

An assessment of legal awareness among divorcee Muslim women in Kashmir

¹ Dr. Muzamil Jan, ² Asma Hyder

¹ Sr. Assistant Professor, Institute of Home Science, University of Kashmir, Jammu Kashmir, India

² Research Scholar, Institute of Home Science, University of Kashmir, Jammu Kashmir, India

Abstract

The present study was an attempt to observe the attitude of divorcee Women towards their status in Kashmir irrespective of their dwelling, work status and motherhood. The sample was selected through multi stage sampling technique. For the sample 600 divorcee women were selected from urban and rural areas of Kashmir. The sample was collected with the help of self-constructed questionnaire. The study shows that the majority are unaware about legal custody of children in Kashmir. Women in greater number believe that Shaira board is the better option to undergo for divorce in Kashmir. Most of the divorcee women perceive that divorce is the only right of husband.

Keywords: divorcee, legal awareness, sharia board, Kashmir

Introduction

Women represent almost half of the total population of India, but gender inequality and gender discrimination are the main features of Indian society. Women have been denied equal rights for centuries. In modern India, however, some improvement has been taken place in the status of women. But still women do not enjoy as much freedom and liberties as men do (Narayana and Kavya, 2016) ^[7]. One major factor which affects the status of women is the practice of divorce. Though the dissolution of Muslim Marriage Act, 1939 has given Muslim Women the right to divorce their husbands, but a majority of them are unaware of this legislation (Menon, 1981) ^[6]. The educational status of Muslim women deteriorated due to the foreign invasion and with the decline of Islamic civilization. Under these conditions Muslim women became less and less part of social life in general. They assumed heavy veiling and confined to their small circle of women folk and four walls of their house and no outside contact. Later when female education became available, women were denied access to it and only schools for boys were initially developed. Female education was constrained by inherited social customs. The Islamic ideal of women's education and intellectual development was thus distorted, confused and actively opposed (Choudhary, 2016) ^[4]. The educational status of women in Kashmir was also depressing and quite dismal. Women in the traditional Kashmir society were generally subjected to discrimination, inequality and oppression. Their roles remained limited to the homely sphere and were restricted from getting education. (Bhat et.al, 2011) ^[2].

Review of literature

Asagi and Kazi (2013) ^[1] undertook a study on women desertees: post-desertion problems. The findings revealed that 55 percent of divorced women lived with parents and in rented houses separately. A majority of the respondents felt difficulties in raising children and had financial difficulties. The results found that a majority of the respondents were not aware of divorce rules. Neither had they wanted divorce from

their husbands or alimony. They were totally indifferent about their husbands and cursed their fate.

Hoel (2012) ^[11] undertook a study on engaging religious leaders: South African Muslim women's experiences in matters pertaining to divorce initiatives. The findings revealed that women currently divorced for whom infidelity of spouse and spousal abuse were the most common reasons for initiating divorce. Further study revealed that religious leaders hold particular gendered on logical positions. It was found that women experienced great difficulty with regard to obtained divorce as well as lack of support while initiating divorce. Women who were unaware of their rights to divorce had no basis to contest or petition members of MJC, often resulting in a prolonged divorce process. On the other hand, the women who were aware of their all legal rights often achieved their aim of dissolving the marriage at a faster pace. Hasbullah *et al.* (2010) ^[10] assessed knowledge and accessibility of Muslim women to the law on post-divorce financial support. The findings indicated that majority of the divorced women 99 percent had a high level of knowledge regarding their legal rights to post divorce financial support. Particularly, they were very familiar with their rights to claim for iddah maintenance, and child maintenance. They also knew that they had the right to complain to the shariah court when the ex-husbands defied the court order. And also knew that they could claim financial support with the help of a legal practitioner from the Legal Aid Bureau, and could hire a Shari lawyer for the same matter.

Stiles (2005) ^[9]. Undertook a study on Muslim women and divorce in rural Zanzibar. The findings revealed that women do not suffered from lack of useful knowledge about Islamic divorce than do men, but they lack to acquire it. It was found that most divorced women reported that there was little communication and no mutual decision making in out of court divorces. In this study it was found that few women were informed in advance of their husband's intention to divorce them, and none indicated that the matter was discussed beforehand. Divorced women found no reason for divorce initiated by their husband and others never heard the

words of a divorce pronouncement or never had any written divorce paper.

Sahay (1998) [8] undertook a study on divorce in Muslim society, laws and reality. The findings revealed that majority of divorced women had no idea and knowledge about the reasonable grounds for divorce. As far as the attitude towards the rights of divorce is concerned it was found that divorced women did not like the way of divorce utterance thrice any time. Divorced women were not aware of the legal rights pertaining to divorce is thought to be man's privilege whereas, women is thought to remain away from such matters.

Objectives

The present study is based on the following objectives:

1. To assess the legal awareness among Divorcee Muslim Women in Kashmir.
2. To assess knowledge regarding the legal custody of children among women in Kashmir.

Material and Methods the present study was an attempt to assess the legal awareness among Muslim divorcee women in Kashmir irrespective of their dwelling, work status and motherhood. The information was gathered from divorcee women from urban and rural areas of Kashmir region. The study was investigated through multi stage sampling technique. This type of sampling was taken because the size of population (i.e. Kashmir) was very large and was scattered as per socio-economic characteristics of divorcee women. The sample selected by this method was more representative of population. It permitted the fieldwork to be concentrated and yet large area covered. Sample was selected from Kashmir region-600 divorcee women were selected for the purpose, 300 divorcee women from urban areas and 300 divorcee women from rural areas. The tool used for the study include a detailed questionnaire. The data obtained was carefully scrutinized, categorized and coded in order to fulfill the objectives. The data was analysed applying appropriate statistical measures.

Results and Discussion

Islam has given women the freedom to equal rights, honor and dignity, she is allowed to leave her home when the necessity arises. The freedom granted by Islam elevates the status of women and women becomes an honorable member of the society Despite all safeguards, the women in Kashmir continue to suffer due to lack of awareness of their rights, illiteracy and oppressive practices and customs

Legal awareness among Muslim divorcee women in Kashmir

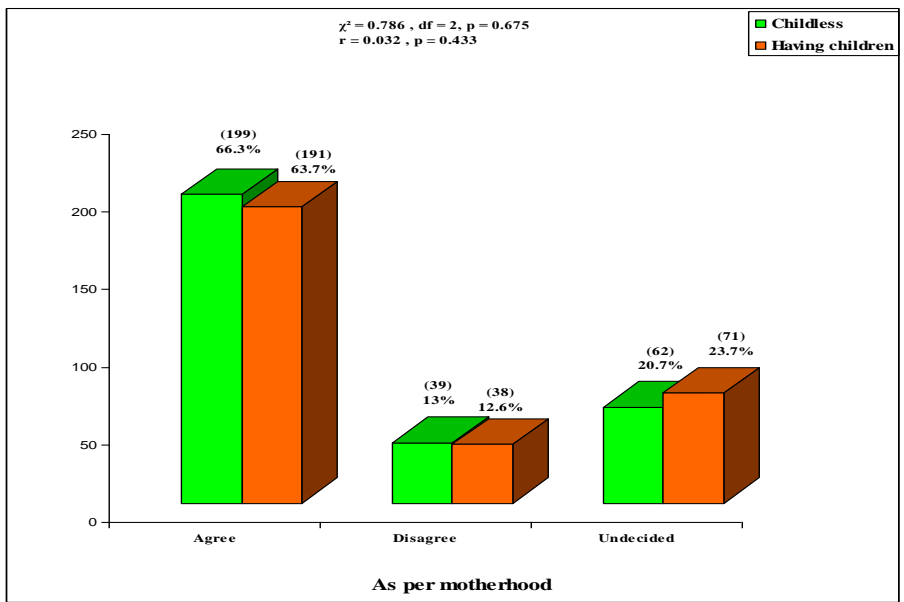
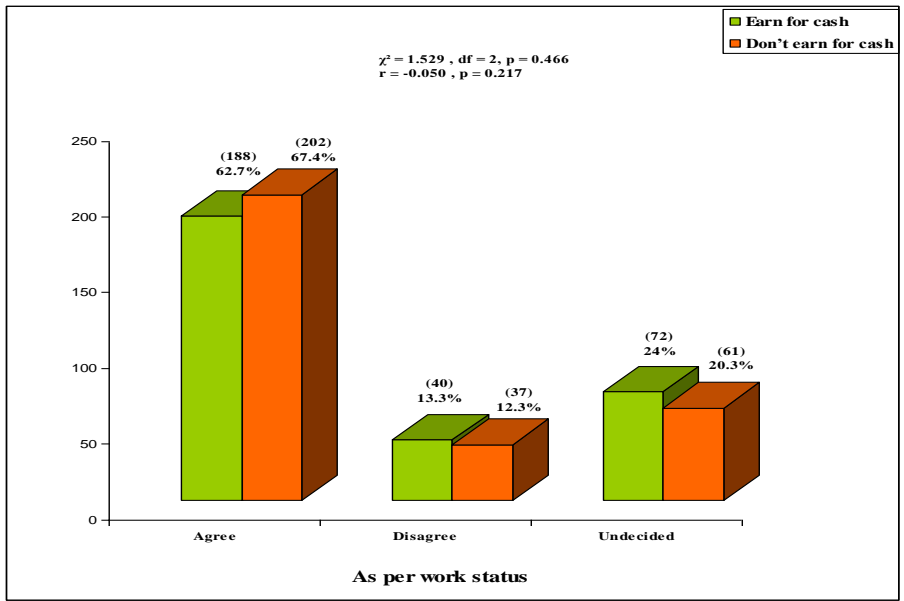
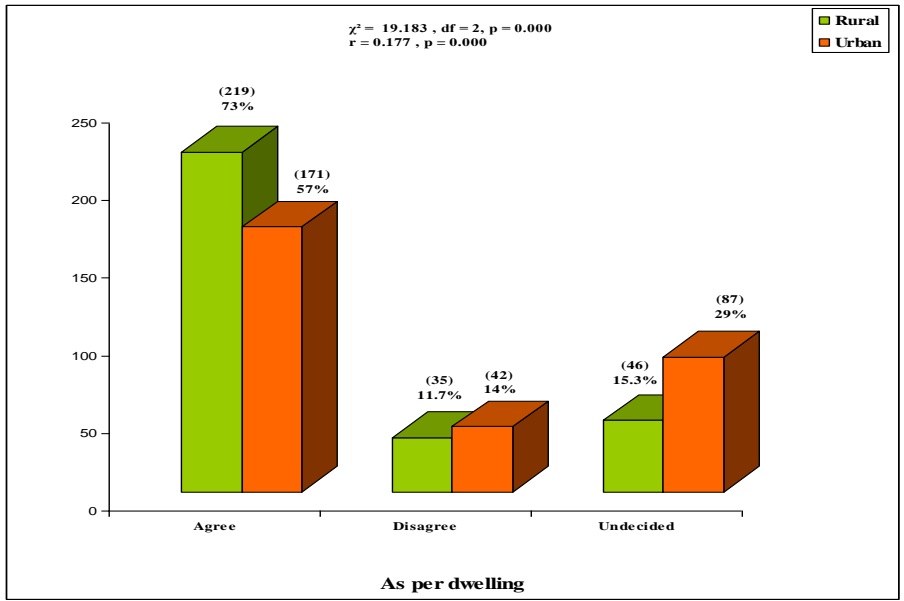
Figure 1 depicts divorce only right of husband in rural and urban areas. It is found that 73 per cent (f = 219) rural divorcee women and 57 per cent (f = 171) urban divorcee women agree that divorce is only right of husband. Such opinion depicts highly significant differences among rural and urban divorcee women $\chi^2 (2, n= 600) = 19.183, p < 0.01$. Positively highly significant correlation is found between dwelling and this notion $r (600) = 0.177, p < 0.01$.

Furthermore, 62.7 per cent (f = 188) divorcee women who earn cash for their work and 67.4 per cent (f = 202) divorcee women who don't earn cash for their work agree that divorce is only right of husband. However, such notion shows insignificant differences among working and non-working divorcee women $\chi^2 (2, n= 600) = 1.529, p > 0.05$. Attitude related to divorce only right of husband reveals negatively insignificant correlation with occupation of divorcee women $r (600) = -0.050, p > 0.05$. Moreover, 66.3 per cent (f = 199) childless divorcee women and 63.7 per cent (f = 191) divorcee women having children agree that divorce is only right of husband. However, such idea seems insignificant differences among divorcee women with or without live children $\chi^2 (2, n= 600) = 0.786, p > 0.05$. Motherhood reveals positively insignificant correlation with this attitude $r (600) = 0.032, p > 0.05$. Majority of divorcee women i.e., 65 per cent (f = 390) agree that divorce is only right of husband.

Figure 2 shows better option/way to undergo divorce in rural and urban areas. It is found that 51.7 per cent (f = 155) rural divorcee women and 50.7 per cent (f = 152) urban divorcee women found sharia board better option to undergo divorce. Such opinion depicts insignificant differences among rural and urban divorcee women $\chi^2 (1, N= 600) = 0.060, p > 0.05$. Negatively insignificant correlation is found between dwelling and this notion $r (600) = -0.010, p > 0.05$. Furthermore, 51 per cent (f = 153) divorcee women who earn cash for their work found court better option to undergo divorce. Whereas, 53.3 per cent (f = 160) divorcee women who don't earn cash for their work found sharia board better option to undergo divorce. However, such notion shows insignificant differences among working and non-working divorcee women $\chi^2 (1, n= 600) = 1.127, p > 0.05$. Attitude related to better option/way to undergo divorce reveals positively insignificant correlation with occupation of divorcee women $r (600) = 0.043, p > 0.05$. Moreover, 52 per cent (f = 156) childless divorcee women and 50.3 per cent (f = 151) divorcee women having children found sharia board better option to undergo divorce. However, such idea seems insignificant differences among divorcee women with or without live children $\chi^2 (1, n= 600) = 0.167, p > 0.05$. Motherhood reveals negatively insignificant correlation with this attitude $r (600) = -0.017, p > 0.05$. Majority of divorcee women i.e., 51.2 per cent (f = 307) found sharia board better option to undergo divorce.

Choudhary (1988) undertook a study on marriage disruption and role of adjustment. It is found that women's level of education and high economic status were motivating factors for filling the petition in the courts. Furthermore, it is found that respondents who have higher level of education are aware of the rules and regulation of courts.

Guru (2015) [5] studied legal awareness among Hubris for women to combat violence. The result indicates that majority of working women were well aware of legal protections and awareness related to any type of violence. And very few working women were moderately aware about legal awareness. Furthermore, it is found that the respondents who have higher level of income, education and profession have also better knowledge of legal awareness.



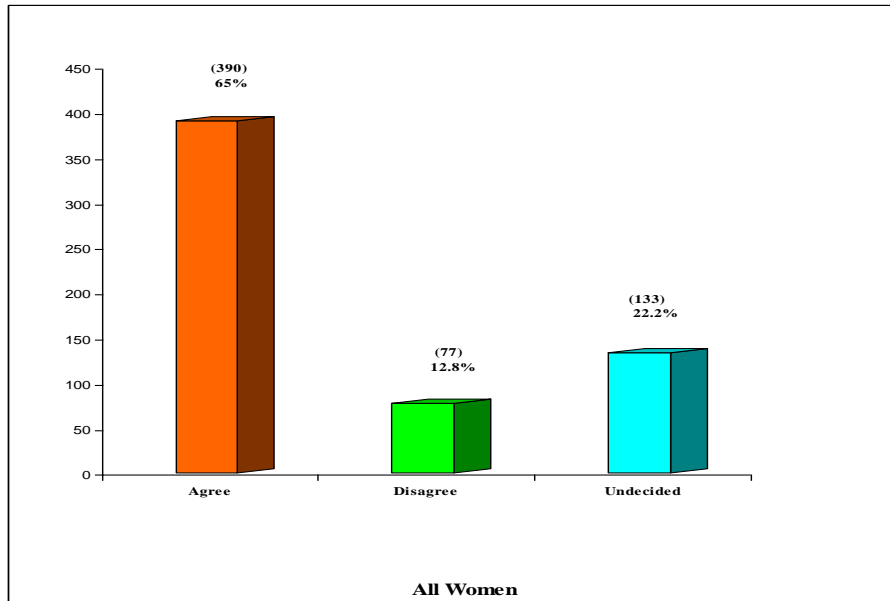
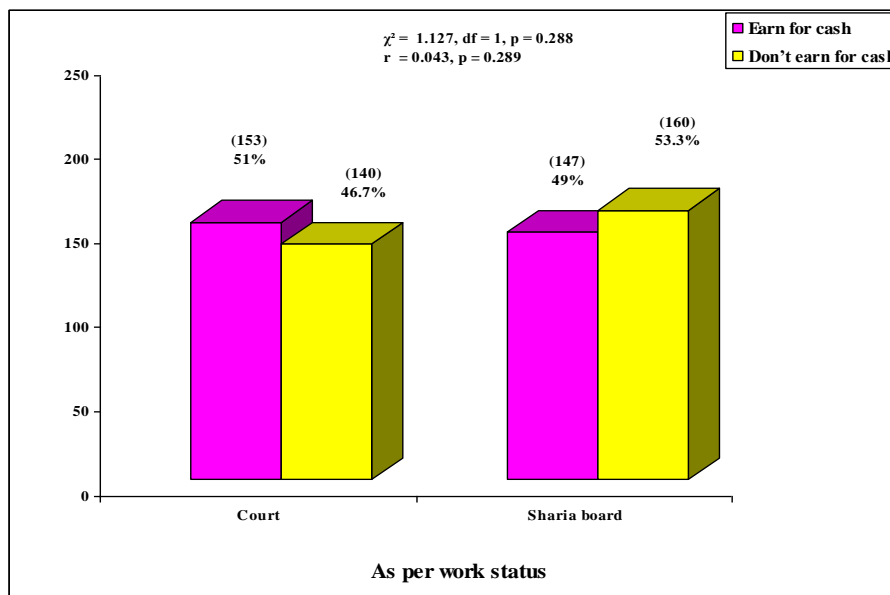
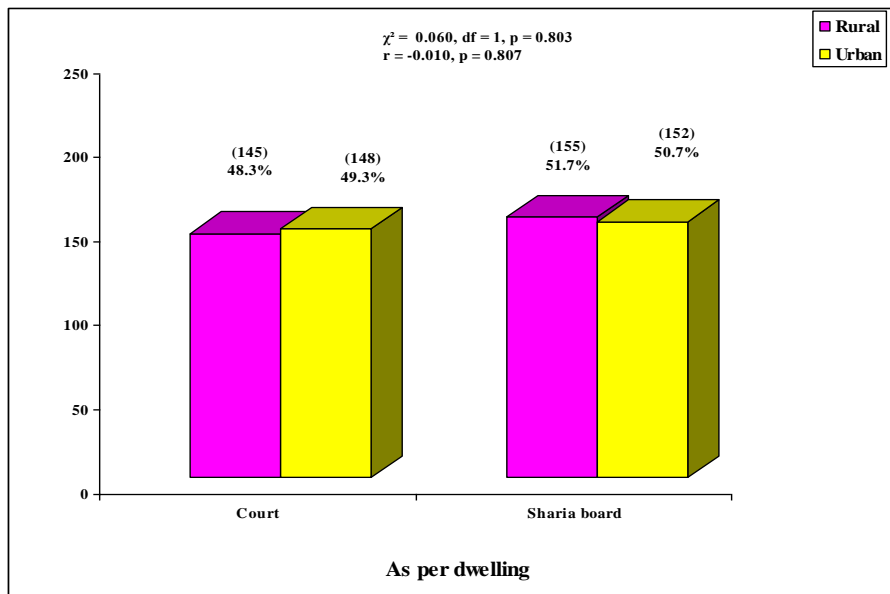


Fig 1: Divorce only right of husband



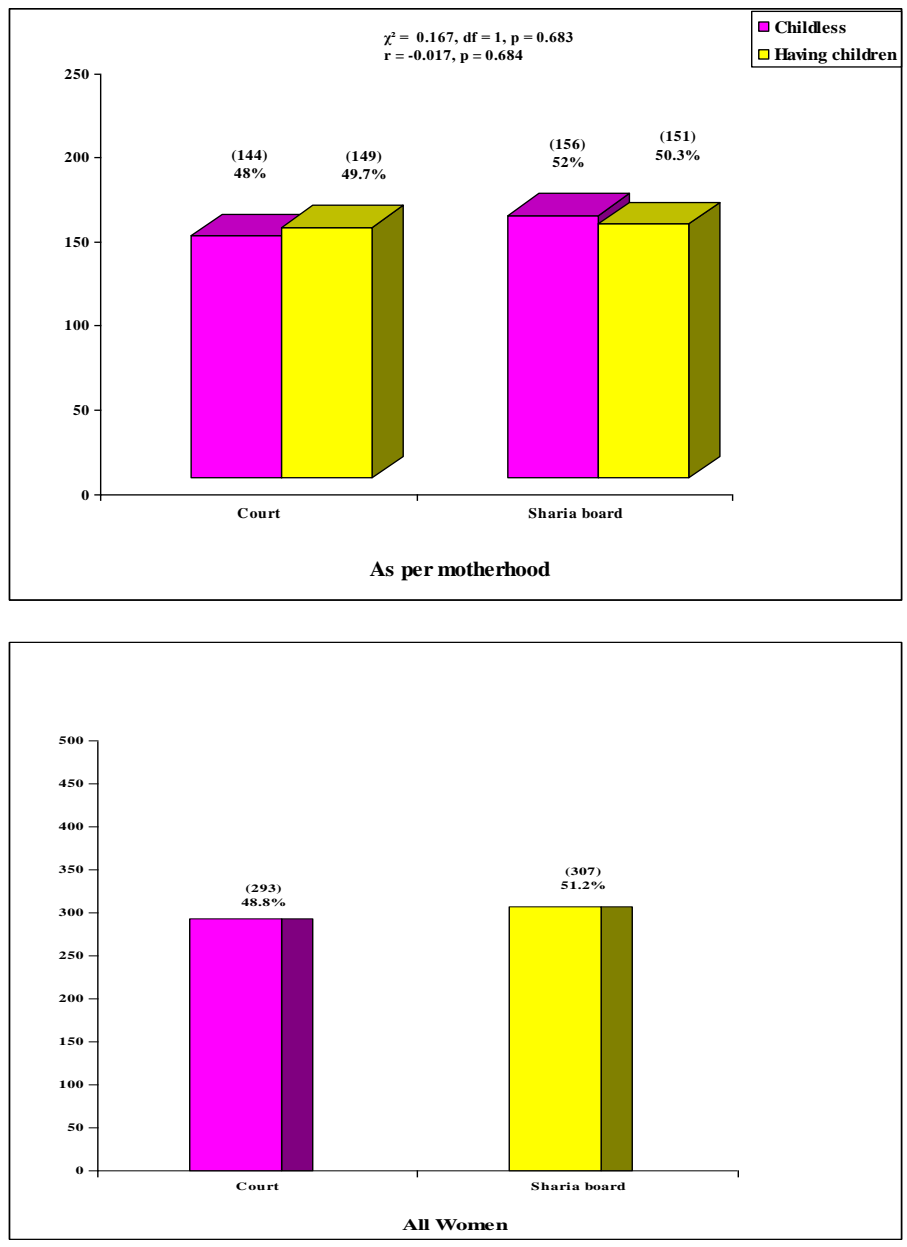


Fig 2: better option /way to undergo Divorce

Conclusion

The results found that majority of divorcee women have little knowledge regarding their right to divorce. Clearly, the results of the study, indicates that the divorcee women are not getting their rights. There is a great need for education and awareness of the Muslim women about their rights. Marriage councils and religious teachers should include issues around family life education, societal obligations as these are dependent to a large extent on the religious law.

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