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Social Justice for Muslim Women in India: Constitutional Guarantees, Legislative Gaps and Judicial Responses

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Muslim women in India may experience intersecting forms of disadvantage arising from gender, religious identity, caste and socio-economic circumstances. Within the family, debates surrounding practices such as triple talaq and nikah halala raise questions concerning women's rights and equality. In public life, barriers to education, employment and leadership may further limit their opportunities, particularly for women facing additional forms of marginalisation. This paper examines how far India's constitutional guarantees, legislation and judicial decisions address the challenges faced by Muslim women and what reforms are needed to advance social justice. It adopts a doctrinal and analytical methodology, drawing on constitutional provisions, statutes, judicial decisions and secondary literature, with intersectionality and Islamic feminism as its conceptual frameworks. Brief comparative references to other countries provide additional context. This paper argues that Muslim women's rights are shaped by two competing narratives: one that restricts their rights in the name of religion and another that portrays Islam itself as inherently discriminatory. It calls for stronger legal protections, targeted welfare measures, reliable gender-disaggregated data and effective judicial remedies against discriminatory practices. Access to quality education, employment and decision-making opportunities remains essential to substantive equality and inclusive development.

Keywords: *muslim women, social justice, intersectional discrimination, constitutional equality, personal law, empowerment.*

INTRODUCTION

Perceptions of Muslim women as economically disadvantaged and culturally distinct are increasingly being challenged by their diverse experiences, aspirations and agency. Their identities and social positions are shaped by a complex interplay of self-awareness, perseverance, independence and conformity. Empowerment in the social, economic and political spheres is essential to strengthening social inclusion and access to justice.[1] However, Muslim women may continue to encounter barriers within family structures and wider social institutions, affecting their access to education, economic opportunities and public participation.[2]

The Indian Constitution provides a framework for examining these challenges. Articles 14 and 15 guarantee equality before the law and prohibit specific forms of discrimination, while Article 21 protects life and personal liberty. Articles 25 and 26 protect religious freedom, and Article 44 directs the State to endeavour to secure a Uniform Civil Code. Read together, these provisions raise important questions about the relationship between gender equality, religious freedom and personal law. Marginalised communities in India, including Scheduled Castes (commonly referred to as Dalits), Scheduled Tribes, and religious minorities, may experience different forms of discrimination and exclusion.[3] In the case of Muslim women, gender, religious identity, caste and socio- economic circumstances may intersect to shape their experiences of marginalisation.[4] Examining these overlapping disadvantages is therefore essential to understanding the extent to which existing legal and policy frameworks secure social justice for Muslim women in India.

RESEARCH QUESTION, OBJECTIVES, SCOPE AND METHODOLOGY

Despite constitutional guarantees of equality and non-discrimination, Muslim women in India may continue to encounter barriers in education, employment and leadership. Against this

[1] Naila Kabeer, 'Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment' (1999) 30(3) Development and Change 435 <https://doi.org/10.1111/1467-7660.00125> accessed 04 September 2026

[2] Zoya Hasan and Ritu Menon, *Unequal Citizens: A Study of Muslim Women in India* (OUP 2006)

[3] 'Consultation Paper on Reform of Family Law' (*Law Commission of India*, 31 August 2018) <https://archive.pib.gov.in/documents/rlink/2018/aug/p201883101.pdf> accessed 04 September 2026; Constitution of India 1950, arts 14, 15 and 21

[4] Kimberlé Crenshaw, 'Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics' (1989) 1989 University of Chicago Legal Forum 139 <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf> accessed 04 September 2026

background, the central question is: How far do existing constitutional guarantees, laws and policies secure social justice for Muslim women in India, and what roles should the legislature, the executive and the judiciary play in realising it?

The Objectives are:

1. To identify the discrimination faced by Muslim women in private and public spaces through an intersectional lens;
2. To examine the constitutional provisions, statutes, case law and policies that bear on that discrimination; and
3. To suggest the role of the legislature, the executive and the judiciary in securing social justice for Muslim women.

The paper is confined to India. References to Islamic teachings, Muslim-majority countries, the United Kingdom and the United States are included briefly to provide conceptual context and comparative perspectives. The paper does not seek to determine the "true" position of women in Islam, as this is a theological and normative question beyond the scope of doctrinal legal analysis.

Instead, it examines the legal and institutional dimensions of Muslim women's rights, focusing on education, employment and leadership, with particular reference to Jammu and Kashmir. The study adopts a doctrinal and analytical methodology. It draws on primary sources, including the Constitution of India, relevant statutes and judicial decisions, and secondary sources, including books, journal articles and government and non-governmental reports. Intersectionality and Islamic feminism serve as the conceptual frameworks for analysing the relationship between gender, religious identity and social justice.[5]

The paper is organised into seven parts:

- Part 1 introduces the research problem, question, objectives, scope and methodology.
- Part 2 sets out the conceptual framework of social justice.
- Part 3 examines Islamic sources and the Interpretive debates concerning women's rights.
- Part 4 provides a brief comparative context from Muslim-majority countries, the United Kingdom and the United States.

[5] Margot Badran, *Feminism in Islam: Secular and Religious Convergences* (Oneworld Publications 2009)

- Part 5 examines the position of Muslim women in India, including Jammu and Kashmir.
- Part 6 analyses the role of the legislature, the executive and the judiciary.
- Part 7 presents the conclusion, suggestions and way forward.

DOMINANT NARRATIVES ON THE RIGHTS OF MUSLIM WOMEN

The rights of women in Islam have long been debated worldwide, in Muslim-majority countries and in Western societies. Two broad narratives frequently emerge from this debate. One justifies restrictions on women's rights by reference to Islamic texts and practices, while the other portrays Islam itself as misogynistic.[6] Scholars' caution, however, that neither Western societies nor Muslim communities represent a single, uniform position. These narratives are also shaped by colonial histories, political interests and competing interpretations of religion.[7]

Muslim women are often positioned between these perspectives. While some are led to believe that Islam is incompatible with women's rights, others assert that Islamic teachings recognise women's dignity and rights. In some countries, discussions of women's rights and freedoms are also criticised as Western or colonial projects that threaten Islamic and moral traditions. This paper does not seek to resolve these broader theological debates or assess the implementation of women's rights across Muslim-Majority countries. Instead, it examines these narratives as conceptual background to the legal and institutional position of Muslim women in India. Two frameworks, Islamic feminism and intersectionality, are used to analyse the relationship between gender, religion, caste, class, and social justice.

Islamic Feminism: Islamic feminist scholars challenge patriarchal interpretations of Islamic sources, arguing that these interpretations reflect human and historical understandings rather than necessarily representing the Qur'an's message. They maintain that religious texts should be read contextually and in light of broader principles of justice and equality. Amina Wadud and Asma Barla. For instance, offer interpretations of the Qur'an that challenge patriarchal readings and support gender equality. Fatima Mernissi examines how religious authority and the interpretation and transmission of hadith have been used to justify restrictions on women, while

[6] *Report of the National Commission for Religious and Linguistic Minorities* (Ministry of Minority Affairs, Government of India 2007)
[7] Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (Yale University Press 1992)

Riffat Hassan argues for equality between women and men within the Islamic tradition.[8] In India, Asghar Ali Engineer advocated reform of Muslim personal law through egalitarian interpretations of Islamic principles. Similarly, the Bharatiya Muslim Mahila Andolan, a women's movement founded in 2007, has campaigned for gender-just reforms of Muslim personal law, including the abolition of instant triple talaq.[9]

Intersectionality: The term "intersectionality" was coined by legal scholar Kimberlé Crenshaw to explain how overlapping forms of discrimination, particularly race and gender, may escape legal recognition when treated separately. Applied to Muslim women in India, this framework examines how gender, religious identity, caste and class interact to shape experiences of disadvantage.

In this paper, "double discrimination" refers to the overlapping disadvantages associated with gender and religious-minority status, while "triple discrimination" includes caste-based disadvantage experienced by some Pasmanda and Dalit Muslim women. Although Islamic teachings are generally understood to reject caste hierarchy, caste-based stratification among South Asian Muslims is well documented. Historical classifications such as Ashraf, Ajlaf and Arzal reflect these social divisions, while the Pasmanda movement highlights inequalities experienced by disadvantaged Muslim communities.

The Sachar Committee and the Misra Commission examined aspects of Muslim socio-economic disadvantage and affirmative action.[10] A further legal concern arises under paragraph 3 of the Constitution (Scheduled Castes) Order 1950, which excludes Muslims from eligibility for Scheduled Caste recognition on religious grounds.[11] Intersectionality therefore provides a framework for examining how gender, religion and caste may jointly affect Muslim Women's access to education, employment, leadership and legal remedies.

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[8] Riffat Hassan, 'Equal Before Allah? Woman-Man Equality in the Islamic Tradition' (1987) 17(2) Harvard Divinity Bulletin 2

[9] Zakia Soman, 'Milestones in a 10 Year Journey: 2007 to 2016' (*Bharatiya Muslim Mahila Andolan*, 31 January 2017) <https://bmmaindia.wordpress.com/2017/01/31/milestones-in-a-10-year-journey-2007-to-2016/> accessed 04 September 2026

[10] Rajinder Sachar et al., *Social, Economic and Educational Status of the Muslim Community of India: A Report* (Prime Minister's High Level Committee, Cabinet Secretariat, Government of India 2006

[11] Constitution (Scheduled Castes) Order 1950, para 3

UNDERSTANDING THE SOCIO-ECONOMIC CONDITION OF MUSLIM WOMEN IN INDIA

India is multilingual, multicultural and multi-religious. According to the 2011 Census, Muslims constituted approximately 14.2.% of the population, making them the country's largest religious minority. Muslim women may experience overlapping disadvantages arising from gender, religious identity and, in some cases, caste and class. The Sachar Committee documents educational and employment disadvantages among Muslims. Oxfam *India's India Discrimination Report 2022* examined religious discrimination in the labour market. Research using matched job applications has also found that applicants with Muslim names received fewer positive responses than equally qualified applicants with upper-caste Hindu names. These findings highlight the need to examine both socio-economic disadvantage and institutional discrimination affecting Muslim women.

Education: Education is essential to women's empowerment and their participation in social and economic life. However, official survey data indicate disparities in educational attainment among Muslim women compared with women from some other religious communities. The National Statistical Office's 75th Round survey (2017-2018) provides data on educational attainment and vocational training, highlighting the importance of examining both access to education and progression to higher levels.[12] Article 21A of the Constitution, inserted by the Constitution (Eighty-Sixth Amendment) Act 2022, guarantees free and compulsory education for children aged six to fourteen.[13] The Right of Children is limited to elementary education. Article 15(3) also permits special provisions for women and children, providing a constitutional basis for measures addressing educational disadvantage.[14]

In *Pramati Educational and Cultural Trust v Union of India,* the Supreme Court held that the 2009 Act did not apply to minority educational institutions protected by Article 30(1).[15] This ruling raises questions about the reach of the statutory framework in minority educational settings. Educational disadvantage therefore requires attention not only to elementary education

[12] National Statistical Office, *NSS Report No 585: Household Social Consumption on Education in India: NSS 75th Round (July 2017–June 2018)* (Government of India 2019)
[13] Constitution of India 1950, art 21A; Constitution (86th Amendment) Act 2002
[14] *Ibid* art 15(3)
[15] *Pramati Educational and Cultural Trust v Union of India and Ors* (2014) 8 SCC 1

but also to the barriers affecting Muslim women's access to secondary, higher and vocational education.

Employment: Muslim women may face barriers to employment even when they possess equivalent qualifications. The Sachar Committee documented the under-representation of Muslims in public employment and their limited participation in formal economic sectors. Thorat and Attewell's correspondence study likewise found that applicants with Muslim names received fewer positive responses than equally qualified applicants with upper-caste Hindu names.[16] However, this study examined male applicants and Muslims generally; it does not independently establish the extent of hiring discrimination against Muslim women.

The limited evidence specific to Muslim women's employment highlights a research gap. The constitutional framework provides equality protections but does not comprehensively regulate religious discrimination in private hiring. Articles 15(1) and 16 prohibit specified forms of discrimination by the State and in public employment, respectively, while Article 15(2) addresses particular forms of discrimination in access to public places.[17] Their application to private employment is limited. In *Vishakha v State of Rajasthan,* the Supreme Court established binding workplace sexual-harassment guidelines, subsequently followed by the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.

However, these protections do not establish a general prohibition on religious discrimination in private recruitment.[18] In *Kaushal Kishore v State of Uttar Pradesh,* the Supreme Court considered the horizontal application of fundamental rights under Articles 19 and 21.[19] The implications of this decision for claims involving religious discrimination in private hiring require careful legal analysis. High Courts may exercise writ jurisdiction under Article 226 against private bodies performing public functions, but this does not provide a general remedy against every private employer.[20] The Sachar Committee recommended an Equal Opportunity Commission to address discrimination. The absence of a comprehensive statutory framework

[16] Sukhadeo Thorat and Paul Attewell, 'Caste Discrimination in the Indian Urban Labour Market: A Field Experiment' (2007) 42(41) Economic and Political Weekly 4146 <https://doi.org/10.2307/40276549> accessed 04 September 2026
[17] Constitution of India 1950, arts 15(1) and 16
[18] *Vishaka and Ors v State of Rajasthan and Ors* (1997) 6 SCC 241; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
[19] *Kaushal Kishore v State of Uttar Pradesh and Ors* (2023) 4 SCC 1
[20] Constitution of India 1950, art 226; *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust and Ors v V R Rudani and Ors* (1989) 2 SCC 691

governing religious discrimination in private employment therefore remains an important legal and policy concern for Muslim.

UNDERSTANDING JUSTICE AND ITS CONSTITUTIONAL DIMENSIONS

Justice is a foundational principle of political philosophy and constitutional governance. John Rawls describes justice as "the first virtue of social institutions", emphasising that laws and institutions must be assessed not merely by their efficiency but also by their fairness.[21] Amartya Sen similarly examines justice in relation to the reduction of remediable injustices and the improvement of people's actual opportunities and freedoms.[22] These approaches provide a useful conceptual foundation for examining the rights and empowerment of Muslim women in India. Justice in this context requires more than the formal recognition of rights; it also requires attention to whether women can effectively exercise those rights in social, political and economic life.

The Constitution of India incorporates social, economic and political justice into its Preamble.[23] Though not exhaustive, these categories provide a constitutional framework for examining equality, participation and distributive fairness. Articles 38 and 39 in Part IV further direct the State to promote a social order informed by justice and to pursue principles relating to adequate means of livelihood, equal pay and the protection of workers' health.[24] Art 15(3) expressly permits the State to make special provisions for women and children.[25] Read together with Articles 14 and 15, these provisions provide a constitutional basis for examining the barriers that Muslim women may experience in accessing education, employment, public participation and institutional protection.[26]

Social Justice: Social Justice concerns the reduction of structural inequalities and the creation of conditions in which individuals can enjoy equal dignity, rights and opportunities. In the Indian constitutional context, the Preamble and Art 38 provide the foundation for pursuing a more equitable social order, while Art 14 and 15 protect equality before the law and prohibit

[21] John Rawls, *A Theory of Justice* (Harvard University Press 1971) 3
[22] Amartya Sen, *The Idea of Justice* (Harvard University Press 2009)
[23] Constitution of India 1950, Preamble
[24] *Ibid* arts 38 and 39
[25] *Ibid* art 15(3)
[26] *Ibid* arts 14 and 15

specified forms of discrimination.[27] Art 15(3) also permits affirmative measures for women and children.[28] For Muslim women, social justice requires attention to the interaction of gender, religious identity, socio-economic disadvantage and discriminatory social practices. It includes addressing barriers to education, challenging stereotypes about Muslim women, improving access to legal remedies and ensuring that policies intended to promote women's advancement are responsive to their diverse circumstances. Social justice therefore requires both protection against discrimination and practical measures that enable Muslim women to participate fully in society.

Political Justice: Political justice concerns equal political status and meaningful opportunities to participate in public affairs and decision-making. The Preamble to the Constitution recognises political justice as a constitutional objective, while Art 326 provides for elections to the House of the People and State Legislative Assemblies based on adult suffrage, subject to constitutional and statutory provisions.[29] For Muslim women, political justice extends beyond the formal right to vote. It also concerns their representation in elected bodies, participation in public consultations, involvement in policy formulation and access to leadership positions in political and civic institutions.[30]

Their perspective must be meaningfully considered in decisions concerning education, employment, personal laws and gender-based violence. Improving their participation would help ensure that policies affecting Muslim women reflect their experiences and priorities rather than relying exclusively on external assumptions about their needs.[31]

Economic Justice: Economic justice concerns fair access to livelihood, employment, remuneration, economic resources and opportunities for advancement. Article 39(a) directs the State to ensure that citizens, men and women equally, have the right to an adequate means of livelihood, while Article 39(d) addresses equal pay for equal work for both men and women. Art 38 further requires the State to strive to minimise inequalities in income and status, facilities

[27] *Ibid* Preamble and art 38
[28] *Ibid* art 15(3)
[29] *Ibid* Preamble and art 326
[30] Convention on the Elimination of All Forms of Discrimination against Women 1981, art 7; Committee on the Elimination of Discrimination against Women, 'General Recommendation No 23: Political and Public Life' (1997) UN Doc A/52/38, para 5
[31] *Beijing Declaration and Platform for Action* (United Nations 1995) paras 13, 19 and 192(a)–(b)

and opportunities.[32] These Directive Principles provide a constitutional basis for examining economic disadvantage and unequal access to opportunities. In the case of Muslim women, economic justice requires attention to barriers in recruitment workplace discrimination, unequal remuneration, restricted access to professional advancement and the unequal remuneration, restricted access to professional advancement and the unequal distribution of unpaid care responsibilities.[33] It also requires examining whether women can obtain relevant skills, access financial resources, establish enterprises and enter leadership positions without being disadvantaged by gender or religious identity.[34]

Art 15(3) permits the State to adopt appropriate special measures for women, while policy interventions should be evaluated through reliable evidence concerning actual educational and employment outcomes.[35] Economic justice must therefore be assessed not only by the availability of schemes or formal employment opportunities but also by whether Muslim women can access and benefit from them on equitable terms.[36] Taken together, social, political and economic justice provide a constitutional framework for this study. Their significance lies in the relationship between legal guarantees and lived realities: social justice concerns equality and dignity, political justice concerns participation and representation, and economic justice concerns livelihood and access to resources.[37] Applying these dimensions to Muslim women in India enables the subsequent analysis to examine whether existing legal protections and public policies adequately address the barriers they encounter.[38] This framework also provides a basis for assessing the role of constitutional institutions, legislative measures and government initiatives in advancing substantive equality and inclusive development.

STATUS OF MUSLIM WOMEN IN ISLAM

The historical position of women in pre-Islamic Arabia varied across social and tribal contexts and should not be characterised through generalisations. Leila Ahmed, in *Women and Gender in Islam: Historical Roots of a Modern Debate (1992),* examines the historical development of

[32] Constitution of India 1950, arts 38, 39(a) and 39(d)
[33] Convention on the Elimination of All Forms of Discrimination against Women 1981, art 11; Laura Addati et al., *Care Work and Care Jobs for the Future of Decent Work* (International Labour Organization 2018)
[34] *Ibid* arts 11 and 13; International Covenant on Economic, Social and Cultural 1976, art 6
[35] Constitution of India 1950, art 15(3)
[36] *Ibid* arts 14, 15(3), 38 and 39(a), (d)
[37] *Ibid* Preamble, arts 38 and 39
[38] Convention on the Elimination of All Forms of Discrimination against Women 1981, arts 7 and 11; *Ibid* arts 14, 15 and 16

gender relations in Islamic societies. The Qur'an recognises women's property and inheritance rights under verses 4:7 and 4:11-12.[39] However, the practical realisation of these rights varied across historical and social contexts.

Understanding the Diversity of Muslim Women: Muslim women are not a homogeneous group; their experiences differ according to region, ethnicity, education, occupation and socio-economic circumstances. In India, these differences are evident across rural and urban communities and among women belonging to different economic groups. The Sachar Committee Report (2006) documents socio-economic and educational disadvantages affecting sections of the Muslim community. Therefore, Muslim women's experiences must be examined within their specific social and economic contexts rather than attributed solely to religious identity.

Qur'anic Perspectives on Women's Education and Employment: Discriminatory customs and patriarchal interpretations have sometimes restricted Muslim women's access to education, employment and leadership. However, such practices should not automatically be equated with Islamic teachings. Qur'an 3:195 states that the efforts of both men and women are recognised, emphasising their shared responsibility (Abdullah Yusf Ali trans).[40] Similarly, Qur'an 4:7 and 4:11-12 recognise women's rights to inheritance.[41] These provisions offer a basis for examining women's dignity and economic rights within the Islamic framework. Muslim women's access to education and employment is shaped by several factors, including poverty, educational opportunities, social expectations and workplace discrimination. These factors vary across countries and communities; therefore, neither religion nor poverty alone should be treated as a universal explanation for educational or employment disparities. Historical accounts describe Khadija, the Prophet Muhammad's first wife, as a merchant, illustrating women's economic activity in early Islamic history. Muslim scholars differ in their interpretations of whether a husband's permission is required for a married woman to undertake employment. This question should therefore be examined with reference to specific interpretations and relevant schools of Islamic jurisprudence rather than presented as a universally accepted

[39] 'Inheritance Distribution (4:7, 4:8, 4:11, 4:12, 4:176)' (*Quran Talk Blog,* 18 May 2015) <https://qurantalkblog.com/2015/05/18/inheritance-distribution-47-48-411-412-4176/ > accessed 04 September 2026

[40] 'Ali 'Imran 3:195' (*Quran.com*) <https://quran.com/ali-imran/195/translation/quran.en.yusufali> accessed 04 September 2026

[41] 'A. Yusuf Ali Quran Translation' (*Quran Yusufali*) <https://quranyusufali.com/> accessed 04 September 2026

religious requirement.[42] Distinguishing religious texts from juristic interpretations and cultural practices is essential to understanding Muslim women's employment rights.

STATUS OF MUSLIM WOMEN: EDUCATION, EMPLOYMENT AND DISCRIMINATION

Muslim women's access to education and employment is shaped by intersecting factors of religion, class, gender, and socio-economic status. Persistent discrimination and structural barriers continue to influence their opportunities and participation in public life.

Muslim Women in Global Context: The status of Muslim women varies across countries and is influenced by cultural practices, legal systems and socio- economic conditions. In some contexts, patriarchal traditions and restrictive interpretations of religious principles limit women's access to education, employment and decision-making. However, these inequalities should not be generalised to all Muslim-majority countries. Muslim women may experience intersecting disadvantages based on gender, religion and socio-economic position. Educational attainment does not necessarily translate into employment. Family responsibilities, workplace discrimination, and limited opportunities may restrict economic participation.[43] Discrimination may be explicit, involving intentional unequal treatment, or implicit, arising from unconscious assumptions that influence recruitment and workplace decisions. In the United Kingdom, Muslims constituted 6.5% of the population of England and Wales according to the 2021 Census.[44] Research on labour-market inequalities highlights the disadvantages associated with religious identity, gender and ethnicity. The concept of the Muslim penalty draws attention to these inequalities. In the United States, Muslim women similarly represent diverse ethic and socio-economic backgrounds and may encounter workplace stereotypes or prejudice associated with visible religious identity, including wearing the hijab.[45] These experiences must be assessed through reliable empirical evidence rather than generalisations about religious pr cultural practices.

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[42] Kecia Ali, *Sexual Ethics and Islam: Feminist Reflections on Qur'an, Hadith, and Jurisprudence* (2nd edn, Oneworld Publications 2016)
[43] Nabil Khattab and Shereen Hussein, 'Can Religious Affiliation Explain the Disadvantage of Muslim Women in the British Labour Market?' (2018) 32(6) Work, Employment and Society 1011–1028 <https://doi.org/10.1177/0950017017711099> accessed 04 September 2026
[44] *Religion, England and Wales: Census 2021* (Office for National Statistics 2022)
[45] 'Fact Sheet: Religious Accommodations in the Workplace' (*Equal Employment Opportunity Commission*) <https://www.eeoc.gov/fact-sheet-religious-accommodations-workplace> accessed 04 September 2026

Educational and Employment Status of Muslim Women in India: Muslim women in India may experience intersecting disadvantages based on gender, religion and socio-economic circumstances. The Sachar Committee Report and Census 2011 provide important sources for examining the educational and employment conditions of Muslims.[46] The proportion of Muslim women among all women workers must be distinguished from the labour-force participation rate of Muslim women, as these measure different outcomes.[47] In the private sector, gender stereotypes and religious prejudice may affect recruitment, workplace inclusion and career advancement.[48] Such experiences should be examined through relevant employment research and an intersectional framework.

Regional and Constitutional Challenges for Muslim Women in Jammu and Kashmir: Jammu and Kashmir provides an important regional case study because of its distinct political history, conflict-related restrictions and socio-economic circumstances. According to Census 2011 Census, Muslims constituted approximately 68.31% of the population of the former State of Jammu and Kashmir.[49] The constitutional changes of August 2019, including the Constitution Application to Jammu and Kashmir) Order, 2019, and the Jammu and Kashmir Reorganisation Act,2019, altered the region's constitutional and administrative framework.[50]

In *Anuradha Bhasin v Union of India*, the Supreme Court examined restrictions on communication services and the constitutional safeguards governing internet suspensions.[51] Internet restrictions and school closures during the COVID-19 pandemic, alongside increased domestic responsibilities, may have created additional barriers to women 's access to education

[46] 'B-02: Main workers, marginal workers, non-workers and those marginal workers, non-workers seeking/available for work classified by age, sex and religious community, India - 2001' (*Census of India*, 13 February 2021) <https://censusindia.gov.in/nada/index.php/catalog/25708> accessed 04 September 2026
[47] National Sample Survey Office, *Employment and Unemployment Situation among Major Religious Groups in India* (Government of India 2016); *Census of India 2011: Table B-02* (Office of the Registrar General and Census Commissioner 2013)
[48] *Hiring Bias Report* (LedBy Foundation 2022); Samiha Siddiqui et al., 'Deciphering the Role of Perceived Discrimination, Perceived Islamophobia and Religiosity in Affecting Muslim Women's Intention of Working in the Tourism and Hospitality (T&H) Industry' (2025) 16(2) Journal of Islamic Marketing 576–605 <https://doi.org/10.1108/JIMA-12-2023-0414> accessed 04 September 2026
[49] *Census of India 2011, Table C-01: Population by Religious Community, Jammu and Kashmir* (Office of the Registrar General and Census Commissioner 2013)
[50] Constitution (Application to Jammu and Kashmir) Order 2019 (CO 272); Jammu and Kashmir Reorganisation Act 2019
[51] *Anuradha Bhasin v Union of In*dia (2020) 3 SCC 637

and employment.[52] These effects should be assessed using evidence specific to women in Jammu and Kashmir rather than assumed to affect all women uniformly. Claims concerning gender-based violence, women trapped with abusers and child marriage require separate and reliable evidence.[53] These problems should not be attributed exclusively to Muslim women without disaggregated data. The regional analysis must distinguish challenges affecting women generally from advantages specifically experienced by Muslim women.

ROLE OF THE STATE IN EMPOWERING MUSLIM WOMEN IN INDIA

Muslim women in India experience intersecting disadvantages shaped by gender, religion and socio-economic circumstances. As discussed in Parts 1 and 5, educational barriers and limited employment opportunities may restrict their economic independence. State intervention must therefore promote substantive equality through legal protection, education, employment and access to welfare schemes.[54] This responsibility must be understood in light of Articles 14, 15 and 21 of the Constitution, alongside the religious freedom of religion protected by Articles 25 and 26 and the Directive Principles of State Policy under Article 44.[55]

Role of the Legislature: The legislature plays an important role in protecting Muslim women's rights within family law. The Muslim Personal Law (Shariat) Application Act, 1937, the Dissolution of Muslim Marriages Act, 1939 and the Muslim Women (Protection of Rights on Divorce) Act 1986,1986, regulate important aspects of Muslim personal law, including marriage, dissolution and divorce -related rights.[56] The Muslim Women Protection of Rights on Marriage) Act 2019 declares *talaq-e-biddat* void and illegal.[57] However, the existence of these statutes does not eliminate every concern relating to substantive equality and access to justice. Legislative reform should therefore be informed by evidence, consultation with Muslim women and

[52] '"No Internet Means No Work, No Pay, No Food": Internet Shutdowns Deny Access to Basic Rights in "Digital India"' (*Human Rights Watch*, 14 June 2023) <https://www.hrw.org/report/2023/06/14/no-internet-means-no-work-no-pay-no-food/internet-shutdowns-deny-access-basic> accessed 04 September 2026; *Rapid Assessment of Learning During School Closures in the Context of COVID-19* (UNICEF 2021)

[53] Ministry of Health and Family Welfare, *National Family Health Survey (NFHS-5), 2019–21: Jammu & Kashmir—Key Indicators* (Government of India 2022); 'Your Questions Answered: Women and COVID-19 in India' (*UN Women*, 27 July 2021) <https://www.unwomen.org/en/news/stories/2021/7/faq-women-and-covid-19-in-india> accessed 04 September 2026

[54] Constitution of India 1950, arts 14, 15 and 21

[55] *Ibid* arts 25, 26 and 44

[56] Muslim Personal Law (Shariat) Application Act 1937; Dissolution of Muslim Marriages Act 1939; Muslim Women (Protection of Rights on Divorce) Act 1986

[57] Muslim Women (Protection of Rights on Marriage) Act 2019, s 3

constitutional guarantees of equality and dignity, rather than assuming that wholesale codification alone will ensure empowerment.[58]

Role of the Executive: The Ministry of Minority Affairs, in coordination with the Ministry of Women and Child Development and other relevant departments, should address the educational and employment barriers identified in Parts 1 and 5. Under the *Pradhan Mantri Virasat Ka Samvardhan* (PM VIKAS) scheme, five earlier livelihood schemes, including Nai Roshni and Nai Manzil, were integrated to support skilling, women's leadership, entrepreneurship and education.[59] The Sachar Committee Report and the Government's subsequent follow-up measures provide a basis for evaluating these interventions.[60] However, their effectiveness should be assessed through measurable outcomes, such as educational completion, employment, income and access to enterprise support, rather than the mere existence of schemes. The Maulana Azad National Fellowship was discontinued for new awards from the 2022-23 academic year.[61] Childcare, workplace inclusion, and mentorship should also be considered in response to employment barriers discussed earlier. The Maternity Benefit Act, 1961, as amended, provides maternity-related protections within its statutory scope; complementary childcare and employment measures are needed to address barriers affecting women in different forms of work.[62] Government policy should thus prioritise Muslim women's empowerment through demonstrable improvements in access to opportunities and economic independence.

Role of the Judiciary: The judiciary has interpreted statutory protections relevant to Muslim women's rights. In *Mohd Ahmed Khan v Shah Bano Begum*, the Supreme Court recognised a divorced Muslim woman's entitlement to maintenance under section 125 of the Code of Criminal Procedure, 1973, subject to the statutory requirements.[63] In *Danial Latifi v Union of India*, the Court upheld the Muslim Women (Protection of Rights on Divorce) Act, 1986 while

[58] Constitution of India 1950, arts 14, 15 and 21
[59] Ministry of Minority Affairs, *Guidelines for Pradhan Mantri Virasat Ka Samvardhan (PM VIKAS) Scheme* (Government of India 2025)
[60] Government of India, 'Implementation of Recommendations of Sachar Committee' (*Press Information Bureau*, 21 February 2014) <https://www.pib.gov.in/newsite/erelcontent.aspx?relid=104086&reg=48&lang=2> accessed 04 September 2026
[61] 'MAULANA AZAD NATIONAL FELLOWSHIP' (*Press Information Bureau*, 31 July 2014) <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2039765&reg=48&lang=2> accessed 04 September 2026
[62] Maternity Benefit Act 1961, ss 5, 11 and 11A
[63] *Mohd Ahmed Khan v Shah Bano Begum and Ors* (1985) 2 SCC 556

interpreting it to require reasonable and fair provisions for a divorced woman's future.[64] In *Shayara Bano v Union of India,* the Court invalidated *talaq-e-biddat* by majority.[65] These decisions illustrate the judiciary's role in interpreting legislation and protecting women against legally recognised forms of injustice. Courts should provide effective remedies where statutory or constitutional rights are violated. Allegations concerning practices such as *nikah halala* must, however, be examined based on evidence and applicable law. Rather than calling for blanket *suo motu* intervention, the focus should remain on effective adjudication, access to justice and appropriate judicial remedies within the Court's jurisdiction.

CONCLUSION, SUGGESTIONS AND WAY FORWARD

This paper examined the extent to which India's constitutional guarantees, legislation and judicial decisions address discrimination against Muslim women and the measures required to secure social justice. The analysis demonstrates that, although constitutional protections and judicial interventions have strengthened certain rights, gaps persist in implementation, access to education and employment, and protection against discrimination. Muslim women's experiences are not uniform; gender intersects with religious identity, caste and socio-economic circumstances, particularly for Pasmanda and Dalit Muslim women.

The study also highlights limitations in protection against religious discrimination in private sector employment, where constitutional guarantees do not directly provide a comprehensive remedy against all forms of private discrimination. The discussion of Islamic feminism further emphasises the need to distinguish religious texts from patriarchal interpretations and discriminatory social practices. Contextual engagement with Islamic sources can support gender equality without treating Muslim women as a homogeneous group or portraying Islam itself as inherently discriminatory. Social justice therefore requires effective legal safeguards, inclusive public policies, institutional accountability and meaningful participation by Muslim women in decisions affecting their lives.

SUGGESTIONS

Based on the findings, the following measures are recommended:

[64] *Danial Latifi and Anr v Union of India* (2001) 7 SCC 740
[65] *Shayara Bano v Union of India and Ors* (2017) 9 SCC 1

Education and Legal Awareness: Strengthen access to quality education, scholarships, digital literacy and legal aid for Muslim women, particularly those facing intersecting socio-economic disadvantages. Awareness programmes should communicate available constitutional and statutory remedies.

Legislative and Policy Reform: Review legal and policy gaps affecting Muslim women's equality, autonomy and access to justice. Consider appropriate legislative safeguards against discrimination in private-sector employment, while ensuring that proposed reforms are consistent with constitutional guarantees and existing legal protections.

Accountable Welfare Programmes: Improve the implementation and monitoring of education, employment, entrepreneurship and welfare schemes. Collect reliable, appropriately disaggregated data to assess whether these programmes improve women's access to opportunities and produce measurable outcomes.

Participation and Representation: Promote Muslim women's meaningful participation in public institutions, policy-making, community leadership and legal reform. Islamic feminist scholarship and the perspectives of Muslim women themselves should inform debates concerning gender equality and personal law.

Institutional Protection in Jammu and Kashmir: Ensure that mechanisms addressing women's grievances are operational, accessible, adequately resourced and accountable. Their effectiveness should be assessed in light of the legal and institutional changes following the Jammu and Kashmir Reorganisation Act 2019, alongside the role of the National Commission for Women.

International Commitments: Align domestic policies with India's commitments under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), particularly its obligations concerning the elimination of discrimination and equality in employment and advance Sustainable Development Goals 5 and 10 on gender equality and reduced inequalities.

WAY FORWARD

India's Viksit Bharat 2047 vision provides an opportunity to integrate gender equality and social inclusion into long-term development policy. Achieving this objective requires more than the

formal recognition of rights; it demands effective remedies, equitable access to education and employment, accountable welfare programmes, and reliable evidence of their impact. These priorities should be pursued consistently with India's constitutional framework and international commitments, including CEDAW and the 2030 Agenda for Sustainable Development. Ultimately, Muslim women must be recognised not merely as beneficiaries of protection but as rights-holders and active participants in shaping legal reform, economic policy and public institutions. Advancing social justice requires addressing structural barriers while respecting women's autonomy, diversity and agency. Sustained and coordinated action by the legislature, executive and judiciary, supported by meaningful participation from Muslim women and civil society, is essential to translation formal equality into substantive equality into substantive equality and promoting inclusive development.