Aligarh, the Begum of Bhopal gave much financial aid. In 1911, on the occasion of Muhammadan Educational Conference, the veil-clad Begum of Bhopal, along with Sarojni Naidu, Sharla Devi and Chandrani, delivered a very impressive speech.¹³

Despite the objection to the veil and the desire for equal rights and education on the part of many progressive women, there still remained some hesitation on the part of many Muslim women to participate in political activities. Those who did so must be lauded. The courage of this action, at that time when shurfa women seldom stepped out, cannot be minimized.¹⁴ To say that purdah is necessary to protect the moral purity of women within the four walls of the home is as absurd in theory as it is a gross libel on women.¹⁵

In the nineteenth century, social reformers warned about the unpalatable effects of veil system, but their efforts seemed to be largely unfruitful. However, by the beginning of the twentieth century, veil-wearing began to be discouraged. Due to the sudden upsurge in movements for self rule and decolonization (such as the "Swadeshi" Movement, Home Rule Movement, Non-Cooperation Movement and Civil Disobedience Movement), sentiments against veils were invigorated. The Partition of Bengal in 1905 and the Swadeshi Movement saw women agitating on the streets for the first time as they took part in political processes and became involved in wider problems. Different organizations headed by women were active in eradicating other evils in addition to abolishing the veil system. We find that up to 1929, less stress was made on veils than the abolition of the practice of child marriage. Women took part in various movements. During the Civil Disobedience movement, after the detention of Gandhi Ji, the Indian women bade good bye to veil and came out on the roads.¹⁶

Thus, we see that the Indian women, giving due allowance to the Islamic traditions, bade good-bye to the four walls of their homes and raised voice to demand their rights and succeeded to some extent.

Meanwhile the social reformers paid attention to women's education, household duties religious training and social consciousness. Badar-ud-Din Tayyabji can be quoted as an example, as he sent his daughter Atteya Faizi to England to receive higher education. He was sure that women's participation in public affairs would play an important role in improving the fortunes of the Muslim society.¹⁹ Unfortunately, such cases were rare and the efforts to emancipate women were not made on a comprehensive and collaborative level in most of the subcontinent.

Religious scholars, especially those subscribing to the views of the Deobandi School of thought, wanted women to be equipped

with modern education, but were against the complete familiarization of Muslim women with the western customs. On the other hand, they also desired full co-operation with the British rulers. Christian missionaries in the nineteenth century were instrumental force in changing the outlook of Muslim Women regarding modern education, which in turn transformed the views of Muslims about modern education. In the subcontinent, before the arrival of the British, there were no institutions or formal arrangements for imparting government controlled education. In the urban areas there existed madrassas (Religious Schools), where Islamic studies. Arabic, Persian, medicine, astrology were taught. Modern education and its teaching methods were non-existent. If at all, women were educated at their homes. Due to the strictness of veil system, no worthwhile information about them came forth under early British rule.

The British introduced a regular educational system in India. Missionary organizations had already also set up English Schools here and there, in accordance with the English curricula. The missionary institutions and the British laid great stress on women's education. This spirit energized Indians, and many Hindu and Muslim organizations took steps to make improvements in the existing situation. The more conscious and thinking Muslims were quick to realize that the position of Indian Muslim women was deplorable and out of step with the progress that women had made in other societies including other Muslim countries.²⁰ At that time, European women were receiving formal education. Women's organizations working in this connection were to found in large numbers. Their activities were not restricted to their own countries: the pressure exerted by these organizations was often at an international level. Such women's organizations, although based in Britain and Europe were often responsible for the steps taken by the British government for the welfare of local Indian women.

Due to the veil system, high and middle class families didn't like to send their women to the common institutions. However, British missionary groups sent British governesses who used to go from house to house to teach the English language and as well as other modern subjects. In this way, education became a status symbol which encouraged the wives of the rich to gain education in order to raise their social status and cultivate close relations with English society. Thus, education among the Muslim elites gained popularity.²¹

But the dissemination of knowledge from door to door could only be done on a limited scale. The British, on assumption of power, opened schools where the veils was observed. Numberless scholarships were doled out to girls to persuade them to seek admission in schools. Missionary institutions also offered incentives. Primary education was free of cost. Many women were trained to teach, which created job opportunities for them.

In addition to schools, educated women also secured jobs in other departments. The missionaries not only offered scholarships for getting Post-Matric Teachers Training Institutes, they also established industrial homes. In 1887, the Methodist Mission set up Azabella Thoburn College in Lucknow, which played a laudable part in the spread of education. By 1914, fourteen colleges for women were operative. In that year, a Hindu Social worker named K.K. Cores founded Shirimati Nathi Bai Wemu Dhale Nakare University (SNDT). The curriculum was an amalgam of oriental and occidental topics: Home Economics, General Psychology and Fine Arts among the subjects that were taught. Women could appear as private candidates in university examinations, excluding the necessity of attending classes.

In the meantime, vocational schools also came into being. Side by side with physical education, exhibition matches gave a new life to women. In this regard, the British played a prominent role in effecting changes in the life of women in India. Sir Donald

McLeod (Governor of the Punjab, 1865-70) Sir William Muir (1864-84) Colonel Holroyd and Mathew Kempson (Governor of U.P.) were amongst those who took a special interest in the education of women. In 1868, Sir William Muir distributed annual awards for reformatory movements. As a result, many books were published to benefit women. Maulana Altaf Hussain Hali wrote in this regard that three and half months after the address delivered on 26-08-68, the North Western Government published such an advertisement concerning prizes that India would be grateful forever.²² The attitude and thoughts of Sir William Muir can be seen from an excerpt from one of his speeches:

When your women receive education, they will become your life partners in such a way that they would get the same status as is enjoyed by the women of the civilized countries. The advantages would spread like the snows of the Himalayas which melt and flow in the shape of streams and are transformed into a new life. No other thing can reach such a high position without a revolution.²³

Despite such cases of individuals who sincerely believed in the progression of women, on the level of government policy, we find that the British rulers were motivated by self interest in advancing the cause of education in India. Hence, the general British policy of promoting education in general and for women especially stemmed not so much from an altruistic desire to educate the Indian population as from their need to create a class to serve them and as a means for propagating their ideology.²⁴

However, in spite of these circumstances, Muslim women managed to develop an educational awareness. The effects on Muslim women can be gauged from the fact that the commencement of Muslim Women's struggle coincided with the

formation of Muhammadan Educational Conference in 1886 in which Muslim men for the first time raised the issue of women's education in their favour. The resolutions passed by the Conference were opposed tooth and nail by religious and fundamentalist sections of the Muslim community. The behavior of the more enlightened people was also not acceptable or plausible.²⁵

Sir Syed Ahmed Khan's reaction is an example of this backward attitude amongst the more enlightened members of society. He said, "people would be surprised to learn that I am progressive in my thoughts and actions but in connection with the education of women my ideas correspond to those of our elders. This is not the proper time to open girl's schools and to ape the system of European schools for girls education."

In the beginning of the twentieth century, more steps for the educational development of the Muslim women were taken. Many women's journals appeared. In 1908, Rashid ul Khairi started the publication of 'Asmat' at Delhi. Abdullah's "Khantoon" emerged at Aligarh in 1909. Syed Mumtaz Ali's "Taleem-e-Naswan" came into being at Lahore in 1898. But the most prestigious of all the journals was Fatima Begum's "Sharif Bibi".

In the context of education, it is added that in 1911 out of 1000 women only two were educated. However, by this time many girls' schools had been established and girls started to go to schools. In 1915 and All India Muslim Ladies conference was held and the burning topic was the female education.²⁶ The journals were published to motivate more and more Muslim women to opt for higher education. The main objective of women's journals was to promote the cause of female education. This was an uphill task because first and foremost, they had to come up with a convincing argument as to why women must be educated at all. Amongst Muslim women the struggle was to make education for women socially acceptable.²⁷

In the fields of education and literature, women's enthusiasm kept increasing. Many Indian women went abroad for higher education. In fact, there occurred a great revolution in the south Asian society. Some Muslim women followed visit and went to other countries to receive education. Attya Faizi, Zohra and Nazli were the trend setters. Later on, many women went abroad on government scholarships.²⁸

Thereafter, due to receive higher education, a few Muslim women were found to be working in other fields i.e. medicine and banking. Shireen was the first Indian woman who passed MBBS examination in 1934 and Sakina Mewzada was the first Indian Muslim women who passed L.L.B. examination and became an advocate. She started her practice at the Bombay High Court in 1941 and Zubaida Mansoor was the first Indian Muslim woman who became a Banker. She had received education in The USA in 1944. In this way, we find that women worked in many departments in later years.²⁹ Due to the efforts made by the social reformers, women acquired the social and political awareness to tackle problems and to improve the standards of their lives. Physical education contributed to women's health and also created and increased self confidence.

In British India, women's health was initially a very intractable issue, and to some extent remains so to the present day. To solve this problem, an effort was made at central and provincial level. It all began with the Missionary, Maternity and Child Welfare movements in India which came into being during the second half of the nineteenth century. These originated through the hospitals, and were run with the funds provided by the missionaries. For example, efforts were made to improve midwifery. Lady Chelmsford League was set up at the Centre to further the cause of maternity and child welfare. In advancing this new phenomenon of maternity and child welfare in India, there was a notable factor i.e. The Indian Red Cross Society. Likewise,

maternity and child welfare centres began to function more widely at the provincial level gradually.

Whereas the concept of safe motherhood on the one hand took the ancient and traditional social attitude about women to task, on the other hand, it persuaded women to better the state of their health. In this connection, the most important step was taken to make women realize that they were human beings, not merely mothers and wives. Initially, efforts regarding women's social status were made through the articles published in various journals and newspapers. More efforts, to the effect that midwifery system in India should be so changed as to harmonize medical practices with that of the West, were made.³⁰ The most modern medical knowledge in those days was provided to Muslim women with the latest information. It also persuaded them to maintain their health in old age. However, the number of women who received benefit through this modern medical practice was microscopic but increased with the passage of time. So, after being well-versed in modern medical trends and ways, women particularly became so competent that after reconciling traditional or religious methods such as that contained in the *tib-e-Unani* with modern research, they were able to improve the physical condition of women.

Female infanticide was the first social evil which engaged the British attention. Efforts were made to eliminate it. After enquiring into the state of affairs, the British decided to take action against it, as they established that in Indian society, sons were preferred to daughters. There were villages where hardly any girl was visible because of female infanticide. All possible individual and legal efforts were made to extirpate this pernicious practice. The Female Infanticide Bill was introduced by Strachey in the Council of the Governor General of India in 1870. While introducing the bill, Strachey said that infanticide had been practiced for a long time in India, especially Northern India. It

was not restricted to only the Rajput tribes but also some other Hindu tribes and even by some Muslims.”³¹

Before this, with a view to putting an end to the condemnable practice of female infanticide, two bills were passed in 1795 and 1804. Notwithstanding these bills, no worthwhile effects were discernible. When the Punjab was integrated with the Empire, John Lawrence discovered that here too, Hindus and Muslims also stuck to this practice. The birth of a son was deemed a blessing by both Hindus and Muslims. Girls were unwelcome. In Rajput communities, although men took many wives, they considered girls babies a curse and therefore, female infanticide was widespread.³²

Towards the end of the nineteenth century, Sir Muhammad Shafi's efforts relating to women's rights were laudable. He opposed the practice of dowry and made efforts for its abolition. He also supported inheritance for. Many women organized themselves to secure legal safeguards so that they could fight for their rights. So the first Muslim women's organization, named the Anjuman-e-Khawateen-e-Islam, came into being in 1908 in Lahore. Within the framework of Islam, they attempted to struggle for women's rights, social reforms and education. The Anjuman also worked for the welfare and support of rural womenfolk.³⁴ Likewise, in 1918, the All India Muslim League and the Indian National Congress supported women's franchise. In 1919, a delegation held parley with the government in this connection. But the British Raj turned it down. Even then, women continued their struggle.³⁵ Although the British government claimed to be secular and unbiased with regard to gender, and professed to safeguard women's rights, in practice few concrete efforts were made by the British government to safeguard the rights of women living in the subcontinent.

In most parts of India the custom of child marriage was in vogue. Their majority or reaching womanhood was determined

from their physical condition. At that time parents considered it as their moral duty to get their offspring married lest they should indulge in immoral activities. In some parts of India, girls were married even before they reached puberty. The poorer sections of society considered daughters to be burdens and their marriage was effected in their childhood disregarding incompatibility. In lower income groups, many varieties of child marriage were common.

Ten to twelve year old girls were given away to middle aged and even older men. In the middle income groups and in wealth their families, parents had to provide dowry, an agreed upon sum of money or an agreed amount of property and worldly goods in order to buy a husband for a daughter of marriageable age. For women, there was no reasonably acceptable alternative to marriage.³⁶

Many Hindus considered child marriage to be their religious duty. This custom also existed in Muslim society. The other sections of India could not remain unaffected. When in India, movements for social reforms started, the reformers especially targeted child marriage. At the legislative processes commenced, the educated class demanded a legal ban on child marriage. In 1927 when the issue of child marriage came under discussion, a book, *Mother India* was published by an English authoress, Katherine Mayo. The book was highly critical of many Indian traditions, Muslim and Hindu, especially child marriage. Mayo condemned the marriage of girls before reaching the age of puberty, calling it inhuman and cruel. She openly discussed issues confronted by child brides. However, Mayo's criticism was not welcomed by the patriarchal Indian society and thus this book was proscribed³⁷

After the Montague-Chelmsford Reforms, which became effective in 1919, some Muslims believed that while framing laws, the Muslim community's interests should be given a due place in legislation. As a result of their endeavours, in future legislation,

where high consideration was given to the matters regarding the social life of the Indians, the Muslims' interests were also kept in view.³³

After Montagu-Chelmsford reforms in 1919, legislative work in India began in earnest. The Indian luminaries expressed their views before the Indian Parliamentary Committee about raising views before the age of consent. In February 1922, the question of raising the age of consent came up again. The government asked state governments to solicit public opinion on the desirability of a new legislation.³⁸ In 1922, Rai Bahadur Bakhshi, MLA put up a bill before the committee in which it was stated that the age of consent for marriage should be raised in order to outlaw the practice of child marriage. This was to be done by amending section 375 of the Indian penal code. In the beginning, efforts to amend the penal code failed and the situation remained unchangeable but with the passage of time the crescendo of public outcry played its part.

In the second legislative assembly too, bills were presented about fixing the minimum age of consent. Among the movers of such bills were Dr. Hari Singh, Sir Alexander Mody Man and Dr. S.K. Ditta. Owing to the efforts of these personages and public pressure, a bill regarding age of consent saw the light of the day. This was a right step in the direction of solving the problem of the age of consent which paved the way for more efforts. In the third assembly, Dr Hari Singh put up another bill concerning the age of consent. A bill was presented for legislation by the committee headed by Rai Sahib Harbalas Sharda.³⁹ These two bills were put up before a committee, constituted in 1928. The initiatives for the age of consent bill came from Hindus and it was seen primarily as a Hindu problem.

However, the problem of child marriage and its early consummation was not restricted to Hindus. Muslims also suffered from it. Muslims did not seem to have been aware of it

nor did they participate in the debate over the age of consent bill. It was only when the Hindu community initiated the Child Marriage bill in 1920 that Muslims also became involved and the bill was converted from a Hindu child Marriage Restraint Act to one that could be applied to all religious communities.⁴⁰

Unfortunately, Muslims on different occasions opposed these two bills for the reasons that the government didn't have the right to amend the Muslims laws, which had already been enacted by Islam. This opposition from Muslims made it difficult to ban child marriage, even though the Hindu community had already done so. Both these bills, especially Sharda Bill, were initially aimed at removing the social injustice confronted by Hindu girls. However, afterward, these bills were named Child Marriage Act. The religious implications of this bill were not acceptable to Muslims.

In the meanwhile, India Women Association and Women's Indian Association strove to create a friendly atmosphere among the Indian women. These associations included Muslim women as well, who played a prominent role in the mission of these organizations. These women included Begum Hameed Ali, Lady Abdul Qadir, Mrs. Asif Ali, Begum Aziz Rasool, Mrs. Akthar Hussain, Mrs. Qazi Mehar Ahmed, Begum Hameeda Momin, and Mrs. I.F. Hassan. Their efforts were aimed at putting a stop to this evil. At the inaugural session of the women's conference in 1927, the Maharani of Baroda observed that child marriage deprived girls of their childhood pleasures. After ascertaining the views of different religious, social and medical associations the Committee put up a report to the Constituent Assembly on 20-01-1929 about fixing minimum age for marriage and registration. This bill was presented in the Assembly on 19 September 1929 and was made effective with effect from 1st. April 1930. Thus, we can pronounce that the first effort to put an end to the brutalities committed against women. This bill was presented to the Parliament it was opposed bitterly by the fundamentalist Muslims but also by conservative Hindus. The Quaid-e-Azam lent his

unconditional support to it, notwithstanding the fact that the conservative Muslims had disapproved it. Conservative Muslim males said that in this way their Islamic code was being undermined while the Muslim women working for social reformation supported it vehemently.⁴¹ It is important to mention here that Islam did not envisage an age of consent for marriage. However it is advised to make arrangement for the marriage of girls only after they reach the age of puberty. Further Islam made stress on the education of women. There was no hard and fast rule for early marriage of girls in Islam. Thus the fundamentalists opposition to the bill was baseless.

The Muslims were on the horns of a dilemma whether or not they should accept interference in the Islamic Family Laws or not. In these laws some points were based on secularism which concerned both Hindus and Muslims. In the beginning of the nineteenth century, the Muslim religious mentors focused their attention on the difference between Indian social laws and the Islamic laws which were forcibly made effective in various areas. These included the women's inheritance wherein women were deprived of any share. This was against the Islamic injunctions.⁴² Due to the relentless struggle launched by religious scholars, the Muslim Family laws began to get imposed. The Jameat-ul-Ulama-e-Hind's Frontier Province Branch set the ball rolling.

The decision of the NWFP's Constitutional Council was commended the Muslims living elsewhere in India. The Muslim press also played a plausible role. In 1935 Abdullah M.L.A. who belonged to the Punjab, put up a similar bill in the Central Constituent Assembly. Jameat-ul-Ulam-e-Hind, Anjuman-e-Ittehad-e-Islam and Ajuman-e-Islam supported it. Women's organizations also welcomed it. This bill supported those Muslims who advocated the enforcement of the Islamic laws in matters of marriage and divorce, but who wanted these laws not to be applicable to inheritance, Among the Punjab's feudal class, men with such a propensity far too common. As per Punjab Act 1872

Muslim women stood deprived of inheritance of agricultural land. Allama Rashid-ul-Khairi wrote many articles in "Asmat" magazine. Fazal-ul-Haq Paracha MLA from the North Western Punjab predicted that such steps would lead to an agitation by women. The promulgation of the Islamic laws for the well being of women was considered a happy augury. The emancipation of Muslim women was also supported by non-Muslims. Dr. G.V. Deshmukh said,

This bill, which in principle gives economical status to one half of the society, has my whole hearted support. If today Muhammadan society progresses, in the future, every society in India will follow the same example, not that in Hindustan the principle does not exist the chilling hand of custom has barred all progress from society of womenfolk as far as India is concerned.⁴³

In this connection, an important fact is that Muhammad Ali Jinnah put up a proposal for a significant change. He thought that instead of making it effective for Muslims they should be allowed some time to choose between the adoption of customary laws and the Islamic laws. There was constant efforts to deliver due rights to women especially to Muslim women in the Subcontinent during the British Raj.

Jinnah was also active in the passing of the Shariat Act of 1937. However, Jinnah wanted this Act to be provisional only, and not to be set in stone. This Act was demanded by the Muslims of the Punjab and the Muslims of the other parts of India where the personal Law was the customary law and shariat did not apply. This desire to live in accordance with shariat reflected the increasing awareness of their identity amongst the Muslims of the Indian subcontinent.⁴⁴

Opposing Muhammad Ali Jinnah's proposal the Jameat-ul-Ulema-e-Hind said that the bill could not be made applicable provisionally. Muslims concentrated their efforts on the inclusion of Shariat Bill in the Family Laws Act 1937. At last, Shariat Bill was made effective with effect from 16 September 1937. It was named Family Laws Act 1937. The government included the proposal of Muhammad Ali Jinnah in this bill, which proved the fact that the government wanted to safeguard the interests of landlords. Despite all these disabilities, however, the Shariat Act provided the first ray of sunlight for groups and individuals seeking to change the social as well as political status of Muslim women in India.⁴⁵ Thus we see that the Shariat Bill, some objections notwithstanding, proved a beacon light for Muslim women's social and political status.

The 1937 Shariat Act was passed to enable Muslim women to regain their rights of inheritance, dower and divorce under Muslim personal laws. The object of the shariat Act was defined as clarifying the questions regarding succession, special property of females, betrothal, adoption, adoption, marriage, divorce, maintenance, dower, guardianship, minority, bastardy, family relation legacies, and gift partition etc. The bill aims at uniformity of law among Muslims throughout the British India, in all their social and personal relations.⁴⁶

From the above discussion it is clear that all Muslim community members were keen to grant women their due rights though some obstacles came to their by the conservative members of the community but no such efforts were seen from other communities living in India.

Among the family laws for women the "Dissolution of Muslim Marriage Act 1939" was the most prominent in the British India. As a consequence, basic reformative improvements in the Muslim women's family laws were made. Some people followed Malaki Fiqh which empowered a Qazi to declare the marriage of Muslim

women null and void. Hanfia Fiqh precluded the Qazi from following this course, especially: a non-Muslim could give no verdict on this matter. In India the principles of Hanfia Fiqh had a great vogue. Some Muslims put up a draft bill to the effect that if a Muslim woman had been converted to some other religion, her marriage would not be nullified. Rather, she would be imprisoned till she re-embraced Islam. But fortunately such laws could not be adopted in India. The Indian courts decided that if a Muslim woman adopted another religion, her marriage stood dissolved.⁴⁷

In the beginning of the twentieth century, many such cases came forward where Muslim women after conversion to other religions (S) wanted the dissolution of their marriages. Muslim social reformers and organizations pondered over the matter as to how this issue should be resolved because the religious law did not permit women to be separated from their husbands easily. Muslim men's reluctance to divorce their wives, created disenchantment among women towards their religion. It was a complicated issue for the social reformers and religious leaders.

Jameat-ul-Ulma-e-Hindu tried most to untie this tangled skein.

In 1935, the Jameat prepared many draft bills based on Maulana Ashraf Ali Thanvi's book *Al-Hilatal-Nijiza*, written jointly by Mufti Kifayatullah and Maulana Hussain Madni.⁴⁸

In some books, these laws were explained according to Malaki Fiqh in consonance whereof, any judge could dissolve any woman's marriage. In the light of this book, Muhammad Ahmed Kazmi, MLA presented a bill in the Central Constituent Assembly and a member of the Jameat, Hussain Imam put forth his arguments. The Muslim press also raised this issue. The stand taken in favour of this bill was that it would protect the due of a wife against an aggressive and atrocious husband. In such

circumstances, women had no other alternative than to say good bye to their religion in order to get rid of their evil-minded husbands. The Muslim Marriage Act was undone in March 1939. Shahida Lateef writes in her book:

The dissolution of Muslim Marriage bill was debated and enacted in 1939. It was specifically directed to benefit Muslim women and was compiled as an amalgam of the four schools of jurisprudence, picking the most liberal features from each of them.⁴⁹

After the enforcement of this law, umpteen cases were filed by the affected Muslim women and their relatives. But Muslim women continued to confront problems even after this enactment. This law, indubitably, by allowing women to seek divorce, made their lives more comfortable.

Two Acts in particular played a crucial role in changing the Muslim women's status. They were the Shariat Act, which at least strengthened her hand s vis-à-vis the inheritance of property and the Muslim Dissolution of Marriage Act which made it much easier for a Muslim women to seek divorce.⁵⁰

It can safely be said that in order to eliminate women's social imbalances, necessary legislation was desperately needed. It does not prove that these revolutionary changes were a corollary to the introduction of these laws. However, it took a considerable time to translate these efforts into law. The three Acts, passed in favour of women before the establishment of Pakistan in 1929, 1937 and 1939 had far reaching consequences. Women at least got right to inheritance and in theory at least, they became the arbiters of their fate. The twentieth century saw an increase in many benefits for women as they gained political awareness and took part in many movements.

There were efforts to liberate Muslim women but some efforts were directed to please only their British masters. Then again, we do not find such efforts in other communities who had more harsh laws for women and women were treated very badly in India. Even British government did not try to rescue these women as they had fewer vested interests in those relationships. Muslim women were slowly given more autonomy to participate in.

If you scan the history of the South Asian subcontinent, you will find that women have, in the political field, performed prodigious feats which are quotable. The names of Razia Sultana and Chand Bibi are worth mentioning. Razia Sultana was the daughter of Sultan Altamash who also had sons. But Razia was more preconscious than her brothers. It is stated that when once Sultan Al tamash, accompanied by Razia Sultana, went to pay homage to Khawaja Qutah-ud-Din Bakhtiar Kaki, the latter observed that she would outstrip males. He prayed for her success.⁵¹ Razia Sultana was a very prescient person. The courtiers who had opposed her were neutralised. She reframed the government laws. She used to pass judgment in the court cases. She dispensed justice so justly that Dame Fame kissed her feet and her good name became a household word throughout the length and breadth of India. The second ruler was Chand Bibi, who hailed from Deccan. She administrated the affairs so wisely that she was known as the queen of India. She possessed many qualities of head and heart. She was not only a brave horse rider but also a farsighted commander-in-chief and ruler. She administered military administration very well. She used to teach soldiers about tactics and strategy. Besides war art and governance, she was a linguist. She spoke Persian, Arabic, Talangi and Mahrati with perfect ease.⁵² Thus Muslim women proved their worth in politics also.

Though, in those days Muslim women potentates were disparaged by the courtiers, no religious mentor issued a verdict

against their rule. Rather, they eulogized them in their sermons in mosques. Women rulers, in turn, had high regard for clerics through whom they conveyed the message of Islam. Apart from Razia Sultana and Chand Bibi, history is not inclined to forget such women as the wife of Amir Taimur and the daughter of the General of the fourth Usmani ruler Ba Yazid, named Umat ul Mujeeb, who was proficient not only in her mother tongue Turkish but also Arabic. She was an authoress and an accomplished musician.⁵³ So far as the ladies of the house of the State of Bhopal are concerned, they proved through their political sagacity that in no way women are inferior to men. Muhammad Jamal-ul-Din, a Minister of Bhopal State helped Nawab Siddique Hassan Khan in getting employment and got his daughter married to him. In this way, Nawab Siddique Ali Khan got access to the royal family of the State of Bhopal. Nawab Shah Jehan Begum took the reins of the State.

If we appraise the position of women during the Mughal period, we come to know that queens and princesses were held in high esteem. The reigning husbands honoured their wives much. History is replete with examples when sovereigns had to seek succor from women when they were confronted with political problems, civil war or household conflicts requiring reconciliation. The daughter of Zaheer-ud-Din Babar, Culbadan had a complete hold over Turkish and Persian languages. Even today, "Humayunnama" regarding the political, social and historical events is considered magnum opus. During the period of Aurangzeb women like Zaibun Nisa appeared. She was a scholar of Persian and Arabic as well as Hafiz-e-Quran. Under her guidance, book like Tafsir-ul-Kaseer were produced. In short, out of the Indian Muslim women, the names of the Mughal females will be written in golden letters. Now I shall describe the participation of women in British period. It is worth considering that Muslims were held responsible for the consequences of the war of independence. Muslim women not unlike men had entered the field in order to defeat the British imperialism.⁵⁴ For example,

Hazrat Mahal acted as a bulwark against the advancing English forces. Sir Syed Ahmed Khan advised Muslims to shun politics lest the British abhorrence against them should re-emerge. But with the passage of time and change in circumstances, Muslim outlook began to be transformed. Different events such as Hindu opposition to the division of Bengal and Sodeshi Movement altered the perception of Muslims. A realization dawned on them that in order to secure their legitimate rights, they had to take part in politics. Muslim women also came out openly to receive education.

The first Muslim woman who offered her services to the national movement was Bi Aman (Abadi Begim) the mother of Maulanas Muhammad Ali and Shaukat Ali. She appeared on the platform of Anjuman-e-Khuddam-e-e Kaaba for the first time in 1913 which was set up by her sons and their religious guide, Maulana Abdul Bari of Farangi Mahal Lucknow. The manifesto of this movement was to preserve the sanctity of the House of God and protect other Muslim holy places against the depredations of non-Muslims. Thousands of women used to be the participants and as a token of love for their faith, most of the women donated their jewellery to the organization.⁵⁵

Thus, we find that Muslim women began to take a practical part in politics, especially as many Muslim male leaders had been imprisoned. It was feared that the movement would not bear fruit. Under the leadership of Bi Aman, Muslim women jumped into the political minefield. They really proved political trend setters, paving the way for women's participation in the independence movement. Women's political consciousness is important in the context excepting of course, Bihar and Orisa this women's right was accepted by all provinces. In Bihar and Orisa this right was granted in 1928. Yet, the formidable hurdle in the way of women was the condition that the voter should possess property. Women, therefore, had to wait for a considerable period of time to secure substantial rights but they had enlisted

the sympathies of various sections who were convinced of their lawful struggle. The committee, Set up to review the Montagu Chelmsford reforms of 1919, mentioned in their report in 1928 that no election process could be above board and no good governance could be guaranteed as long as imbalance in voting system persisted. They opined that eligibility of women for casting votes should carry some conditions.⁵⁶

The first Round Table Conference held in London in 1930-31 was a landmark in the history of British India due to the facts that the Indian women had presented a memorandum to the conference and the two Indian Muslim women inclusive of Begum Jahan Ara and Shah Nawaz had participated. One of the demands in the memorandum was that the issue of women's political status should be thrashed out and no woman should suffer discrimination in regard to government service, business and vocation on account of her, caste, creed, clan or sex. In this memorandum surety was sought regarding equality irrespective of one's sex. These efforts bore fruit and the Govt. of India Act 1935 was promulgated according to which six million women got the right of franchise. Out of 160 seats of Council of State, six were reserved for women and nine seats in the 250 member house, were to be occupied by women. Increase in the number of Muslim women voters paid political dividends to the Indian Muslims.⁵⁷

Up to now emphasis was laid on women's education. Muslim women side by side with other Indian women were struggling for getting their rights and putting an end to the practices and customs no longer relevant. When the Pakistan Movement gathered momentum, the objectives of the Indian Muslims came into conflict with the general struggle of the Indians for independence. At a Muslim League meeting in 1938, at its conference in Patna, the Muslim women were urged to come out of the four walls of their homes, get themselves acquainted with the modern developments and dedicated their energies to safeguard the rights and interests of Muslims.

In 1938, at its conference in Patna, the Muslim League passed a resolution, initiated by Quaid-e-Azam Muhammad Ali Jinnah for the creation of a League Sub-Committee for women. Under the auspices of this Sub-committee, branch offices were established in many large cities. For the first time, Muslim women began to make rational, organized and effective contribution to the political life.⁵⁸

So, the Women's Muslim League was formally formed in 1938 at a meeting at Patna, but in the Punjab especially at Lahore, it began to function two years before. Thus, it was in conformity with the Quaid-e-Azam's political ideology regarding women that at the Muslim League meeting at Patna, Women's Sub-Committee was set up. Paying tribute to women, the Quaid-e-Azam said on 18 April 1946 "It is extremely refreshing that a change has occurred in the posh of Muslim women, which is a good omen because no nation can make headway without the unstinted help of women."⁵⁹

Towards the end of the February 1947, a huge procession marched up to the Punjab Secretariat. 13 year old girls named Fatima Sughra Replaced the Union Jack by the Pakistan flag. Even after the inception of Pakistan, Muslim League women continued their activities. They arranged messing, loading and medical aid for the incoming refugees from India.

Conclusion

Due to the women's subjugated position in the South Asian subcontinent initially, it was not surprising that the movement to secure women's rights was pioneered by men. Fatima Mernisi has written that in Arabia males were the first standard bearers of women's rights. The important roles played by women for freedom and political rights made them indispensable to males. Kumari Je Wardhane while reflecting upon nationalist and

women's rights movements, said that when women in the developed countries were agitating against their own male regarding their rights, a similar struggle had begun in the subcontinent where men were fighting for their rights against the imperialists. In the subcontinent, therefore, women were not countered as fiercely as was done in the colonizing countries. For example, in the industrially superior countries, women's education was opposed by male chauvinists, whereas, in the subcontinent, the issue of women's education was raised by men at the Muhammadan Educational Conference in 1886.

As a matter of fact, Sheikh Abdullah of Aligarh had been advocating the cause of women's education. Contrarily, it is also a fact that many progressive Muslim men opposed women's education. It is, therefore, apparent that a decade was whiled away before women's section became a part of the Muhammadan Educational Conference. After a long time, women teachers' Training Institute was inaugurated in Calcutta in 1899. A cursory view would indicate that the Indian Muslim women lagged behind the women belonging to the developed lands in the fight for their rights. Feminism in the United States of America was launched in 1840 and in Iceland in 1880. However, it is worth remembering that feminism in India is not synonymous with that of a country which believes in an unchecked progress but it is about a country where the imperialists had completely stemmed the tide of developmental continuity.

The imperialists in India reversed the economic and social milieu. The consequences of proprietorship of land and cash crops brought in their wake reformation of laws and inexactitude in cultural rules and standards. Some people maintained that the imperialists – at least on a governmental level - did not try to improve the lot of women in society. The British had strengthened feudalism and tribal structures in rural areas. By granting full rights to landed classes, they fortified the position of the beneficiaries which contributed towards solidifying the

prevalent tribal culture, which resulted in lowering the status of women. The constitutional power of the English increased with the enhancement of their economic and political Power. In 1790 the whole constitution had been anglicized.

The new legal system replaced all the religious and traditional laws. On the other hand, the British didn't consider necessary to introduce their polity in all spheres of life. So, in family and personal affairs i.e. marriage, guardianship and heritage, Islamic laws remained applicable and a status quo was maintained between the mutual relations of men and women. In actuality, the British laws deprived women of their right to inherit property. IN this connection, British laws don't contradict the Hindu laws, according to which a woman can only administer the affairs regarding the property of inheritance. However, after prolonged protests the right of inheritance was conferred on Muslim women in 1937. As women's voice was ineffectual, the laws remained as therefore. Moreover, the rulers' interpretation of Islamic laws also didn't prove helpful to women:

The courts have been mangy in granting women freedom of action in household affairs. These courts by adapting the laws contained in the book written in the middle ages, enforced laws regarding gift deeds, testament, endowment etc. They deprived women of their rights although it was apparent that their decisions negated Islamic laws.

We discover that Muslim men and women protested against these flagrant violations and succeeded to a great extent. The movements started by women for educational freedom, social and political freedom had a profound effect on the daily life in the Sub-Continent. All are aware of the social changes that occurred during those days. But very few people admit that women were instrumental in bringing about these changes. It is not overstating

the facts to say that women made a phenomenal progress and they blazed a trail for further reforms.

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