

## MUSLIM WOMEN AND THEIR EXPLOITATION IN NAME OF ISLAMIC TRADITIONS

**‘You can tell the condition of a nation by looking at the status of its women’.**

**- Jawaharlal Nehru, the first Prime Minister of India.**

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### **Introduction**

The Constitution of India has provided us with fundamental rights, duties and directive principles which focuses on many aspects including principle of gender equality which is exalted in the Preamble. Moreover, it has not only focused on granting equality to women in india but also empowers state to adopt measures to avoid discrimination against this gender. Article 14 talks about right to equality; Article 15 is about Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth, and article 15(3) specifically states: The State to make any special provision in favor of women and children. There are many more articles in Indian Constitution that talk about equality for women in every field despite that but still women in India are treated very differently. It seems that the law and especially the Constitution are not being taken very seriously in this patriarchal society. Despite the articles, reforms and campaigns for women empowerment we as a society has failed to provide equality to women of our country, they are still being subjected to violence, discrimination on basis of their gender, status and what not. There are many forms of torture that women are subjected to and one of them is in form of hardcore religious practices. Every religion has certain practices which they term as ‘sacred’ but where a woman is actually being exploited both physically and mentally. One such religion is Islam. Where the world is developing with a speedy pace in every field there are still many malpractices which are performed with women in the name of religion thereby causing mental and physical trauma. Women of Islam have no other choice but to adhere to those practices and not raise voice against the same. These so called rituals or practices hold no logic whatsoever. Despite of all the education and development women are subjected to cruelty in the name of religion.

### **Review**

Nowadays, the issue of women rights and equality, in general, and especially of Muslim women, has become the centre of all debates. These debates are necessary in order to highlight the things that go unsaid, the misunderstandings and the stereotypes and to provide a safe and healthy environment for women of our country. Indeed, and in a very exaggerated way, it can be seen that the issue of Islamic women continues to be taken hostage in Islamophobia, and patriarchy which is still prominent within Muslim communities. Muslim women are still the target of controversial debates, within their societies and are generally exploited by policies which are most often made without their input or and knowledge.

Islam allows polygamy, imposes the submission of women to men, veils women, refuses them the right to inherit equally alongside men, allows women to be repudiated and grants all the rights to men. The question here arises is that whether these things are actually prescribed in Koran (quran) or are these practices spiritual or sacred?

Indeed, it turns out that on this issue, there is a difference between what the spiritual message of Islam

preaches and is actually interpreted by the majority, notably those of the Muslim right or Fiqh which are mostly discriminatory and have become sacred recitals (taqlid) over time and with superstitions. By giving the priority back to the textual sources, it is shown that such taboos do not actually exist and that they have been interpreted wrongfully. It can be notably seen that the practices being carried in Islam are interpreted by the religious leaders according to their own patriarchal thought process and keeping in mind their own comfort zone. Religion controls our thought and Islam has notably moved away from God and teachings of the Quran. There are many practices which are against a woman's body and dignity some of which is discussed below:

### **PRACTICE OF FEMALE GENITAL MUTILATION**

Female circumcision or female genital mutilation is a religious practice in Islam which involves partial or total removal of the external female genitalia or other injury to the female genital organs for cultural or any other unknown reason. World Health Organization has stated that over a 132 million women worldwide have been mutilated and each year, and an additional two million are at risk of future mutilation. Female genital mutilation is practiced on girls during infancy, childhood or at the time of marriage or later and varies in its forms depending upon the society. While the community's intent may be circumcision, the actual outcome is mutilation.

#### **Mohamud said:**

Female genital mutilation is an ancient ritual of torture that is violative of fundamental human rights, yet escapes significant international intervention because it is protected under the guise of "culture" or "religion." While female genital mutilation may be a traditional expression of culture, it is also one of the most massive threats to the health and human rights of women and girls, affecting the 6,000 girls who are forced to undergo the irreversible surgery every day.

This process inflicts intense pain and suffering, it is cruel degrading and against a woman's dignity. The survivors of mutilation are forced to deal with both physical and mental scars for lifetime. Unless there is international intervention it is difficult to end this practice as this might result in religious conflicts and riots. No woman should be oppressed in the name of culture. Female genital mutilation is also practiced in many remote areas and those who practice this wont report it and therefore they go unnoticed as government does not have access to these areas.

Genital mutilation includes piercing, cutting or stretching of the clitoris and/or labia; cauterization by burning the clitoris; scraping or cutting the vagina; and introduction of any outside materials to promote bleeding, tightening or narrowing of the vagina. The mildest form of female genital mutilation is "sunna" which means "tradition" in Arabic, it involves removing the tip of the clitoris with a razor blade, scissors, a piece of broken glass, a sharp stone or finger nails (**if the child is less than two weeks old**), leaving intact most of the clitoris and the labia minora (the vagina's small lips).

The second variety of female genital mutilation is the "clitoridectomy" or "excision," which entails removing most or all of the clitoris, the adjacent labia minora, and sometimes all of the external genitalia as well. Here, the labia majora (the vagina's large lips) and the vulva remain unharmed.

Mutilation itself is very torturous and has extreme results. It can affect a woman with long term mental illness, post traumatic disorders, sexual dysfunction, feeling of terror, anxiety, betrayal, humiliation and what not. Along with that a woman has to suffer with vaginal infections, post partum hemorrhage and same blades or equipments are used in this process on every woman who is taken for FGM which may result in AIDS, HIV and other transmitting diseases. Basically it has emotional and psychological effects

on victims that are far beyond pain. It scars a woman's mental health for life. In some children the psychological complication may submerge deeply and may trigger their behavior anytime including possible loss of trust and confidence for their care takers. Female genital mutilation is generally practiced on girls before the age of puberty because they are not eligible enough to understand as to what is going to happen with them nor they can give consent for the same. Infact these girls are coerced for this procedure by their families and society. Children before the age of puberty are vulnerable and are dependent on their elders for protection and care and hence they do what they're are expected to.

### **NIKAH HALALA**

It is also known as tahleel marriage. This rule was pronounced by prophet himself. A woman in Islam has to go through this notorious practice where she has to "sleep with a stranger" to become "eligible" in order to reunite with her former husband. A woman after her first divorce cannot reunite with her former husband unless she marries another person **consummates** with him and gets divorce from her second husband. These practices are supporters by her relatives and sometimes by maulana. A woman is labeled as 'haram' unless she consummates her marriage with her second husband, only then she will be considered as 'halal' (lawful) and eligible to marry her first husband.

**Quran's chapter Surah al-Baqarah, verse 2:230 says, "If a husband divorces his wife irrevocably, he cannot after that remarry her until she is married to another husband and he has divorced her. In that case there is no blame on either of them if they reunite."**

This practice is no less than prostitution which is considered legal in the eyes of Muslim personal law. Even after triple talaq has been declared unconstitutional by the Supreme Court this practice has still not ended. It is because legislation mostly has less effect on traditions. this pratise is sadly still followed in most of rural India especially in remote areas. This practice is nothing but degradation of Islamic women's dignity. The so-called scholars are brainwashing the followers of Islam and are treating women like objects in 21<sup>st</sup> century as well where the nations are developing at a fast pace and women have no other chicer other than following these obnoxious practices as raising voice against these practices will then be considered as a 'sin'.

These practices are clearly violating rights of equality and justice provided by Indian constitution.

### **Conclusion**

It is very important to address these practices on an international level. Entire legal system should be involved in this struggle because it is very important to provide a good, healthy and safe enjoiment for women of India and rest of the world so that women can live their life with dignity and respect.

Practices such as FGM and Nikah halala shall be criminalized on an international level and this cann be done by providing right education on women's sexuality and people should be made aware of dangers of such practices, by raising public awareness in communities. These obnoxious practices are against human rights.

Daughters of our nation deserve to have a good and secure life and hall not be exploited in the name of Islamic traditions or practices. These extreme ideologies shall be penalized. No woman shall be **controlled** by any religion

Countries must enforce criminal laws that prohibits and penalizes FGM. A uniform civil code shall be introduces where there shall be just one form a law applicable on ever individual equally irrespective of his/her religion.

This article does not attack any religion whatsoever, the only aim of this article is to protect the women

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of country who has the right to live with dignity. A woman is not an object or a toy she deserves to be treated with respect and no religion shall interfere in this matter.