

**MUSLIM WOMEN IN MALABAR –  
STUDY IN SOCIAL AND CULTURAL CHANGE**

**THESIS  
SUBMITTED TO THE UNIVERSITY OF CALICUT  
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DOCTOR OF PHILOSOPHY IN HISTORY**

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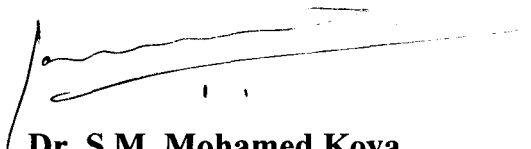
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## SUPERVISOR'S CERTIFICATE

This is to certify that the thesis entitled '**Muslim Women in Malabar – Study in Social and Cultural Change**' submitted by **MUMTAS BEGUM, A.L.** for the award of the Degree of Doctor of Philosophy in History by the Calicut University is her original work and that it has not previously formed the basis for the award of any degree, diploma, associateship, fellowship or other similar title and it represents wholly her independent work.

Place : Calicut  
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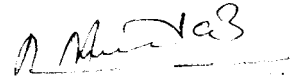
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### **DECLARATION BY THE CANDIDATE**

I, hereby state that the thesis entitled '**Muslim Women in Malabar – Study in Social and Cultural Change**' submitted for the Degree of Doctor of Philosophy in History is my original work and that it has not previously formed the basis for the award of any degree, diploma, associateship, fellowship or other similar title.

Place : Calicut.

Date : 30-12-06



**Mumtas Begum, A.L.**

## Preface

I may avail myself of this opportunity to express my immense and profound indebtedness to Dr. S. M. Mohamed Koya, former Professor and Head, Department of History, Calicut University who all through these years encouraged me in my research career and rendered me very valuable guidance and unfailing support from the beginning to the completion of the study.

I am also grateful to Dr. K.N. Ganesh, Head of the Department of History for providing me necessary facilities to carry out the research work. My thanks are also due to the members of the faculty, members of the office and department library. I also extend my gratitude to Smt. P. Kulsu, the Vanitha Commission Member, Government of Kerala, Mrs. Nasira the Senior advocate, Palakkad, Mr. Manaf Senior Advocate, Manjeri, Mr. Safarullah, the superintendent of MEASS College, Areacode and Sherif for their help and co-operation.

I also acknowledge the service rendered by the staff members of Tamil Nadu Archives, Chennai and C. H. Mohammed Koya library, Calicut University. I owe much to the inspiration and active co-operation given by friends especially, A.S. Vijayalakshmy for this work. I am also much grateful to the Principal Govt. Victoria College, Palakkad and my colleagues in the Department of history for their encouragement. Above all, I am deeply indebted to my father, husband and daughters for their co-operation and constant encouragement during the course of my study. Last, but not the least, I am thankful to the members of Bina DTP Centre, Chenakkal, for doing the typing work on time.

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## INTRODUCTION

The study entitled "Muslim Women in Malabar—Study in Social and Cultural Change", is an attempt to analyse the changing perspectives on Muslim women in Malabar in the context of socio-historical perspectives, covering a period of fifty years after independence.

The focus is on this area because none of the earlier studies have touched on the status of Muslim women in Malabar where as there are publications on the general conditions of the Muslims in Malabar and also works by sociologists discussing the status of Muslim women at the national level.

In the backdrop of the marginalisation of women in general, a study of this kind assumes great significance. When the Holy scriptures and nature provide much importance to women, she has been treated as an inferior being compared to men. The modern man calls her his better half, but he is hardly prepared to concede her those rights which he himself enjoys. A woman is stigmatized as a curse or calamity to the family. It is the man who is behind the curtain. If this is the condition of women in general, the condition of Muslim women is crucial.

There are many issues like 'Shah Bano case,' 'triple talaq,' maintenance rights, veiling, polygamy etc. All these social issues have been

brought to the fore. These issues are debated at the national level and there are controversies, revolving round the lot of the Muslim women. These debates have created repercussions in Malabar also. In this crucial situation we have to define our space which is exclusively understood by women. It is in this space that we have to establish our identity. In this context the study of Muslim women in Malabar is relevant.

This study is a part of my research and scholarly activities. The conclusions of this work are drawn from my readings of primary sources like Kerala Gazetteers, Legal orders, Government orders survey reports and personal interviews. Of the works in English, William Logan's *Malabar Manual* in three volumes (1887) is a monumental work. *Madras District Gazetteer, Malabar* by C.A. Innes and F.B. Evans (1951) supplements information regarding Malabar.

A few studies in English have also come out in previous years. The important among them are (1) Roland. E. Miller's *Mappila Muslims of Kerala - A study in Islamic Trends* (Madras, 1976). (2) Syed Mohideen Shah's *Islam In Kerala* (Trichur, 1974) (3) Stephan Frederic Dales' *The Mappilas of Malabar, 1498 - 1922*, Oxford, 1980). (4) S.M. Mohamed Koya's *Mappilas of Malabar* (Calicut, 1983), (5) A.P. Ibrahim Kunju's *Mappila Muslims of Kerala - Their History and Culture* (Trivandrum 1989) (6) Edgar Thurston's *The Castes and Tribes of South India* Vol.IV and V. (New Delhi, 1909), (7)

Anantha Krishna Iyyer's, *The Cochin Tribes And Castes*, Vol.11, (U.S.A., 1969). They contain ethnographic data on Mappilas of Malabar (8) and Asghar Ali Engineer's *Kerala Muslims - A Historical Perspective* (ed) (New Delhi, 1995). I also consulted the general works on Muslims in India which throw light on social aspects of Muslim Women. They are (9) M. Indu Menon's *Status Of Women in India* (Delhi, 1981). (10) and M.A. Wani's *Maintenance Rights of Muslim Women* (Delhi, 1987). Besides that, the general books on Kerala History, and books on Islamic studies and History Research thesis are also consulted for preparing this thesis.

As regards methodology, a random survey was conducted on women with reference to fifty Mappila families, the Daudi Bohra Community in Calicut, the Rawther and Dhakni Communities. This survey was conducted in Calicut, Malappuram and Palghat. With regard to foot note system, I have followed the old method of citing sources, using the terms *Ibid* and *op.cit.* A glossary and a select bibliography are given at the end of the thesis.

As personal observation, it is noted that general progress found in the case of Mappila women is not reflected in the case of non Mappila sections like Rawthers and Dhaknis. Among the Shia Muslims, Dawudi Bohras, seen in the urban centres of Malabar like Calicut and Tirur, a few of them are working as teachers in exceptional cases. The general social status of these sections is less comparable to that of the Mappila women.

By the word Malabar, I mean the territory from the present Kasargod district (the part of old south Canara district of the former Madras state) to Palghat district and parts of the old Malabar province in the present Thrissur district, ie., the area comprising Nattika, Valappad, Engadiyoor, Chavakkad - Guruvayoor etc.

Prior to 20<sup>th</sup> Century Muslim women in Malabar lacked behind the Hindu women at all level of their activities. They were under segregation and were controlled by the Orthodox segments of the society. Thus this study reveals that they have emerged successfully from the conflicts between the forces of tradition and modernity. Many socio-cultural changes have been noticed in them in the fifty years of independence. Here education especially, the western education under the impetus provided by the socio-religious reformers among the Muslim community have been recognised as a key factor for their change.

This study is divided into four chapters. The first chapter throws light on the advent of Islam and the factors that helped the growth of the Muslim society in Malabar. The origin of Islam in Malabar is a disputed question and will perhaps remain debatable. This is mainly due to the confused nature of written records and the lack of contemporary evidence. The conventional views are represented by K.P. Padmanabha Menon, Sheik Zeinuddin and the

Logan are based on the legendary traditions contained in *Keralolpati*, they have placed the origin in the 9<sup>th</sup> century AD.

But the modern historians, especially Prof Elamkulam Kunjan Pillai and Dr. M.G.S. Narayanan have made an elaborate study on it and contradicted the earlier view. Their findings have ascribed the event of the conversion of Ceraman Perumal, the last ruler of II Chera dynasty, into Islam to 12<sup>th</sup> century A.D. in the light of their miscriptional evidences.

In course of time, many places in the Malabar coast like Ponnani, Madayi, Calicut and Kodungallur became important Muslim centres. Along with it, the missionary activities, traders, Arab sailors, matrilineal social set up of Malabar, and the visit of the Tangals, accelerated the growth of the Muslim community in Malabar. The local castes welcomed Islam as a chance to obtain a degree of social freedom. By conversion, a lower caste in the social hierarchy, got a distinct rise. So in the wake of these conversions, they retained many of their customs and rituals.

The Arab merchants were in India for about four months in one year, so it is reasonably supposed that they had not brought their women with them. It might also be due to the hazardous nature of voyage. All these caused them to marry native women which, in course of time became an accepted custom. The social set up of Malabar also made conducive to engage in the

matrimonial relations which had the resemblances of 'Muta' marriages. It was a kind of temporary marriage that existed in the early Arab society.

The majority of the people in the Muslim population of Malabar coast are 'Sunnis', 'Shias' are also found among them but they are a microscopic minority. Calicut, being an important centre of trade flourished under the patronages given by the Zamorins of Calicut to the Arab traders. In this connection the positive attitudes of the rulers paved the way for the growth of Muslims and this is also an undeniable factor. That is why, many of the fisherman along the sea coast are Muslims today.

The Muslims of Malabar followed the matrilineal system of inheritance which was against the Islamic law of inheritance. This was a distinctive feature of Muslim society. Thus, in many areas of social life, they have adopted the elements of Kerala culture ranging from dress habits to marriage practices like tying of 'tali' around the neck of the bride, dowry system, matrilocal residence etc. In the marriage ceremony, 'Nikah' is a very important aspect of the marriage custom. Before marriage, the girls were never allowed to see the bridegroom, 'oppana' is a colourful function connected with marriage. This is performed on the previous day of the marriage.

The customary law of inheritance was abolished when in 1937 the Muslim personal Law or 'Shariat' was, made applicable to all Muslims by the

Central Assembly. Thus, the Malabar Muslims are also governed by the patrilineal law.

Thus the Muslims of Malabar emerged as a product of these circumstances and a large scale absorption of the Hindus into the fold of Islam had the effect of changing the character of Kerala society and in this process of change some of the irrational beliefs not sanctioned by Islam came into the vogue. Along with that, conservative concepts began to overshadow their lives. Also the Muslim women as such became marginalised under the male domination.

The second chapter presents the historical back-drop of the status of 'Women in Islam'. It highlights the concepts of women as reflected by Islam and tries to remove certain misconceptions expressed by the scholars on the Muslim women. It also adds how gender equality is accorded by Prophet Mohammed and the rights and duties performed by both the parties equally. As Islam, had its origin in the tribal society of Arabia, it is necessary to have a clear picture of the position of women who had virtually, no place in pre Islamic society. The birth of daughter was considered by Arabs as a calamity or disgrace to the family. So the status of women was much inferior. The Quran has greatly improved the social status of women and laid down definite norms as against mere customs and usages.

In the then Arabian society women were not expected or required to earn and look after the family. This was exclusively a man's obligation. Since he was charged with the obligation of looking after the sustenance of the family, he was also accorded a degree of superiority over woman. This sociological context is traced here. If the social context changes and if women began to earn there is nothing in the Holy scripture, preventing women from earning their livelihood or for that family. There are many references in the 'Hadith' indicating women of those time engaging in business circles. The Quran has certainly uphold the doctrine of equality of sexes.

In the case of polygamy also, it is permitted in the sociological context, in order to do justice to the weak and orphans subject to the condition that equality of treatment would be ensured. The second point is that it is not compulsory but optional. The Quran makes it clear in certain verses that it is almost an impossible factor to meet that condition.

In Islam, marriage is a civil contract entered into by mutual consent of the bride and groom and a highly sacred bond to which a great religious and social importance is attached. Detailed injunctions have been prescribed to maintain its stability and to promote its betterment. The Quran states that there should be conciliation before divorce. Divorce is permissible in Islam in case of extreme emergency, when all efforts and reconciliation have failed.

'Triple talaq' cannot be pronounced in one breath. But there should be an interval in between the first, the second and the third 'talaq'. This gap is given for reconciliation.

There are many criticisms against the property rights, veiling, polygamy and 'triple talaq'. Regarding property rights, a son gets 2/3 share and a daughter gets only 1/3 share in the property. The Quran proclaims that a son is given the sole right of taking care of their aged parents and also to provide sustenance to them. 'Mahr' is also an obligatory right on him. He has to forgo a sum or gold to the bride as a bride's gift. So he has all the claims for a double share.

Maintenance should be given to the divorced wife, till the period of 'Iddat'. The lawful 'Hijab' or veiling appears to be a symbol of oppression and suppression. In Islamic life a woman covers herself for fear of any potential danger to her honour and dignity. Any way, it does not permit ultra modern dresses which are more to reveal the charm of the women. The Quran or any other Holy scriptures would recommend chastity as an everlasting social value. Neither ultra modern dresses nor free or unnecessary mingling of male and female genders are allowed. This is a kind of life which Islam wanted to replace by a life of decency and responsibility.

This chapter also explains why men and women are treated differently in some cases and does not affect the equality in terms of humanity, dignity

and merit, rather it is a divine wisdom which provides that their very different nature requires different functions. Differences are only on their biological constitutions and complementary functions in a society. Women are liberated from the injustice and oppression by the prophet through the social revolution. Though Islam has provided many theoretical rights, practically, they are denied of these rights. So, the theoretical understanding of the Quarnic injunctions is inevitably required for the Muslim women for the eradication of their social oppressions.

The third chapter focuses on the key factors which accelerated the pace for the socio cultural change of Muslim women in Malabar. Here, the western education is recognized as the potent factor for their change. Like all other conservative societies, the Muslim society was not free from these concepts. It was based on superstitions and irrational beliefs which is purely against the principles of the Quran. This was the condition, till the beginning of the 20<sup>th</sup> century.

While the Hindu women of those times were educationally progressed with the help of the English education, the Muslim women lagged behind them. They were in the shells sticking on to these taboos under the pressure of some of the compelling factors of orthodox factions. They were relegated to the background and marginalised in the society.

The study relates this isolation to the anathema shown by them towards the western language on one side and the lack of proper understanding of Quranic view points in different aspects of women on the other. In the light of these two factors, the Muslim women could not achieve their own space in the society.

The people of the society viewed the colonial language as the language of the 'devil' and Malayalam as the language of the 'idolators'. This type of education did more harm than good in those days. This is due to the rigid type of training given in the 'Madrasas'. As a result, it stunted the potentialities of the students.

In this context social and educational service organizations were evolved around these institutions. The Muslims who used only Arabic education began to concentrate on English education also. The pioneering works had been undertaken by those great socio-religious reformers like Wakkom Abdul Quadir Maulavi and Sanaula Makti Tangal, the products of the first half of the twentieth century. They exhorted the people to accept the western education from the schools and colleges opened by the private and the Government initiative. Reformers boosted up in the female education by sending their own female children to the schools.

Islahi movement in Malabar has been a source of inspiration for raising the educational consciousness among the Muslims especially, the female

children. All these reform movements stood for the eradication of unIslamic practices and led them to follow the true injunctions of Islam. After the Mappila Rebellion of 1921, many schools and colleges were started in the Mappila pockets. The British themselves found that the economic reasons were attributed to be the main causes of the Rebellion. Hence, they thought that the need of the hour was to provide educational training to the Muslim students. Under their initiative, Muslim training schools and high schools were started.

Today, there are innumerable primary schools, high schools and Arts and Science colleges and professional colleges in the Muslim areas. As a result, the female education has gone a further step Farook College, at Feroke in Calicut district is a college of repute, where many Muslim female students are receiving their education and coming out with the distinction. MES (Muslim Educational Society) under Dr. Gafoor and his associates and the ladies wing have been working for many decades for the upliftment of this community with their emphasis on educational and social empowerment of Muslim women. The term 'Empowerment', the term differs from person to person. Here it means the power to set their own agendas to change themselves through education and to develop the inner strength for acquiring self image and respect.

There are also many prominent women activists in this society. V.. Zuhra, President of the organization called NISA, is actively working for raising the status of the Muslim women and trying to solve their issues through this association.

Mrs. Fathima Ghafoor, and Mrs. Khamerunnisa Anwar are also brains behind the upliftment of the Muslim women. Through their organization they are lending financial support to the poor families and female students to promote educational cause.

P.K. Haleema and Amina, were the literary figures who adorned the literary field by their master pieces in Arabic Malayalam which cherished even today. Dr. Rahmat, the first woman graduate from Malabar indicates that the Muslim women have started challenging the odds and reactionary forces that have been suppressing them. The number of lady doctors, nurses, engineers, and technicians is steadily increasing. The educational growth is a matter of pride for this community.

The academic result published by the Calicut University in 2001-2006, shows that some of the Muslim female students have placed in the first, second and third ranks in their respective subjects. Besides, many of them have first classes. The credit goes to themselves and to Farook College. Some of them are married but it did not disturb their academic results. They are role model to the younger generations. Now a days, it is a common sight

that Muslim female students and house wives are driving the vehicles, carrying their mobile phones in their hands. The purdha wearers are also in the list. These women do not consider 'purdha' as an impediment to their social change taking place among them. Along with it, traditional dresses are replaced by new-fashioned dresses. The Muslim women are also not prevented from attending the mosques as they were in the past.

There is no doubt, that there has been a social change in the traditional status of Muslim women in the Malabar region. They have challenged some of the old values of conservatism and have come out of their shells. The courage and confidence, of course, have led them to empowerment. It is a fact that, the impact of modern education, the economic independence, socio religious reforms and expansion of trade caused a tremendous improvement in their lives. So the general trend among Muslim women is towards getting educated.

The fourth chapter analyses the various reasons for the social issues of the Muslim women in the society. The solutions are also suggested for the redressal of their grievances. Theoretically, they have immense rights as enjoyed by the male persons. Practically they are denied those rights. Many of the provisions of 'Shariat', the Islamic law have been misused by the people either it is, with the view to safeguarding the vested interests of the male gender in the Muslim society or lack of proper understanding of rationale of

the Quranic injunctions or lack of the inclusion of women jury in the interpretation of 'Shariat'.

Now, the sufferings of Muslim women in Kerala society or Indian society as a whole are increasing. They are directly affected by different legal and constitutional controversies. Their problems are not yet redressed.

Marriage is a civil contract in Islam but 'Mahr' is a fundamental obligation. But, actually it is not paid in cash or kind. The controversy over 'Mahr' gets more complicated in the case of divorcee in the practical life of the Muslim women in Malabar and other regions. Much more than that, the divorce question of women is the question of conflicting views and interpretations which has led to present controversy (Shah Bano Case) involving judiciary vs the legislature on one hand and the fundamentalists on the other.

In this scenario divorce cases filed by the Muslim women outnumber divorce cases filed by the men. When there were attempts to revise criminal procedure code in 1973 for the protection of women's rights it was opposed severely by the Muslim ulema and they were consistently against extending the maintenance of the divorcees till she remarries or dies. They contend that they are eligible for it only till the period of 'Iddat'. It is in this contest in 1985, Shah Bano controversy came to the surface. It had its repercussions in Malabar when Muslim women of Malabar were also seen struggling for social

justice in the law courts. It is a usual sight that the poor Muslim women carrying their infants on their shoulders in the verandhas of the courts for the settling their maintenance question.

Besides, there are some other issues like, wife beating, mental harassment, domestic violence, rape, murders and atrocities on the women. Day by day, it is going on increasing. Muslim women of Malabar are no exception to it. It is very unfortunate and pathetic that the poor women are becoming victims to such injustice. This situation is due to fact that they are uneducated and unaware of the laws. So, she is always cheated and exploited by men.

If women's issues are studied theoretically, a psychological factor is also behind the above mentioned issues. So, firstly, men's conscience should change. A balance of the attitude is also necessary for a happy marriage in the society.

Regarding the Muslim women of Malabar, the amount of dowry is also increasing. Gold ornament which is to be given as a part of dowry is also on the increase. Here, the poor Muslim women suffer on account of it. Though law is there, it is not implemented strictly.

Finally, the method adopted for the dissolution of marriage is very pathetic. It is usually found in the poor families. The misuse of the 'Shariat' is very pathetic. No doubt, the provisions of unmodified Muslim Law

regarding 'talaq' are discriminatory and against the true Quranic principles. In a multi religious country like India which has opted for a secular state, it is the right of every citizen to be governed by secular laws in personal matters. All legal enactments are man made, so changes can be made in the Muslim personal law too, provided the fundamental aspects are retained. It could be hoped that the Muslim women would welcome change in the status concerning marriage and divorce. It is concluded that at least some provisions of the Muslim personal Law would be re-examined to the benefit of Muslim women or the Supreme Court directive to introduce compulsory registration of marriages must be welcomed across the entire social spectrum in the country as it fulfills a longstanding need to bring reforms in an area of crucial concern. Marriage being the key instrument of union between two individuals, maintenance of family, legitimacy of children from such union, ownership of property raised collectively or inherited upon death by one among them, settlement of insurance claims, retirement and post-death benefits for spouse, all essentially, beg for an official seal of authentication.

The circumspection expressed by the All India Muslim Personal Law Board is unnecessary in this regard. Registration should not be construed as an intervention into the Muslim personal law. Needless to say that it would infringe upon 'Nikah'. Several Muslim countries have incorporated such legislation on their statutes. Egypt requires registration of marriages within ten days of solemnization of 'Nikah'. There is absolutely no scope for fear for

those who harbour fears of interference into the 'Shariat' and personal affairs of Muslims.

The compulsory registration of marriages would make it difficult for men of vested interests to arrange unscrupulous marriages. It will also discourage underage matrimony and all such alliances that ignore social realities or age disparities. Most Arab marriages that often embarrass the community for their total lack of compatibility owe themselves to a thriving market of brokers who carry on their nefarious trade without any compunction. Thus Registration of marriage will help to solve the social issues of Muslim Women.

I have visited Tamil Nadu Archives Connemara library, Madras University Library, Islamic study centre - all located in Chennai, Department Library, Calicut University Library, Calicut Regional Archives, Farook College Library, Mathrubhumi Newspaper office, Calicut and the District court, Palghat and I have drawn materials from these libraries and repositories for preparing this thesis.

## CHAPTER I

### INTRODUCTION OF ISLAM IN MALABAR

The advent of Islam in Kerala in general and Malabar in particular is a subject of controversy among Scholars. So the scholars of history and the students of Kerala History are baffled in their attempt to understand the advent of Islam, due to the confused nature of written records and lack of specific contemporary evidence. The most widely accepted conventional view was that the conversion of Ceraman Perumal must be placed at the beginning of 9th century A.D. But recent findings would place it in the 12<sup>th</sup> Century A.D.

The only sources of information known to most historians like Logan, Padmanabha Menon and Krishna Ayyar were the traditional accounts contained in *Keralolpati Grandhavaris* of Calicut and Cochin and *Tuhfat-al-Mujahideen*. So in the light of the recent researches it is possible to make a re-assessment of tradition with the help of contemporary inscriptional and literary sources.

The Keralolpati tradition says that Ceraman Perumal, the last Cera ruler of Makotai (Mahodayapuram) partitioned the kingdom and embraced Islam and went on a pilgrimage to Mecca. The partitioned kingdom was distributed to his kiths and kins who were present at the time of partition. He

also conceived the idea of choosing two Eradi brothers namely Manichan and Vikkiran to be his successors before undertaking his pilgrimage to Mecca. But they were not present at the time of partition. When they arrived little late, they found to their surprise that the kingdom was partitioned and the king could bestow only his broken sword and counc with an injunction to "die kill and seize" and also a plot of land and advised them to rule like the ruler of Malanad. After making these arrangements he left for Mecca<sup>1</sup>

The same legend is furnished by *Calicut and Cochin Grandhavaris*. They also attest to the conversion story of the Ceraman perumal and his departure for Mecca. The account given by Sheik Zeinuddeen in his historical treatise *Tuh-fat-al Mujahideen* with regard to the spread of Islam in Kerala, more or less follows the same pattern of story and furnishes that a party of Muslim Faquirs with a Sheik intended to go on a pilgrimate to the foot print of Adam in Ceylon arrived at Kodungallur. The King of Kodungallur gave him a warm welcome. He was made to believe the tenets of Islam and also in the miracle of splitting of moon. He was impressed that he wished to go to Mecca. After, having furnished all the arrangements for the administration of the country he embarked on a pilgrimage to Mecca. On the way to Arabia they landed at Pantalayini Kollam, Dharmafatam and finally reached Shahar on the Arabian coast.

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<sup>1</sup> Gundert, *Keralolpati* (Reprint), Trivandrum, 1961, pp.55-86.

Accompanying Perumal, Malik Ibn Dinar and his family started to Malabar to propagate Islam and to erect mosques. But on the way, the king dangerously fell ill. He handed over a letter to the Faquir and his associates to be given it to the ruler of Kodungallur, in which he had stated that all facilities for propagation of the new religion might be provided to them. Accordingly, they proceeded to Kodungallur and they began to undertake the missionary activities to accomplish the wishes of the perumal. With the permission of the Kodungallur Raja they constructed a Mosque there.

One after another mosques were built at Kulam, Tarfatan, Darmfatan, Fandarina, Shaliyat and Kanyarkut etc. After the completion of their work they set sail to Shahr Mohulla where the perumal's grave was situated. Zeinuddin concludes that there is no certain information with regard to the exact date of the perumal's conversion to Islam. But most probably it might be 200 years after Hijra ie. about 825 AD.<sup>2</sup>

Logan is of the opinion that there are many accounts in Malabar concerning the introduction of Islam in Malabar. The Mappilas assert that their first convert had an interview with the prophet who instructed them the tenets of Islam. The prophet is said to have conferred on him the name of

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<sup>2</sup> Sheik Zeinuddin, *Tuhafat-al-Mujahideen*, (translated) by Muhamed Hussain Nainar. S, Madras, 1942, pp.35-39.

Thajuddin and on that occasion he preached a Sermon. They again add that the perumal's tomb was at Shahr Mohulla.<sup>3</sup>

Logan has ascertained that the introduction of Islam into Malabar might have taken place 200 years after Hijra as said by Zeinuddin. This date or later date may be correct.<sup>4</sup> The Arab merchant who visited Malabar and writes in (A.D. 851-52) "He did not know that there is anyone of either nation (Chinese or Indian) that has embraced Mohammedanism or speaks Arabic."

Logan is doubtful whether it was at Shahr that the Perumal came for the first time into contact with Malik Ibn Dinar, Habib Ibn Malik, Malik Ibn Habib, who were to be the pioneers of Islam in Malabar. He also adds that all the nine places chosen for the building of mosques were either the headquarters of the petty potentates of the country or the places giving facilities for the trade.

He again proceeds to say that Kodungallur, Kottam, Palayangadi perhaps Pantalayini Kollam enjoyed the advantages of being trade centres. The Arabs had settled in these places long previously and engaged in trade activities. An inscription on the tomb at Pantalayini Kollam recites after prayers. "Ali Ibn Udthorman was obliged to leave this world for ever to the

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<sup>3</sup> Logan, *Malabar*, Vol. Madras, 1951 (edn.) p.191.

<sup>4</sup> *Ibid.*, p.192.

one which is everlasting and which receives the spirits of all, in the year 166 of Hijra, so called after Mohammed the prophet left Mecca for Medina."

Logan remarks that within a short span of time, Malik Dinar and his family would not have founded mosques in these places unless the ground had been prepared before them. And the fact is that the Arabs had carried on trade activities in the country and some of them had contracted alliances with women of the country. The Mappilas are considered to be the offsprings of this mixed race thus originated.<sup>5</sup>

Finally he concludes that an information was received from an Arab resident that the tomb of the perumal was existing at Zaphar. It is also verified with the following sentences seen on it. "Arrived at the place A.H.212 and died there A.H. 216. These dates correspond with the years 827-832 A.D. He adds that perumal left in 825 A.D which was the day of the commencement of the Kollam era."

But Padmanabha Menon refutes the view that the alleged convert had met the prophet in 9<sup>th</sup> century A.D. which was three centuries after the death of prophet Mohammed. Besides, that none of the early geographers like Sulaiman (850 AD), Al-Beruni (970-1039 AD), Al-Idirisi (1153-54) even Macropoli (1271-94). Ibn-Batuta (1324-54), Abdur-Razack (1441), Nicolo Conti (1444) did refer to the conversion story of the Perumal.

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<sup>5</sup> *Ibid.*, p.196.

Logan tries to prove that the Perumal's tomb was existing at Zaphar. Padmanabha Menon ascertains that in the absence of written records of respectable antiquity to corroborate the tradition of the conversion, one is disposed not to attach any evidentiary value to the tomb at Person gulf. He also criticises Zeinuddin by saying that the author does not vouchsafe to us the authority on which he makes the statement, but contents himself with the observation that it is well known to all but he never refers to the inscription on the tomb. If the inscription had been there he would have noted it. Moreover he does not confide to us the good ground for supposition.

To substantiate his view point he further adds that the inscription almost shows that only a Zamorin lay buried there. He could not have been one of the Kings of Kodungallur called Ceraman Perumals. The native officials designation of the king of Calicut is Samuri or Samutiri or Tamutiri. The word appears in its original form in the name of the convert king on his tomb at Zaphar. It is usual to retain the original designation with the new names they adopt from the New Faith. Accordingly, the Hindu king of Calicut who became Mohammedan and undertook pilgrimage might have added Mohammedan name to the original name.<sup>6</sup>

Logan notices the name 'Samiri' while the Mappilas assert that the king buried at Zaphr was the 'Zamorin'. Padmanabha Menon asserts that it looks

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<sup>6</sup> K.P. Padmanabha Menon, *History of Kerala*, Vol.I, Ernakulam, 1924, pp.437-38.

awkward to change the word "Samuri" to give it a particular emphasis on the authority of the Quran in order that the inscription stands as a proof to the Perumal's conversion. In conclusion, Padmanabha Menon says that whoever might be converted to Mohammadanism whether the Ceraman or the Zamorin, it is only legends and traditions uncorroborated by the contemporary records.

The Hindus as such reject the conversion story of Perumal. They hold that Ceraman Perumal lived and died as a Siva devotee. Padmanabha Menon has made use of some Tamil works to support the above statement. With all these available sources Padmanabha Menon infers that there is not much available material to support the Perumal's conversion to Mohammedanism while the probabilities are in favour of his having lived and died a devout Hindu. The Mohammedan legend is evidently the result of the mixing up of the early Buddhist conversion of Bana, one of the Ceraman Perumals, and of the much later Mohammedan conversion of one of the Zamorin Rajas of Calicut who claim to have derived their authority from the last Ceraman Perumal.

Logan is of the opinion that the indigenous manuscripts, however, differ from those belonging to Arab families settled in the district on one or two points while in regard to all other the accounts are identical. The points of differences relate to time when the first convert was made as to some of the

things that happened to him. The indigenous Mohammedans (Mappilas) are anxious naturally to claim for their first convert the honour of having had an interview with the prophet himself and of having been instructed by the prophet himself in the principles of the 'fourth vedam' as the religion of Islam is commonly called in Malabar.

The Mappila accounts like wise give the text of speech said to have been delivered by the prophet to the followers on the occasion and further assert that the prophet changed the name of the convert to Thaj-u-ddin (crown of faith).<sup>7</sup>

The Malayali Arabs do not credit these facts because in the first place the convert's name would have come down to the posterity being an influential person or had appeared in the list of Ashabis (person who saw the prophet).

The Malayali Arabs assert chiefly on Sheik Zeinuddin's authority that Islam was not introduced into Malabar until 200 years after Hijra. And this or later date seemed to be correct for the Arab merchant Sulaiman in A.H. 237 (852-52 AD) who has written with knowledge as he evidently visited the countries that he wrote about.

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<sup>7</sup> Logan, *op.cit.*, p.19.

So all Malayali accounts, however, are substantially in accord as to the following facts. The last king of Malabar converted into Islam and made pilgrimage to Mecca and it is clear that he landed at Shahr and it was from here he came into contact with the pioneers of Islam, who originally set out from Kodungallur.

So, there is good reason for thinking that this account of introduction of Mohamedanism into Malabar is reliable . It is beyond doubt that by 9<sup>th</sup> century A.D. about which time these events are said to have happened. The Arabs must have penetrated beyond India as far as China for purposes of trade and the places like Kodungallur had the double advantage of being both well suited for trade and close proximity to the Chieftains strongholds.

Modern scholars like Prof. Elamkulam Kunjan Pillai and Dr. M.G.S. Narayanan have brought new findings into light. They have placed the conversion of Ceraman Perumal into Islam in 12<sup>th</sup> century A.D. in the light of the inscriptional evidences. Prof. Elamkulam arrives at the following conclusion. A King of Malabar out of respect for Islam may have gone to visit Mecca and Medina. If he were the Zamorin as suggested by Padmanabha Menon then it will have to be accepted on the basis of Ibn Batuta's records, that a Kolathiri also accepted Islam. So it seems better to connect with the story of a ruler who was a common ancestor of both the Zamorin and Kolathiri.

The conversion took place probably in the 12<sup>th</sup> century A.D. Till the 11<sup>th</sup> century, Kerala was not partitioned and Perumals were ruling at Mahodayapuram till 1102. It may be noted that the Madayi Mosque was completed in 1124. If the Perumal died in Arabia and if he wanted his associates to go to Malabar to spread Islam then he must have accepted Islam while in Arabia and kept the fact a secret. It was this time that Nambudiris became prominent in Kerala and caste system was well established. The Muslim travellers did not mention probably because it had not become sufficiently public to receive attention in their works.<sup>8</sup>

The different interpretations of Logan, Padmanabha Menon and others were mostly based on guess work because these scholars did not have the privilege of studying the records of the later Cera kingdom which existed from 9<sup>th</sup> to 12<sup>th</sup> century A.D. The foreign travellers who visited in 16<sup>th</sup> century AD., were the earliest to notice the Cerman legend and record it in their literature. The first writer to put in his record was Duarte Barbosa (1510 A.D). He has reproduced from hear say the story of the Perumal's conversion, following him many writers have referred to it.

The 17<sup>th</sup> and 18<sup>th</sup> century chronicles called *Keralolpati and Grandhavaris of Calicut and Cochin*, probably compiled in the 18<sup>th</sup> century start with Ceraman tradition. It is well known that legends have no time

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<sup>8</sup> Prof. Elamkulam Konjan Pillai, *Studies in Kerala History*, Trivandrum, 1970, pp.212-213.

sense. They tend to grow and absorb new materials. They get distorted during the time of transmission from persons to person or place to place.

On the whole it can be summed up with the remarks of Dr. M.G.S. Narayanan. According to him there is no specific contemporary evidence regarding the advent of Islam in Kerala. However, the tomb inscription standing at Pantalayini Kollam indicates the death of one Abbu Bin Udthorman in Hijra 166. These were certainly old tomb stones and the mosque itself contain a fragmentary inscription of Bhaskara Ravi. However the date of the tomb deserves to be re-examined.<sup>9</sup>

Masudi of Bagdad (890-966 AD) speaks of contacts between Malabar and Arabia and this is confirmed by Ibn Kurdad Bah (867-885 A.D) and Abu Zaid of Ziraf (916 A.D), these early contacts would increase the possibility of the Ceraman legend if it was being genuine. The plaque at Madayi mosque shows the year 1124 A.D. as the date of its foundation.<sup>10</sup>

This evidence agrees with the date of the last Ceraman Perumal who is known from epigraphic records, to have ascended the throne in 1102 A.D., the king's name is mentioned as Rama Tiruvati and Kulasekhara Chakravartikal.

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<sup>9</sup> M.G.S. Narayanan, 'Political and Social conditions of Kerala, under Kulasekharas of Mahodayapuram', (C 800 AD - 1124 AD) (unpublished Ph.D thesis), Kerala University, 1972, pp.582.83.

<sup>10</sup> Quoted in *ibid.*

This year was the closing year of Ramakulasekhara's reign as noted by Prof. Elamkulam.

This is refuted by Dr. M.G.S. Narayanan and he holds that an inscription from Tiruvalanjudi temple near Tanjore dated in the 4<sup>th</sup> year of Vikrama Cola (1122 A.D.) mentions the offer of a Tumbamalai to the <sup>ei</sup> deity in the name of Ceramanar Rama. This Rama is identified with the Ramavarma Kulasekhara. Hence it is ascertained that his reign prolonged upto 1122 A.D.<sup>11</sup>

It was with Ramavarma Kulasekhara's strenuous efforts that the Ceras won the Cera-cola war and paved the way for the disintegration of Kulothunga's empire. Dr. M.G.S. Narayanan again proves the disappearance of Ceraman in 1122 A.D with the help of another Tiruvalanjudi record. Ramavarma Kulasekhara was the name of the last Ceraman Perumal as according to the literary evidence. All these evidences confirm us that Rama Kulasekhara must be the Ceraman Perumal. Finally, he concludes that Ceraman Perumal's conversion has found a place not only in the Muslim cronicles, but also in Brahminical chronicles, so it cannot be rejected as such.

The inscription of Madayi mosque is verified and understood that it was built in Hijra 518 corresponding to 1124 (ie. two years after the

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<sup>11</sup> *Ibid.*, pp.121-122.

disappearance of the last Cera ruler, Rama Varma Kulasekhara.<sup>12</sup> This evidence also supports the tradition that the first ten mosques of the west coast, including Madayi were founded by the friends of the converted Perumal, the last of the Cera line. According to this legend Saraf Ibn Malik, Malik Ibn Dinar, Malik Ibn Habib, Ibn Malik and their wives were responsible for the establishment of the first mosques at Kodungallur, Kollam, Maravi, Fakanur, Manjarur, Kanjirakukuttu, Jarftan, Dahfattan, Fandarina and Chaliyath.

Of these places Fakanur (Berakur) Manjarur (Mangalore) and perhaps Maravi is the Madayi which is evident from the Musakavamsa Kavya. Dahfattan may be Dharmapattam. Fandarina is the same as Pantalayini Kollam. Chaliyath is the same as Chaliyam. All these places developed into big centres of Muslims in the later period. This may be taken to signify the truth of the tradition.

Calicut or Kozhikode, the greatest centre of Muslims in Malabar in the medieval period is left out of the list. This indicates that the tradition itself was formed before the rise of the principality of Calicut, an event that happened after the disintegration of the Kingdom of Makotai. Thus the tradition of the propagation of Islam in Kerala towards the close of the Cera

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<sup>12</sup> *Ibid.*, p.223.

period with the blessings of Ceraman Perumal is acceptable, as has been opined by M.G.S. Narayanan.

The tradition as recorded by Zeinuddin is basically correct. The mistake was in assuming the early date for the conversion of the last Perumal. Now the time of the last Ceraman Perumal has been established by these scholars beyond reasonable doubt, we find that the circumstantial evidence also goes to confirm the truth of the tradition.

In the wake of these researches and interpretations of the modern scholars the tradition has been legitimised and Ceraman Perumal had been identified as Ramavarma Kulasekhara of Makotai whose reign came to a close by 12<sup>th</sup> century AD as attested by the inscriptions and hence the religion Islam might have found its way into Kerala by 12<sup>th</sup> century A.D.

It is characteristic of the spread of Islam in Kerala that it could be called the work of immigrant Arab traders who were constantly being re-introduced by new arrivals. The first Muslim to reach the Malabar coast could very well have been the Sailors and traders who before the spread of Islam and after, might have frequented the ports of Malabar. Their settlements gradually brought about their establishments of their faith among the inhabitants in this

land. There was a willing acceptance of new faith by large numbers on whom the existing social order pressed heavily.<sup>13</sup>

The lower castes who suffered under the existing social set up welcomed Islam as a chance to obtain some degree of social freedom. According to Logan conversion to Mohammedanism has had a marked effect in freeing the slave caste in Malabar from their former burdens. By conversion, a Cheruman (untouchable) obtained a distinct rise in the social scale and if he was bullied or beaten the influence of the entire group of Mohammedan community came to his aid. Partially, due to attraction of influential and wealthy Arabs, lower castes other than fishermen were converted to Islam.

The encouragement and support extended by the rulers were also instrumental in promoting conversions to Islam. The Zamorin of Calicut deliberately encouraged the lower castes to become Muslims in order to have sufficient sailors to man his warships. He ordered that in every family of fishermen in this domain, one or more of male members, should be brought as Muslims. This is corroborated by the fact that many of the fisherman along the Calicut coast are Muslims to-day.

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<sup>13</sup> S.M. Mohammed Koya, *Mappilas of Malabar, Studies in Social and Cultural History*, Calicut University, 1983, p.7.

The Arabs respected the women who came to the fold of Islam. By nature, they were polygamous and the marriages contracted with lower caste women depended on their financial status. They had concubines and children born to such women were converted and mother as well to Islam.<sup>14</sup> So the growth of the population at first was confined to sea shores which were once trading centres.

Nevertheless, a study of the available records about Arakkal ruling dynasty will show that one of the most important rulers of Kerala in the early days had embraced Islam.<sup>15</sup> The Arakkal records show that the Muslim principality established in the Muslim era. The seat of the family was Dharmatam in Malabar, where Sridevi, the sister of Perumal who according to legend embraced Islam, resided was a port, the place in Dharmatam called Arasarkulanzara, came gradually to be known as Arakkal.<sup>16</sup> Sridevi's son Mahabali, embraced Islam under the name Muhammed Ali, he was Ali Raja 1<sup>st</sup>, the founder of Arakkal dynasty.

RE Miller listed the following as specific factors involved in the growth of the Muslim community upto the time of European encroachment,

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<sup>14</sup> Quoted in M.Gangadaran, "Mamburam Tangal Marude Kalapam, in Dr. K.K.N. Kurup and Dr. P.K. Poker (ed.) *Mamburam Fazl Pookoya Tangal*, Tiruvananthapuram, 2005, p.20.

<sup>15</sup> P.A..Sayyid Mohammed, 'Muslims in Kerala's History in Krishna Chaitanya (ed.), *Kerala Darshan*, Calicut, 1959, p.55.

<sup>16</sup> *Ibid.*

immigration, intermarriage and missionary activity, the support of the Zamorin and personal advantages.<sup>17</sup>

For one thing the extensive missionary activity that was known elsewhere in the history of Indian Islam is not evident in South India. However, the sufi overtones with Malik Ibn Dinar, the first missionary and his assistants cannot be denied. The high esteem given by the Mappila community to sufi saints points to the influence of sufism on the life and teachings of Kerala Muslims. Zeinuddin, the author of *Tuhfat-al-Mujahideen*, speaks of Muslim Sheiks being the first to propagate Islam.

Along with the traders, the Arab Muslims set off their journey from Yemen, a place in Southern Arabia, for their missionary programme to eastern part of Asia and reached Indonesia and other countries in about 14<sup>th</sup> and 15<sup>th</sup> centuries A.D. In course of their journey, the Islamic missionary came to North Kerala in 18<sup>th</sup> Century AD.

The most prominent of them Ibn Ali settled at Ponnani and Sayyed Mohammed Moula in Cannanore. The advent of Makhdam family and their activities centring around the Big Juma Mosque in Ponnani facilitated the rise of these towns so much so that it came to be called the little Mecca<sup>18</sup> of Malabar. The oldest mosque of Ponnani is said to have been built in the 12<sup>th</sup>

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<sup>17</sup> R.E. Miller, *Mappila Muslim of Kerala*, Madras, 1976, (p.52-53).

<sup>18</sup> Quoted in Syed Mohideen Shah, *Islam in Kerala*, Trichur, 1974, p.42-43.

century two centuries before the advent of Makhdums at the behest of Shaikh Fariduddin, 'Abdul Qader Khurasan, a well known disciple of Shaikh Muhadin Abdul Quadir Jilani, Abdul Aziz Makhdum, (1585) composed the famous devotional song called 'Muhayuddin Mala' in praise of Shaikh Abdul Quadir.

Kondotty Tangal, a descendant of a Persian family, preached Islam in the surrounding places of Kondotty at the end of 18<sup>th</sup> century and had a number of followers. Mamburam Tangals dedicated themselves for the propagation of the faith in Malabar. The Tangals of Malappuram and Tangals of Panakkad had done yeomen services to the propagation of Islam. The residents of the Laccadive Islands, 200 miles off the coast of Kerala attribute their conversion to the work of an Arabian missionary named Sayed Mohammed Moula also known as Mumba Mulyaka (C.12<sup>th</sup>).<sup>19</sup> It is clear that Islam was introduced into Kerala through the efforts made by the missionaries in a peaceful way aided by native rulers, while the Muslims conquered North India as hostile invaders and fanatical iconoclasts and they came to the west coast as friendly traders and the ambassadors of Arabian culture.

Sayyid Jiffrey (1746 AD) aged twenty arrived in Calicut. Zamorins and other native Muslims welcomed them and he became proficient enough to propagate the injunctions of Islam through the religious talks conducted at

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<sup>19</sup> Quoted in S.M. Mohammed Koya, *op.cit.*, p.9.

different Muslim pockets. In the meanwhile, he was recognised as the respected religious leader of the community. Sayyid Jiffrey's nephew arrived in Kozhikkode and then moved towards Mambaram near Tirurangadi and made it a centre of their activities.

The English Tellicherry factory records furnish evidence that there were skirmishes between Hindus and Muslims as a consequence of their activities. It also augments that the Zamorin sought the help of the British in suppressing the Mappila strength at Tirurangadi. Mamburam Sayyid Alavi Tangal, Sayyed Pookoya Tangal and Fazal Pookoya Tangal deserve a special mention in respect of the spread of Islam and spreading antiimperialistic trends among the Muslims and they were dreadful enemies of the British.<sup>20</sup>

The history of the Mappilas really begins from the times when the Arab traders began to visit the Malabar coast for trade. Muslims of this region are called Mappilas whose mother tongue is Malayalam, and claim to be descendants of Arab settlers. Their physical appearances indicate their Arab origin.<sup>21</sup>

It has been said that the Arabs had been carrying on trade with India since pre-Islamic times. Until the first century A.D. when both Red sea and Roman ships began to use the monsoon passage direct from Adent to India

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<sup>20</sup> Quoted in M. Gangadaran, *op.cit.*, p.59.

<sup>21</sup> Cudallore Ramachandra Iyyar, *A manual of Malabar Laws as Administered by the Courts*, Madras, 1883, p.14.

the shipping routes had cautiously paralleled the Arabian, Persian and Indian coasts. It is said that the pre-Islamic Arabs exercised great influence on the Malabar coast. The rise of Islam revitalised their intercourse which had previously been more commercial than cultural in character.

Col. Wilkes observes "the peculiar manners of Malabar had produced an extensive intercourse between the females of the coast and their Arabian visitors and in process of time found a separate class in the community which retained the religion of their Arabian progenitors, blended with many of the local customs of Malabar."<sup>22</sup>

Sea trade was left to foreigners as the Brahminical Hindus were temperamentally allergic to the sea and left such professions either to the lower castes or to the foreigners, partly as a result of the taboo and partly as a result of the fall of the Roman empire, Indian and western maritime activity had reduced after the fourth century and Arabs from South Arabia and Persia filled the vacuum engaging in a steady growing inter coastal trade.

The coastal settlements of Pantalayini Kollam, Parappanangadi, Tanur etc. were very near to the sea. Permanent settlement of traders on the seashore was made feasible by the availability of fresh water even in plots very near to the sea. This is a peculiarity of Kerala and because of this the traders did not need to come into the interior region for permanent residence.

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<sup>22</sup> quoted in Qadir Hussain Khan, *South Indian Mussalmans*, Madras, 1910, p.15.

They could stay in the market centres and near the ports themselves. Each community, whether Islamic or Jewish, had its own quarters in the trade emporia. It centered on a market place of religious institution and in each they followed their own customs, traditions and habits.

The trading centres of Malabar had separate quarters for separate trading groups. Ibn Batuta speaks of the three quarters at Pantalayini Kollam which was exclusively for Islamic traders.<sup>23</sup> By the 16<sup>th</sup> century there was a chain of Islamic settlements in the coastal trading centres of Kerala and important among them were Kollam, Kodungallur, Ponnani, Tanur, Parappanangadi, Kannur and Ezhimala etc. Most of these merchants were from Southern Arabia and Persian Gulf. This accounts for the Arab Islamic culture in Kerala in contrast with the Turko Persian Islamic culture in other parts of Kerala.

Consequently, with the rise of Islamic civilization in West Asia, there occurred a revival of the demand for Kerala goods. The history of the Arab settlements is inseparably connected with commerce. The nature of the voyages the Arab merchants undertook in early times could not but have encouraged the Arab mariners to have marital relations with Indian women. The boats of the Arabs used to come to Malabar and other coastal areas of

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<sup>23</sup> Quoted in Vijayalakshmy, M. "Towards understanding the Islamic Diaspore in pre-colonial Kerala," in Kunjali, V. (ed) *Kerala Society Historical Perceptions*, University of Calicut, 2002, p.30.

India, sometime in July or August and after, about four months of business returned in December or January. It was to a great extent<sup>t</sup> due to the facilities offered by the monsoon winds that trade developed over a region of greater magnitude.<sup>24</sup>

As they were in India for about four months in one year it could be reasonably supposed that they must have contracted some sort of marital unions, temporary or permanent with Indian women, for there is no evidence to show that they brought along with them their own women . Due to nature of the social organisation of both early Arabs and the Malabar, it was extremely easy for the Arabs to have such unions with local women.

The society in the early Arabia was organized on the basis of mother right. By tribal rule a woman was not allowed to leave her kin, but could entertain a stranger as her husband at her own place. The man either settled down permanently with his wife in the tribe or visited his wife occasionally.

The marriage into which the Arabs entered with local women on the Malabar Coast have some elements of 'Muta' marriage.<sup>25</sup> It is a marriage of a temporary nature in which the contracting parties agree to live together in the house of the woman (wife) for a stipulated period of time and for which the man had to pay an amount mutually agreed upon that is Mahr (Bride's price).

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<sup>24</sup> Vijalakshmy, M. 'Trade and Training Centres in Kerala', (A.D. 800-1500) (Unpublished Ph.D thesis), University of Calicut, 1997, p. 64.

<sup>25</sup> Quoted in S.M. Mohamed Koya, *op.cit.*, p.17.

The social condition of Malabar at that time facilitated the Arabs coming to this region to have marital union like 'Muta' marriage. In Malabar many of the communities such as Nayars, the Tiyas, and Mukkuvas with whom the early Arabs had connections have maintained the mother right character of their social organisation down to the present.

Mappilas or Moplahs are defined in the census Report 1871 as the hybrid Mohammedan race of the Western coast whose numbers are constantly being added by the conversion of the slave castes of Malabar.

As far the demographic picture of Muslims given by Logan in *Malabar* Vol.II, he says that in the case of Mussalmans the rate of increase is not much greater than that of Hindus but it seemed probable that a good deal of difference is due to conversion from Hinduism to Islam. Not less than 34.21% of the Mussalmans in the presidency are found in Malabar and they increased in that district by 18.04% while the increase of Hindus is only 9.89% of Christians 10.27%. It is well known that a coast but as it is not safe to assume that the people of each religion had the same rate of natural growth and it cannot be stated that how much of the increase in Mussalman is due to conversion. It is said that in former times, Mappilas were allowed to contract

alliance with Mukkuva women and that made children born as a result there of, on Friday were handed over to the Mappila community.<sup>26</sup>

It is recorded in the Madras Census Report 1891, that conversion to Islam was common among this caste. The converts were called Puislam or Putiya Islam (new Islam). Their occupation was fishing. The fisher men at Tanur are for the most part puislamites will not go out for fishing on Fridays. Edgar Thurston says that they had been prospering of late years and would appear to be going in arrayed in showy shirts, watch chains, shoes of the kind known as "Arabi Cheruppu' etc.

The circumstances of the Mappilas of Malabar are not however of such a special character as to render if probable, they multiply much faster than their neighbours. So the rate of increase in Malabar for 10 years was taken as 15%. It is probably an outside estimate of natural growth.<sup>27</sup> It may be asserted with confidence that not less than 20,000 of Mussalmans of Malabar people's growth were converts of Islam during the decade or children of such converts. If the Hindus and Mussalmans continued to increase at the same rates as between 1881 and 1891, their numbers would be equal to 12.16% from 1891. Many of the Mappilas retained their Hindu Law of inheritance but they were not withstanding rigid observances of ceremonials. In 1881, the

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<sup>26</sup> Edgar Thurston, *The Castes and Tribes of Southern India*, Vol.V, New Delhi, Madras, 1993, pp. 110-111.

<sup>27</sup> Logan, *op.cit.*, p.196, New Delhi, Madras, 1993, pp.110-111.

census superintendent wrote that among some of them there may be a strain of Arab blood from some early generation, but the mothers through out had been Dravidians and the class had been maintained in number by a whole sale adult conversion.<sup>28</sup>

According to 1891 Census, on the total population of 40, 249, Muslims numbering 38.173 forming 94.84 percent. The groups of islands at present known as the Lakshadweep are dominated by Muslims who constitute a large majority.<sup>29</sup> At present the Muslim population would come about to 1/5<sup>th</sup> of the population of Malabar.

The religious division of the Mohammedans are simple, They are classified as 'Sunni' 'Shias' and Wahabis. The 'Sunni' regard themselves as the only orthodox followers of the prophet. They insist on the supremacy of prophet Mohammed all over created beings and acknowledge the succession of Abu Beker, Omar, Usman and Ali as the first four caliphs or successors of Mohammed. The Shias dispute the succession of the first three caliphs and acknowledge, Ali alone as the rightful successor.

Shias reject the tradition favoured by the 'Sunnis' and insist on the authority alone. 'Wahabis' are chiefly puritans of the Sunni sectarians. It will

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<sup>28</sup> Quoted in Edgar Thurston, *The Castes and Tribes of Southern India*, Vol.IV, New Delhi, Madras, 1909, p.456.

<sup>29</sup> S.M. Mohammad Koya 'Muslims of Malabar with special reference to Distinctive Character' (Unpublished Ph.D thesis), Calicut University, 1987, p. 269.

be observed that Sunnis are by far the most numerous of the Mohamadan sects, they abound in all the divisions of the Mohammedan community but principally, among the Mappilas of Western coast 95.8% are Sunnis.<sup>30</sup>

'The honour of Islam' was conferred on a Cheruman or one of the other lower castes and these low-caste people converted to Islam were placed socially high through conversion. In the district as per Census report of 1871, nearly 50,000 Cherumars and other Hindus had availed themselves of these privileges. Now, a paraya or low caste's condition was much better. He was no longer the degraded paraya whose approach disgusted and whose touch polluted the caste Hindu. But, now belonging to a different scale of being, contact with him did not require the same ablutions to purify.<sup>31</sup> By 1921, the Mappila population had increased from 25% to 33% of the total population of the district.<sup>32</sup>

The majority of the Muslims of Cananore district, are merchants, day labourers, and fishermen. The unique distinction of having had the only indigeneous Muslim Royal House of Kerala goes to the district. The Arakkal Royal family of Cannanore which follows the Marumakkattayam system of succession, has played an important role in the political history of the district and in the socio-political history of Malabar Muslims.

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<sup>30</sup> W.R. Cornish RFCS, *Census of Madras Presidency*, Vol.1, Madras, 1871, p.109.

<sup>31</sup> *Ibid.*, p.197.

<sup>32</sup> K.N. Panikkar, *Against Lord and State*, Oxford, 1989, p.51.

The Arabs or Moors as they were called by the Portuguese played a vital role in bringing about the commercial prosperity and political power of Calicut under the Zamorins. The Zamorins gave them special privileges to settle down there and to carry on trade. In return, they assisted the Zamorin to become the overlord of Malabar and protector of Mamamgam. *Keralolpati* refers to the rapid rise of Calicut and it attests the presence of Mohammedans in the city. They were also given complete freedom to propagate the faith in the land. For these reasons they patronised the port of Calicut in preference to all other ports on the west coast. The Arabs did not interfere in the internal administration of the Zamorin's dominion but they were interested in building up his political power as a measure of self interest.<sup>33</sup>

There was a considerable amount of economic prosperity in Calicut under the Zamorins. It is also a recognized fact that the Zamorins sought the help of Moors for their territorial conquests and subdued the greater parts of Malabar but scholars like M.G.S. Narayanan has ascribed the event to the 13<sup>th</sup> century A.D.

Attesting the tradition contained in *Keralolpati*, Logan expressed his view that Arab and Mohammedan elements became predominant among the population of Malabar and with their help and co-operation, the Zamorins encroached the neighbouring territories. There is also a version in the same

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<sup>33</sup> A Sreedhara Menon, *Kerala District Gazetteers, Kozhikode*, Trivandrum, 1962, p.82.

book that, the war against Valluvanad was suggested by the Calicut Koya. It is supplemented that once Calicut Koya visited Tirunavaya, where Mamangam festival was conducted, he became astonished to see the pomp and gaiety of the festival, and the proud privilege of the ruler of Valluvanad under whose auspices it was conducted.

The Koya personally went to Zamorin and instigated him to take up arms against the ruler of Valluvanad so as to get the overlordship of Valluvanad and enhance his political authority and even assured him of all the assistance and co-operation in the event of war. In the battle that followed between the two forces, the Valluvanad ruler fell fighting and Zamorin occupied Tirunavaya and accorded the title of "Shahabander Koya" to him. He also got the dignities of a Nair Chief. One among the privileges granted was the right to stand on the right side of Zamorin, which added his prestige in the service of Zamorin.

The privileges and advantages enjoyed by the Mohammedans at the hands of the Zamorin could also be understood from the foreign accounts. Ibn Batuta describes that Calicut is one of the important regions of Malabar where merchants from all parts were found. The Mohammedan merchants of this place were so wealthy that one of them could purchase the whole freightage of such vessels which were put here.<sup>34</sup> 'Rise of Calicut', says K.V.

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<sup>34</sup> Quoted in K.P. Padmanabha Menon, p.229

Krishna Iyer, is at once a cause and a consequence of the Zamorins ascendancy in Kerala. Its trade filled his coffers and enabled him to extend his authority. Originally a barren strip covered all over the thorny jungle was converted into a mighty sea port, where the Chinese and Arabs met to exchange their products.<sup>35</sup>

Mahuan also testifies to the existence of Mohammedans who being the subjects of King were treated generously by the king and there existed twenty to thirty mosques where the Mohammedans gathered for prayers and all the business transactions were stopped during those hours and after the prayers the business was resumed. Abdur Razack also throws light on the Friday Sermon and Khazi's role as a representative of the people who were assembled in the mosque.

The Chinese Mohammedan Ma-Huan also gives a description of Calicut. "Many of the king's subjects are Mohammedans and there are twenty or thirty mosques in the Kingdom to which the people resort every seventh day of worship. In this day during the morning the people being at mosques no business what ever is transacted and part of the day, the services being over business is resumed."<sup>36</sup>

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<sup>35</sup> K.V. Krishna Iyer, *The Zamorins of Calicut*, Calicut, 1938, p.80.

<sup>36</sup> Quoted in K.P. Padmanabha Menon, *op. cit.*, p.229.

Abdul Razack observes that the town was inhabited by a considerable number of Mussalmans and had built two mosques in which they met every Friday to offer prayers. They had one Khazi priest and most of them went to their shops after prayers. The wealthy merchants could carry on the trade without much difficulty as they had a sense of justice and security.

Under the patronage of the Zamorin the Mohammedans also built many mosques in Calicut. 'Muccunti' mosque is one among them. It also helps to understand that it is an aristocratic Musim house called 'Muccinrakam or the House of Muccin' close to the mosque which is related to the mosque. A Jarum or burial monument is also found there. It seems that a certain Arab merchant prince called Mucciyan came and settled down here and built a mosque which was endowed with landed property by the Zamorin also. Dr. M.G.S. Narayanan is of the opinion that the inscription may be attributed to the 13<sup>th</sup> century A.D. The mosque might also belong to this period. Besides this, there were many other mosques. Sheikkindepalli is also a very old mosque located at Kuttichira, a Mappila stronghold which is said to have been built over the grave of a Mappila by name Suppikkavatil Sheik Mamukoya. He is said to have died some three hundred years ago.<sup>37</sup>

Later the privileges and concessions enjoyed by the Arabs at Calicut especially in trade was threatened by the Portuguese with their arrival at

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<sup>37</sup> Logan, *op.cit.*, p.412.

Kappad in Calicut in 1498. The monopolistic rights of the Arabs on trade in Calicut had been challenged by the Portuguese. The Zamorin wished the continuance of the Arab trade. So they jointly fought many fierce battles against them and got rid off them from Calicut. The Portuguese, diplomatically allied themselves with the rajas of Cochin and involved in the internal affairs of Cochin and got an upper hand in economy and politics of Cochin.

The original home of Marakkar was Ponnani. When Almeda attacked Ponnani they scattered to Tanur and other regions.<sup>38</sup> Kunjalis were the hereditary admirals of the Zamorin, they fought against the Portuguese for long period in the history of Calicut. But ultimately, the Zamorin suspected the over ambitious nature of the Kunjalis which made a shift in the attitude of the Zamorins and helped the Portuguese capture the Kunjali IV, the last of the Kunjalis and handed over to them to be hanged. He met with a tragic death. There can be no doubt that the lives of these Chiefs reflect glory and honour in all Malabar for their achievements against the naval tyranny of the Portuguese, which form indeed a great chapter in the history of Malabar.<sup>39</sup>

One distinguishing feature of Mappila community is the social organisation. They follow a peculiar social system different from the one followed by the Muslims generally. The majority of Malayali Hindus lived

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<sup>38</sup> K.V. Krishna Iyer, *op.cit.*, p.210.

<sup>39</sup> K.M. Panicker, *A History of Kerala*, Madras, 1960, p.130.

according to matrilineal kinship and joint family system. Though the Islamic law of inheritance is against the matrilineal principles, its followers in Malabar adhered to the system which is a distinctive feature of the society.<sup>40</sup> This system exclusively found among the Mappilas as among the other sections of Malabar population is a strange phenomenon, as followers of Islam are enjoined by religious scripture to adhere to patrilineal rules of descent, inheritance and succession.

The matrilineal system or Marumakkatayam occurred among a section of Muslims of Malabar and in Laccadive, Minicoy and Amindivi Islands, particularly, and it is confined to a few wealthy families. Regarding the origin of the system in Malabar among Muslims, there are many theories. Kolathnad which corresponds roughly to the present North Malabar, has its own social systems and the subjects who were strictly under its edicts were subjected to the system prevailing there. The Muslims living in Kolathnad were obliged to conform to the general practice prevailing there in the law.<sup>41</sup>

A second theory is that the matrilineal kinship system was adopted by North Malabar Mappilas from the Nayar community, probably, as a result of intermarriage and conversion. It is supposed that the development of the system may have been associated with the Nayar practice of Polyandry,

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<sup>40</sup> S.M. Mohamed Koya, *op. cit.*, p.225.

<sup>41</sup> S.M. Mohamed Koya, *op. cit.*, p.62. *Mappilas of Malabar*

helping to ensure that family descent would follow the blood line.<sup>42</sup> As Henry Maine pointed out in his *Early Law and Customs* that the development was due to certain peculiar circumstances as an innovation it was introduced into Kerala at a later stage replacing the earlier matrilineal system as evidenced by the account of foreign travellers.<sup>43</sup>

In many areas of social life Muslims have adopted elements of Kerala culture ranging from dress habits to marriage practices, including such customs as tying of 'Tali', paying dowry to the bridegroom and purifying ablutions after birth. Conversion from Nayar community, or for that matter, any other section of Kerala society did not make the converts give up these customs. An overwhelming majority of the Indian Muslims are descendents of early converts from Hinduisms. Most of them have retained many cultural practices of the earlier faith. It was not only among the Mappilas but also among Lebbais of Tamilnadu, Kutchi Memons of Gujarat, and some of the Punjabi Muslims, the mother-right was followed.

Among the Mappilas, are a number of converts from the Nayars, Tiyas, Mukkuvas, who have mostly mother-right characteristics. The Mappilas were the followers of Marumakkattayam rules and customs long before they embraced the faith of Islam. According to Logan, however, the

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<sup>42</sup> R.E. Miller, *op.cit.*, p.25.

<sup>43</sup> A. Sreedhara Menon, *A Survey of Kerala History*, Kottayam, 1967, p.154.

Mohammedans who settled in North Malabar changed the rule of inheritance previously prevalent among them and adopted Marumakkattayam rules.<sup>44</sup>

The Muslim Marumakkattayam 'taravad' had certain characteristics features similar to Hindu 'taravad' in its constitution. They have retained the 'taravad' and matrilineal system of inheritance. It consists of many individuals immediately or distantly related to one another but all are tracing their ancestry in the female line to a common female ancestor. 'Taravad' members, both male and female, have a right to maintenance, as long as the family property is not partitioned but have equal shares in the family property when it is partitioned. Membership in the 'taravad' is acquired by birth. The male member manages the affairs of the 'taravad'.

A peculiar development among the mother right Muslims is matrilocal residence. Putiyapila (Putiya Mappila - New bridegroom) customarily resides in his wife's natal house on marriage. He spends a relatively large part of his income in the wife's house and contributes to the maintenance of his wife and children. A Putiyapila may sometime divide his time in the wife's natal house and his, if two are in the neighborhood. But if the houses are at a distance he visits her at nights and unlike the mother right. Hindu husbands, he may stay at her house for one or more days at a time. He even leaves his personal belongings in his wife's house, if possible private room is reserved

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<sup>44</sup> Logan, *op.cit.*, p.72.

for him. The present situation in rural Malabar is that in the majority veedus (houses where husband resides) the practice of visiting the husband is still present.<sup>45</sup> The wives also go periodically to their husband's <sup>veedus</sup> ~~houses~~. As a result there is a social cooperation between the veedus of the husband and wife.<sup>46</sup>

In the Arakkal Royal House the usual practice followed is that the eldest member in maternal line, whether male or female succeeds gaddi, and many a lady has adorned the royal throne with the title 'Beevi.' The Arakkal 'Swarupam' as the Muslim Royal House is called, is cited as the best example of matrilineage. Contrary to the fact that Islamic law does not recognize succession through females in this family, succession has always been through females and Beebees. The Senior most ladies have been the rulers of the Muslim Royal Chief tancy in several times. The matrilineal heritage of the Muslim Royal House is attributed to the fact that some Hindu customs have been preserved through centuries in the family as reminiscences of the past.<sup>47</sup> Hence, the line of succession was traced through the maternal lines which is quite opposed to the principles of primogeniture enjoined in the Shariat.

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<sup>45</sup> K.M. Kapadia, *Marriage and Family in India*, Calcutta, 1966, p. 350.

<sup>46</sup> *Ibid.*

<sup>47</sup> K.K.N. Kurup, *The Ali Rajas of Cannanore*, Thiruvananthapuram, 1975, p.2.

As against this matrilineal social structure, the social set up of the coastal towns of South Malabar presents a different picture to a large extent. Here the family property is divided according to the Sharaiat as against the Marumakkattayam law. But here too though the property is partitioned according to Islamic Law, the house becomes the common property of all members, the daughters having a permanent interest. The properties in the female line are heirs to it while the interest of the son ceases with their death.<sup>48</sup>

Marriage is matrilocal, but the husband does not permanently lodge in to 'taravad' of his house as in the case of North Malabar. He takes his food on his own and goes to sleep in the wife's 'taravad' every night. This is common to Nayar customs. Although, children are brought up in their mother's 'taravad', the husband has to contribute towards the expenses and maintenance of his wife and children. Still in all matters, the Karanavan of the 'taravad' has greater authority than the father.

Kathleen Gough in her study on 'Mappila-North Kerala' in the book *Matrilineal Kinship* connects the Matrilocal residence of the Mappilas with their occupation. The Mappila men used to be away from their homes and lodged in different places for carrying on their trade transactions and slept in rest houses, so it was natural that women as among Central Kerala Nayar

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<sup>48</sup> S.M. Mohamed Koya, *op.cit.*, p.70.

tarvads should live in their natal houses protected by the head of their own matrilineal group.

The mother right house-hold is generally maintained out of the income from the matrilineal estate by the Karanavan. He is responsible for the management and distribution of income to the family. Putiyapila also some times supplements the income but the aristocratic family seldom receives contributions from him. A wife is likely to move out of the 'taravad' only when her husband provides a separate house for her and own children.<sup>49</sup>

Among the other Mappilas the husband address's Ni' (thou) but the Arakkal ladies have to be addressed in the plural 'Ningal' by their consorts. It is said that their husbands have to adopt rather subservient attitude towards them. As a married male virtually forfeits his share of his income from his own, the wife's 'taravad' has to make ample provision for his economic well-being. This is done by a series of dowries.<sup>50</sup> Dowry as a payment made to the groom by the father or kinsmen of the bride, has never been a part of Muslim marriage. The only property transaction sanctioned by Islam on such an occasion is the payment of a contracted amount called 'Mahr' by the groom to the bride. It is not just a marriage gift from her husband but a consideration that clinches the marital contract.

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<sup>49</sup> A.P. Ibrahim Kunju, *Mappila Muslims of Keral*, Trivandrum, 1989.

<sup>50</sup> S.M. Mohamad Koya, *op.cit.*, p.280.

The 'Mahr' is solely the property of the bride. The Mappilas other than Arabis lay much importance upon the payment of the dowries of which one type is called "Kizhippanam" (literally means the purse money) because it is handed over in a purse. In the interior of South Malabar the amount of 'Kizhippanam' varied from Rs.35.00 to Rs.10,000.00.

There are two types of 'Stridhana' and 'pirivu'. The former literally means womens property. It consists of some property of the brides 'taravad' made over to the bride in addition to the maintenance<sup>51</sup> the management of the property rests with the husband while he is expected to share the income with his wife and children. The latter is a loan which is given to the bride groom in order to enable him to start a business or any other economic enterprise for the benefit of his wife and children.

While 'stridhana' type of dowry is common among all mother right Mappilas, the so called "Kadamvaippa" is paid only when the husband stay permanently, in the 'taravad' of their wives. The 'stridhana' gift made over to the husband was supposed to revert to wife's family on the death of the wife without issue or on divorce. A second claim cannot be made for maintenance from the taravad. There is also a peculiar tenure as 'strivastu' in which female descendants of grantees are entitled to the property.

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<sup>51</sup> P.V. Balakrishnan, *Matrilineal system in Malabar*, Cannanore, 1981, p.128.

The matrilineal system of inheritance and its concomitant joint family system stifled the legitimate aspiration of large section of the people and denied to them opportunities for full self expression in society.<sup>52</sup> The mother right system among the Mappilas as among the Nayars and Tiyas began to disintegrate by the turn of the century. During the century as free trade and cash crop economy developed they began to acquire personal property by their own efforts, which they handed over to their wives and children.

The idea gained momentum among Muslims, as among, Nayars and Tiyas that self-acquired property of a man should go to his wife and children rather than to his mother right family. Legislative sanction to this idea was given by the Mappila succession Act 1918 (Madras) which enacted that self acquired property of a man died intestate would be passed on to his wife and children.<sup>53</sup>

The Mappila marumakkattayam act 1939 (Madras) provided for equal per capita division of the matrilineal 'taravad' property among its male and female members. The act was passed to define and amend uncertain aspects of the law relating to family management, partition and succession among Muslims following the Marumakkattayam law.

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<sup>52</sup> A. Sreedhara Menon, *Cultural Heritage of Kerala*, Cochin, 1978, p.24.

<sup>53</sup> Quoted in A. P. Ibrahim Kunju, *op. cit.*, p.177.

At the beginning of the present century some Shafi uloma of Malabar urged their people to give up the non-Islamic customs and accept the laws of Islam. Their efforts created consciousness among the Mappilas to replace their local customs by Islamic law. Some of the influential members of the community demanded the enactment of the law empowering the Islamic law of succession in the place of customary law. To meet this demand a bill was introduced in the Madras Legislature.<sup>54</sup>

There was been a consensus of opinion in favour of the bill and the bill will be the most popular measure as the Mappilas following the "Marummakkattayam" custom of inheritance are practically, unanimous in their opinion. Government are convinced of wishes of the Mappilas in this respect have already extended welcome to a bill designed to carry the wishes of the community with effect through the Collector of Malabar.

When the Muslim leaders made efforts to secure legislative suppression of customs in favour of Islamic law, they did not intend to exclude the law of wills nor was it the intention of the legislature to do so while enacting the Mappila succession of Act, 1918. But the Act failed to enforce the Islamic law of wills Act 1898.<sup>55</sup> The judges made their decisions in accordance with the English or local customary law and religious matters were left to Kaziz, Muftis, Sadramin, and Sadr-al-Sadr.

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<sup>54</sup> Quoted in P.V. Balakrishnan, *op.cit.*, p.128.

<sup>55</sup> *Ibid.*, p.307.

There was no uniformity in the application of law and personal law. This anomaly was rectified in such an extent in 1937 when Muslim personal law (Shariat) and Application Act was passed. This law governs both Sunnis and Shias in specific matters including inheritance, but excluding charitable and religious endowments. All agricultural lands were continued to be governed by customs except in two states, Andhra Pradesh and Tamil Nadu, where by later legislation, agricultural land was brought under the purview of the Act.

The object of the Act was to make the Muslim personal law the rule of the decision in all questions regarding adoption, wills, right of inheritance, special properties of females (including personal properties) inherited or obtained under contract or gift or any other provision of personal law, dissolution of marriage, maintenance, dower, guardianship, gifts, trust properties and Wakfs in case the parties were Muslims.

The Muslim personal law or Shariat Act adopted by the Central Assembly in 1937 made Shariat law applicable to Muslims instead of customary law. Further in 1949 the legislature passed an act extending the provision of the Shariat Act passed by the Central legislature in 1937 to properties owned by Muslim in Madras State and therefore, the Muslims of

Malabar who followed Marumakkatayam also came to be governed by matrilineal law of inheritance by Muslim every where.<sup>56</sup>

The matrilineal system started signs of set back with advancement in education and change in out look and also financial position kept in increasing day by day. Due to many reasons they desired to have a unitary family. In the present Kerala society, to speak in practical terms the matrilineal home steads have become father controlled but children belong to the mothers family.

Another significant feature of the Society is social stratification. It is divided into two clearly distinguishable section though, the division is not rigid and complete as was in the Hindu caste system which prevented social intercourse, the division is apparent. There are both vertical and horizontal divisions. Vertically, Mappila community consists of Arabis and Malabaris. Horizontally, it is divided into Malabaris, Pusalans and Osans.

There are some customs which establish relative status of these groups Firstly, these groups are endogamous, intermarriage with other groups rarely take place. Only the male person can marry a female of an inferior group and not vice versa. For instance, a Tangal male may marry and Mappila woman, but a Tangal woman can marry only a Tangal male.

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<sup>56</sup> A. Sreedhara Menon. *op.cit.*, p.379

Regarding 'Mahr', though there is no limit to the amount of 'Mahr', in practice, it is fixed by a custom certain families give 'Mahr' in terms of gold on the occasion of the marriage.<sup>57</sup>

The fixed 'Mahr' varies according to the social status of the family. Generally, it varies from three to thirty mithqals or their equivalent in rupees. 'Tali kettu' is the sole role of the women in marriage. But there is no place for 'Talikettu' in Islam. It is influenced by Hindu Customs.

Though one of the fundamental principles of Islam is universal brotherhood, people belonging to higher groups are invited to social functions like marriages, the host will have to invite them personally, while persons of equal or lower rank be invited by hired person or invitation cards. The people will have to be treated with special consideration. They will have to be addressed as 'Beevi' and make them sit down.

For higher groups, they have a separate mosques, special burial grounds and even separate Quazi.<sup>58</sup> Tangals are a small section of the Mappila community who claim the highest status because they claim to be Sayyids or descendents of the prophet through his daughter Fatima. The Arabis also form a very small group, concentrated mainly in Quilandy with which they had a long historic connection. There are off springs of Arab men

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<sup>57</sup> P.K. Muhammed Kunju, *Muslimglum Kerala Samskaravum*, Thrissur, 1982, p.295.

<sup>58</sup> Kerala History Association, *Kerala Charithram*, Ernakulam, 1973, p.1139.

with native women. But they retained their Arab lineage maintaining their marriage relations with Arabis or Tangals. Consequently, they had a rank among Mappilas next only to Tangals.

The remaining section of Mappila Society constitutes what is known as Malabaris (people of Malabar). A few among them are aristocratic sections. They are called the Koyas of Calicut, the Keyis of Tellicherry and Arakkal 'taravad'. The Koyas and Keyis were the leading merchants of Calicut though they were aristocrats, they were next to Ali Rajas of Cannanore.

The Arakkal 'taravad' of Cannanore was the only Muslim <sup>Koyas</sup> family in Kerala. The women of Arakkal 'taravad' do not marry from Cannanore however respectable they may be, as the latter are considered to be their subjects so it is likely that they marry men from places like Tellicherry and Calicut. These men have invariably, to reside in the 'taravad' house. Men of 'taravad' however marry women of the locality. But they do not live in the 'taravad' house. They set up separate establishments in Cannanore and receive sufficient allowances from the 'taravad' for their maintenance. After the death of the husband the house is inherited by the wife and children. The daughters born of such marriage are usually married by members of the 'taravad'.

The two remaining section viz. Pusalans and the Ossans came from the lower Section of the Malabaris. The word Pusalans stands for Putiya Islam

(new converts to Islam) and they are commonly found on the coastal areas of Malabar. They are mainly converts from Mukkuva (Fishermen) caste of Hindu and they still continue their traditional occupation. It is possible that they follow the profession even after conversion.<sup>59</sup> On account of the same occupation, the Pusalans and Ossans are allotted a low status in society.

It is true that Tangals and Arabis are given a higher social status than even the highest Section among the Malabaries but it is mainly on account of spiritual consideration. The social differences among the Malabaris may give their girls in marriage to Tangals or Arabis not because of their social status but because of their wealth, family connections and so on. This is proved correct as the Malabaries do not give their girls in marriage to poor Arabis.

Marriage customs among the Mappilas vary considerably from region to region and section to section. The marriage customs among the other mother-right Mappilas are performed with great pomp and show. According to usage, marriage takes place very early. In the past, pre-puberty marriage was the rule for the girls. The marriageable age of the boys was twelve to fifteen.

Among the mother-right Muslims the marriage proposal is made from the bride's side. The bride's family seeks a groom for her, the father sends a

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<sup>59</sup> A.P. Ibrahim Kunju, *op.cit.*, p.180.

person to find out a youth whom he considers suitable and the bride groom requires a present and a dowry in return for marrying the girl.<sup>60</sup>

All the preliminaries being settled a day for betrothal is fixed. It is called 'Nischayam' or 'Vakkukodukkal'. Once the conditions of marriage are settled, betel is exchanged between the Karanavars of both sides as a token of acceptance of the terms. Before settling the marriage, neither the bride groom nor his relatives have the opportunity to meet the girl, because girls of marriageable age are under strict seclusion.<sup>61</sup>

Once the marriage date is fixed the bride's side has to take great pain for arranging 'Kalyanam' (Marriage). The most important items of preparation is the decoration of the bridal chamber called 'Manavara' in the South. The cots are arranged beautifully in the bridal Chamber. Another function is the ceremony of applying of 'Milanchi' (Henna) to the nails, palms and feet of the bride at her house.

Women relatives and friends attend the function and they are given a feast. Fascinating entertainments like 'Oppana' preceding the marriage function take place. Those who attend the function are provided with betel leaves the bride puts on colourful costumes, adorned with ornaments, is seated in a prominent place, so that she can be viewed from different direction.

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<sup>60</sup> K.P. Padmanabha Menon, *op.cit.*, p.558-559.

<sup>61</sup> A.P. Ibrahim Kunju, *op.cit.*, p.183.

Women singers sing in chorus and dance around the bride which is called as 'Oppana'. At the same time in the bride groom's house the groom has to undergo a 'sham shaving' ceremony<sup>62</sup> the actual shaving must have been done before hand, but the groom is seated in the midst of young men who keep on clapping while the barber pretends to give him shave.

Subsequently, the groom is seated in a prominent place when people present wedding gifts and is garlanded by the friends and relatives. The marriage procession is a grand procession which makes its way to the bride's house with accompaniment of Music and fire works. At the entrance on the bride's house, the wife's brother has to wash the feet of the bride groom when the groom is expected to drop a gold ornament or coin in the pot.

The chief religious ceremony in marriage is called 'Nikah'. The 'Nikah' may be performed either on the day of the nuptials or before it. The Quazi makes the bride and the groom repeat the necessary formula in the presence of two competent witnesses.<sup>63</sup> Generally, in Kerala the marriage ceremony called 'Nikah' is conducted at bride's house or groom's house and it is conducted on the wedding day itself. Marriage in the early times were

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<sup>62</sup> *Ibid.*, p.183.

<sup>63</sup> C.A. Innes and Evans, *Madars District Gazateer, Malabar, Madras, 1951, p.193.*

solemnised at night. When child marriages were common among the Muslims, 'Nikah' was conducted some years earlier than the actual marriage.<sup>64</sup>

In those days in Malabar the marriage ceremony is conducted in two stages. They are 'Nikah' (the legal marriage) and 'Veetukuttal' (the bride and bride groom beginning to reside together). In North Malabar especially, at Cannanore and Tellicherry the two functions take place the same day in such cases. 'Nikah' is performed first followed by the ceremony of leading the bride groom to the bridal chamber. In many places the groom ties 'tali' (necklace) around the neck of the bride. But in the case of a Rowther and Dakhni community, 'tali' is usually, not tied by the groom but some elderly female members tie around the bride's neck. But the rest of the custom are identical. But the number of customs in latter community are in plenty.

After the Marriage ceremony, the bride offers milk or betel to the groom and groom makes a present in cash according to the group status of the bride's family. The marriage festivities used to last for forty days but are now limited at the most to seven days during which period the groom spends his time in the bride's house, where he is visited by friends and relatives of both houses. After that, the groom can visit his wife at her house without special invitation or anyone accompanying him. Among the father right Mappilas

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<sup>64</sup> P.P. Mammed Koya, Parappil, *op.cit.*, pp.296-297.

of interior Malabar (Cochin and Travancore) the marriage is celebrated only in lesser scale. A few days later, the bride and bride groom are ceremonially taken to the groom's house and back and festivities end with it.

The payment of 'Mahr' to wife is implicit in the marriage formula. But it is not paid or reduced to a token amount. On the other hand, the payment of "Stridhanam" (dowry) has taken its place the 'Nikah' is a valid marriage. But the Mappilas consider that the marriage is not complete without Kalyanam there are certain conditions to be fulfilled during the time of marriage. (1) The partners to the marriage have to be given their full consent (2) the husband should pay a contracted amount called Mahr to the wife before the marriage is consummated (3) The Nikah should be solemnised in the presence of witnesses.

But some of them are violated for instances, though the full consent of the parties to the marriage is recognised, the consent of the bride is not sought, it is taken for granted. Women wear the best and colourful attire in accordance with their ages. The youngsters wear silk dresses with brocades and brocaded veil is always thrown over head. The aged women wear a cloth of dark blue colour, reaching from the waist to the ankles to and a loose jacket

of thick white cloth with long sleeves the seams of which are often edged with red and which reach a few inches, below the hips.<sup>65</sup>

The Muslim society followed several alien and indigeneous visual art forms and made some contributions towards it and made some changes in it. Among them, the popular art are the 'Aravana' (Duff-Muttu), 'Kolkali' and 'Oppana'. Some are disappearing with the advent of modern entertainments.

The 'Aravana' or 'Duff Muttu' is a musical instruments of Arabian origin. In this form of art the players are usually six in number, stand or sit facing each other, sing songs, swing their body in different direction and produce rhythmic sounds by striking with their palms or fingers on the "Duff." The "Duff Muttu" differs according to the type of drums used. This form of art is now confined to ceremonies connected with certain mosques 'ratibs' held in honour of Mohiyuddin Sheikh. The "Duff Muttu" is also used to be held during marriage festival which extended for forty days.

'Kolkali' with its first bodily movements and corresponding vocal expressions is a kind of entertainment very popular at the time of social gathering such as marriage and other functions. The players acting in pairs strike the 'Kols' (Sticks) held in their hands in a systematic manner in tune with the song sung in a captivating style.

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<sup>65</sup> L.K. Ananthakrishna Iyyer, *The Cochin Tribes and Castes*, Vol.II, USA, 1969, p.477.

Thus, the intermingling that has taken place between the followers of Islam and local Hindus, many traditional social customs and practices got mixed up in the Muslim society of India. The caste system had its effect on the ethnic and religious communities like Muslims, Christians and Parsis.

As has been pointed by some historians a study of Muslim Customs, especially, those relating to marriage and child birth would probably, show that Hindu customs and ideas had a greater hold on Muslims than the Islamic doctrines and practice. But there were no dominant traits nor fully Islamic system adopted by them, this integration set a pattern of culture at least a cultural synthesis in the level of collective consciousness embracing both Muslim and Hindu customs so it is better to name the community Muslim Malayalees rather than Malayalee Muslims.<sup>66</sup>

Thus Malabar Muslim women, had fallen victims to such male dominated frame work. She remained in confinement and seclusion and they were not even permitted to take to education. She was always relegated to the background without having any knowledge of what was happening around her. The decision of Muslim males got upper hand in every aspect of life where Muslim women were enslaved under them. In this back drop, a study on the position of women in Islam will help us understand the status accorded to her by Prophet Mohammed.

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<sup>66</sup> N.P. Mohammed, "Reflections on Mappila Heritage" in Asghar Ali Engineer (ed.) *Kerala Muslims - A Historical Perspective*, New Delhi, 1995, p.36.

## CHAPTER II

### WOMEN IN ISLAM

The status of women in Islam has been a subject of controversy between the progressive and conservative sections of the society. To the former, Islam is not a rigid frame work of laws and institutions but a set of principles capable of fresh application in changing social conditions. But to the latter, every single specific injunction of Islam is eternally valid and unchangeable.

'Women in Islam' is concerned about the status of women in society. Islam recognizes that women represent half of society and share with men the burden of building society. They share the duties and responsibilities as well as challenges and opportunities.

As far as the Holy Quran is concerned, it promulgates the doctrine of human equality, including gender equality in a comprehensive verse which negates all inequalities due to sex, race, colour, nationality, caste or tribe.<sup>1</sup>

It is necessary to understand the status of women at the advent of Islam in order to fully appreciate the generosity of Islamic tenets which have freed women from the oppression and ignorance of pre-Islamic paganism. At this

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<sup>1</sup> Mohammed Mazheruddin Siddiqi; *Women in Islam, Delhi, 1987, p.13.*

time in history the majority of Arabs led a nomadic life, with nomadic traditions and customs.

Wars and sudden attacks were a part of their lives and they therefore aspired to physical strength which was essential in order to defend their tribes and to protect their lands. In this situation, the male was the symbol of security and strength. So men were held in high esteem and women in low esteem.<sup>2</sup> The fact that tribes were much more in need of boys to defend them had devalued women in this society and led to the preference for male children leading to infanticide.

If the female child was fortunate enough not to be buried alive, she spent the rest of her life being oppressed and persecuted; neglected by her parents and abused by her husband. Nobody came forward to champion her cause. She was denied most human rights.

But Islam has dignified all of mankind regardless of male or female. The God says "Indeed we have honoured the children of Adam, and have provided with good things and have prepared them above many of those whom we have created with marked preferment."<sup>3</sup>

The above verse proves that God has declared the superiority of mankind over creations. It is clearly indicated that man and woman have

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<sup>2</sup> Fatima Umar Naseef, *Women in Islam, A Discourse in Rights and Obligation*, Malaysia, 1999, p.33.

<sup>3</sup> Quoted in *ibid.*, p.48.

been created from soul. They originate from the same race and are equal in terms of humaneness. And the prophet has advised the people to show kindness and curtesy towards women as well as patience in dealing with them.

The establishment of the truth will also solve the problem of racial discrimination and social inequalities that humanity has endured throughout the centuries. If this fact had only been understood by mankind, it would have prevented many injustice such as assigning ridiculous attributes to women and cause every misfortune.

Bitter criticism and baseless objections raised by the scholars particularly by non Muslim writers against Islam on account of unequal treatment of women in the matters of inheritance, permission to men of contracting upto four contemporaneous marriages and segregation of women or 'purdah' have all been analysed in the light of translation and interpretation of Quran by scholars of Islam.

The teachings of Islam are particularly exhaustive in laying down the guide lines concerning the relationship of a Muslim particularly with ever other human being in the universe. Man being a social being and the object of religion being, laying down a code of conduct for a life worthy of a mass on the earth; as a representative of God, Islam emphasis all aspects of

relationship a Muslims which is likely to come into contact with and provides for the highest excellence in each of them.<sup>4</sup>

Family, as a basic unit of social organisation is likely to outcast the forces tending to destroy it. A stable life is necessary not only for the interests of the society but also for the happiness and development of future generation. If these facts are admitted, chastity becomes value of the highest social importance to be safeguarded at all cost.

The Holy Quran addresses both men and women to perform their religious, obligations like belief in God and His messenger, prayer, zakat, fasting and pilgrimage. It says "Establish worship and pay the poor due . . ."<sup>5</sup> Both men and women have been required to perform all these duties and are obligatory on the part of them. So in the matters of religion, both of them are equal and none is superior or inferior to the other.

In the case of crime there is no discrimination and the punishment for one offence is the same for man and woman. Reward for good deeds is the same for males and females. All human beings, therefore, are equal. The Quran does not discriminate between them on the basis of sex, language, colour, places etc.

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<sup>4</sup> Alka-Singh, *Women in Muslim personal Law*, New Delhi, 1992, p.68.

<sup>5</sup> Mohammed Sharif Choudhary, *Women's Rights in Islam*, Delhi, 1997, p.158.

Those who hold the view that woman is not equal to man produce the following arguments. According to them, they argue that man is permitted to contract marriages with four women at a time, while the woman has not been given the right of contracting multiple marriages. So on the basis of this argument, they argue that woman is inferior to man.

In the law of inheritance, generally, the share of man is double than that of woman, and again man is the care taker and the bread winner of the family. In this case, he was accorded a degree of superiority over woman. As Allah's wisdom cannot be arbitrary, if the social milieu changes and if woman also begins to earn and there is nothing in the Holy Quran or prophetic tradition preventing from earning their sustenance and looking after the family. There will be nothing to prevent them from acquiring their equal status or even a degree of superiority over man.<sup>6</sup>

If we thoroughly examine and weigh the arguments advanced by both the parties in favour of and against the propositions, it can be concluded that these arguments are not relevant. In most of the matters men and women are equal particularly in the matters of rights and obligations. But in certain other matters, they are unequal because of nature that has ordained different spheres of activities for them.

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<sup>6</sup> Asghar Ali, Engineer, *The Quran Woman and Modern Society*, New Delhi, 1999, p.32.

Again it can be summed up in the following words. Where the roles assigned to men and women by nature are different the man and woman would be unequal to each other, but if there is no inconsistency between their roles and they are being judged as the members of the same species having similar rights and obligations, they are perfectly equal.

It may however be pointed out that although, woman as a human being occupies equality with men and enjoys equal rights, privileges etc. the fact remains that there are differences between genders, because as a woman, her special function in life is different from that of a man and she is naturally equipped with different physical, biological and even psychological structure.

Islam has recognised natural difference between the genders. So, to talk of absolute equality is nonsense. The general equality as human being is quite natural and reasonable, because men and women are two complementary parts of humanity proceeding from the same parents.

To assign them the similar functions in life is preposterous because it is physically impossible to interchange their function. Islam has therefore; given due allowances to these factors and treated men and women on the basis of equality where such differentiation is in accordance with the nature.

Male jealousy is but one aspect of masculine capricious tendencies which calculated the myth that women by nature suffer from incapacity. Men use that fantasy as an excuse to ban women from active participation in the

broad spectrum of human life and to deprive them of experience and training, thereby many customs were bounded upon where as male arbitrariness is manifested.

Both men and women in Islam possess common characteristics; so these cannot be taken as yard sticks in measuring the difference which exist between their rights and duties. Such differences do exist because of their peculiar characteristics.<sup>7</sup>

The Quran has not prohibited the rule of a woman any where. The Quran has not even uttered a single word in disapproving or disfavouring it. Had it been unlawful as the orthodox say, there would have been certainly revealed a verse declaring it so. When the Quran has not over looked even minor issues while laying down the rules and regulations governing the conduct of an individual in the family and society, how it could over look such an important and vital issues like the rule of woman, if it is unlawful and adversely affects the progress and welfare of humanity. The silence of Quran on this crucial issue informs that the Muslim community has been left to decide it according to their best interest.

It has been related with Quran (2:124) that God was pleased with prophet Abraham and appointed him a leader for mankind, in response to the question of the prophet whether there would be leaders from his offspring also

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<sup>7</sup> Mohamed Moshah Taqi, Mohammed Bahonar Jawad and Al-Faruqui-Lamayabois, *Status of Women in Islam*, New Delhi, 1985, p.5.

God said that there would be leaders from his offspring but the wrong doers from them would not be appointed leaders.<sup>8</sup> Had the leadership of women been unlawful, God would have certainly commented on it, The women have the rights similar to those of men, why can't a woman aspire for this office?

The Quran provides the foundation of Islamic democracy when it lays down ". . . and whose affairs are a matter of counsel . . ." <sup>9</sup>If this verse is considered along with the verse preceeding it and subsequent to it, we can easily understand that the Quran is mentioning the virtues of the believers both male and female. One of these virtues is that they decide their affairs by mutual consultation. History has witnessed many incidents where (PBUH) himself consulted the believers before taking a decision. On some occasions he consulted his wife Umme Salamah and made an important decision.<sup>10</sup>

In this context, the ruler is one of the counsels and conducts the affairs of the state in consultation. The modern scholars and the liberal thinkers infer that a woman can also become a ruler.

There are a group of scholars who argue against the rule of woman. They argue that a woman is not only physically weak, mentally emotional, tender, sensitive and delicate but also under great strain during pregnancy and birth. She is naturally most suited for the job of child bearing, their nursing,

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<sup>8</sup> Muhammed Sharif Chaudhry, *op.cit.*, p.170.

<sup>9</sup> *Ibid.*, p.177.

<sup>10</sup> *Ibid.*

training and giving education. So Islam has, therefore, advised against entrusting the chief executive post of the leadership of the nation to a woman.

When an examination of the arguments of both parties are done, it can be understood that none of these parties has been able to carry their point. Because the argument of the two parties are by and large indirect. The Quran neither proves nor disproves it. These arguments simply bring home the fact that men and women are equal in some matters and while in some others they are unequal.

Naturally, if Islam is a system of life, it must have its definite social theory and consequently its own specific institutions and organisation that would finally give a shape to the whole system. In the light of these principles, no monarchy or dictatorship is possible.<sup>11</sup>

In fact there is no verse or injunction in the Holy Quran which clearly either permits the rule of woman or prohibits her rule. Similarly, there is no Hadith or injunction of the Prophet which can be quoted to establish that the Holy prophet either allows the woman to become head of the state and government or disallows or forbids her to assume such responsibilities. Thus we can safely conclude that the Quran neither permits nor forbids the woman's rule.

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<sup>11</sup> Mohammed Muquim, *Research Methodology in Islamic Perspective*, Malaysia, 1999, .45.

The silence of the Quran and Hadith on this very important and vital issue is not without wisdom and sagacity, this deliberate silence indicates that Islam has given full freedom and discretion to the Muslim community to decide this matter according to the ever changing socio-political circumstances.

Since the socio-economic and political environments change with the passage of time, affecting the human needs and necessities, no permanent injunctions laying down any hard and fast rules regarding the choice of the ruler, or his gender, colour, race, language or other qualifications have been communicated by the Quran.

Islam favours the form of government by consultation which is in the form of a democratic government. In this form of Government the people are free to elect anybody who, they feel, and would be able to discharge the responsibilities of the highest office of the Chief Executive or head of state. The ruler in Islam is not a despot, autocrat or dictator. He is to rule in consultation with others. So the ruler may be a man or woman, he or she is to discharge duties of the office with the consultation and advice of the elected representatives of the people.

It is not the gender of the ruler which is important, but in fact the nature and spirit of the rule is significant. Pages of history bear witness to the fact that women became rulers in the Muslim world like Razia Sultana, Chand

Bibi in northern and southern part of India in 16<sup>th</sup> Century. Their rule was never opposed by any of the contemporary jurists, nor did for leading ulema give a fatwa declaring the rule unlawful. In the light of above justification woman can also become the ruler of the state.

Woman enjoys very high status of respect and honour in Islamic society. As a wife she is the queen and mistress of the house, she manages the house and brings up and trains the children. She enjoys full and complete social, religious cultural, legal and economic rights.

In the position of a mother, women enjoy a unique status of honour and esteem. She is the focus of the attention for all the members of the family. In the house, her opinion carries a lot of weight in all family matters. This is due to the teaching of Islam. The Quran ordains that the obedience to parents is next to obedience to God. When the Quran enjoins upon the believers to obey their parents it especially mentions the services to be rendered by the mother and this indirectly places the position of the mother superior to the father.

Many verses also prove the brother hood and common parentage of mankind. The woman is therefore the sister of man<sup>12</sup> since we are all brothers and sisters descend from the same mother and father, nobody should claim superiority over the other on the basis of his or her colour, face, language or country of origin. These should not be the criteria to assess a human being.

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<sup>12</sup> Fatima Umar Nassef, *op.cit.*, p.54.

Therefore a man is not superior to another man because of his colour or race. Nor is a man superior to woman because he is a male.

Having established the humaneness of women, some of the innate difference exists between man and woman. But it does not affect their equality, dignity and eligibility to certain rights. Both sexes have different dispositions, temperaments and different constitutions. These dispositions help them to fulfill their different yet equally, important tasks in life for which they have been created.

Hence women have been endowed with special physical and mental characteristics to fulfill their role in society and to achieve their mission on earth. So Islam, is a set of regulations which form an integral system that should be put into practice as a whole, not to the advantage of women, rather, to the advantage of human kind as such and for the benefit of God's creation in general.<sup>13</sup>

As far as physical differences are concerned, scientists say that it is a proven scientific fact that women's psychology is different from that of man. This difference is also observed in their cell composition antibodies, chromosomes and genital cells.<sup>14</sup> As for the cellular tissues and organs; the prominent organs of a woman, her muscles, her bones are greatly different from a man's prominent and hidden organs.

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<sup>13</sup> *Ibid.*, p.57.

<sup>14</sup> *Ibid.*, p.58.

In fact, man has been created in such a way that they are able to go out and to provide for their families. Woman on the other hand are pre-disposed to stay at home and to fulfil their primary mission in life that is bringing up their children. That does not mean that she is not allowed to go for work but she has to perform her primary obligations. The God has strongly condemned those who regard the birth of a female infant as an illomen. Instead, He has encouraged parents to rejoice her birth to look after her and to be responsible for her upbringing.

Islam protects all infants whether male or female. Even when the child is still an embryo in its mother's womb, therefore in the case of a divorce; a pregnant wife is eligible for support for the sake of the child she is carrying. After the birth of the child, comes the period of breast feeding. It is his duty to ensure that the mother of his child is able to obtain the healthy and nutritious food required during the period. Islam says, "And if, after that, they give suck to their children, given them their pay and consult together in all reasonableness."<sup>15</sup>

The above verse states that after the end of her waiting period (Iddat) a divorcee has the right to either accept or refuse to suckle the child. If she chooses to do so, she will be entitled to a wage paid by the father of the child, her ex-husband. It is the father's responsibility to provide food and clothing

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<sup>15</sup> Quoted in *ibid.*, p.74.

for the child for the mothers. This is required because the mother's milk is an essential nourishment for the child.

So a mother is expected to suckle her child for a period of two years, the father should sustain and cloth her children in a reasonable manner, according to the standards of their family without extravagance nor neglect with moderation and within his means. The physician also recommends it from the nutritional stand point.

Islam also deals with the issue of custody of children in case of separation. It is due to the fact that a young child is awarded to the mother. It further adds that, the child is entrusted to the custody of their mother during the early years when a feminine presence is most needed.

Thus it is comprehended that how much Islam cares for the child as an embryo, an infant, and during her or his early child hood. However God has urged us particularly to sustain the female infant. In this way, Islam has protected women from the vicissitudes of time and oppression of harsh and ignorant parents.

The mercy of Islam towards women is obvious from the above mentioned verses. Islam has provided protection for women throughout their life cycle.

Regarding education, the prophet has emphatically proclaimed that education should be one of the important responsibilities of a father towards his children, both male and female.<sup>16</sup>

In Islam, knowledge of the religion is obligatory for every Muslim and woman. Therefore, knowledge in general is respected and highly appreciated in Islam. It is not surprising that scholars are held in high esteem and are praised in many verses.

"Read your Lord, the Most Bountiful are who taught by the pen who taught man what he did not know."<sup>17</sup> The word 'Read' indicates that Reading is the key to knowledge and since writing complements reading, God highlights their act by saying taught by the 'pen' the pen was and still is the best and most useful utensil used in transmitting and preserving knowledge and has left its impact on humanity over the centuries. God has endowed us with intellectual capacities and the six senses which permit us to learn and comprehend information.

Women did not feel shy while learning and acquiring sound knowledge in religion. The women during the prophet's time got education and regularly attended study classes. There, they asked the prophet various questions, some general and some concerning women's issues. The prophet has also said "the

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<sup>16</sup> M. Indu Menon, *Status of Women in India*, Delhi, 1981, p.59.

<sup>17</sup> Fatima Umar Naseef, *op.cit.*, p.80.

man who has slave girl whom he educates, treats kindly and marries, will get a double reward."

The female companion could also pray with him in congregation even though they knew that it is better for a woman to offer her prayers at home.<sup>18</sup> They did so because they were so eager to seek knowledge from the prophets own lips.

Ayisha, the prophet's wife's contribution to teaching and preserving of the religion is described in Hadith and the books of History. Her knowledge was vast, she could even memorise the related narrations of the prophet Mohamed. There are books of Hadith which abound with names of female narrates among the companions. The scholars of Hadith did not stipulate that the narrator should be a man. Their criteria were based on the intellectual capabilities of narrator, their accuracy, righteousness and commitment to Islam, So in this context the narration would be authenticated regardless of the gender of the narrator.

For the last few centuries, Muslim women had been prevented from reading, writing and seeking knowledge, consequently illiteracy and ignorance became widespread amongst Muslim women. In fact, scholars have confirmed that prohibiting women from reading and writing was a complete fabrication. It was proved to be invalid.

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<sup>18</sup> *Ibid.*, p.83.

There are two groups in the society. Among them, one restricts her education to religious issues, as well as home management and motherhood skills. They believe that she does not need to learn sciences like Chemistry, Physics, Maths, Architecture. etc. Another group of scholars believe that women's education ought to be comprehensive. All women should seek all types of knowledge without exception. This group includes advocates of the so called women's liberation movement (eg: Qaasim Ameen).

The answer lies here in between two opinions. On the contrary, it gave women the right to seek unrestricted knowledge. It is upto her decision to make correct choice which would suit her inherent instincts and agree with her physical constitution as well as her natural role in society. This choice should not lead her to overlook her most important role as a mother and a wife.

To conclude, if the nation is also in need of female doctors Gynecologists, nurses and teachers to teach in schools then without any hesitation, the Muslim women can seek the knowledge in these fields and do the services to the humanity. Because serving the mankind and other creations are one of the fundamental values of Islam. Thus, the purpose of gaining knowledge is to acquire skills necessary to become a good citizen and a member of the society.

Islam is the religion that rewards labour, assiduity and hard work. Muslims, both male and female are encouraged to work and to undertake lawful jobs. Nevertheless, "Islam has also given women the right to have independent business, to trade, to give in charity . . .etc."<sup>19</sup> in cases of necessity or when a collective advantage can be gained, like nursing and treating female patients, midwifery, educating young women and other activities and social services involving women. So any lawful job is better than idleness which leads to humiliation and degradation. Trade and business are also strongly encouraged. Ayisha, the prophet's wife has said recalling prophet's words "the best food is the food you have earned and your children and their wealth are from what you have earned."<sup>20</sup> He has urged his companions to work hard and to avoid begging for money or food.

Islam has permitted women to undertake lawful professions and crafts which are not incompatible with their equanimity or abuse their dignity. Islam, has even allowed the widow or the divorcee to work during her 'Iddat' period because if her work is necessary to her family and to the nation in general, she is encouraged to carry on with her profession. But certain conditions are laid in it. Her work must not consume her entire time and energy thus preventing her from fulfilling her more important role as a wife and mother. Her career must not conflict with or remove her from her natural

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<sup>19</sup> Quoted in *ibid.*, p.102.

<sup>20</sup> *Ibid.*, p.101.

function. She should be able to exercise her profession with dignity and modernity, avoiding temptations and situations which might arouse suspicion and distrust.

Prosperity and general welfare can also be achieved by obtaining employment. A woman represents half of the society, and half of the population would be unemployed if women did not go out to work. Employment helps women to understand the realities and facts of the labour force. It helps women to increase their family income or to sustain themselves in the absence of a provider.

In Islam man is not encouraged to lead a life of stoicism and asceticism. On the contrary, he is entitled to revel in material and sensual pleasures as long as such engagements remain within the bounds of the faith and do not direct him or her from the thought of God.<sup>21</sup>

Islam has restored women's dignity which has given them freedom of choice, established their rights, and most importantly given them the right to choose their husbands. Hence, every woman has been given the right to accept or reject a suitor<sup>22</sup> It is a fact that not so long ago, women used to be sold to their husbands as pieces of merchandise. They were neither consulted nor even told that they had been given in marriage.

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<sup>21</sup> Farhad Nomani and Ali Rahnema, *Islamic Economic Systems*, Malaysia, 1995, p.22.

<sup>22</sup> Fatima, Umar Naseef, *op.cit.*, .89.

But despite clear Islamic teachings, many Muslim fathers still force their daughters into marriages. This is not confined to those living in remote villages and rural areas but also occurs in urban areas as well. If the young woman reacts and advocates her natural rights, she is accused of being insolent, disobedient and disrespectful of her culture and tradition. Forcing a woman to marry, without her consent, is a violation of Islamic law and transgresses the teachings of the prophet.

The prophet says, "A matron should not be given in marriage except after consulting her, and a virgin should not be given marriage without taking her permission." A matron is the divorcee or the widow. Consulting her means to ask for her consent and their marriage is not valid otherwise. The virgin is the young woman who has never been married before. Her marriage is not valid without her permission or consent and if she does not speak up and express her consent because of her timidity, and modesty, her silence will be enough. However, the divorcee or the widow should put her consent into words, even if the guardian is her father.

There are clearly two different opinions, regarding the issue of asking the permission of an adult virgin. The first opinion can be summarised as follows.

1. Asking the permission of an adult virgin is recommended.

2. The father can give his virgin daughter in marriage without her permission.
3. Asking her permission is necessary in the absence of the father or guardian.

The second opinion is based on the belief that asking the permission of the virgin is necessary whether the guardian is the father or not. The first group has relied on the absolute sympathy of the father or the grand father and so concluded that asking the permission of the adult virgin is not necessary. Often, fathers and grand fathers are ruled by traditions, personal desires and seek only their own personal interests. It is therefore safer to stipulate that permission of the adult virgin is necessary.

The prophet has provided this right to every woman so that her father or her guardian is not able to control her destiny or cause her distress and misery by forcing her into a marriage solely to serve his own personal interests.

In various narrations it has been shown that if a virgin, a widow or a divorcee is given in marriage without her consent, the contract will be pending until she agrees.<sup>23</sup>

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<sup>23</sup> *Ibid.*

Since the presumed 'disadvantages' of such marriage motivated the scholars and led them to come out with this interpretative judgment. Since the primary objective of Islamic jurisprudence is to implement justice and to condemn evil, the notion of individual welfare should be reviewed constantly. Indeed what is considered to be a great advantage in one century could be considered to be a minor detail or even disadvantage in the century to follow.

Secondly, the level of righteousness or corruption, of the Muslim world, throughout the centuries should and must be taken into consideration. Therefore due to the existence of corruption many Arab countries such as Syria, Lebanon, Egypt, Iran, Jordan, Tunisia and Morocco do not allow guardian to give in marriage a young girl or a young boy before he or she reaches the age of consent. This age varies from one country to another. Some countries have set this age to eighteen for males and sixteen for females.

All societies have rules or shared patterns of behaviour that regulate sexuality, birth and child rearing. Marriage is the institution that encompasses these rules and patterns of behaviour.<sup>24</sup>

There are various forms of marriage. Monogamy, polygamy, polyandry, exogamy and endogamy. The institution of marriage has existed

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<sup>24</sup> Quoted in Mohamed Sharif Chaudhry, *op.cit.*,p.36.

in one form or the other throughout human civilizations and various customs and rituals have come to be associated with marriage.

In many communities of the world a system of arranged marriages exist in which choice of the bride groom and bride does not matter, neither their consent is taken particularly that of the bride. In some cases even the groom and the bride have not seen each other before marriage and they meet each other for the first time at the wedding ceremony.

In almost all societies, marriage has become a publicly celebrated ceremony involving many socio-religious customs, formalities and rituals. Thus rituals, more than often, cost heavily in terms of time and money. Economic burden generally falls more heavily on the family of the bride who provides not only rich feasts to the groom and his party feasts to the groom and his party but also gives a large dowry to the bride which she takes to her husband's house. Thus we see that in most of the rituals, ceremonies and forms of marriage, the females are generally at a disadvantaged position.

For 'Nikah' which is the Arabic word, an equivalent of English word is "Marriage" which means uniting or union.<sup>25</sup> Marriage has been defined in various ways. According to Hedaya, "Marriage is a legal process by which the sexual intercourse and legitimisation of children between man and woman is perfectly lawful and valid". In the words of Ameer Ali, marriage under

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<sup>25</sup> Muhammad Sharif Chaudry, *op.cit.*, p.32.

Muhammadan law is essentially a civil contract. Its validity depends on proposal on one side and acceptance on the other.

Mahmood J. observes "Marriage according to Mohammadan Law, is not a sacrament but a civil contract. All the rights and obligations it creates arise immediately, and are not dependent on any condition or precedent, such as the payment of dower by a husband to wife."

Every adult Muslim of sound mind can enter into marriage contract. The contracting parties must be acting under their free will and consent when consent to a marriage has been obtained by force or fraud, the marriage is invalid unless it is ratified. Lunatics and minors may be validly married through their guardians.<sup>26</sup>

Marriage in Islam is not indissoluble but a kind of contract in which specific rights and obligations are undertaken besides those already implied in marriage. These rights are justifiable in a court of law. The presence of two witnesses is necessary to make a marriage valid. Prophet's insistence on there being a guardian before a woman can be married was intended to safeguard her position and rights in a society. Just as a man can stipulate that his wife shall not go out except by his permission, it is open to the women to insist that she shall not be prevented from going out of her home in suitable occasions or for her economic or social needs.

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<sup>26</sup> *Ibid.*, p.33.

All these matters come within the scope of the marriage agreement. But some of them are not justiceable. Much depends on the actual relation of the husband and wife after marriage and their mutual understanding. A wife can sue her husband in a law court, if the implied terms of the contract are violated by the husband.<sup>27</sup>

In order to safeguard the economic position of women after marriage, Islam has made it legally obligatory on the husband to pay her a reasonable amount as "dower" or 'Mahr.'

Payment of 'Mahr' to his wife is obligatory on the husband; It is an essential part of marriage. The Quran says "we have made lawful to thee thy wives to whom those has paid their dowers . . . and there is no blame on you to marry them when you give them their dowries." However the marriage is not valid if dower is not paid or contracted or fixed before marriage.

The amount of 'dower' which the bride groom has to give to his bride has not been fixed by the Quran or sunnah. (Tradition and history of prophet Mohammed). It depends entirely on the agreement of the contracting parties. The Quran says . . . The wealthy, according to his means and the poor according to his means, a gift of a reasonable amount is due from those who wish to do the right things.

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<sup>27</sup> M.A. Wani, *Maintenance Rights of Muslims Women*, Delhi, 1987, p.6.

There is no minimum or lower than limit of dower fixed by law, though some jurists opine that it should not be less than ten dirhams. It may be in the form of cash or in kind. According to the well reported Tradition of the prophet, even a handful of barley or dates or even an iron ring may be sufficient, provided the bride agrees to accept it.

Any way, 'Mahr' is a sum of money to be fixed according to the agreement made between the parties, but in any case the object is to strengthen the financial position of his wife, so that she is not prevented due to lack of money from defending her right.

Dower, is of two types, one is called 'prompt dower' (Mahi-Mu'ajjal) which is payable on demand and the other is called 'deferred dower' (Mahar-in-Muvajjal) which is payable on dissolution of marriage by death or divorce.<sup>28</sup> The jurists have agreed on the point that the wife can refuse to perform her marital obligations unless prompt dower is paid. If the amount of dower is fixed in the marriage contract, the dower is called specified dower.

No women except a Muslim Woman, has absolute rights of getting 'Mahr' or 'dower' from her husband. In none of the communities besides the Islamic Ummah (Community) a husband is under legal obligation to give bridal gift or 'dower' to his wife. But it is only Islam which has conformed absolute rights on the woman to demand as much dower from her husband as

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<sup>28</sup> Muhammad Sharif Chaudhry, *op.cit.*, p.46.

she desires, to acquire it at her discretion and use and enjoy it according to her wishes.

Thus Islam has established the 'dower' as an exclusive right for women. It is both a legal and financial right that nobody can violate. "And give the women their Mahr with good heart."<sup>29</sup> With these words, the prophet has decreed that Mahar is an obligation upon man towards their wives.

Today, it has become a trend among for the father or the guardian of the bride to take her dower or their house hold purpose, over the new furniture for their house. According to Islamic jurisprudence this is not valid, because, such expenses are the husband's duty and the 'Mahr' should be for the bride exclusively.

It is better if it gets at the time of marriage. If the groom does not give, the bride has the right to claim it from him against his will. If he is not able to fulfill it on account of his difficult financial position, Allah say" . . . but shall be no offence for you to make any other agreement among yourselves after you have fulfilled your duty<sup>30</sup>."

The prophet did not allow any marriage without a 'Mahr'. Indeed, knowledge is more important and more valuable than money and by teaching his wife, the husband will be compensating for the amount of money he

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<sup>29</sup> Fatima Ummar Naseef, *op.cit.*, p.173.

<sup>30</sup> *Ibid.*, p.174.

would have had to pay as 'Mahr' and which his wife might have had as a fee for another teacher.

Islam has made this a condition for the marriage contract to be valid, so that the groom would realise his responsibility towards his bride. The 'Mahr' is also a symbol of the fact that the wife will deserve her husband's devotion, sympathy, care and compassion and that he will assume his responsibilities, support and assist her through out their marriage. The 'Mahr' also symbolises the husband's willingness and desire to seek this union. This indeed, has a great impact on the bride herself.

Yet some people think that 'Mahr' is the bride's retail price or even an indemnity paid to her father or a transaction by which the woman becomes lawful for her husband. To refute the above statement, it can better be used to indicate that Allah has said that "treat your wife with kindness" They have been entrusted to you by him. Thus 'Mahr' is consequently a right which honours women and symbolises the husband's commitment to care and look after his wife throughout their marital life.

The divorce is the most hated and unpleasant thing in Islam. Despite that Islam permits divorce when marital relations have been poisoned to a degree which makes a peaceful life impossible. It is allowed normally when all the efforts for reconciliation have been proved abortive and there are no chances left for them to live together amicably. Even arbiters can be

appointed, one from the family of each spouse to resolve differences between the husband and wife.

The method of divorce as propounded by the Quran and sunnah is briefly discribed in the following lines. If the husband intends to divorce his wife, he can do so by making a single pronouncement of divorce within Tuhr (Tuhr is period of purity between monthly periods) during which he has not had marital relations with her and then leave her to observe 'Iddat' After expiry of 'Iddat' the divorce would attain finality.

The other method is that the husband would pronounce divorce thrice at an interval of month each. However it is regretable that the male dominated Islamic world has deprived of what was given her by the Holy Scripture of Islam. She is arbitrarily divorced by husband by misusing the provisions of triple talaq (divorce) and thereby her status has been completely down graded.<sup>31</sup>

In case of one or two divorces, the husband retains the right of reunion within the period of 'Iddat' by resuming marital relations or by verbal retraction. However, after the period of Iddat divorce becomes irrevocable and the husband's right of reunion stands forfeited. Now, the couple has the right to remarry if they desire to live together. When a husband has repudiated his wife by pronouncing three divorcee, he has no right of

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<sup>31</sup> Asghar Ali Engineer, *"Muslim Personal law in Jordan"* Bombay 1994, p.1.

revocation, neither the couple can remarry. In this situation the parties can remarry only when the woman marries another husband and the later dies or divorces her after actual consummation of marriage.

It is obvious that the intention of law prescribing three pronouncements of divorce separated by fixed intervals of time, precedent to final separation was to leave open the opportunity of reconciliation. The great authoritative source of Muslim law is the Tradition of the prophet. It is called in Arabic 'Hadith' It is the exact indication of what Mohammed did and what has therefore Divine approval."<sup>32</sup> During the 'Iddat' period the wife cannot be expelled from the house and she would be entitled to full maintenance and also to good treatment.

'Iddat' or 'Iddah' is the period of waiting during which a divorced woman or a widow is not permitted to remarry. The primary purpose of this waiting period is two fold. Firstly the ascertainment of possible pregnancy and thus of the parentage of the would be baby, secondly the spouses are given an opportunity to resolve their differences and reconcile.

Similar rights have been given by Islam to female sex. There are two ways in which a woman is allowed to seek separation Firstly through mutual agreement. If the husband and wife by mutual consent agree to dissolve marriage conditionally or unconditionally, the woman would be released.

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<sup>32</sup> S.M. Zevener, *Law of Apostacy in Islam*, Delhi, 1975, p.36.

Secondly, through judicial decree by filing a suit against the husband in a law court. Islam has unreservedly condemned men and women, who misuse their legal rights of divorce. They are allowed to use it on legitimate grounds. If he misbehaves with his wife then she can use in the court of law against him. Thus the legal position of woman is secured and her social position as a wife is dignified.<sup>33</sup>

These warnings and moral exhortations are intended to discourage men and women from disturbing the stability of family life and resorting to separation except in case of unavoidable necessity. Both men and women are required to undergo monetary sacrifice for securing their separation. It has been stated that the husband cannot claim more than he has already given his wife as 'dower'. If separation comes as a result of the mutual agreement of either parties without the intervention of the court, the amount has to be settled by the two parties. If it is brought to the court then the latter has to decide what position of the 'Dower' should be retained by his wife whether the full amount, half or one forth etc.

For divorced women, maintenance should be provided on a reasonable scale. This is a duty on the righteous. "Let the woman live (in Iddat) in the same style as live according to your means, among them not, so as to restrict them. And if they carry then spend on them until they deliver their burden

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<sup>33</sup> Talat Ara Ashrafi, *Muslim Women in Changing Perspective*, Delhi, 1992, p.9.

and if they suckle your offspring give them their recompense, according to what is just and reasonable.<sup>34</sup>

No scale or standard has been fixed for maintenance by the Quran. However, a lot of guidance has been provided to determine it in the given circumstances. The Quran says; "No one should be charged beyond ones capacity." At another place, the Quran directs "provide for them, the rich according to his means and the poor according to his means and nobody to be charged beyond his capacity."

If the husband is poor and the wife supports the family, she is entitled to recover the amount expended by her from husband when he is in easy circumstances.

The importance of women's welfare in Islam is reflected by their eligibility for maintenance. This was a revolution in women's rights at that time, since the pagan Arabs and many ancient nations did not allow women to inherit. Inheritance was exclusively for men who, as they said. . . carried the swords, defended the tribe and protected the land. The misery of women extended even beyond that because instead of inheriting from their relatives, women were inherited by their relatives. A woman was considered part of the deceased's estate to be inherited like any other object.<sup>35</sup> The closest man in relation to the deceased would inherit his wife. With the revelation of Quran

<sup>34</sup> Quoted in Muhammad Sharif Chaudhry, *op.cit.*, p.65.

<sup>35</sup> Fatima Umar Naseef, *op.cit.*, p.176.

must humiliation was eliminated. Islam abolished this pagan practice, restored women's dignity, established their humanness and strengthened their social position by granting them the right to inheritance, instead of being inherited and humiliated as they were before. Women have a legal share in the estate to be inherited and their share is stated clearly in the Quran.

There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large - a legal share. The pagan Arabs used to bequeath their property to adult men only. They did not allow for women and children to inherit. Therefore, Allah has revealed this verse which indicates that in principle, we are all equal in the eyes of Almighty God and therefore eligible for inheritance, even though there are some differences in the shares allocated to different members of the family.<sup>36</sup>

According to the general principle of equality, women in Islam have been granted the right to inheritance and the rights of young children have been secured. The pagan Arabs used to assess each individual according to his or her financial capacity and his or her ability in the battle field. Islam however, with its divine principle, has looked at individuals as human being and assessed them according to their humanness which is an intrinsic property that does not desert any individual. As a second stage, Islam has

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<sup>36</sup> *Ibid.*, p.176.

taken into account the practical obligations of each individual of this family in particular and his society in general.

The verses below explain and specify women's shares of inheritance in different situations. Almighty Allah has revealed the people a fair and legal distribution of property among their children and relatives.

The Quran says "as regards your children's inheritance to the male, a portion equal to that of two females, if there are only daughters, two or more, their share is two thirds of the inheritance, if only one, her share is half., for parents a sixth share of inheritance to each if the deceased left children, if no children and the parents are the only heirs, the mother has a third, if the deceased left brothers or sisters, the mother has a sixth. The distribution in all cases is after the payment of legacies he may have bequathed or debts. "you know not which of them whether your parents or your children, are nearest to you in benefit."<sup>37</sup> These fixed shares are prescribed by the God. Thus Allah secures the women's right by prescribing a set of shares for each condition of her life as a daughter a sister, a mother, or a wife. No distinction is made by Islam between movable and immovable property. The whole including both kinds is distributed to the heirs in then fixed proportions.

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<sup>37</sup> *Ibid.*, p.176.

It may be said that by giving the daughter half the share of a son, Islam has let down the position of women. But it should not be forgotten that a woman may receive 'dower' and property from her husband in which her inequality is more than compensated for.

Thus Islam sees a woman, whether single or married as an individual in her own right with the right to own and dispose of her property and earnings without any guardianship over her, whether that be her father, husband or any one else. She has the right to buy and sell, give gifts and charity and may spend her money as she pleases.

Much harsh criticisms have been levelled against Islam for having permitted polygamy. The General interpretation is that limited polygamy is permitted. It must be borne in mind that Arabs of pre-Islamic days had very lax matrimonial laws and the rules regarding a maximum of four wives was a restraining piece of legislation.<sup>38</sup> Polygamy is a provision and not a compulsion.<sup>39</sup> Its intention was to provide help for the helpless woman and save them from falling into destitution.

Islam set rules and regulations regarding polygamy and made it clear that for a man to be able to marry more than one wife, must be able to treat them equally "if you fear that you shall be able to deal justly with the orphan

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<sup>38</sup> P.T. Thomas, *Indian Woman Through the Ages*, Bombay, 1964, p.244.

<sup>39</sup> *Documentation on women's Library and Documentation Centre*, New Delhi, January - March, 1994, p.37.

girls than marry women of year choice, two or three or four, but if you fear that you shall not be able to deal Justly, then only one or that your right hand posses. That is nearer to prevent you from doing injustice."

There may be so many factors on account of which it would be difficult for the husband to deal equally between them. For example, difference in temperament, appearance, education, family background, age, ability tom look after the house hold affairs etc. may cause the husband to prefer one above the other. However, the husband must try his best to keep balance and accord them equal treatment in the things on which he has no control like love and affection, even these he should not display by his outward behaviour that he loves one wife and bates the other one.<sup>40</sup>

Some people try to establish that monogamy is the only form of marriage which is lawful since polygamy is permitted with the condition of justice and in that verse, Quran says maintaining justice between wives is impossible. However, this assumption is not correct when we look at the second sentence of the verse which reads "But turn not altogether away (from one) leaving her as in suspense."

There is almost consensus of opinion among all the scholars of the Quran and doctors of Islamic law that Quran permits polygamy. However, the injunction is not in the nature of order or command. It is voluntary

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<sup>40</sup> Dr. Hamidulla Jilani and Dr. S. Mukammed *Quran Majeed* (translated) Chennai, 1983, p.114.

provided he does justice to all the four wives. It is reasonable to understand that the choice of wives for plural marriages must be from among widows or orphan girls. "give unto orphans their wealth." So it is obvious that the Quran is exhorting its followers to do justice with the orphans who are undercare. It is in this background that polygamy has been permitted, so that they may be able to do justice with them and treat them fairly by marrying the mothers or the sisters of the orphans and thus becoming their close relations. In that way, they would feel and develop love affection and tenderness towards the orphans and would treat them kindly as if the orphans were their own children.

The Quran did not introduce polygamy that existed in pre-Islamic Arabia and also in the neighbouring communities. The Quran actually limited the number of wives, which could be any among the pagans to four and also subjected polygamy to a vary straight condition of doing justice between the wives. Traditions of the prophet of Islam also supports this interpretation. It is reported that Umar Gailanbin Saleema embraced Islam while he had ten wives and the prophet told him "Select four of them."<sup>41</sup>

The commentators and the scholars of the Quran through centuries have laboured hard and collected a valuable treasure of information regarding

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<sup>41</sup> Fatima Umar Naseef, p.40.

the permission given by Islam for polygamy. They have also discussed the exceptional and extra ordinary circumstances that justifies polygamy.

First exception is war. In case of war men are generally killed in large numbers. Thus the number of men were decreased while the number of females increased especially helpless widows and orphans. If polygamy is not permitted to support the widows and the orphans and also to bring the unmarried women into marriage bond, it would lead not only to economic misery of many families but also to immoral practices like prostitution, adultery, etc. such a social disintegration can be averted only if a man is permitted by law to have polygamy.<sup>42</sup>

Secondly, the wife may be sterile and the natural progeny may lead the husband to contract another marriage, who does not want to divorce the first wife but at the same time wants to have children.

Thirdly, the wife may be chronically disabled and unable to perform marital obligations, a second marriage in such situations may become necessity.

Dr. Hamidullah offers yet another interesting situation which justifies Islam's permission of polygamy. He says "supposing there is a case in which a woman has young children, and falls chronically ill, becoming incapable of doing the house hold work the husband has no means of employing a maid-

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<sup>42</sup> Muhammad Sharif Chaudhry, *op.cit.*, p.87.

servant for the purpose, and the sick woman gives her consent to her husband to take a second wife, he can have a second marriage, but a western law would rather permit immorality than a legal marriage to bring happiness to this afflicted home.<sup>43</sup> It is also said that prostitution can be controlled by the introduction of polygamy.

Some scholars hold that the general rule is monogamy while polygamy is an exception limited to the above mentioned circumstances. In order to prove the general rule Maulana Umar Qamani refers to the meaning of 'Zauj' which means a pair or couple, husband or wife, an individual consorting with another. The ward 'Zauj' is used in Arabic for the husband as well as the wife and not of one man and several wives. According to the Quran mankind was created from a single soil and from it created its mate and frame them spread multitude of men and women. Thus Adam is proved to have only one wife.

On the question why Islam permits polygamy and why not polyandry. Muhammad Azad says that on condition that plural marriages are allowed. Still, one might ask why the same latitude has not been given to women as well, but the answer is simple. Notwithstanding the spiritual factor of love which influences the relations between man and woman, the determinant biological reason for the sexual urge in both sexes is procreation and where as a woman can at one time conceive a child from one man only and has to carry

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<sup>43</sup> *Ibid.*, p.88.

it for nine months before she can conceive another, a man beget a child every time he cohabits with a woman. Thus while nature would have been merely wasteful if it had produced a polygamous instinct in woman. Man's polygamons inclination is biologically justified. So biological factor is the basis factor to decide the institution of marriage.

In the words of Dr. Annie Beasant, "There is pretended monogamy in the west but there is really a polygamy without responsibility."<sup>44</sup> Dr. Wester Marck gives another reason in support of polygamy. He remarks that the ground for polygamy is the strong and innate polygamous instinct of men as compared to women, who are monogamous by nature.

"Although monogamy is the most prevalent form of marriage, studies have shown that it is not considered the ideal or the preferred type. In a sample of 565 of world's societies, 75% favoured polygamy, slightly less than 25% favoured monogamy and less than 1% preferred polyandry. Nevertheless most of the marriages in these societies are monogamous."<sup>45</sup>

Among the Hindus in India, polygamy prevailed from the earliest times. There was apparently no restriction as to the number of wives as a man might have. There are many instances in the Rigveda and other Hindu Scriptures mentioning the multiple wives of Hindu Kings and heroes, Medes,

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<sup>44</sup> Quoted in *Ibid.*, p.94.

<sup>45</sup> *Ibid.*, p.95.

Assyrians, Babylonians, Persians, Athenians and Phoenicians also practised polygamy.

So far as polygamy is concerned it existed in the world from the times immemorial and most often in its worst forms. It is Islam which restricted the practice by limiting to four and linking the permission with the equality of treatment and justice between the wives.

But the western sceptical minds are not convinced by some of the explanations of the Quran. In some accounts, Ayisha was only nine when her marriage to the prophet was consummated. Although the Quran insists that a man should treat all his wives equally, the prophet admitted that he had a favourite, wife Ayisha. So they state that when one reads the life history of the prophet, they may get confused as to why he had chosen such a young girl as his partner when he was quite old..

Whatever may be the criticisms, it can be concluded that the prophet of course, lived at a time when continual warfare produced a large number of widows who were left with little or no provisions for themselves and their children. In these circumstances, polygamy was encouraged as an act of charity. Again, they were not necessarily sexy young women but usually mothers of many children, who came as a part of the deal. It is also clarified that the prophet himself was a monogamist for the greater part of his married

life from the age of twenty five when he married Khadija until he was fifty when she . . . died.<sup>46</sup>

So, polygamy cannot be a common practice for various reasons. When "Wives need to be treated fairly and equally, it is a difficult requirements even for a rich man. And above all, the hardest thing for a woman to accept in the Quranic tradition is polygamy. Hence as far as the majority women are concerned, monogamy is the unique and exclusive form of marriage.

Some people may wonder how the lawful 'Hijab' (the covering of the whole body) can be considered to be an ethical right for women. For many 'HiJab' appears to represent oppression and suppression. In Islam woman covers to protect herself from any potential threat to her honour and dignity. Islam teaches that prevention is better than cure.

Both men and women should behave in a modest way. Women should not make a display of their elegance or behave in such a way to draw attention of men towards them.<sup>47</sup> If chastity is of any real and lasting social value there is no doubt such restrictions are justified as they prevent men and women of various dispositions falling into temptation. Both men and women should cast down their looks and should not display their elegance.

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<sup>46</sup> B. Ayisha Lemu, Fathima Hereen, *Women in Islam*, Delhi, 1976, p.20.

<sup>47</sup> Muhammed Mazheruddin Siddique, *op.cit.*, p.86.

It is permissible for a woman to have her hands and face uncovered, without uncovering these, it would be impossible for women to take part in any business. The holy Quran which regards charity as one of the basic moral and social values, has directed the faithful against those ultra modern forms of dress which are meant more to reveal than to conceal.

The Quranic verses say that women should stay at home and not to wander about displaying their beauty and finery. But this does not mean that they should never go out and remain in perpetual confinement.

The purdha system among Muslims has been a subject of controversy between the old conservative school of thought and new enlightened section of Muslims brought under the influence of Western education and culture. It has come in much for abuse and mudsling by the muslim critics. Whatever may be their arguments the truth as in other cases lies somewhere in the midway.

The critics argue that purdha system as it exists, has nothing Islamic about it. It is purely a non religious social custom. Women in early Islam were not confined to their homes. They came out on occasions under the stress of economic, social and religious necessity. When they came out, they dressed and moved in a particular way which did not make them objects of attraction, unnecessary intermixture of the sexes was never approved of by Islam and runs counter to the whole spirit of its teachings.

The defenders of Purdha system argue that Islam means to keep women closely and completely confined to their homes. This is a wrong interpretation. When the Quran says that women should stay in their homes and make no display of their charms, it is referring to the life of the pre-Islamic Arabia. Despite the heavy social and legal disabilities from which they suffered, the women truly and frequently moved about and indulged in enormous talks with strangers or mixed with them freely. This is a kind of life which Islam wanted to replace by a life of decency and responsibility. If the Quran has intended totally to prohibit the movement of women outside their houses there was no necessity of laying down these restrictions on dressing and movement.<sup>48</sup>

But this does not solve the question whether women coming out of their homes are permitted to uncover their hands, feet, faces and whether a veil is necessary. It is clear that the vast majority of Muslim scholars jurists and religious authorities agree on these points that a veil which totally covers the face of a woman is not necessary. It was a cultural practice of some post Islamic societies. The actual practice in the days of prophet Mohamed evidenced by history and tradition confirms the view that Muslim women came out of their homes frequently for<sup>49</sup> satisfying their economic intellectual

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<sup>48</sup> *Ibid.*, p.109.

<sup>49</sup> Asghar Ali Engineer, *Islam Women and Gender Justice*, Delhi, 2000, p.41.

and religious needs without putting a veil, but always dressed in wearing loose garments.

The need for modesty is the same in both men and women. But on account of the differentiation of the sexes in nature, temperaments and social life, a greater amount of privacy is required for women than for men, especially in the matters of dress. Women shall not show their adornment except what is naturally visible.

The prophet directed that excepting face and hands no other part of a woman's body should be exhibited. Ayisha reported that Asma, the daughter of Abu Baker came to the prophet wearing a dress made of a thin cloth. He approached her and said to her when a girl matures; it is not appropriate to expose her body except face and palms.

Women are expected to cover themselves and to hide their adornments as well as their natural beauty. Islam orders women to draw their headcovers over their chests and women should turn their eyes away from what has been made unlawful for them.<sup>50</sup> Consequently many scholars believe that women should do so whether they are looking with or without desire.

Another group of scholars believe that it is permissible for a woman and a man if there is no evil intention. The prophet used to let Ayisha watch the Ethiopian men playing with their spears on the day of Eid. She narrated

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<sup>50</sup> Fatima Umer Naseef, *op.cit.*, p.108.

that "The prophet was screening me with his garment while I was looking at the Ethiopitans who were playing in the courtyard of the mosque until I had watched enough."<sup>51</sup>

However, since what are normally displayed while praying and performing pilgrimage are the face and hands. The wisdom behind their divine order is to protect the individual as well society from temptation and adultery. The prophet also said that every unlawful gaze is sinful and every woman who perfumes herself and passes by the people so that they smell her scent is sinning.<sup>52</sup> All these above mentioned facts reveal the importance of such modesty to prevent (temptation). Therefore, a woman who does not abide by the above rules of modesty is committing a great sin indeed.

The prophet has clearly and strongly forbidden women from attending the mosque using perfume "Any woman who perfumes herself should not pray "Isha (evening prayer) with us."<sup>53</sup>

It is said that in the pre-Islamic period women used to walk around with silent ankles but stamp their feet in walking to inform men of their presence. Islam has forbidden from following their examples and from intentionally revealing or their hidden adornments as well as applying perfumed oil before leaving the house.

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<sup>51</sup> Quoted in *ibid.*, p.109.

<sup>52</sup> *Ibid.*, p.111.

<sup>53</sup> *Ibid.*

In conclusion, it is to be noted that the 'Hijab' (veil) is an obligation upon every Muslim Woman. All true believers should abide by the rules of Islam. However Islam does not prescribe a specific "Islamic out fit." A Muslim woman has the right to select any 'out fit' as long as it fulfills some of the above mentioned condition which underlines the significance of the chastity and modesty. Hence it does not admit any tight 'Hijab'.

Indeed, time has proved that adornment, free mixing of men and women and disobedience to divine wisdom can only lead to general corruption and dissoluteness. The rules regarding the 'hijab' are there to protect the individual as well as the society falling from moral degeneration.

We know, demands by women for equal rights and equal status with men to decide their own careers and life patterns have been made in western society for at least the last two hundred years. The American Revolution of 1776 and French revolution of 1789 and perhaps provided the philosophical basis to the western women for their own insurrections.

From 1876 onwards, the women's suffrage societies and other feminist organization had to launch a lot of struggle through demonstration, agitations, and violence to achieve their rights. It would also be noted that efforts have been made by the limited nations for the liberation, and emancipation of women for securing them many of the socio-political rights in the modern world.

The U.N. Charter of 1945 was the first accepted international document that clearly defines equal rights for woman. In 1948 the Universal Declaration of Human rights was adopted by the United Nations. In 1952, U.N. General Assembly adopted convention on the political rights of women. It provides that women shall be entitled to vote in all elections and be eligible for election to all elected offices. The United Nations declared 1975 to be an international women's year.

The rights of Muslim women are granted by Islam and they cannot be altered or replaced. Women have gained these rights without a feminist rebellion. These rights were conferred on her fourteen hundred years ago when the contemporary civilizations were not even prepared to consider her as a human being. It is natural and is simply demonstrated by the fact that most of the principles regarding women were sent down as restrictions on men with a view to preventing them from transgressing against women. For example, "when you divorce women, they fulfill the term of their Iddat, then retain them in kindness." But do not retain them to prejudice them or to take undue advantage.

The weak commitment to religion tends to cultivate unjust and hostile treatment of women. For unlike man, a woman is created and brought up gentle and delicate. Performance of her natural functions keeps her away from the toughening experience of every day public life. Uncultured men

tend to oppress in many a human society. Men normally and purposefully keep women weak and jealousy, which they entertain in respect of women, induces them to multiply the means for restraining and monopolising them.

It should be said that if one goes by those verses of the Quran which belong to the normative category or which are of the nature of laying down principles and values, men and women should enjoy equal rights in every respect. It would be necessary to re-read and re-interpret many verses which were used for centuries to subjugate women in Muslim societies. This subjugation was more cultural and patriarchal than Islamic or Quranic.<sup>54</sup>

Unfortunately, the patriarchal hold was too strong to be severed irrevocably and soon after the prophet's death, women started losing whatever rights they had during the life time of the prophet. The rational understanding of women in the Quranic interpretation would help inculcating self-consciousness to understand the social revolution effected into the society by prophet Mohammed instead, of falling into social degradation. Indeed, the prophet has brought a social change within the society.

The examination of the status of women in Islam is attempted here in the context of highlighting the position of Muslim women in Malabar. This chapter on Islamic position concerning women (Chapter 2), it is hoped would shed light on Muslim women in Malabar, their position in Muslim society of

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<sup>54</sup> Asgar Ali Engineer, *op.cit.*, p.42.

Malabar, the problems faced by them vis-a-vis men in the Muslim community in Malabar especially in relation to the rights of Muslim women accorded under Shariat and the Mohammedan law of India. In next pages of the thesis social <sup>and</sup> cultural change brought about by social reform efforts of the community and social action on the part of the government (Chapter 3) ,is analysed and thereafter in the fourth chapter. Specific issues concerning Muslim women of Malabar are examined where in the real picture of problems of Muslim women is furnished.

### CHAPTER III

## SOCIAL AND CULTURAL CHANGE

Social resurgence in the community was essentially, connected with the religious reform as religion was the inspirational force behind the reform movements. In Islam, religion and society are identical and cannot be separated from each other.<sup>1</sup> So it is to be noted that all reform movements organized among the Muslims for their reformation have been essentially religious reform movements. They are social movements and religious movements at the same time.

In the religious field of the Muslim society in Malabar, superstitious beliefs and practices alien to Islam held sway. Reverence to holy men, seeking their intercession with God, worship at their tombs, offering nerchas (vows) to their shrines, holding celebration on their death anniversaries were purely unIslamic<sup>2</sup>. The orthodox majority called Sunnis went to keep all such beliefs and rituals intact, but these practices were encouraged by the orthodox ulema probably for pecuniary benefits.

Muslims, who had been the torchbearers of learning in the middle ages had lost their vitality and progress through obscurantism of the orthodox

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<sup>1</sup> E.K. Ahmad Kutty 'Islam and Social Reform Movements in Kerala', in T.K. Ravindran (ed), *Journal of Kerala Studies*, Vol.V, University of Kerala, 1978, p.439.

<sup>2</sup> A.P. Ibrahim Kunju, *Mappila Muslims of Kerala*, Trivandrum, 1989, p.150.

ulema and had fallen into the abyss of ignorance and superstition. The orthodox ulema who were against progress put all kinds of obstacles to the education of the Muslim masses.

Modern education was declared anathema. Even learning the Malayalam language was considered to be heretical. Education of Muslim girls was interdicted. In the madrasas the kind of education imparted was only reading and learning of the Quran by rote and the elementary religious knowledge was imparted.

All over India, the Muslims remained backward in education due to their own neglect and indifference. They objected to the study of English because they believed that learning of English would undermine their religion. According to the Muslim law as expounded by the Sunnis of old tradition it was not lawful to learn English or the language of any other non-Muslim people except for the purpose of answering letters or combating of the religious arguments of these people.

The attitude weakened the position of Muslims generally. They began to lose all important offices. Muslims all over India passed through such a situation as a result of their refusal to accept education on English lines. But, it was a necessary passport to success. A young Muslim was not allowed to turn his thought to secular instructions until he had passed some years in going through a course of religious learning.

The Muslims of Malabar lagged behind in modern education. The anti British attitude, ignorance, poverty and the existence of a separate script namely 'Arabic' Malayalam were some of the difficulties in spreading western education among Mappilas. The Mappila population was predominantly in large numbers in Malabar. Majority of them were extremely poor and backward. According to the District Educational Officer of Malabar in 1936, the wholesome influence of the hereditary Mullas and Musaliyars over the unenlightened and illiterate Mappilas was an important reason for the educational backwardness of the country.<sup>3</sup> They called Malayalam as 'Aryan ezhuthu', the language of the Hindus and English as 'Narakabhasha'<sup>4</sup> (language of the hell).

Muslims as a class were illiterate. 'Madrassa' and 'Dars' education was the system of education that was predominant in this community at the beginning of this century. The mosque is the centre of all spiritual and social activities.<sup>5</sup> In those times Arabic was taught as part of Islamic religious instruction and this was only education the country acquired a hundred years ago.<sup>6</sup> In the first instance, one is attracted to think that the Muslim community in general has failed in making a proper assessment of the value of modern secular education mainly because of the prolonged discrimination

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<sup>3</sup> N.K. Mustafa, Kamal Pasha. 'History of education in Malabar under British rule', 1792-1947, (Unpublished thesis) University of Calicut, 1991), p.231.

<sup>4</sup> *Ibid.*

<sup>5</sup> A. Sreedhara Menon, *The Legacy of Kerala*, Trivandrum, 1988, p.14.

<sup>6</sup> Logan, *Malabar*, Vol.1 Madras, 1951, p.198.

and persecution it was subjected to as a result of the caste system prevalent in the country. In the darkness through which the community was passing, it became an easy prey at the hands of the orthodoxy. A superstitious hero-worshipping people gave little regard to reasoning and logic and completely neglected modern secular education finding refuge, in the heroes who they thought could protect them from all evils.<sup>7</sup> Muslims in south India were badly educated beyond the primary stage. There was no enterprising minority such as the Parsis of Bombay capable of challenging the Hindus. The opposition to higher education blocked their progress and retarded the community economically and created a public image and private mentality of backwardness.<sup>8</sup> It was from such a depressing state of affairs the community had to be salvaged. Thus, the social and religious reform movements inaugurated in the second half of the nineteenth century aimed at restoring pristine purity of Islam to relinquish all superstitious beliefs and un-Islamic practices. It also aimed at spreading modern education among the masses. The movement met with resistance from the orthodox section in many places on many occasions. The differences of opinion led to conflict between the two sections. 'Nercha' an unIslamic practice was practised by the Muslims of Malabar. It was influenced by the Sufistic ideology. Its influence was doubtful before 16<sup>th</sup> century A.D. But in the subsequent centuries, its

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<sup>7</sup> U. Muhammed, "Educational Problems of the Muslim Minority in Kerala," in Asghar Ali Engineer (ed), *Kerala Muslims A Historical Perspective*, New Delhi, 1995, p.151.

<sup>8</sup> R.F. Miller, *Mappila Muslims of Kerala*, Madras 1976, p.206.

influence was profound with the arrival of the Portuguese.<sup>9</sup> Like the Hindus, Muslims at large, used to believe in astrology and its predictions are closely followed and acted upon. For every household ceremony, auspicious days and movements are selected by means of astrology. The 'Rahukalam' is strictly followed for undertaking any activity.<sup>10</sup> So, the call for change first came from the more favourable surroundings of Cochin and Trivandrum, where the 'Aikyasangham' society was formed to promote the united upliftment of the community and to bring about reforms to improve their conditions educationally. So with this reform movement the Muslims of Travancore and Cochin were in a better condition than those of other areas.

Sanauulla Makti Tangal and Sheikh Hamdani Tangal were the early socio-religious reformers of Kerala. During the close of nineteenth century. Makti Tangal (1847-1912) toured the length and breadth of Kerala, disseminating the reformist ideas and leading a crusade against Christian missionaries. He exhorted the people to join school and receive both English and Malayalam education. He informed the British government that starting a separate school for Muslim girls was non-sense.<sup>11</sup>

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<sup>9</sup> M. Gangadaran, *Mappila Padanangal*, Calicut, 2004, p.90.

<sup>10</sup> M. Abdul Samad, *Islam in Kerala Groups and Movements in the 20<sup>th</sup> century*, Kollam, 1998, p.20.

<sup>11</sup> K.K. Mohamed Abdul Kareem. *Makti Tangalude Samboorna Krithikal*, Calicut, 1981, p17.

He called upon the Muslims to acquire modern education and to understand the true Islamic injunctions and to eschew unIslamic principles and practices. He wrote books and pamphlets against the missionary propaganda for converting the Muslims by giving a distorted picture of Islamic injunctions.<sup>12</sup> To counter act such activities he published his first book 'Kathorakutaram' and his second book entitled 'Parakalittaporkkalum' was published later.

He said that even though the people of Kerala differ in religious points of view there is a sense of unity and onness among the people of Kerala from the geographical points of view. He raised his voice for female education among Muslims. He composed Arabic, Sanskrit, Malayalam dictionary and so on. He also encouraged the translation of Quran into Malayalam. The social system that existed in North Malabar among certain Muslim families was criticized by him as he felt it was not sanctioned by Islam.

Sheikh Hamdani Tangal (1922 A.D) who worked in the erstwhile Cochin state tried to spread education and religious ideas among the Muslim community. To give effect to his ideas, he established several social organizations for instance, 'Lajnat-al Islam' of Eriyad. He received his education from Lathifiya College, Vellur. He was well versed in Tamil Persian Urdu and Malayalam languages.

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<sup>12</sup> K.T. Mohamed Ali. *The Development of Education Among the Mappilas of Malabar 1800-1961*, New Delhi, 1990, -.139.

The greatest reformer that Kerala produced was Wakkom Abdul Qadir Moulavi (1873-1932). Born at Wakkom in Trivandrum district and benefited from economically comfortable life and intellectually excellent he became a scholar in Arabic, Persian, Urdu and Malayalam. He began his career as relatively an orthodox Moulavi. He tried to integrate Islam and modern culture. He believed in the scripture and authentic Hadith and his efforts to establish a moderately rational approach altered the outlook of Muslims. He vigorously attacked Shirk or innovation. In course of time he became a noted theological social and educational reformer.<sup>13</sup> He literally threw himself into the task of communicating clearly and widely this fundamental message of Islam in a way that would make it reach the common people. He gave an impetus to abandon the superstitious beliefs. He published several journals such as "Muslims and Deepika" in Malayalam and "Al Islam in Arabic". He founded "Islam Dharma Paripalana Sangham" and the "Muslim" Aikya Sangham" at Kodungallur, through which he tried to integrate Islam with modern culture. His mission was successful and injected social consciousness among the Muslims.<sup>14</sup> The British Government authorized him to recommend suitable conditions for the post of Arabic teacher. He convinced the community the need to educate Muslim women. His reform-oriented

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<sup>13</sup> R.E. Miller, *op.cit.*, p.270.

<sup>14</sup> P.A. Sayyid Mohamed, *Kerala Muslim Charithram*. Calicut, 1951, p.187..

publications had their impact on the Muslims of Kerala which still continues to be felt.<sup>15</sup>

Through his active patriotic journal *Swadeshabhimani* he became engaged in journalistic criticism of existing structures until his press was closed down in 1910. Wakkom Abdul Qadir Moulavi is rightly described as the father of Muslim Renaissance in Kerala.

K.M. Moulavi (1886 - 1964) and E.K. Moulavi (1879 - 1974) of Tellicherry, had a long and distinguished participation in the Muslim reform movement in Kerala. The former published 'Al-Irshad', 'Al-Islahi' and 'Al Murshid'. He was the founder of "Jamiyyatt-ul-ulema." The latter authored a variety of important works entitled 'Al Islam', 'Islam and communism' etc. Both of them rendered many services to wage a crusade against superstitions.

The theological reform movement initiated by Wakkom Moulavi carried forward by his followers was basically a conservative reform movement.<sup>16</sup> And that was probably the main reason for its advancement. The emphasis on "Tauhid" (unity of God) was the influence of Egyptian reform movement led by Mohammed Abduh (1845-1905) and his disciples.

However, the impact was therefore felt and gave a new spirit to the Mappilas and the spirit was again strengthened as a result of the secular

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<sup>15</sup> E.K. Ahamed Kutty. *op.cit.*, p.442.

<sup>16</sup> R.E. Miller, *op.cit.*, p.274.

education and influences of modern life. Although it differed from the aggressive Puritanism of the Arabian Wahabi reform, it was perhaps not unaffected by the spirit of that movement, mediated by the personal visits of Mappilas to Saudi Arabia. It remained closer in spirit to Egyptian but was a Kerala adaptation, which marked an insistent return to the Quran and a positive reaching out to the new world.<sup>17</sup>

The programme of reform which K.M. Moulavi had inaugurated was propagated by a large number of young erudite scholars well versed in Islamic theology and Jurisprudence. They formed an association for the propagation of religious knowledge, named Kerala "Nadvatul Mujahideen" (1952). The aim of the organization was to enlighten Muslims on scientific lines, until true injunction of Islam in the individual and social life free them from persecutions and to promote harmonious relationship with other religionists to create better mutual understanding for common welfare., The "Nadavat" stood for the propagation of doctrine of 'Tauhid' (unity of God) and opposition to such practices as reverence to saints, tomb worship, intercession of holymen and so on. They were also opposed to all forms of 'Bidah' (anti-Islamic) such as 'nerchas' and 'chandanakudam'. They rejected 'Taqlid' (blind acceptance of the views of earlier Imams) which helped to stagnate the progress of society and emphasised "Ijtihad" (independent decision based on Quran and Hadith). This movement is known as the Islahi movement.

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<sup>17</sup> *Ibid.*

The uncompromising stand of Islahi workers on the question of 'Tauhid' and unIslamic practices brought forth the stout opposition from the orthodox ulema and their blind followers. The opposition often ended in physical conflicts between the two factions.<sup>18</sup> No doubt, they have succeeded to a great extent in weaning a large section of Muslims of Kerala away from the grip of the superstitions and unIslamic beliefs and practices to true Islamic teachings.

Mujahid Students Movement was founded with the object of imparting secular education without alienating Islamic principles. It conducts classes on 'Religion and Science which helps to explain the Quranic ideals from scientific points of view and thereby strengthening the faith of the young intellectuals.<sup>19</sup>

In 1982 M.S.M. formed a Girls' wing called Mujahid Girls' Movement. It denounces the spurious practices like dowry system, bridal torture, extravagance in marriage, ceremonies and other social evils.<sup>20</sup>

The one welcome result of the movement was that inspite of the opposition of the orthodox faction it was compelled to recognize the necessity for modern education. All the welcome changes introduced in Madrasa education had been copied by the conservative section also and regular

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<sup>18</sup> A.P. Ibrahim Kunju, *op.cit.*, p.155.

<sup>19</sup> M. Abdul Samad, *op.cit.*, p.115.

<sup>20</sup> *Ibid.*

Madrasas and Arabic colleges were founded by them. Another change that had taken place probably as a result of Islahi criticism was the decreasing interest in saints and superstitions evinced by the conservatives. Finally, the substantial contribution of this movement is the encouragement given to female children to acquire modern education.

As a consequence of the part played by the socio religious reformers the 'Dars' education had improved considerably. Previously, the students lacked the knowledge of the present day world. It was in the beginning of the present century that a great turn had taken place. Some enlightened men of the community and ulema felt the need for re-orienting the 'Dars' system. They felt that scientific system of religious education with proper curriculum syllabus, text books and tools was necessary.

A definitely progressive movement in education was started by Muslims of Malabar just before the 50's of this century preceded by the second phases of the resurgent educational activity. Today, there are innumerable primary and high schools especially for imparting education to Muslims. There are many Arts and Science Colleges in Mappila pockets. Female education has taken a leap forward. Now, many pupils are going to these colleges to receive education.

A move in this direction was made by A.M. Koya Kunhi who founded the Madanul-Islam Madrasa in Cannanore in 1911. An important feature of

this madrasa was that it provided for the study of Arabic as well as Malayalam.

But the real founder of the madrasa movement was Chalilakath Kunhamed Haji. He was the only scholar who recommended his students to develop the habit of reading newspapers in order to understand the daily occurrence in the world and to acquire modern knowledge.

At a time when education of girls was positively discouraged he set an example to others by sending his own daughters to schools. He introduced modern subjects along with traditional subjects. For teaching new subjects he made use of teaching aids like globes, maps charts etc. 'Darul-uloom-Madrasa' thus rose to be the best Madrasa in south India for its tradition of excellence and number of illustrious alumini it turned out.<sup>21</sup>

Western education had spread in Malabar during the first half of the nineteenth century. But the Muslims had opposed western education from the beginning since it was introduced by the British. Opposition to the British rule found expression in a series of violent outbreaks that rocked Malabar intermittently in the 19<sup>th</sup> century. It was this hatred against the British that created in their minds an unyielding opposition to all things western.

Consequently the system of education by the British was opposed on the belief that it strengthened to subvert the very basis of Islamic faith. As

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<sup>21</sup> A.P. Ibrahim Kunju, *op. cit.*, p.250.

W.W. Hunter observed "our system of public education which has awakened the Hindus from the sleep of the centuries and quickened the unenlightened masses with some of the noble impulses of nation is opposed to tradition unsuited to the requirements and hateful to the religion of Mussalman."<sup>22</sup> Therefore they opposed the secular education vehemently.

As early as 1871, on the recommendation of a committee to look into the question of Mappila education appointed by Government, an attempt was made to popularize the study of Malayalam reading and writing and arithmetic along with religious education.<sup>23</sup>

This was to be done through inducements to the Mullahs of 'Othupallis' in the form of small salaries and grants. The progress was very slow. The Mullahs were incompetent to impart the instruction in vernacular language. Further, a change to the vernacular from Arabic Malayalam that was in general use among the Mappilas was not altogether welcome.

The scheme worked for a time under the auspices of the local board. Improvement registered in the scheme on the whole was satisfactory. In 1894, the Mappilas of Ernad and Valluvanad were officially recognized as

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<sup>22</sup> Quoted in Hussain K, 'Social and Cultural Life of Mappila Muslims of Kerala, (800-1921), (Unpublished Ph.D. Thesis) University of Calicut, 1997, 171.

<sup>23</sup> A.P. Ibrahim Kunju, *op. cit.*, p.251.

backward caste and became eligible for special Grants.<sup>24</sup> Separate Primary Schools, both aided and run by Government were established.

A naive newspaper published from Calicut generally, approved of the idea of establishment of certain schools. But, there was a tendency among them to get themselves dropped out when they came of certain age. This had an adverse effect on the educational development of the female. So there was a demand on the part of the progressive minded people to fix the marriageable age of girls and boys. *Darul Islam* remarks that, as far as the Muslims were concerned in as much as this evil practice of child marriage is not prevalent among Muslims of Malabar it is not considered objectionable. According to their religious principles a law for fixing the marriageable age is not indispensable as far as they are concerned. Besides, some definite rules have been laid down in their religious books governing marriage, divorce and succession. It will not be proper to try to bring laws like the one in question.<sup>25</sup>

It was remarked by the newspaper *Dravidian* the about the facilities that had afforded for the community to make progress in education as a result of the recommendation of the committee, appointed by the Government for suggesting ways and means for replacing the existing special schools for them by ordinary ones. The paper went on to remark that though the special

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<sup>24</sup> S.M. Mohamed Koya. *Mappilas of Malabar. Studies in Social and Cultural History*, Calicut University, 1983, p.79.

<sup>25</sup> NNPR, *Darul Islam*, Madras, 25<sup>th</sup> January 1929.

schemes would entail a heavy expenditure on the Government, it is quite necessary in view of the tranquility and progress of Madras Presidency and the well being of Mohammedans.

The native paper *Kerala Kesari* pleaded for the abolition of sectarian schools like Hindu, Muslim and the like and throw them to all irregard of religion and caste, instead the government encouraged disunity among them and so the need of the hour was the spread of primary education to all alike.<sup>26</sup>

There was also an appeal from *Al - Amin* daily to realize the need for employing Moulavi teachers in Muslim Schools. The writer points that the matter was urgent as compulsory education was brought into force in certain parts. If education should be made compulsory without appointing Moulavis to teach religion, it would amount to an unarranged independence on the part of the Government in Muslim religious matters.<sup>27</sup>

So there was an everincreasing rift between Hindus and Muslims due to the everincreasing unemployment problem and the tendency of the Government to fill the administrative services by the caste people and the costly administration of the Europeans and the lapse of Government to look after the welfare of the people.

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<sup>26</sup> NNPR, *Kesari*, Madras, 16<sup>th</sup> September, 1924.

<sup>27</sup> NNPR, *A; Amin*, 9<sup>th</sup> July 1925.

The British Government was to reconsider the proposal of grants to the schools and technical colleges to receive vocational training to improve the skill and quality of education for removing the dangers and challenges to them. They seriously thought of giving education to female children. The education of girls received a great boost as the encouragement was forthcoming on the part of the Government in the form of incentives.

The first woman graduate of Laccadives is Dr. Rahmat Begum of Agatti.<sup>28</sup> After the Malabar rebellion of 1921, the Government resolved to take further steps to encourage Mappila education. Muslim women were also religiously fanatical. They discouraged their children from attending schools. The fanaticism of these women was clearly reflected at the time of Mappila Rebellion of 1921. In the first incident at Pukkottur, it was the women who incited the small boys to do their part. It was one of those women who after the 1894 outbreak when her son was wounded, said. "If I were a man, I would not comeback wounded." Many of these women were inspired with the same feeling.

It was Variankunath Haji's mother, a fearless woman who carried on the work fairly in the years of his absence at home. It was through her that he was persuaded to live in Kondotty for some years after their house had been

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<sup>28</sup> S.M. Mohamed Koya, 'Muslims of Malabar with special Reference to their Distinctive character', (Unpublished Thesis), Calicut University, 1987, p.353.

utterly destroyed near the bridge at Nellikuth. It is not surprising to find a few instances of women taking an active share.<sup>29</sup>

Two women were known to have fought with men one at Pukkottur and the other in mosque at Olakara. When the men were in jail, it was quite common for the Mappila girls to set out on their own to visit their husbands or brothers in Cannanore or Calicut. These were girls who probably had never left the Eranad Taluk before. They frequently travelled by bus or train and many of them had to travel alone forty or fifty miles. Under these vicious circumstances, female children were forced to be at home without availing of the opportunities given to them by the Government to attend schools, and the economic condition of the community also became miserable.

It is evident after examining the convicted ones that many children and women were dependent upon them and practically without any work.<sup>30</sup> The British Government could note that all these problems were related with poverty. So, the Government expedited the work for encouraging the Mappila children to receive education.

By establishing schools with relevant methods of teaching, a new curriculum was set forth. A committee was constituted for preparing special text books. Compulsory elementary education was introduced in three

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<sup>29</sup> Hitchcock, *A History of the Malabar Rebellion 1921*. (confidential Report) Madras 1922, .150.

<sup>30</sup> G.O. No.278 (confidential Report), Public Dept. 28<sup>th</sup> March 1922.

municipalities of Calicut, Tellicherry, Cochin and in selected areas of Eranad, Valluvanad, and Ponnani Taluks. New schools were opened wherever necessary. A large number of pupils were admitted in these schools.

A Muslim training school was started in Malappuram to train Muslim teachers. Primary religious teachers called Mullakka masters were given special training there. This training school helped the popularization of education to a great extent to both males and females. To organize the teaching of Arabic the post of Mohammedan Inspector for Schools was created. Religious education was also encouraged to attract the Muslim students.

Another significant impact in the educational sphere was the establishment of a high school for Muslim girls in Tirur. At private initiative many primary schools sprang up in Calicut to impart religious education as well as secular education. In other parts of Malabar too Muslim education with emphasis on female education received a great impetus. Consequently, Farook College of Calicut, a college of Arts and Science which was founded in 1948 has developed into the biggest residential college affiliated to Calicut university. The college stands as a full-fledged institution for imparting educational services to both genders including non Muslims. Farook College, one of the oldest and largest educational institutions of Malabar had to wait for 13 years after its founding to admit a woman student. Currently,

more than 30 percent of the students in the college are Muslim women.<sup>31</sup> Four of its seven hostels are reserved for women, most of the residents are Muslims.

In addition, the government in 1931, opened special school at Cannanore to train religious instructors in Mappila elementary schools. Although, the Mappila literacy rate in 1931 was only five percent there were 1,497 elementary schools for Mappila serving over 1,04,000 students which is an indication that progress had been made in this regard. In this total number however girls represented less than four percent.<sup>32</sup> After 1940, the steps already taken to foster education were continued and no new measures were adopted. However, the impact of modern education began to be felt among the common folk more and more. Further the educated and philanthropist in the community began to take steps in establishing schools and institutions for higher learning for the benefit of the students. of the ommunity Thus, gradually, education became wide spread among the community in Malabar.

The educational condition in Travancore and Cochin was not as much bad as in Malabar, though, the orthodox ulema were determined to prevent the common folk from receiving modern education. The western education had spread so widely among other communities in Travancore and Cochin that it began to influence Muslim communities also.

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<sup>31</sup> *The Hindu*, Coimbatore, 25<sup>th</sup> September, 2006, p.10.

<sup>32</sup> R.E. Miller, *op.cit.*, .205.

Many of the progressive minded Muslims felt the need of reforming the society through English education so that the interests of the community would be safeguarded. It was at this wake that "All India Muslim Educational Conference" was organized to encourage Muslim education. The promoters of the Aligarh Muslim University scheme toured different parts of Malabar, Cochin and Travancore. Their visit also gave an impetus to the educational effort of the south.

Ponnani claims to be the first centre in connection with the spread of Arabic Malayalam in Malabar. This trend had been initiated with the founding of the first press of its kind named 'Muhkiyal Garaib'<sup>33</sup> by Ammu. – Ibn-u-Kunchipakku, a native of Tellichery. Subsequently many institutions sprang at in Ponnani. A large number of copies Quran with translation in Arabic Malayalam were printed and circulated among the people. Significantly books on 'Hadith', 'Mappila pattu' and 'history' began to be published by these institutions. Besides, the books in Urdu, Persian and Tamil languages were also published. In Arabic Malayalam. The first translation of the Quran in Arabic Malayalam was completed by Moyinkutty Elaya a member of the Kei clan married into the Arakkal royal family of Cannanore.

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<sup>33</sup> T.K. Abdulla (ed.), *Islamica Vijnakosam*, (Islamic Encyclopaedia) Vol. VIII, Companion Volume, Kozhikode 2006, p. 73.

There are many leading organizations and institutions. Ponnani had long been the religious head quarters of Kerala "Maunnati-ul-Islam Sabha" was set up in 1900 A.D. at Ponnani. A meeting at Malappuram under the Presidentship of Putiya Maliyekka Pukkoya Tangal was held. To promote the welfare of the community the Sabha conducts an orphanage, several schools and weaving institutions. Several branches of the association have been opened all over south Malabar, Travancore and Cochin. A large number of domestic quarrels, divorce cases and partition cases have been settled through these associations.<sup>34</sup> An elementary school was established in 1932. In 1940, it was raised to a middle school and in 1943 it was converted into a high school. Both boys and girls of the Muslim community flocked to this High School for their high school studies.

There are many Arabic Colleges in Kerala Madeemathul Uloom Arabic College, Pulikkal, Malappuram was one among them. It was founded and managed by the registered association of Kerala Jamiyyathul ulama. The college first started work on 20<sup>th</sup> January 1947 at Trirurangadi.<sup>35</sup> It was shifted to Pulikkal in the same year Vazhakkad Darul Uloom College was the forerunner of this college. It stands as perhaps the first of its kind opened in Malabar. But unfortunately, it was closed Abdur Rahiman Maulavi Sahib, the then principal of the Vazhakkad College took great interest in the students and

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<sup>34</sup> A.P. Ibrahim Kunju, *op.cit.*, p.261.

<sup>35</sup> Kamal Pasha, "Muslim Religious Education, in Asgar Ali Engineer (ed.), *Kerala Muslims A History Perspective*, New Delhi, 1995, p. 139.

thought that the Vazhakkad college should be revived in some form or other to save the students in Arabic and allied subjects. With the help of Kerala Jamiyyathul Ulema this college was reopened.

Sullammssalam Arabic College, Areacode, (Malappuram) was founded in 1944.<sup>36</sup> It was approved by University in 19<sup>th</sup> May 1955. Rawzathul Uloom Arabic College was started in 1942 at Anakayam, a village near Manjeri. The founder was Janab Maulavi Abdussabah Ahmed Ali. Instruction in Islamic History, religion, science and literature was imparted through the medium of Arabic. It attracted much attention owing to its special features. It was a revolutionary step in Arabic education in Kerala, discarding the unsatisfactory and inefficient traditional methods of teaching. Now it is situated 2 ½ miles from Feroke railway station and about 10 miles from Calicut town. The Association constructed a permanent building for the Arabic college on the spot. Other Arabic colleges are Women's Arabic College Mongam and Islamiya College, Santhapuram.

As we all know education is the key factor for all round development of a society hence it is necessary to stress educational development. In fact, it would expand the mental horizon of the people. The Muslim women also put an implicit faith in this factor. The pioneering works of socio-religious reformers have yielded positive results. Consequent upon that, now many

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<sup>36</sup> *Ibid.* p. 140.

Muslim women are attending schools and colleges. There are teachers, doctors, lawyers, engineers, politicians and social workers who favour the participation of women in prayers held within the mosques.<sup>37</sup>

The political, communal, economic and intellectual pressures set the community of Muslims who had evolved a settled faith and piety and it developed a frame work of customs and demonstrated a regular pattern of attitude and behaviour.<sup>38</sup> It was a community with strong conviction and genuine commonness in its approach to God and truth, life and conduct. The understanding of the nature and the resources of the community is essential to the judging of its capacity to deal effectively with the challenges it faced and faces.

It must be recognized, however, that the tradition of the community is a changing one. The winds of change have touched the Mappilas lightly while the process of challenge and response goes on with the community. As a whole they continue their life apparently unaffected and unchanged except in externals.<sup>39</sup> The encounter with modernity goes on in some measure of every level of life and there is no Muslim in Malabar who is totally free of its influence.

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<sup>37</sup> A. Sreedhara Menon, *op.cit.*, p.268.

<sup>38</sup> R.E. Miller. *op.cit.*, .233.

<sup>39</sup> *Ibid.*

It is a well known fact that Islam was instrumental in initiating social changes or giving an impetus to the already existing reform movements. The impact of socio-economic educational and cultural movements has been brought to bear upon this community. It was effective in changing the face of the community. As in the case of Indian society the influence of those factors such as the progress of industrialization, urbanization and to a considerable extent westernisation have influenced Muslims a lot.

The distinctive personality of the community with its own customs and culture had afforded it a backward position. It would be termed as medieval society and as a result of the peculiar socio-economic system that existed during the last so many decades, the outlook of the people became regional and their minds were fettered by orthodoxy, insularity and exclusiveness. On analyzing the development that has taken place in the first half of the last century we could see that many symbols of medievalism are vanishing.

At the outset, modern secular education has been accepted. In the social field due to the educational progress matrilineal system has been replaced by patriliney. Superstitions and age old taboos are giving way to pragmatic approach towards religion and beliefs based on scientific and rational outlook taking their place. In this process of development, the Mappila society to-day has changed and almost laid to rest the stereo typed customs of the society.

Modern education has come to them as a factor contributing for reformation. The whole process can be turned as a response to change. South India was looked into as the area of hope for the integration of acceptable modern principles received from the west into the thought world of Islam. Even though, the south Indian Muslims were not as educated as North Indians, they could welcome the challenge of a new culture and a new age and respond positively to it. While clinging to their fundamental religion and cultural traditions in secular life they would prepare themselves to meet its demands."<sup>40</sup> It is an undeniable fact as South India is concerned. It may not necessarily be applied to the Malabar Muslims who had for many years an aversion to modern education. Here in Malabar it was a slow process as far as the response to cultural change was concerned.

To start with, the study of Malayalam especially by Muslim women was opposed on the ground that it was the language of the infidels. Willim Logan, the author of *Malabar manual* and District Collector of Malabar, who wrote in the last quarter of the nineteenth century has regarded this community as a class nearly almost, if not altogether, illiterate. The only education received was a parrot like recitation of the Quran, which being in Arabic none of them understood.<sup>41</sup>

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<sup>40</sup> See S.M. Mohamed Koya, *op.cit.*, p.77.

<sup>41</sup> Logan, *op.cit.*, p.198.

The Muslims of Malabar had been maintaining a defensive attitude against the changes that had been taking place in society and had been remaining especially pre-modern in outlook. It was their participation in political order that gave them intimate contact with modern life. In this connection it is pertinent to recall a great political leader and social reform activist, Mohamed Abdurahiman. Abdurahiman sahib a veteran leader of the freedom movement in Malabar gave a new life to the people of Malabar in the field of literature especially with the founding of 'Al-Ameen' press in Calicut. From 1924 onwards the activities of journalism in Malayalam provided an intellectual basis for the people of Malabar.<sup>42</sup> Muslims of Malabar showed keen interest in learning Malayalam language because many books on Islam were published in Malayalam. Actually it enabled a logical thinking and gradually the superstitions began to vanish. Apart from that 'Al-Ameen' reflected the Congress politics which the people wanted to know more interestingly. So there was definitely a change in the attitudes of the people. This trend also influenced the Muslims women to go to schools and receive Malayalam and English education.<sup>43</sup> The combined influence of modern education, communist critique and economic need has reduced the dominance of religious concern. The latter is being narrowed to a private matter while the public concern of the community is social progress.

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<sup>42</sup> T.K. Abdulla, *op. cit.*, p. 74

<sup>43</sup> See for details, S.K. Pottakkat, *et al.*, Mohammed Abdurahiman, Calicut, 1978.

The poor level of education of Mappila women has been attributed to the existence of matrilineal system, a unique social system of Kerala among the Muslims of North Malabar and mixed joint family set up that prevailed in the Muslim centres of Ponnani and Calicut and the system of the husband visiting at her house (Veetuputhiyapila system) which is really a variant of 'Sambandham' has resulted in the total absence of education among the Mappila women.

The existence of matrilineal system in the Islam of Malabar which is against the tenets of the religion had raised many eyebrows. It has termed as a stumbling block to the progress of the community as it was associated with the prevailing system of joint family.<sup>44</sup> In course of time, Hindu joint families had broken up and the same trend is noticeable in the Muslim society of Malabar. In this new turn of events they tried to substitute patriliney in place of matriliney. Efforts have also been made by the progressive minded people to introduce legal measures to eradicate unIslamic trends in Muslim society and to uplift women from enslavement and confinement.

As far as Muslim women in Malabar were concerned they had no role in different spheres of life. Their main duty only to look after their husbands and children after their marriage. The privilege of western and secular education was denied to them. They were expected to be the slaves of their

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<sup>44</sup> S.M. Mohamed Koya, *op.cit.*, p.83.

husbands. Even those who were interested in receiving education were not allowed to go to schools. Those who received educational were considered as outcaste. They had to suffer all kinds of ill-treatment and oppression from their parents or society. This was due to the fact that Muslim society was completely under the control of the conservative section of the Muslim society.

Apart from this, the early marriages in Muslim society were also a contributory factor for their backwardness in the education field. Even if they wanted to continue their studies after, high school education, the parents thwarted their desire for they thought college education would endanger the moral standard of Muslim women. Again, the parents psychologically feared that unless the female children be given in marriage to their life partners when she came of age, she would bring curse or disgrace to their family.<sup>45</sup> That is why early marriages were arranged in those days. Thus, they set up a society based on certain conservative concepts.

From the early decades of the twentieth century, Muslim women of Malabar have been experiencing a revolution that has radically altered their outlook. Now they are in the forefront making all attempts to liberate their sisters from the clutches of male domination. Many women liberation

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<sup>45</sup> K.K. Kooriyad, *Veetunullilesthree*, Malappuram 1989, p.19.

organizations have been organized in different parts of the country. They have raised their voice for female education and for their upliftment.

Despite their reluctance in accepting western education, there were many poetesses whose contributions to Arabic Malayalam are great. Amina and P.K. Haleema occupy a prominent place among the literary figures of Kerala.<sup>46</sup> They themselves devoted their entire time learning Malayalam language and religious studies. The latter wrote some poems entitled 'Badarul Munir' 'Oppanapattu'. 'Porutham', 'Rajamangalam', 'By-Ayisha' etc. The Mappila literature is written in a mixture of Arabic and Malayalam languages written in Arabic script which came to be called Arabic - Malayalam. These Mappila pattus (songs) reflect the social perspective of Muslim society. Arabic Malayalam is very much still alive in Malabar. Arabic - Malayalam may perhaps be little known outside Kerala. Nevertheless, it is no exaggeration that a study of the history, culture and social life of Malabar Muslims cannot be seriously undertaken without an understanding of Arabic - Malayalam.

Besides these, they have other contributions to their credit. The most notable being 'Fatah-ul-muin.' These works portray the general conditions of the Muslims. The increasing trend of Islamic literature in Malayalam has been the result of spread of literacy among them.<sup>47</sup> Translation of Quran into

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<sup>46</sup> C.N. Ahamed Moulavi and K.K. Mohamed Abdul Kareem. *Mahathaya Sahithya Parambaryam*, Calicut, 1978, p. 465.

<sup>47</sup> Interview with M.C. Ibrahim, Calicut on 20.11.06.

Arabic-Malayalam enabled both Muslim men and women to grasp the interpretations of Quran and they began to rationalize their thoughts and gave way for the removal of unIslamic practices from the society. In fact a new trend has thus begun to take shape in the society. In the early part of the century in Tellicherry, a centre of orthodox Muslims, Amina Hashim and Ayisha Roph, two sisters rose into prominence, the former as a social worker of repute in India and the latter as a prominent educationist in Ceylon.<sup>48</sup> These are exceptions in Mappila history especially in the early past.

"Ntuppappakkoranentarnnu" (My grandpa had an elephant) by Vaikom Muhamed Basheer has high lighted the impact of female education. The hero of the novel Nisar Ahamed marries Kunhupathumma an illiterate girl and he educates her through advice and instruction.

K.T. Mohamed playwright and short story writer through his career, lasting more than half a century (from early 1950's) has, time and again, spoken against superstitions and brought home the message of making women conscious and aware of responsibilities. He also stressed the need for womens' education. Late N.P. Mohammed , U.A. Khader Moidu Padiyath, V.P. Mohamed, late P.A. Mohamed Koya Punathil Kunhabdulla the list of Muslim novelists and story writers go like that. All of them have emphasised the point of women's education. There are also women writers especially

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<sup>48</sup> S.M. Mohammed Koya, *op.cit.*, p.372.

novelists. B.M. Zuhra and Sarah Aboobeckar are examples. Zuhra, hails from a Mappila family of Calicut. Her ancestors were from North Malabar and emerged as a writer in her thirties. She writes on the resurgence of Mappila women who have emerged from a state of backwardness.

Regarding Muslim women's presence in Malayalam literature the names of late Thankamma Malik and Malliak Yunnes (Thankamma's daughter) in Travancore and Cochin may be mentioned in this connection, besides B.M. Zuhra from Malabar, a freelance journalist A.M. Khadeeja, now associated with *Tejas Daily* has written short stories and articles. Dr. Mumtaz is also a novelist. Kalladi Mumtaz is a travelogue writer and Nilambur Ayisha and Zeenath are actors.

Unni Abdulla, wife of late V. Abdulla, writer and social cultural activist is the author of books on "Cookery". The book written by her on Mappila Cookery needs special mention. Now a days Muslim woman magazines besides journals like *Vanitha* and *Grahlakshmi* and those by Muslim press agencies. carry on notes on Cookery by Muslim women. These magazines are replete with short stories and articles by Muslim women writers, most of them from the Malabar side.

The beginnings of writings by Muslims women of Malabar could be traced to the 50s of the last century. These pioneers wrote in *Mathrubhumi* and *Chandrika* weeklies. Sometime back one literary critic S. Saradakutty in

an article written in *Mathrubhumi* weekly in tone of sorrow stated that Muslim presence in Malayalam literature is not seen nor is she visible as author of novels and short stories in Malayalam.

Akbar Kakkattil has said in an article written sometime back in Ramzan supplement of *Mathrubhumi* that Moulana Azad helped a Muslim teenaged girl of Malabar interested in literary writing by making available to her books from the Education Ministry.

Apart from these writers, the name of Kamala Suraya, the literary genius who wrote short stories and novels, is a great contribution to literary and cultural treasure of Malayalam. Kamala Suraya, formerly Madhavikutty, who converted to Islam a few years ago is considered to be notable among the Muslim woman of Malabar. Vilayil Valsala a partner with V.M. Kutty, the famous Mappila Pattu composer and singer became Vilayil Faseela on conversion to Islam and she is an ace Mappilapattu singer.

In this connection, it is noted that the various organizations founded during this period began to function under the auspices of eminent professionals. These organizations were primarily concerned with imparting secular knowledge to the Muslims. One among them is the Muslim Educational Society. It was founded in 1964 by a group of Muslims, mainly doctors and educationists exclusively for cultural, economic, cultural and

educational uplift of Muslims of Malabar. The movement began as a result of intense dissatisfaction in the progress of the community.<sup>49</sup>

The founders of the movement led by Dr. P.K. Abdul Ghafoor a professor of medicine, were professional men, who had personally experienced the benefits of secular education. He said that MES was going forward to create a revolution in the mind of the people. He had noted with pride that thirty percent of the college students in Malappuram and Calicut districts were Mappilas a development of major significance.<sup>50</sup>

By February 1967, it had laid the foundation of its first College at Mannarghat. They had opened up a series of service institutions and programmes designed to uplift their community. They opened four colleges at Mannarghat, Ponnani, Cranganore and Valancherry. When the Muslim Educational Society started a college at Mampad, the largest college at Malappuram district, in 1965, it had just 12 women students, only five of them were Muslims. It took another decade for the college to take the number of Muslim women in its campus to magical 100. It achieved this in 1976. But today nearly 500 Muslim women study on the Mampad campus which offers seven post graduate programmes. And according to college principal, O.P. Abdurahiman, more than half of his post-graduate students are Muslim

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<sup>49</sup> R.E. Miller, *op.cit.*, p.211

<sup>50</sup> *Ibid.*, p.218.

girls. It is not just humanities or science courses that attract Muslim girls.<sup>51</sup> For instance, they make up nearly 20percentageof the students in the MES College of Engineering, Kuttippuram.

An All India Muslim Educational Conference at Feroke was held from December 25<sup>th</sup> to 27<sup>th</sup> of December 1970 which MES leaders regarded as a 'supremely important event for Kerala Muslims.' Those who presented papers based their conclusions on the question of relations of secular and religious education. They also took up the question of female education with broad based outlook.

As a result of the functioning of the ladies wing of Muslim Educational Society under Mrs. Fathima Ghafoor, Mrs. Khamarunnisa Anwar and other prominent women leaders, the question of Muslim women's education has been seriously taken up and the cause of women education has achieved a great success. They inspire them to receive education discarding the taboos and superstitions which had been in vogue in the community for a long time. Muslim women, therefore, are bound to accept education for all their betterment. The best examples are the schools and colleges that we see today in the cities and rural areas, where the Muslim female students are attending classes wearing colourful dresses to acquire modern and secular education.

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<sup>51</sup> *The Hindu, op.cit.*, p.10.

The community crowned its glory when Mrs. Amina Maricar became the first Muslim woman to secure the MBBS degree from the Madras University. From the aristocratic Mappila centre of Kuttichira, situated in the heart of Calicut with many high schools and several colleges the first girl graduated from an ordinary high school in 1964. The first college graduate of either sex received a bachelor's degree in 1939.<sup>52</sup> Ayshumma, hailing from Areacode, situated in Malappuram district, was the first Muslim girl to pass SSLC degree in the midst of a storm of opposition from the orthodox sections of the society. She was working as a primary teacher in a near by school and later she provided all her children the best education that she could afford.<sup>53</sup> Mrs Fathima Ghafoor in her article entitled 'Pavangal Pennugal' published in a souvenir (1990-91) has said that Quran never denies the privilege of education to women and also added that the position of Muslims was not less inferior comparing to the other states.

Mrs Khamarunnisa Anwar in the same souvenir entitled 'Etha Oru patha' has said that the Muslim Educational Society has improved the status of Muslim women. She further argues that in order to withstand the challenges in the modern world. Muslim women she must receive education. The number of female children attending schools and colleges in the rural areas

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<sup>52</sup> R.E. Miller, *op.cit.*, p.206.

<sup>53</sup> Obituary news item in Mathrubhumi (daily), Calicut, Nov. 14, 2006, p.8.

has been increased considerably due to their relentless work.<sup>54</sup> Mrs. Fathima Ghafoor is really a mastermind behind the upliftment of Muslim women of Malabar.

Muslim women have first to their credit, Mrs. Fathima Beevi, who was the first judge of Supreme Court. She was also the first ever woman to become a member of the country's highest judicial body<sup>55</sup> and was the first woman governor of Tamilnadu.

It is enumerated in the Kerala Muslim Directory that in Kozhikode, Malappuram and Palghat, the numerical strength of the Muslims is greater comparatively. It gives the statistical report that in 1980-90 the PSMO College, Tirurangadi, now running as a post graduate college, had the total strength of Muslim students at 1217, and out of this the female candidates numbered about 524.<sup>56</sup> In addition to this college there are a number of colleges established in Malabar both in public and private sector. From the figures collected from Farook college and sister institutions in 2003, it is found that out of nearly 7,000 students attending various courses, 2225 were male and 2548 female Muslim students. In the seven MES colleges that were taken up for study 1449 were Muslim males and 1347 Muslim females during

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<sup>54</sup> MES. Ladies' wing Souvenir, Calicut, 1999, pp.20-22.

<sup>55</sup> *Manorama Year Book*, Kottayam, 1993, p.645.

<sup>56</sup> C.K. Kareem, *Kerala Muslim Directory*, Vol. 11, Ernakulam, 1991, p.1004.

2000-03.<sup>57</sup> Both these sets of figures which reflect the community situation show that there has been of late very significant increase in the enrolment of both Muslim boys and girls. This can be directly attributed to the impact of modern education. To the credit of their community, there are number of Muslim women graduates and postgraduates who are working in reputed institutions.

A few more examples would reveal the fact that social changes are taking place in the Muslim community and especially among women. In the university examinations conducted for final year degree by the Calicut University in 2001-02 and 2002-03, some of the Muslim girls of Malabar have secured, creditable marks. T.K. Habeeba Hussain, a first rank holder in B.A. Sociology, and Nusaiba a second rank holder in statistics brought credit to a Farook College in Calicut district where they pursued their studies. Both of them were of the opinion that a systematic study helped them to reach the ladders of success. Though, they were married, their studies were not disrupted due to marriage but rather, their husbands and mothers in law encouraged them to carry on their studies.<sup>58</sup> Sumayaya and Najma from the same college secured excellent marks in Arabic, Islamic History and Mathematics respectively.

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<sup>57</sup> U. Mohammed, "Educational Empowerment of Kerala Muslims - A Socio-Historical Perspective" (A project Approved by The Indian Council of Historical Research), New Delhi, 2003-05, p.26.

<sup>58</sup> *Aramam* (monthly), Calicut, August, 2003, pp.18-20.

These academically interested students were also active members of GIO, (Girls' Islamic Organisation) a women's wing functioning under the auspices of the organization called 'Jamat-e-Islami.'

Even in the grip of economic crisis girls like Rabia, who lives in Valluvanakkad village, Malappuram district, strove hard to acquire education. Apart from her economic miseries, she is also a physically handicapped girl. Here thirst for knowledge only enabled her to seek primary education from a nearby school and secondary level education from Government High School, in Tirurangadi.

In spite of her joining PSMO college for pre-degree course, Rabia could not continue her studies due to her illness.<sup>59</sup> She is the first to receive National 'Yuva Jana' Award from Malappuram district and third woman from Kerala state. Such an honour registered by her brought credit to her illiterate parents. A large number of Muslim women became literate due to the literacy campaign of the Government.

In the contemporary Muslim society the literacy rate has been increased. Today 60percentage of the readers of magazines and weeklies in Malayalam are Muslim literate women in Malabar. They are anxious to know the women issues published in it. There are many Muslim women journalists. There is a woman journalist working in the Gulf edition of 'Chandrika' daily.

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<sup>59</sup> Joseph Nandilath, *Chalanam, Ernakulam* 1994, p.43.

Juvaina Faiz, a Muslim girl has obtained first rank in the medical degree examination conducted in 2005. She sets an example for the younger posterity. Fathima Beevi was the first woman circle inspector of Malabar.

There are also a good number of software engineers from the Malabar area, who are employed in many technoparks of Kerala and elsewhere in India. It is a usual sight that these young women wearing Purdha riding two wheelers, driving cars holding their mobile cells in their hands and going to their work places and this shows that they have undergone a process of social changes and they can even compete with their counter parts. These observations and conclusions would ensure the fact that a slow but steady the social change is deeply felt among them.

The changing status of Muslim women has been analysed on the basis of a random survey conducted among a few women of Mappila community at Kuttichira, Calicut, at Areacode, Malappuram, and also among different Muslim communities like Daudi Bohra women, Rawther and Dhakni women at Calicut and Palakkad respectively.

The analysis of the data reveals that, in Kuttichira, a great majority of the families are Mappila Muslims and most of them are retaining the matrilineal 'taravads' there. Most of the families, with an exception of a few are found to be in an average income group. The respondents say that 80percentageof the girls are studying for +2 courses. Sixty percentageof

them are studying in Degree courses and 20percentageare studying for professional courses. The study also reveals that 10percentageof them are employed.<sup>60</sup>

Regarding the male children it is found that 70percentageof them are in +2 level and 40percentageare attending the Degree courses and 10percentageare studying for professional courses. The present study shows that male literacy is less than the female literacy in this area. The low literacy is due to the low income of the families. In an atmosphere of matrilineal set up, the male children are forced to look out for Jobs. Some may seek jobs within Kerala or migrate to Gulf countries. They are accommodated in lower grade jobs. Their intention is to earn money because he is encumbered with a large family. This is also a reason pointed by them for not going for further studies. So, either because of lack of talents in them or because of financial constraints they do not prefer to go for higher studies. Another reason is that they want to project<sup>is</sup> that they cannot afford the cost of the present system of education in the private institutions.<sup>61</sup>

Daudi Bohras are usually found as microscopic minority community among the Muslims of Calicut. They belong to Shia sect. They are a trading group and presently, there are a few families distributed in the South Beach Road. The respondents of the families say that 70percentageof the females

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<sup>60</sup> Survey conducted on 20.11.06.

<sup>61</sup> Interview with Kalimabi on 21-11-06..

are attending the +2 courses and 50percentageare studying in Degree courses<sup>62</sup> and only 10percentageof them are rich and affluent while the remaining 90percentageare in poor condition. They also add that marriages of the female children are usually conducted at the age of twenty or so.<sup>63</sup> The study concludes with the findings that in literacy they remain still backward compared to the women of Mappila community.<sup>64</sup>

Calicut Girls' Vocational and Higher Secondary School, Kundungal was established on 4.8.1958. The founder C.P. Kunjahamed was the brain behind the upliftment of the Muslim community educationally and socially. He was also closely associated with MES in its formative years.

At present, the total strength of the school is 2836.<sup>65</sup> The school consists of upper primary, High School, Vocational and Higher Secondary sections. The school is maintaining an excellent academic result. It has recorded 76percentagepass during 2005-06 out of 350 students appeared for the SSLC exam.<sup>66</sup> Twenty five percentageof the students are from rich background and others are from poor families. Majority of the students, teaching and non-teaching members are Muslims.

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<sup>62</sup> Survey on 21.11.06.

<sup>63</sup> Interview with Alifiya on 21.11.06.

<sup>64</sup> For history of Daudi Bohras see Asgar Ali Engineer, *The Bohras*.

<sup>65</sup> Souvenir, *Innolam* (Malayalam), 2003, p.207.

<sup>66</sup> Interview with Headmistress of Calicut Girls Vocational Higher Secondary School, Kungal, Calicut, on 20.11.06.

The Higher Secondary section has kept up the same pass percentage. Presently, no married students are studying in this institution. This was not the situation earlier, say, twenty - twenty five years ago. At that time students used to get married while studying in the school. Now, some of the students are attending the coaching campus with the intention of joining the professional courses.<sup>67</sup> A few of the ex-students are working as teachers in High Schools and Higher Secondary Schools. Currently, Sumayya an ex-student is doing her medicine.

The survey conducted among a few women of Rawther families at Parakunnam, Palakkad, reveals the fact that the growth rate of literacy is lesser than that of Mappila women. Among them, the literacy rate in the +2 level is 40%. It is also found that there are also drop outs in this category due to their marriages. And in the Degree level, the literacy rate is found to be 55%. Drop outs are also found in this category. Two percentage of the students are studying for post graduation or professional courses.<sup>68</sup> The study also reveals out that male children are having a low literacy rate comparatively. Most of the families are in low income group two women are in the governmental service. Another striking feature is that migration to gulf countries are not very common here.

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<sup>67</sup> *Ibid.*

<sup>68</sup> Survey as 16.9.06.

As regards Dhakni (Pathan) families, their status is still worse. They are numerically inferior to other communities. At present in Palakkad town, some two hundred families are distributed. Basically, they are from Mysore region. The respondents say that only 40percentageare attending +2 courses and 20percentageare studying in Degree courses and 1percentageof them are studying for professional courses. Only 2percentageis employed.<sup>69</sup> As far as male children are concerned, their literacy rate is lesser than that of females. But dropouts do not occur unlike Rawthers. In this community marriages do not take place in the teenage.

Gulf migrants and their income contributed become the income of the family. But due to low educational status they are employed in inferior jobs. As the gulf migrants possess only low posts, their survival in such places is an acute problem. Some of them are returning to the original homes. The rehabilitation of such people is a serious problem today.

In short, it is summed up that the women of Mappila community of erstwhile Malabar are relatively better in educational and socio-economic conditions. The status of women of other Muslim communities of the Malabar region is still worse and the male literacy is far from satisfactory than the female literacy.

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<sup>69</sup> Survey on 20.9.06.

The on the spot survey conducted by the present author in Areacode, a centre of Islamic resurgence caused by Islahi (Mujahid/Salafi) movement, reveals an interesting information on the socio-educational status of Muslim women.

Till the early 1920's the Muslim belt of Malappuram district was cut off from the main stream of the society. It was a backward area where the main occupation of the people was agriculture. Eranad and Valluvanad, the two historically significant places of South Malabar reminiscent<sup>d</sup> of the historic Malabar Rebellion of 1921. This badly needed the Government interference and the British Government now took measures to nullify the effects of a series of outbreaks that occurred in this region.

William Logan, a popular administrator made a detailed study on the economic and social issues of the Mappilas of this region and he came out with his magnum opus *Malabar Manual*. This significant work identified the rural poverty and agrarian tension of the region in the colonial context as cause of these outbreaks. That is why the British declared south Malabar as an educationally and economically backward area.

Thus, the British took initiative to start schools particularly for the Mappila community. The schools thus established and which were called Mappila schools have passed more than 80 years as of now after their establishment.

Geographically, Areacode lies to the northern part of Manjeri which is in the Eranad taluk, a venue of political activities during the freedom movement in Malabar. Approximately, Areacode is 17 kilometers away from Manjeri. Presently, Areacode consists of 13 wards and it is located in a hilly region blessed with scenic beauty. Each ward will have at least 1000 families.<sup>70</sup> It is everwhelmingly occupied by the Muslims.

The service minded philanthropists under the auspices of their organization named Jam-i-y yyathul Mujahideen Sangham did yeomen service for uplift of the community from their salvaged position. In this connection the founder N.V. Abdussalam Moulavi needs a special mention. The idea struck to his mind at first to bring the people of this region to give proper religious awareness so as to prevent them from ignorance and superstition. He and his associates like N.V. Ibrahim master and others led the people in the campaign to secure secular education.<sup>71</sup>

It was for this purpose a number of schools and colleges, both Arabic and Arts and Science Colleges were established in this area. These institutions actually remain as a source of inspiration for the younger generations. One among them is MEA Sullamussalam college, Areacode. It was started in 1995 in which both male and female students are studying. At

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<sup>70</sup> Interview with K. Safarullah, Superintendent. MEASS, College, Areacode, on 7.12.06.

<sup>71</sup> *Ibid.*

present, the total strength of the college is 557. Out of them 65percentageof them are female students. The college here stands proudly with its unique distinction of having secured 100percentagepass results in the academic pursuits of the students during 1995 - 2006.<sup>72</sup>

The survey specifically made clear that 100percentageliteracy rate is found in the +2 level classes among the Muslim girls and there is at least 70percentageMuslim females attending Degree courses in the Areacode area. It is further noted that 20percentageof the Muslim girls are attending the P.G courses including the professional courses.<sup>73</sup>

In this college, 100percentagestudents are Muslims and 70percentageof them are Muslim girls Mr. Safarullah, the superintendent of the college says that from 1960's to 1990's, it is an efflorescence period in the history of Muslim education of Areacode area. Apart from its achievements it has reserved 20percentageseats in the colleges, exclusively for Muslim girls to attract the girl students to study in this institution. In addition to that, employment opportunities are provided to the students who pass out from these institutions.

The Sullamussalam college was upgraded by starting P.G. courses in 2000. It is noted that some posts are filled with the Guest Lecturers. Though,

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<sup>72</sup> College Annual Report, 2005-2006.

<sup>73</sup> Survey on 7.12.06.

there are sufficient qualified hands to compete for the posts, there is a delay in the regular appointments. The delay is on the part of the Government.

The list of the girls students who passed out with distinction is given below Abida Farooq, has secured I rank in M.A. English literature in the examinations conducted by the Calicut University during 2004-2005. Sajeena, E. is placed in II rank in computer science and Adeeba, P.M. in III rank in the same subject during 2003-2004. Two of the students, a boy and a girl were placed in Vipro software company in Bangalore.

As the principal, Dr. K. Mohamed Basheer has left for Mecca, the principal, in charge supplements the data by his remark that for the last five years, there is a change in the attitude of Muslims. This is reflected at the time of admissions. The seats are thrown open to the students. However, all the seats could not be filled up. This he says is due to the reluctance of Muslim parents to send their daughters for the college course.<sup>74</sup> In few cases, the students prefer to go for job oriented courses or to get married. This explains the shortage of girls in the college now-a-days. There are also cases of Muslim girls migrating to gulf counties with their spouses.<sup>75</sup>

Arabic colleges and High schools are functioning in and around the campus. It is run by the same management. Seventy percentage of the employees in these institutions are Muslim women, hailing from Areacode

<sup>74</sup> Interview with E.P. Abbas, Principal in charge, MEASS, Areacode on 7.12.06.

<sup>75</sup> *Ibid.*

Panchayat. As far as Sullamussalam Oriental High School is concerned 90percentageof them are from Areacode.

Regarding the social structure, the respondents say that they strictly adhere to the principles of Islam. They do not have any traits of matriliney as it is found in Calicut. The women of the area are strictly under Islamic dress code. Most of the women are found wearing purdha and are moving about and engaging themselves in their day to day activities. The respondents say that the female students of the college are strictly under instruction to wear Churidar with Slitless tops and a head veil (makkana). This is the prescribed uniform of the college for them.<sup>76</sup>

Female members of the teaching and non teaching staff are to wear Sari with long sleeved blouses and a head veil. According to the respondents, the purdha weavers are on the rise. But, this increase in their view is not a part of religious fundamentalism. It may be due to religious awareness. They say that polygamy and 'talaq' do exist marginally among both educated and uneducated families of Areacode. It is said that it is existing under the compelling circumstances.<sup>77</sup>

The aforesaid institutions are running under the influence of Mujahid movement and so they practise its ideology imposing it on the pragmatic life of the people. At any cost, they discourage superstitious beliefs, ceremonies,

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<sup>76</sup> Interview with K. Safarullah, Superintendent. MEASS, Areacode on 7.12.06.

<sup>77</sup> *Ibid.*

nerchas, and sophisticated marriage functions. They exhort the people to lead a simple life based on love and affection within their own communities and other communities of the society.

To the credit of the movement, they said that recently, some marriages were conducted without encouraging dowry. Regarding birth control, they never adopt family planning methods generally, the families are having large number of children, however educated they may be. They consider restraining the number of children is anti-Islamic. No financial constraints block their path towards progress in all ways. The Gulf impart has eased their financial difficulties. They are all in better condition now.

Finally, the study concludes with the remarks of the informants. They say that the students of the college do not have any financial difficulties. Now, the financial constraints would not stand as a bottle neck to force them to discontinue their studies. The reasons are listed as (1) The parents are educated and are employed (2) Many of them are employed in Gulf and settled with their spouses (3) The organization also sponsors many scholarship schemes in favour of those who cannot afford to.

Ibrahim Masters' Foundation is also providing coaching to the students from sixth standard onwards so as to equip the students to participate in the civil service examinations. But, unfortunately not even a single student from

both genders has achieved this coveted post,<sup>78</sup> though the training imparted by this organisation is meant for giving training to prospective candidates for the posts in all India services.

In this connection it is worthy to mention Arakkal Beebis. The only Muslim royal family of Malabar, the Arakkal dynasty at Cannanore provides for succession through female line as per matrilineal rules. In Arakkal royal family the senior most male or female member in the female line becomes the head of the royal house with the title Arakkal Sultan (Ali Raja) or Arakkal Beebi as the case may be. In majority of the cases in Arakkal Royal house females have occupied the seat of head of the house. The present head of the house is a lady. Her immediate predecessor is also a member of the women folk. This system led to the empowerment of Muslim women in Malabar.

The Muslim women are participating in political field. K.P. Mariyumma was a senior lawyer and a social worker and the only woman district President of Malappuram during 1995-2000. Noorbina Rasheed, an advocate was a corporation counsellor of Calicut. P. Kulsu, is at present the member of women commission.

Kamaruninisa Anwar was the Chairperson of Social welfare Board, Government of Kerala. She was Muslim league activist also. Later she was designated as the chairperson of Women's Development Corporation. V. P.

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<sup>78</sup> *Ibid.*

Zuhra championed reforms in Muslim personal law to do justice to Muslim women.

As per the new regulations governing election of representatives to Municipal bodies and three tier panchayat committees Muslim women candidates have been returned to these bodies. This factor has added to empowerment of Muslim women in Malabar.

For example Thottiyal Kunhi Beevi and C. H. Jameela were the chairperson presiding over the everyday lives of thousand of people. One is retired Government official in her late fifties and other school teacher in her thirties. Never, before they had any public speeches in life nor holding a public office. Still they assumed the charge of chair person of municipalities of Malappuram and Tanur when the states were reserved for women.

Kunhi Beevi was daughter of a Musaliyar (religious teacher). To be fair this was the third battle against her own circumstances. The first was in her childhood when she wanted to study beyond primary school. She said she was a bright student but girls were not expected to study much, I was lucky that I was daughter of locally influential Musaliyar and they did not dare to do much here.<sup>79</sup>

Thus during her poll campaign she had to cope with local hardcore sunni segment who were against Muslim women entering in public life. By

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<sup>79</sup> *Sunday Express*, Cochin, 12<sup>th</sup> December, 2000.

dint of her courage and efficiency she entered into public life. She said that having nothing to do after retirement she entered the public scene.

Jameela is quite candid about her own reason for joining this service. She said "I and my husband have no kids, I was feeling bored after the few hours spent teaching in the local school. I wanted to pass time better." She admitted that if not for women's reservation, there would have been no chance of getting this position.<sup>80</sup> Her entry into the local bodies was opposed by the orthodox section. But still she never declined the post and she took over the charge of administration with courage and confidence.

It is also to be noted that a silent revolution is taking place in Tanur. Muslim women are coming out of their shells to empower themselves. With the help of Kerala "Sastra Sahitya Parishad" they have become experts in repairing fans and other electrical goods. All this would show how a social change is working wonders for Malappuram's hitherto shy women. It is the ability of women to live with dignity to acquire independence of mind and spirit and will to face life's nagging problems. Muslim dominated Tanur in Malappuram district is witnessing a silent revolution of all sorts quietly but forcefully. Illiterate housewives are now literate with their own efficiency in day-to-day life especially in the energy sector. Now they are not afraid to handle to the electrical equipments at home. If we ask Mundathode Razia,

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<sup>80</sup> *Ibid.*

why a bulb gets illuminated when it is switched on, she will give many reasons.

The underdeveloped regions of Tanur are all in a ferment as the women have dared to come out of their shells. It is a positive development, says Nirmala Kumari, the worker of 'Samastha,' the sister organization of Kerala Sasthra Sahithya Parishad. stepped in instructing them and helping them to find an identity of their own. The untiring efforts of these organization have attracted many Muslim housewives and the activists have organized many awareness programmes.

Saleem says that they took this job because the electricians were pocketing huge sums.<sup>81</sup> But the silent revolution has affected the scores of electricians in the place. They are afraid of this trend. If it spreads to other districts, the electricians would launch agitations against them for getting protection for them. This was said by one of the reputed electricians named Manikandan K.B. This is women's empowerment in its purest sense.

Not only the western education has played a prominent part in raising the educational, social and economic conditions of Muslim women, but certainly, some other factors are also to be accounted. The West Asian migration has played a crucial role in enhancing the literacy rate especially among women of Malappuram area.

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<sup>81</sup> *The Indian Express*, (daily) Cochin, 15<sup>th</sup> August, 1998.

The awareness among the ladies was due to their conscious efforts to get involved in communicating with their counterparts at Gulf. Further, in order to deal independently with banks, they became conscious of the need for learning to read and write. They have learnt to fill withdrawal and deposit forms. It was found that 22.7percentageof illiterate women tried to become literate only for the purpose of communicating with their husbands in Gulf countries.<sup>82</sup>

There is mushrooming growth of residential schools. As the boys are out of control, the mother used to accommodate them in residential school and kintergarden schools are also growing considerably in rural and urban areas of Malappuram district. From these facts it is clear that Muslim women are conscious of their duties to be performed in the absence of their husbands.

Some striking changes have been noticed in the day to day life. As we all know that in almost all the societies of the world there are two sections Haves and Have-nots. One section remains rich, affluent and economically independent with their engagements in their trade and commerce. The children of such families would have the benefit of education. The children of the poor are denied this privilege. Poverty stands as impediment too difficult to overcome. Now, there is a change in the conditions of the poor

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<sup>82</sup> K.T. Aboobeeker Siddique, 'Impact of Gulf life of Malappuram district' (unpublished, Ph.D. thesis), University of Calicut, 1992, p.193.

due to the inflow of Gulf money. To a certain extent, poverty does not stand as an obstacle in acquiring education.

A lot of changes have taken place in other fields also. In the realm of marriage, the Gulf money has exerted a profound influence to a large extent. Not only in Malappuram but in other parts, the parents think that it is their duty to conduct the marriage of their daughters with much pomp and splendor as they can afford. It is reported that an amount of Rs.3 lakh has been spent for the marriage of a 'Gulf daughter'.<sup>83</sup>

It may be mentioned that since the marriage of a girl usually involves heavy expenditure in connection with dowry and such other things, a marriage is preceded by a 'Kurikalyanam' especially among the poorer sections which is a notable custom prevalent among them.<sup>84</sup>

Any man who is hard pressed for money conducts a 'Kurikalayanam'. Friends and relatives are invited and they are given some light refreshments. The assembled guests are expected to give a sum of money to the host. The amount given varies according to the status and financial position of both the parties. This is a good way of acquiring a lump sum of money. Those who have given money on each occasion will invariably get a lump sum when they

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<sup>83</sup> *Ibid.*, p.198.

<sup>84</sup> A. Sreedhara Menon, *Kerala District Gazetteers*, Kozhikode, Trivandrum, 1962, p.218.

conduct the 'Kurikalyanam'. This is really a great boon to the people especially to the poor.

However, the custom is not confined to the poor and the unwritten law is that those who secured a lump sum in this way should give back a similar or higher amount. Being a rough and an instant way of self help, it binds people one another with self interest.

The Muslims generally followed monogamy here. But dowry system exists in almost all the communities in Malabar. The dowry is always paid in cash, property and Jewellery. The Muslims, the Christians, and Namboodiris suffer from most of the time honoured evils. Parents belonging to middle class particularly and even lower income groups therefore find it very difficult to marry their daughters. In spite of the fact that many social reformers have worked hard to do away with this evil it is not uprooted. Mutual marriage alliances have increased.

Among Muslims the institution of 'Mahr' which is compulsory has also undergone a change accordingly. Its value has increased tremendously. Consequently, the status of the bride has been enhanced. The Gulf migrants give generous financial contribution for meeting expenses of poor girls. Hence, their position has also improved in the society. As the financial condition is stabilized the educational and social status of Muslim women has also risen.

Changes have also been noticed in the dressing pattern. Either due to West Asian migration or continuous exposure to the city life women have changed their dressing pattern. The girls who were wearing pavada (skirt) and jacket are now wearing, salvar kamiz, churidar and also sari. Even though, the purdhawearers are few in number it has become fashion among the college teenagers. It may be due to the demonstration effects of the Gulf migrants.

Until a few decades ago, only extreme orthodox sunni Muslim women were wearing Purdha in Malabar and elsewhere in Kerala. Women of high class Muslims kept and hid their face when they went out and held an umbrella so as to hide their faces from the vulgar eye.<sup>85</sup> But they never used purdha. Its popularity is increasing now-a-days partly due to the realization that it less costlier than sari. Here comes the cost factor for using purdha.

But the predominant factor is the editorial support given by the women publications and the patronage of the community organizations, says a noted writer and progressive critic on Muslim women's issue.<sup>86</sup> Purdha is a recent phenomenon in Malabar and other parts of Kerala.

Now, they can be spotted every where in colleges, markets and other places. Observers are unable to pin point one single factor responsible for the rapid spread of Purdha in such a short time. One factor may be due to the

<sup>85</sup> K.P. Padmanabha Menon, *Histoty of Kerala*, Vol.I, Ernakulam, 1924, p.554.

<sup>86</sup> Recorded in Website (internet)

demolition of Babri-Masjid and the subsequent tendency of the community members to become introverted by becoming fundamentalists.

The conversion of the famous writer and poetess Kamaladas alias Madhavikutty to Islam three years ago triggered another boon for burqa market as publications devoted dozens of features on the celebrity in purdha. It was an almost war-like campaign, to attract more and more buyers for new and newer brands. A number of shops selling bu<sup>u</sup>aqas sprang up in Calicut. Kasargod and Malappuram. Now more than twenty companies are manufacturing burqas in Kerala. And all of them get the quota of feature support from these magazines.

According to a recent survey conducted by the Calicut University, 10 women's magazines carried 143 reports and features and 23 of them on covers to promote Purdha. 'Aramam' tops the list with 23 Purdha features to its credit. 'Pudava' and 'Poonkavanam' also published 19 and 10 articles respectively.

Two relative new comers, 'Mahila Chandrika', a sister magazine of 'Chandrika' publication owned by the Indian Muslim league and 'Tejas' fortnightly, carried three Purdha features. The survey also reveals that the number of Muslim women who wear Purdha in the five districts of Malabar region increased from 3.5percentagein 1990 to 35percentagein 2000. Purdha House and 'Hoorulyn' sell Purdhas in large numbers. 'Madhyamam' news

paper has emerged as third largest newspaper in the state and it has organized debates on the promotion of Purdha and published more than fifty letters to the editor in its columns defending the spread of Arabian dress code.

In olden days, the ordinary dress of the Mappila men was 'Mundu' or cloth, generally with a purple border, but sometimes orange or green or plain white. It is tied on the left by a waist string. A small knife was usually worn at the waist <sup>87</sup> Women wear 'mundu' of some colour cloth (dark blue was most usual) and a white loose bodice more or less embroidered and a veil or a scarf on the head. In the case of the wealthy, the 'mundu' might be of silk of some light colour. Women of the higher classes were kept secluded and hide their face when they went out.<sup>88</sup> The lower classes were not particular in this respect.

Women's jewellery was of considerable variety and was sometimes costly. It took the form of necklaces, ear-rings, bracelets and anklets. Muslim women had their holes bored and lobe of the ears was pierced and a bit of lead inserted and flap distended.<sup>89</sup> Incredibly, large sums were spent on female ornaments. For there were five or six sorts, for the waist five or six sorts, all made up of gold. As strict sunnis, the boring of the nose was prohibited. Now they are using new types of ornaments.

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<sup>87</sup> quoted in Edgar Thurston, *The Castes and Tribes of Southern India, Vol. IV, New Delhi, Madras, 1909, 1487.*

<sup>88</sup> *Ibid.*, p.488.

<sup>89</sup> K.P. Padmanabha Menon, *op.cit.*, p.554.

A new trend in the dress pattern of the people of India began to appear in India. The influence of the same trend was found among the people of Kerala in the later half of the 20<sup>th</sup> century. Prior to that, the lower castes were in the grip of caste rigidity. The women of lower castes were not privileged to wear the upper garments where as higher caste women were entitled to such dresses. Any attempt by the lower caste women to emulate the upper caste would be penalised. The type of undergarments like 'onnara' and 'kacha' used to be worn by females and males respectively were all connected with the then physical exercises.<sup>90</sup>

But today, with the influence of European ways of living and dress pattern, traditional garments are replaced by the new westernised dresses. Not only as a result of westernisation but urbanisation and migration to metro towns of India and the Gulf countries, the dress pattern has undergone tremendous change. This change has had an effect on Muslim women also.

Some decades ago, Muslim parents married off their children when they attained puberty. The children were sent to school till they reached puberty. This trend did not free girls from the vicious circle of early marriage. Consequently, on a account of this trend, in those days, high rate of infant and maternal mortality occurred. Most of the women in

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<sup>90</sup> K. Balakrishna Kurup, 'Keraleeyante Vesham Nootangalilude.' Jamal Kochangadi, (ed), *Kerala Samskarathinte Aadanapradhanagal*, Kozhikode, 2003, p.83.

Malappuram especially were grand mothers by the time they reached their early thirties. Now the approaches and concepts have been changed, with the help of secular education, financial stability due to Gulf impact and such other factors. So, the marriageable age of the females has also gone up.

As the number of men migrating to Gulf countries has increased, majority of the houses have become female dominated in their absence. They have been forced to play larger roles at home and outside. Now, a good portion of household goods are left with them to be managed by them. The entire responsibility of looking after the other members of the family vests with women them in the absence of male members. What is seen enhancing her status is the authority in her hands to make decisions in the domestic sphere. The schooling of the children is considered to be an exclusive duty of the household women in the absence of their spouses. Muslim women's participation in manual work in Malappuram district depends upon the economic status. It is observed that they not only employ labourers and supervisors for work but they are well acquainted with agricultural operations. They know about high yielding varieties of seeds, fertilizers, pesticides etc.

When the Gulf money has brought a boon in their economy, they tended to withdraw from the work force and the social mobility of women began to be increased. They have come into contact with a wide network of institutions. There has been increasing recognition of these women in local

circles also. Neighbors treat them as mediators in solving their mutual problems. Their decisions are largely accepted by the local people. The education has emancipated them. Educated Muslim women gained economic independence which further consolidated their positions in the family.<sup>91</sup>

Because of the sudden jump in the economic positions and greater recognition of their social status, girls of migrant families have an increased demand in the marriage market. Thus, the magnitude of the migratory streams is such that there are bound to be some impacts on social, economic and other aspects of life of the district. The migrants are in affluent position with their increased landed possessions which they accumulated after their Gulf migration. There is a marked difference between migrants and non migrants with regard to the amenities and pattern of living<sup>92</sup>

The economic boon has created a new class of landowners among the depressed class and tenant labourers. The enhanced economic condition has reduced the social distance between the former aristocracy and low income groups which has led to the undermining of old social order and facilitated the prospects of greater social freedom. Women accompanying their husbands to the Gulf do not wish to while away their time at home and this is contributing to an increase in the number of Malayali Muslim women working in Gulf

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<sup>91</sup> Renjini, D. *Nayar women Today, Disintegration of Matrilineal system and the status of Nayar women in Kerala*, New Delhi, 2000, p.43.

<sup>92</sup> K.T. Aboobeker Siddique, *op.cit.*, ,.173.

countries. Not with standing obstacles such as early marriage, neither higher education nor employment is a taboo in today's Muslim community.

Even the orthodox sunnis have changed their attitude towards higher education of women. In 1930's, says M.N. Karassery, writer and Professor of Malayalam at the University of Calicut, sunni scholars of Kerala had proscribed education for Muslim women. It is a welcome sign that those who shut off their women from education have opened the doors of higher education for women.<sup>93</sup>

The income and expenditure pattern decides one's own social status. Social mobility of the low and middle class people has made them easier to get an access to better facilities of housing transport, health and break down of their economic dependence affected the equilibrium of the society.

Along with significant changes in the social, political and economic institutions, religious institutions also witnessed, revolutionary transformation.<sup>94</sup> Muslim women are not prevented from prayers in almost all mosques despite, the fundamentalist objections. The recent workshop on 'Islam' and 'Feminism' organized by US consulate in Chennai was oblivious of these facts. The venue of the workshop was initially proposed to be Farook College. But in the wake of strong protests from Muslim student's bodies the

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<sup>93</sup> *The Hindu*, *op.cit.*, p.10

<sup>94</sup> K.T. Aboobecker Siddique, *op.cit.*, p175.

venue was changed. It was conducted in a hotel situated in the heart of the city of Calicut.

The auditorium was filled with some invited ladies from the elitist inner circle of urban Muslim community. Several meetings and debates had been held by various Muslim organizations in the region clarifying Islamic perceptions of women status. There is no such term called 'Islamic Feminism' as has been stated in a resolution adopted by the Islamic Students Movement (ISM) at a debate held at Calicut. The resolution observed that while giving due respect to women, Islam provides gender equality to women.

After analysing how social changes have effected the Muslim women it can at best be inferred that these women have established an identity in the society after passing through many challenges that encircled them. The courage and confidence instilled in her an urge to come to the fore. It is a fact, due to the impact of modern secular education, the profound influence of social reformers, Middle East life, the expansion of trade and commerce, new economic opportunities and more contacts with outside world have brought fundamental changes in the social structure of Muslim women.

The Muslim women have of late come to their own. They are now in the mainstream of society with the introduction of reservation for women in local self government bodies. Many Muslim women have found their way to the forefront of such bodies. There are similar avenues which have provided

them with opportunities to come up to positions in the society along with the members of other communities.

In any society in transition, whatever be the ideological perspective for the social set up, one cannot completely snap the relationship with the past. The necessity of change is acutely felt with the movement in the social base. But conservatism or orthodoxy may not cope up with pressures for genuine change. Moreover it kills what is creative best in human beings.

The Muslim community and women of Malabar have come to the present with a legacy of the past. Passing through the old traditions, they have reached a new destination, a point beyond their past. Now, we see them in a new environment, one modified by the lessons of the past experience. No community is an exception to change. So is the case of Muslim women of Malabar.

In the next chapter we discuss the trends of the community - Muslim women of Malabar - with reference to specific issues.

## CHAPTER IV

### SPECIFIC ISSUES OF MUSLIM WOMEN

The mid twentieth century has brought to the fore, confusion and turmoils on all fronts. The present global scenes reflect a move towards the break down of family ties, weakening of the foundation of marriage and the ever increasing of illegitimate children. All these characteristics of modern social life have thus led to disjointed family set up.

Inspite of these aberrations in family life, "Family is still considered as the core and bed rock of peace, tranquility and social order.<sup>1</sup>" For an orderly set up of life economic security of the spouses is indispensable. In the absence of such a security woman can be exploited and misused which is likely to make her vulnerable to injustice and misfortune.

Generally, there are many problems relating to women particularly, Muslim women which exist even today in the society. They are 'triple talaq,' maintenance rights, dowry, and so on. But Hindu women are also not ✓ immune from such problems. They too have to face many problems, such as child marriage, widow re-marriage, sati and so on.

Although, these problems are common to all women some problems are special to some communities. Many of the women Liberation

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<sup>1</sup> Wani, M.A. *Maintenance Rights of Muslim women*, Delhi, 1987, p.3.

organizations argue that all the religions of the world give a secondary position to women in the society. Asghar Ali Engineer, on the other hand says that, the above mentioned view is not completely true but he opines that patriarchal factor is solely responsible for giving an inferior status to women.<sup>2</sup> So long as women are not free from the clutches of the patriarchal values, women will ever remain subjected to the domination of men.

The best possible way for the liberation of women as a whole from such problems is to organize and to fight against such values of the society. Islam speaks in terms of gender equality in the Quran. In the Quran, there are some passages to indicate that women are not inferior from social, religious and economic points of view. But, the theologians under the influence of these values have formulated the Shariat which provides a secondary status to Muslim women.

Even today, in the Hindu society, the same problem persists. For instance in Rajasthan child marriages are commonly seen even in the contemporary society. In spite of the laws available to prohibit these social evils, there are many instances of early marriages. Social reformers like Raja Ram Mohan Roy and others had raised their voice against these social ills, still they are not completely wiped out. Some of its remnants are seen not only in Rajasthan but also in few other places. Because, the Rajputs are safe

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<sup>2</sup> Asghar Ali, Engineer, 'Muslim, Sthreegalum Prashnangalum,' *Mathrubhumi*, (Weekly), Calicut, January 30<sup>th</sup> - February 5<sup>th</sup>, 1996, p.6.

guarding their traditional values in the society but they are not realizing the independent will of a woman.

In the same way, the Muslim Personal law is not amenable to change as the conservative approach of a section of Muslim society is a stumbling block in the way of solving the existing social and economic problems of the society. Muslim identity is a tool in the hands of a section of the society.<sup>3</sup> This is what happened when the Shah Bano controversy came to the surface when the maintenance question was raised by her.

It is a fact that not even a single country of the Islamic world has implemented the 'Shariat' as such in the day to day affairs of their countries. In the case of the Indian Muslims, the law of Muhammedans based on 'Shariat' was founded by the English. The Mohammedan Law was made applicable to Pakistan also. It was following the same till 1961. Since then, the personal law was changed and new personal law has been introduced.<sup>4</sup>

In 1963, Kerala legislature modified the section of the Shariat Act 1937 by Muslim personal Law (Kerala) Amendment Act 1963. The Act provided that in cases of succession to agricultural lands, the rule of decision in the cases of Muslims will be the Muslim personal Law.

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<sup>3</sup> *Ibid.*, p.8.

<sup>4</sup> N.P. Mohammed, *Secular Democracy Indiyile Muslingalum*, (Malayalam), Kottayam, 1990, p.138.

While there was<sup>an</sup> opposition to any change being affected in the Muslim personal Law, that is the Mohammedan Law as practised by Muslims in India, a considerable section of Muslims, holding progressive views and men pleading for social justice have been demanding new enactments in certain aspects of law, especially marriage and divorce. But any move towards change was resisted by the orthodox ulema argue that until a consensus of opinion among the ulema is reached on this point, no change can be introduced.

Despite that, there is a voceferous section in the community which thinks in terms of re-formulating and reforming Mohammedan Law which is based on medieval text books like Fatwai - Alamgiri. The social progress of Muslim community in India is retarded by intransigence of the ulema.

Muslim law conflicted with country's administrative law in the field of marriage. In Islam, polygamy is permitted on certain conditions. Muslim Law confers supreme authority in marital relations on the husband to such an extent that husband can unilaterally dissolve the matrimonial bond by pronouncement of verbal formula of divorce.<sup>5</sup> The position of women in medieval feudal society further deteriorated when men became dominant and supreme. Gradually, under feudal influences women totally lost out to men

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<sup>5</sup> Lucy Carroll, 'Talaq-I Tafwid and stipulations in Muslims Marriage Contract Important mans of protecting the position of the South Asian Muslim wife; *Modern Asian Studies*, Vol. XVI, Part 2, April 1982, p.277.

and in the new power equation that emerged, men held women in total subjugation relegating the principle of gender justice in Islam to the background.<sup>6</sup>

Theoretically, Muslim women have more legal rights than high caste Hindu women but in practice Muslim women suffer many disabilities. As polygamy is practiced by a few, they can easily divorce their wives. However, Shariat Act, 1937, does not affect the provisions of section of criminal procedure code of 1898. The criminal procedure code was passed in 1898. The magistrate under the code had been empowered to pass an order directing the husband to pay certain monthly allowances for the maintenance of his wife. The provisions of the code were applicable to all Indian wives irrespective of caste and religion.<sup>7</sup>

A Perusal of S. 488 of the code of 1898 reveals that the magistrate was authorised to pass an order for maintenance of a wife only when certain conditions laid down by the section itself were fulfilled. A wife entitled to maintenance on the basis of these conditions could apply to the magistrate and get an order for maintenance. A Muslim wife was thus entitled to claim maintenance under personal law as well as under the provisions of the code.

Hence, the Muslim wife who resides separately from her husband on his contract by a second marriage was not disentitled from claiming her

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<sup>6</sup> Asgar Ali Engineer, *The Rights of Women in Islam*, New Delhi, 2004, p.187.

<sup>7</sup> Wani, M.A. *op.cit.*, p.45.

statutory right of maintenance under the criminal procedure code.<sup>8</sup> S.488(3) of the code empowered criminal courts to pass orders for maintenance in favour of wives whose husbands refused to provide the same. The provision was invoked in lower courts in several cases involving Muslim wives.

Both in Hanafi and Shafi Law, a minor wife can claim maintenance. If a husband is a minor, then the maintenance shall be realized from his property if any, or from his father if he has undertaken the liability for the payment of the same. Even if she does a business she retains the right to maintenance from her husband, otherwise she shall become disentitled for maintenance.<sup>9</sup>

In 1973, when a comprehensive bill for the revision of criminal procedure code was moved in the parliament S.488(3) was sought to be reenacted with the modification to the effect that courts could make an order for maintenance in favour of a divorced wife also. The proposed modification was vehemently opposed by various sections of orthodox Muslims on the ground that under Islamic Law a husband is bound to maintain a divorced wife only during the period of 'Iddat' and not there after. When a wife has been divorced in her absence she should be entitled to maintenance until she becomes aware of the divorce and for three months after the information

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<sup>8</sup> Quoted in S.M. Mohamed Koya, 'Muslims of Malabar with special Reference to their Distinctive character, (Unpublished Ph.D. Thesis), Calicut University, 1987, p.389.

<sup>9</sup> Wani, M.A. *op.cit.*, p.8.

reaches her.<sup>10</sup> If a woman does not get the amount she can sue a case in the court for the purpose.

There was wide spread opposition to the proposed amendment of section 488(3) especially from the orthodox ulema of the community. The provision which was finally enacted as a reason of the pressure brought to bear on the Government of India by the opponents of the new measure, laid down that the court could grant maintenance to a divorced wife. At the time of so doing, they should give consideration to whether she had already realized from husband in full her post divorce entitlement under the personal law of the parties. (Ref. Criminal procedure code 1993, S. 125-127). This was mainly to protect Muslim personal Law on the point as traditionally interpreted. The way in which the amendment was originally proposed was modified seemingly satisfied the orthodox Muslims.

Not only that under Islamic Law a wife is entitled to maintenance irrespective of her financial position. A Muslim wife who has sufficient means to support herself cannot claim maintenance under the provisions of the new code, but such a wife can argue for her rights under the personal Law in a civil court.<sup>11</sup>

As the opposition was mounting for social legislation in relation to protection of the rights of divorced women a fairly considerable section of

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<sup>10</sup> *Ibid.*, p.22.

<sup>11</sup> *Ibid.*, .60.

Muslim public opinion was raising its voice for the cause. In this respect, Muslims of Kerala, though educationally backward and economically weak, also came to the fore demanding that necessary changes be introduced in Muslim personal Law in civil court.

In various parts of Malabar, the principal towns where the district courts and the session courts are situated, it is a usual sight of Muslim women loitering through the verandhas of courts often with their infants over their shoulders, crying for justice, demanding maintenance from their husbands and those who deserted them by unilaterally divorcing them.

On the basis of criminal procedure code S.488 and 125, numerous suits were filed by poor Muslim women especially, Mappila women of erstwhile Mappila pockets of Malabar for decrees of courts for allowing maintenance from their divorced husbands. Judges of Kerala High Court created history by pronouncing momentous decisions in this regard.<sup>12</sup>

In 1970, in the case of Shahulameedu Subaida Beevi, the High Court had a chance to decide if section 488 (3) was unconditionally applicable to all Indian wives including a Muslim wife. It was claimed by some in that case that a remedy for a Muslim whose maintenance remained unsatisfied lay only in Islamic law to exclusion of section 488 (3) criminal procedure code. The High court did not agree to that argument. Justice Krishna Iyyer, the then

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<sup>12</sup> S.M. Mohamed Koya, *op.cit.*, p.391.

judge of High Court observed that monogamy would fulfill rather than fail the prophet.

In the case of K.C. Moyin V. Nefisa and others where a woman claimed that her marriage had been dissolved by a Quazi Justice V. Khalid of the Kerala High Court said that no person, however great, or learned, can be allowed to usurp the function of the court. In the case of Pathai, V. Moideen, the Kerala High Court division bench gave the verdict, concerning men's right to divorce even if it be given under compulsion or in jest or in anger.<sup>13</sup>

The Supreme Court judgement granting maintenance to a Muslim woman after divorce beyond the period of 'Iddat' has attracted wide attention among those who advocate reforms in the law as it operates today and those who oppose any change ostensibly on the ground that it is divine and hence cannot admit any change.

The supreme court judgement is pertaining to Shah Bano Begum of Indore who was divorced by her husband, Mohamed Khan, an advocate in 1978. They were married in 1932 and had three sons and two daughters. The husband paid her maintenance at the rate of Rs.200/- per month from the time he drove her out in 1975 until he divorced her and for the period of 'Iddat'.

The aggrieved woman filed a suit against her former husband claiming maintenance beyond the period of 'Iddat' under section 125 of criminal

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<sup>13</sup> *Ibid.*, p.392.

procedure code at the rate of Rs. 50/- per month in the court of judicial magistrate (first class).<sup>14</sup> She alleged that her husband earned Rs.60,000/- a year. The court granted a paltry sum of Rs.25/- per month. In a revision application before Madhya Pradesh High court, the maintenance amount was revised to Rs.179/ month.

Her husband filed an appeal against this judgement in the supreme court claiming that the High court judgement was in violation of the provision of Muslim law. It provides maintenance only for a period of three months called the period of 'Iddat' where as under sec. 125 of the criminal procedure code, maintenance to a divorce is to be paid by the husband for life or until she remarries.<sup>15</sup> The judgement came from a constitution bench of five judges such as the then chief Justice V.V. Chandrachud, sitting with Justice A.N. Sen, D.A. Desai, Venkataramiah, and Chinnappa Reddy.

The Supreme Court, however, upheld the lower court judgement arguing that it was given under a common secular law and that as argued by the advocate of Shah Bano it was in keeping with the verse 2:241 of the Quran according to which the provision for divorced women must be made in kindness. The Supreme Court did not accept the plea of the advocate of the

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<sup>14</sup> Asghar Ali, Engineer, *The Quran, Women, and Modern Society*, New Delhi, 1999, p.142.

<sup>15</sup> Asghar Ali, Engineer, *Lifting the Veil*, Hyderabad, 1995, p.38.

Muslim personal Law Board that it was violation of the Muslim personal Law.

The Muslim leaders protested against the Supreme Court Judgement saying that it was the interference with the Muslim Personal Law. They voiced that the Supreme Court had no right to interpret the Quran. The liberal and progressive minded Muslims supported the Judgements, arguing that it was a question of the right of Muslim women that the Judgement delivered under the common criminal law of the country must be respected. Moreover, the liberal section of the community felt it was not violative of the Quranic spirit. However, the liberal Muslims were numerically small and the majority was controlled by the traditional leadership.

The protest movements against the Supreme Court Judgement soon gathered momentum and engulfed in different parts of the country. Huge crowds of the Muslims community came out on the streets to protest and to demand that either the Supreme Court Judgement should be declared invalid or the law should be changed exempting the Muslims from the provisions of Sec. 125 of the Criminal Procedure Code.

The aggressive protest against the common criminal law of the country was strongly resented by Hindus. They made it an issue of women's rights. The leftists made it a question of strengthening secular forces and opposed the muslim's orthodox view that a divorced Muslim woman could not claim

maintenance beyond 'Iddat' period. But the Muslim leadership put tremendous pressure on the Government to change the law. At last the Government accepted the Muslim demand and enacted the Muslim Women (protection of rights on Divorce) Act which exempted Muslims from the application of Sec. 125 of the criminal procedure code.

In Kerala, it led to an acrimonious debate. There were many people who raised their voice for and against the Judgement. Even, before the judgement came there was a wide discussion on the right of Muslim husbands to divorce and re-marry. Even, among political parties, there were criticisms against polygamy which was granted by the Islamic Shariat.

The greatest defect in human legislation is that it fails to take a comprehensive view of all the relevant facts and circumstances. The partial views of the politicians, legislators and biased jurists add to anomaly. Same is the case with the supporters of anti-Shariat and prejudiced sentiments. An assessment of their ideas made one realize that they are of not only Shariat but also the statutory provisions of the Islamic law.<sup>16</sup> They totally fail to realize the consequences of their absurd views and also rather deliberately ignore facts. A wife can claim maintenance only when she is unable to maintain herself. The Supreme Court has based the Shah Bano decision on this ground but no attempt has been made by the court to give an explanation for this

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<sup>16</sup> Wani, M.A. *op.cit.*, p.79.

expression. This is likely to lead to uncertainty and even total negation of maintenance right in the same cases.

In actual practice we find more cases of divorce amongst the lower sections of Muslims society with whose pressure the parliament passed Women Protection Act in 1986. It is fortunate that the court is trying to make changes in accordance with the changed condition and demanding high amount for the protection of Muslim women. ✓

#### Muslim Women (protection of right on Divorce Act 1986, S.3)

The mandate of S.3 is that divorced Muslim women should not be left in lurch. A husband has to make provisions for his former wife to enable her to lead a standard life which she is used to and they must be discharged by the direction for payment of fair and reasonable provision under S3.

The totality of circumstances must be alertly considered by the court in its attempt to answer the questions as to what amount must be fixed in a just and reasonable manner. The following circumstances would be relevant in fixing a reasonable amount: what is the age of the wife at the time of marriage and at the time of divorce? What is the total period of the marriage? What is the prospect of her re-marriage when the couple were residing together? What is the income of the husband? What are the commitments? What amount can be, as a reasonable and a sublime person, be expected to spare for his wife? It can also be said that the liabilities which the husband and wife

are forced to endure because of the marriage and divorce can also be taken into account. The fact the wife is responsible to look after an infant child after the marriage would certainly fetter and hamper her chances of re-marriage. The strata of society to which parties belong will also have to be considered to ascertain whether re-marriage within reasonable time can be expected.

Mumthaj aged 23, a petitioner from Palakkad filed a petition under section (3) of Muslim women protection of rights on Divorce Act 1986, in 2004, was married to the counter petitioner Mujib Rahim aged 27, on 17.06.2001 as per Islamic law. At the time of marriage, she was given sixty coverings of gold and Rs.40,000/- by her relatives. Within a week the counter petitioner and his family squandered away all the ornaments and the amount mentioned above. He harassed her and physically assaulted her and demanded an additional amount.

Though, negotiations proceeded, his attitude did not change. Her parents came and took her to her house. In the meanwhile he got remarried. The petitioner filed a case, against him. He brought to the notice of the court that he had divorced on 31.10.02.

The petitioner has claimed value of gold ornaments and the amount which has been misappropriated by the counter petitioner. She also claimed

maintenance during 'Iddat' for Rs.2500/- per month. She has claimed Rs.3,00000/- as reasonable and fair provision.

The counter petitioner has denied all the charges levelled against him. He said that he was only a salesman and his earnings were only Rs.1500/- per month. She has not observed 'Iddat' also. Hence she was not entitled for maintenance.

The following points are noted on cross examination in the court by the judge. Firstly it was ascertained that he has divorced her on the above mentioned date. Secondly, she was enjoying a high standard of living during her stay at his matrimonial house.

Considering the yard sticks adopted by the honourable High Court in the decision reported in 1990 (1) KLT 172, the Judge pronounced that a sum of Rs.60,000/- would be just and reasonable and fair provision. It is therefore held that the petitioner is entitled to a sum of Rs.60,000/- on this account.

In view of the discussion, the petitioner is entitled to receive 60,000/- as Matah ie reasonable and fair provision and Rs.50,000/- towards the value of gold ornaments and Rs.1,000/- the cost of watch given to him by her in

laws. Thus, a total sum of Rs.1,41,000/- was payable by the counter petitioner to the petitioner.<sup>17</sup>

K. Rahamathunnisa, the petitioner for maintenance, was married to the counter petitioner. Fuvad Basha Kamaluddin in 1987. Two children were born to them. While living together, he used to behave very cruelly towards her. Now, they are living separately. They had no source of income to maintain themselves. The counter petitioner is a driver and a vehicle broker. He is getting a monthly income of Rs.6,000/-. In the above circumstances she claims a monthly maintenance of Rs.1,000/- each to the petitioners i.e. to his son and a daughter from the counter petitioner as the petitioner could not produce any reliable evidence to prove the exact income of the counter petitioner.

Under the above circumstances, after considering the age and necessities of petitioners and probable income of the counter petitioner the judicial magistrate, at Palakkad thinks that a monthly maintenance of Rs.400/- to the first petitioner and Rs.300 each to 2<sup>nd</sup> and 3<sup>rd</sup> petitioners is to be paid from the date of the order.<sup>18</sup> The first petitioner is authorized to receive the maintenance on behalf of the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners.

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<sup>17</sup> Case No.22/2004, Law Suit in Judicial I class Magistrate Court, Palakkad, date of the order 5.2.2005, issued by the court.

<sup>18</sup> Case No.60/2004, Law suit in Chief Judicial Magistrate Court, Palakkad, date of the order, 1.10.04, issued by the court.

Shakeela, the petitioner was married to the counter petitioner Yusuf on 22.07.01 at Kongad Juma Masjid and they resided in the house of counter petitioner at Kalpathy. At the time of marriage, the petitioners parents had given Rs.40,000/- and ornaments of 20 sovereigns gold as present. The 'Mahr' was fixed as one sovereign, which was given to the petitioner. After the marriage, the in laws of petitioner harassed the petitioner demanding further gold and money. Due to the illtreatment of the family members, she was separated and she was divorced by her husband.

The marriage and divorce between petitioner and counter petitioner was admitted by the counter petitioner. The counter petitioner contented that the petitioner had expressed indifferent attitude after marriage and it is found that she is mentally abnormal that is why he divorced her. But the grounds which necessitated a divorce is not a matter to be considered while dealing with a petition on Muslim women's protection of rights on divorce. It is an admitted fact that petitioner was married by counter petitioner and he divorced her. Therefore, she is entitled for all the benefit to which a divorced Muslim woman is entitled.

The petitioner had produced an evidence to the effect that she is without any income or property of her own and she is depending her family members for her livelihood. She also said that she had observed 'Iddat' after divorce and counter petitioner had not given any amount for the maintenance

during that period. She said that he was a porter and was earning Rs.500/- per day. He denied it by saying that he was earning from his vegetable business. But he had not produced any record to prove his statements.

The counter petitioner alleged that the petitioner was suffering from mental abnormality. Therefore such a contention itself will adversely affect the scope of re-marriage of the petitioner. Therefore considering the financial capacity of the counter petitioner and the scope of remarriage of the petitioner, the counter petitioner had to pay Rs.1,00000/- to the petitioner as the reasonable and fair provisions of her future maintenance. The counter petitioner is also directed to pay Rs.1,500/- per month each for three months being maintenance during the 'Iddat' period.

In the result, the petitioner is allowed to the extent that the counter petitioner will pay a sum of Rs.4,500/- as maintenance towards 'Iddat' period and 1,00000/- by way of fair and reasonable provisions<sup>19</sup> of future maintenance to the petitioner.

In 1971, a group of Muslim leftists with modernist leanings under the banner of Islam met and Modern Age society was formed and functioned for a short time in Calicut. Though, it disappeared from the scene as an abortive movement, within a short span of time, it functioned and promoted a major

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<sup>19</sup> Case No.55/03, Law Suit in Chief Judicial I Class Magistrate, Palakkad, Date of the order 30.12.2005, issued by the court.

controversy and revealed a hitherto unarticulated movement. It adopted a liberal position demanding reform of Shariat for Indian Muslims.

It emphasized the need for change in the laws of polygamy, divorce, inheritance and waqf control.<sup>20</sup> The Personal Law of Muslims, embodies conditions and clauses, which is formed within the frame of Islamic injunctions accepted by all legal schools. But there are differences of opinion among Hanafi, Shafi, Maliki, and Hambali Schools.

In Islam, two witnesses are essential during the time of 'Nikah'. Though the Sunnis follow the same, they never encourage the principle of requiring witnesses during the time of divorce. If the husband repeatedly says three times that he is divorcing his wife then the divorce is complete.<sup>21</sup>

'Talaq' is sanctioned in Islam under specific ground, Here, one thing to be born in mind is that, the principles in relation to it are formed in favour of the advantages of women. For instance, if the authority wants to give final verdict on the divorce problems, the authority should get the recommendations of the mediators. This condition indicates the fact that Quran shows justice to women. But these conditions are not properly applied.

There are many Muslim women who are suffering cruelties at the hands of their husbands. For example, Shamsabi's life was ruined by her

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<sup>20</sup> R.E. Miller, *Mappila Muslims of Kerala*, Madras, 1976, p.214.

<sup>21</sup> S.M. Mohamed Koya, 'Talaqum Sthreekalude Avakashangalum' in *Mathrubhumi* (Weekly), Calicut, 4<sup>th</sup> -10<sup>th</sup> September, 1994, p.6.

husband Shamsudden who was basically from Chaliyam in Kozhikkode district. He revealed his true self the very next day after their marriage. And after ten years he has allegedly married about half a dozen women.<sup>22</sup> His harassment continued till she was given the triple 'Talaq'.

There are a number of such cases projected by print and visual media. Even religious leaders who are bound to check any misuse of the religion, are turning the other way. No loud voice is heard against 'Triple Talaq' or the way it is used. The 'Talaq' as taught by the Quran is rarely practised the way it should be. It was this assault on Muslim women that forced the NCW (National Commission for Women) to come out with a report on the conditions of Muslim women in India, entitled "the voice of the voiceless." The NCW member Syeda Hameed expressed in the report that here the women suffer double exploitation. Her finding suggests that the denial of educational opportunities has the lowered status of Muslim women from their economic point of view. On the other hand they are denied their rightful due under the Muslim personal Law either through misinterpretation of the law by conservative sections or through the ignorance of their rights.

"We want to hold a mirror to Muslim society and jolt the enlightened into doing something against the injustice done to poor and illiterate women

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<sup>22</sup> *The New Indian Express*, Cochin 8<sup>th</sup> June 2000, p.7.

in the Personal law," Syeda had said. An immediate ban on 'Triple Talaq' was one of the suggestions put forth by the report.

This suggestion soon raised a hue and cry over whether it would be possible to ban Shariat law or a not. It was spurred by most religious leaders: perhaps Jamat-e-Islam was the sole exception.<sup>23</sup> There have even been suggestions that all marriages and divorces under different personal laws be brought under the special marriage act. V.P. Zuhra, the president of NISA, a progressive Muslim women's forum is one among the advocates of these ideas. Amidst the melee of intellectuals of splitting ends on 'Talaq' and law makers framing their set of rules, the practice goes unchecked, leaving more and more women to fall back on all their resources including prostitution to raise their children and to hold themselves from cracking up.

Kanthapuram A.P. Aboobaker Musaliar, general Secretary of the All India Jamiyya-thul-ulama says banning 'Triple Talaq' is not solution, such a move will be tantamount to driving a sword into the Shariat. But its practice has to be strictly controlled for which strong education is to be given.<sup>24</sup>

Siddique Hassan, former Amir of Jamat-e-Islami, Kerala, says that the practice of 'Triple Talaq' in this country is against the concept of Talaq as delineated by Islamic Shariat. It is true that Muslims in India are at the receiving end and because of the misuse of 'Talaq' women should be saved

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<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

from this misery. It is the responsibility of the Islamic scholars to find a solution. If they so decide, they may ask for its ban by law and such a move would be most welcome.

The true spirit of change lies in checking the misuse of Islamic Shariat by seeking refuge in its nuances. The demand of the womens commission in right direction. The real spirit of it should be imbibed. The religious leaders should initiate correction through Islamic ways.

Hussain Madavoor (Mujahid leader and former president of Ittihadu Shubbanil Mujahideen) says that the concept of 'Triple Talaq' as interpreted in our country is wrong. There is no such thing as 'Triple Talaq' at a time. Even if one delivers three Talaqs at once only one will be deemed effected. Unlike popular misconception, the real spirit of 'Talaq' is pro-women. Talaq is divided into three sages. Enactment of law against it is no solution rather people should be educated about it.

The misuse of 'triple talaq' exists even to day. Within a short span of time after the marriage, the husbands easily divorce their wives without any specific grounds. Those who do so are distorting the true spirit of 'Triple talaq'. This is mainly to protect their selfish interests. Such long standing issues are yet to be solved.

The Muslim men are allowed to divorce their wives with the help of Qazis very easily whereas women are denied this privilege as has been

enjoyed by men. This results in the suppression of Muslim women. In this context, if they want to get rid of their troublesome and cruel husbands, they cannot. All these problems worsen their conditions. But there is a land mark legislative effort which gave birth to the Dissolution of Muslim Marriage Act, 1939.<sup>25</sup> It was introduced to sanction the right of dissolution in favour of the Muslim women on innumerable grounds. This is the first legislative venture which enabled women to save themselves from undesirable matrimonial life. But many of the uneducated do not know about these acts.

In fact, Muslim women are guaranteed of financial assistance from Waqf Board, but they are not securing it at expected times. The poor parents may also perhaps find it difficult to help maintenance their daughters. However, in certain cases, the 'Mahr money ranges from Rs.101/ to Rs.500/- which is quite very low. Some of them have children also. In such cases their life seems to be miserable. In spite of financial constraints, many women sue cases for getting maintenance charges at expected times.

Another point to be noticed is that the dowry problem also increases. It leads to many suicidal cases. What happens in a state like India that s either they may give 'Mahr' or make false documents to show that they have paid it. They demand sizeable dowries from their inlaws. They harass them physically and mentally. The statistical data would give the clear picture of

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<sup>25</sup> Khan Noor Ephorz, *Women and Law - Muslim Personal Law Perspective*, New Delhi, 2003, p.370.

such deaths. This is a common sight among them. So, for all these corrupt practices the Muslim women like others should come forward voluntarily to put an end to it through women's movements.

Gail Omvedt classifies women movements into two types (1) women's equality movements (2) Women's liberation movements. The former may not directly challenge the existing economic, political or family structure, but rather aim at attaining an equal place for women in it and at abolishing the most open remnants of feudal patriarchy whereas the women's liberation movements directly challenge the sexual division of labour itself.

Again, women's movements are classified on the basis of two different ideologies of feminism. They are corporate feminism claiming for larger role in politics for woman on the ground that they have a special contribution to make her as women and liberal feminism claiming that the rights of men should be extended to women on the ground that women are equal to men and thus should have same rights.<sup>26</sup>

The women's movements such as AIWC (All India women's conference) came into existence in 1920's. They intended to spread education. They also raised similar issues and carried out welfare programmes during the post-independence period.

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<sup>26</sup> James Freedman, '*Feminism*', New Delhi, 2002, p.1.

Women's movements also raise issues affecting them as women. They fought against those issues such as atrocities against women in the form of rape, wife-beating, harassment on the streets, dowry issues, murder violence in the family, common civil code, problems of working women, trafficking in women, oppression and exploitation of women of Dalit and minority communities.

Crime is as old as the mankind itself but in the recent years it has increased in its dimension and has attained new heights. Almost the entire society is directly or indirectly affected by such violence. In India, various forms of physical and psychological injuries on women are very common. They are abused, misused and exploited for male pleasure for satisfying male ego and for the advancement of individual aid and even for international or national interests.

Studies on crimes and violence against women have indicated a discomfoting increase in the incidence of female victimization along the newly emerging forms of dimension of such victimization. It is amazing that victimological research still does not place women's victimization issues in a proper theoretical perspective where women are illtreated at home by

members of the family such as husbands, inlaws and are made vulnerable and fall prey in streets and at work place.<sup>27</sup>

Women as a whole, are left entirely in the mercy of male dominated society by whom they are continuously suppressed and exploited in the social milieu. Various reasons have been noted for the ill treatment of women. Firstly, most of the marriages are arranged by the parents without the consideration of the couple's wishes. They are given in marriages when they might have lacked maturity and information regarding sex.

Most of the women offenders had an unhappy married life and so had to content not only with an unsympathetic husband, but also with nagging and possessive inlaws. This situation is further aggravated if the woman failed to conceive within a short period after marriage. Barrenness is such a stigma in our society that it is by itself sufficient to put shame and contempt upon woman to which she adds her own ideas and notions and start cursing herself. The stigma attached to separation or divorce still remains.

The trauma faced by every woman is quite beyond man's imagination. A woman, who enters the world of men, is bound to lose herself in the overwhelming crowd, unless she has an iron will to keep striving and moving forward. She faces trials and tribulations and for her to be accepted, it is not enough if she is as good as a man, she has even to be better. The thought, that

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<sup>27</sup> Rekha Saxena, *Women and crime in India - A Study in SocioCultural Dynamics*, Delhi 1994, p.45.

she is inferior is sown in her mind by society which is goaded in by the belief that women are soft and practice blind obedience to gratify men.

Today's man seems to be Rousseau's 'acolyte'<sup>28</sup> he revels in perverted pleasure. He likes to see the women suffering. He would rather be a good father than be a good husband. Therefore, the problem is basically a psychological one—one that lies deep in the minds and hearts of men. The man who tortures his wife feels quite pained if the same happens to his daughter after her marriage. That is why women's problems cannot be solved by law alone imposed by the state. The attitude and thinking have to change. No law can possibly say that a man has to treat his wife this way or that. It is conscience that has to govern, not law, infact laws have not solved women's problems in India and elsewhere in Malabar.

What about Shah Bano case? That courageous woman was mocked at by religious fundamentalists and the state that should have safeguarded the rights of women succumbed to the out cry of the community and passed the Muslim women's Bill exonerating Muslim husbands from the responsibility of the maintenance of their wives after divorce.<sup>29</sup> That which is detrimental to women's interests is allowed to continue in order that the minorities consisting of men are not offended. Thus the law has not helped women. It is always the poor women who have to put up with such injustices and they are cheated

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<sup>28</sup> Grirajsh, *The Encyclopedia of women's study*, New Delhi, 1995, p.815.

<sup>29</sup> *Ibid.*, 817.

because they are uneducated and quite unaware of law. Even if they are aware of laws, the gruesome procedure that leads them to court and equally gruesome are cheated because they are uneducated and quite unaware of trial, make them lose heart. Moreover they have hardly any financial or moral support and without the women's organization, they will hesitate even to register a case.

Women's problems attain their complexity in the society because of various degrees of degradation that we find in Malabar also. The upper class woman may be said to have been be emancipated for in most cases she is educated and financially independent and will not hesitate to walk down upon her husband if he treats her badly. Moreover, marriage for her is not necessity. The middle class woman presents complex dimension, because she is educated, knows laws concerning women, but yet is pinned down by convention. In most middle class families, it is a woman's job he would say and the wife would do it without questioning. This is perhaps because the man has raised an impregnable ego barrier and the wife has to dance to his whims and fancies. Marriage, therefore, enables man to go on a long ego trip where in he can come to believe in his own assumed superiority and the woman becomes his lobby horse.<sup>30</sup>

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<sup>30</sup> *Ibid.*

The Position is not any better even in families where women work, for, here too there are certain conditions. She shall not be more influential than he she shall not be more educated, and shall not earn even a paisa more than he. This is no exaggeration but the whole truth. It is also disheartening to note that in many cases women are struck by before-marriage-syndrome and after-marriage-syndrome.

The former makes them speak of their own role in society and condemn male chauvinistic attitudes while the latter makes them feel that they are after all inferior, and male chauvinism assumes an added attraction as they are themselves on the verge of becoming mothers in law. This is pathetic.

The lower class woman on the one hand is exploited because she is uneducated. But in most cases she does not suffer psychological trauma as the middle class woman, for, the latter is educated and is aware of her deprivation while the former is not. Also the lower class woman is very much influenced by third rate films which glorify in depicting women as inferiors and waiting to be trod on by men Cinema being their chief entertainment should instruct at least to some extent which it does not, conversely it works to encourage religious dogmatism and maudlin sentimentality.<sup>31</sup>

Men or women, is basically a human being and this should be the substratum for the ever-growing tree of humanity in which it is bound to give

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<sup>31</sup> *Ibid.*, p.818.

the best fruits. Today, a woman is just allowed to remain, so that she performs her duties as wife, mother and so on. She has been made a 'Goddess' or a 'Devil'. She is the personification of love compassion, greed and evil. She is anything but a human being.

Also a woman wants to marry because of compulsion. An unmarried woman is looked down by society. She is told all the time "you have got to marry some day and bear children". This advice is given by no less than her mother and the yoke of blind obedience is handed on to the next generation.'

Just because the woman is at home it does not mean that she eats and sleeps and does nothing. Both man and woman have to realize that marriage means commitment and it calls for efforts from both of them to keep the marriage going. If neither of them feels disinclined to get entangled in this life long commitment, it is better to stay single rather than applying for divorce on flimsy ground which often wrecks the life of their children if they have any. A balance of attitude is what one should try to achieve, an equilibrium, the absence of which is causing havoc in the western society. Without sacrifices or compromises, there cannot be a happy married life, but it is unfair to expect woman to make these all the time.

The issue has attained its complexity due to various categories of women that we have. At one level, we have women facing ill-treatment and injustice craving to find dawn of justice and independence. At another we

have those having achieved independence, becoming the target of growing market strategies and western customs and practices. Sandwiched in between, there are women dynamic and successful, who are very much aware of their rights and privileges, but even as they are on their way to achieving equilibrium, they find themselves rather unconsciously pinned down by traditional beliefs and convention. At this critical juncture education seems to be the password.

Educating the economically backward women will make them send their daughters to school, which in turn will help women coming from the lower strata to join the main stream. Value based education might also solve the problems of dowry deaths and bride burning. Going into psychology one would come to understand that mothers in law torture their daughters-in-law only because of their sense of insecurity and deprivation. In such cases education will make women think rationally and see things in the right perspective. Though, no society can be without dissenting opinions, an educated society will at least treat tolerance as its sterling value. The key to such a society lies in our hands. Both sexes would realize that each is indispensable to the other. Extreme chauvinistic attitudes will not help anybody.

The following details are gathered when Vanitha commission member (women commission) P. Kulsu, was interviewed on 12.12.06. Firstly, she

points out that there are numerous social issues centring around the lot of women in the society. Being a member of the commission she highlights that the number of victims among the Muslim women is higher than that of their counterparts in the Hindu community. She has got a number of cases with her. This proves that generally women are exploited sexually physically, mentally, economically and politically harassed in the society from the work places to the domestic level.

She further adds that divorce cases among Muslim women are increasing day by day comparing to those of Hindu women. This trend is manifested in the urban literate Muslims and rural illiterate Muslims. But the number of divorce cases are coming in large numbers from the latter. To substantiate the point she says that a husband and wife both doctors, hailing from Calicut, and spouses from Engineering professionals from Malappuram are now legally divorced.<sup>32</sup> She has cited only one example. But there are many cases like that. But the talaq or divorce is much higher in the rural areas where it badly affects the illiterates. What she likes to conclude is that education has not influenced the minds of the people.<sup>33</sup> Society has not been changed. It can be changed only by changing the mind set of the people.

North America is the only place where Muslim women can exercise the full range of rights and freedom. They enjoy it as in the original Shariat.

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<sup>32</sup> Interview with P. Kulsu, Member of Vanitha Commission, on 12.12.06.

<sup>33</sup> *Ibid.*

Of all the Muslim countries, Iran stands as the best example of respecting women's Islamic Rights under Shariat. Under Rafsanjani and even more under Khatami, Iranian women have made strides in reclaiming and exercising their Islamic rights in society and politics and their example should be an inspiration to Muslim women in other countries.

If the law of succession is taken into account, it is realized that in the olden days the agricultural lands in feudalistic set up were not partitioned among the married daughters. It was left to entire responsibility of the eldest grandsons. Though Islam has not sanctioned such a type of set up it was followed by feudal families. Later, it was legalized by the British authorities. No theologian had protested against it because they wanted to ascertain their domination in the society.<sup>34</sup>

Dr. Zainaba in her lecture, on the rights of inheritance among the Bohrah families of Udaipur, she has made it clear that the daughters of the family are not entitled to get a share of the property of their ancestors. For name sake, they may provide them a small share. But they are not ready to voice against these injustice mainly, on the basis that the harmonious atmosphere of the family should not get hampered and create unhappy situation in the family.

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<sup>34</sup> Asghar Ali, Engineer, *op.cit.*, p.9.

A woman in Islam is not prevented from seeking employment. But the husbands belonging to orthodox family object to wife taking jobs. Only the enlightened husbands allow them to avail employment opportunities. When most of the poor and illiterate seek the help of the religion to find justification to prevent female education, there are others who support female education with the help of religion. There is a general stereotype that certain principles and norms of Islam are primarily responsible for educational backwardness. But there is no theoretical and empirical basis for such stereo type.<sup>35</sup>

Men cannot have any number of children unless a woman gives her consent as remarked in Islam. If the birth of the child hampers the health of a woman, then she should not be forced to give birth there after. Islam allows abortive measure till the fourth month of the pregnancy. The educated and enlightened men adopt family planning methods.<sup>36</sup> There is a notion among Hindus that Muslims are against family planning methods. But, this is not fully correct because the educated Muslims opt family planning methods.

After having analyzed, the multiplicity of women issues among Muslims it is understood that the crux of the problem lies in the illiteracy of the Muslim families so due emphasis is to be given in the matter of giving value based education to them.

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<sup>35</sup> Rokaiya Begum, "Education and the Muslim Women", in Noor Mohammed, (ed.) *Indian Muslims - Percepts and Practices*, New Delhi, 1999, p.141.

<sup>36</sup> Asghar Ali, engineer, *op.cit*, p.10

Mehdi Hassain in his survey 'on relation to Muslim education' has expressed that the daughters of the impoverished and illiterate Muslim families lack education because their parents never encourage them to seek education. According to his survey, if the father is educated, there are immense possibilities for a female child to be educated.

In the labour class, not only the female education but the male education is also ignored. Most of the families are encumbered with a large family. So they send their children to do some jobs and bring material benefits to the family. They also expect that women are supposed to play a good role as house wives. These are some of the conceptions around which their lives revolve.

Recently, the question of formulating a uniform civil code for all sections of society irrespective of caste, creed and religion has led to many heated arguments and discussions among Muslims. The issue was raised when a Hindu husband without divorcing his first wife converted into Islam and married a Muslim woman. It was in this particular case that judgement dated 10.05.1995 came out. The founding fathers of the constitution have enacted article 44 which states that the state shall endeavour to secure for its citizens a uniform civil code. The judges of Supreme Court, Kuldip Singh and R.A. Sahai opined that there was a need for uniform civil code in India.

As per section number 44 of the Indian constitution, attempts have been made by all the ruling parties for the past many years to formulate a uniform civil code applicable to all sections of Indian society. But, at all times there have been strong reactions to this move by the conservative section of the Muslim society which has vested interests to protect. Those who favour a uniform civil code say that its purpose is to strengthen the national unity and integrity and also to promote secular forces. Since Muslims in India are in minority and under an identity crisis. At least a section would reject common civil code. As India being a plural as well as a secular country, some times it does not want to offend its minority people. So the whole matter is neither legal cultural, or humanitarian but it is political "It is in fact motivated by a curious mixture of male chauvinism and political interests."<sup>37</sup>

In one of the epoch making judgements (Shah Bano case) the Supreme Court has expressed its regret that constitutional directives in article 44 for a uniform civil code has so far remained a dead letter. There is no discrimination against any woman in the Indian constitution. The degree of discrimination depends on the mere incident of birth in particular law.<sup>38</sup> But the rights guaranteed to Indian women are taken away by the personal laws. The Islamic legal system as in the early history of every nation is associated

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<sup>37</sup> Alka Singh, *Women in Muslim Personal Law*, New Delhi, 1992, pp.163.

<sup>38</sup> Indu Prakash Singh, *Women Law and Social Change in India*, 1998, New Delhi, p.146.

with religion in the growth of law. Ever since uniform civil code has become identified with Muslims it has indeed become a veritable battle ground.

The critics against uniform civil code point out that Islam is not only a religion but also a code of life. And Muslim personal Law consequently, is not only law but a religion also. Interference with Personal Law is not possible. But in practice, the Personal Law deviates from the primary edicts of Quran<sup>39</sup>. It provides innumerable rights and treats them with utmost respect.

The positive aspects of uniform civil code as everyone believes, would put an end to the silent suffering on Muslim women. The uniform civil code as justice Krishna Iyer had put it will be formed by "picking and choosing from any system as to suit our ethos and culture in accordance with times which would be in tune with dialectical egalitarianism."<sup>40</sup>

During the period from 1954 to 1956, the government passed the Hindu Personal Law, inspite of protests from the conservative sections of Hindu society. It has been pointed out that the Muslim Personal Law stands as an insurmountable obstacle in the introduction of a uniform civil code. The opposition to a uniform civil code by a section of Muslims stems from the fact that their Personal Law will be entirely wiped out. If it is implemented all

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<sup>39</sup> *Ibid.*, p.147.

<sup>40</sup> *Ibid.*, .148.

traces of their cultural identity will be destroyed and Hindu Personal Law will predominate the contents of the uniform civil code.

However, as observed by a progressive scholar, the fears voiced by some of the Muslim fundamentalists seem baseless. A uniform civil code implies the unification of various religious treatises but it is only the unification of civil laws which ensure gender justice.<sup>41</sup>

So the need of the hour is a comprehensive code of Muslim Law. But unfortunately, no one talks of it, people talk of utopia called a common civil code, without caring to know the rationale and object of the constitutional provision in this respect.

An Indian code of Muslim Law based on the eclectic selection of principles from the various schools of Shariat is an ideal solution to all the contemporary problems of Muslim Law. In the absence of a proper code, Muslim law will be suffering from all sorts of ailments.

Popular beliefs in the country regard the Muslim legal system as an archaic law, facilitating degradation of women through their confinement to homes, coupled with the freedom of bigamy and whimsical divorce on the part of men. This is indeed not the truth. The multiplicity of juristic opinions within Islam, the insistence of various Muslim groups of our age to strictly

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<sup>41</sup> Hameed, Chennamangalur, 'Pothe Civil code, Mithyayum, Yatharthayavum, *Mathrubhumi* (Weekly) Calicut, July 18-22, 1995, p.21.

adhere to particular juristic opinions of ancient times, freedom of every Tom, Dick and Harry today to interpret the religious law and above all, the self assumed obligation of people in general to enforce its dictates as understood by them have together turned the Muslim Law into a babel.<sup>42</sup>

True principles of Muslim law are lying buried under the heaps of age long misinterpretations and widely prevailing misconceptions. These have to be dug out and must replace the distorted view of the law. Muslim women's unfettered freedom of choosing a life partner by their free will, negotiating the terms of a proposed alliance maintaining their independent identity and rights during marriage, walking out of an irretrievably broken marriage without any hesitation , and enjoying unrestricted ownership of all property that comes to their hands by inheritance or otherwise, are some of the salient features of Muslim Law.

The true principles of Muslim Law remain eclipsed by its extensive misreading over the years. If this system of law has to survive in a pluralistic society like India, its glory has to be restored by reviving those principles in letter and spirit.

The census of India 2001, for the first time gives detailed educational data across religious groups. The findings are disheartening. The facts irrefutably demonstrate that an average Muslim woman and man are far less

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<sup>42</sup> *The Hindu*, Coimbatore, July 30, 2006, p.18.

educationally accomplished than their non Muslim counter parts and this is so across almost every state in India. Average level of education in any case is poor. Even so, the percentage of 'literate' Muslims - those who at the very least have rudimentary reading and writing ability is considerably lower compared to non Muslims.

Clearly, our schools, colleges, governments and Social systems have failed to foster effective environment that could have induced most Muslim families to educationally empower their children in the same way as others. This is ominous because, if these inequalities were to persist in the future a large portion of Muslims could drop off the map of India's work force.

In 2001, only 55% of India 's 71 million Muslim males were literate, compared to 64.5 of the country's 67 million Muslim females were literate versus 46% of India's 430 million non Muslim men.<sup>43</sup> The percentage difference in literacy was greater for Muslim men versus their non-Muslim brethren than for Muslim women.

However, Muslim non-Muslim literacy disparities were far less in the economically advanced states of west and south India compared to U.P. Bihar, Assam, West Bengal, Jammu and Kashmir. Unfortunately these five states with high disparities accounted for over 61% of the country's Muslim population.

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<sup>43</sup> *India Today*, New Delhi, August 14, 2006, p.35.

The saving grace seemed to be Gujarat and Andhra Pradesh where the literacy ratios of Muslim males and females were marginally better than those of non Muslims. And in Karnataka and Maharashtra, a slightly greater share of Muslim women were literate compared to others.<sup>44</sup>

The sad truth is that while cities and towns offer more in terms of school and college opportunities than villages, a relatively lower proportion of urban Muslim households are investing in literacy compared to non Muslim counterparts.

According to census Report of 2001, while 6.3% of Indian males were illiterate. Only 9.6 % claimed to be educated upto class X just 4.6% upto class XII and 4.8% were college graduates or above. This was bad enough. But things are far worse for Muslims. Not only there were a lesser percentage of literate Muslims compared to the rest, also dropped off the educational ladder more rapidly than others. This was true for the country as a whole as for all the major states.

At the basic level of Muslim women were proportionately 11% worse of than non-Muslims. The difference widened to 19% for those educated upto middle school, 35% for those who studied upto class X, 45% for those who learnt upto class XII and 63% for those who were graduates and above.

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<sup>44</sup> *Ibid.*, p.36.

Kerala may have the highest literacy rates and west Bengal's Government favours modern education. Yet, the study shows that Muslims are worse off than even the even these forward states. Literacy rates for Muslims as well as non-Muslim men and women in the state are higher than in any other part of India. In urban Kerala a sizeable part of the state, the drop, off rate of Muslims at the level of higher education is staggering. This is worse for women than men. The tragedy is that the state which takes pride in its greater awareness of educational issues has not succeeded in significantly reducing the drop out rate of its Muslims compared to others. According to the Census Report of 2001, the National Muslim population (NMP) is 138.2 million.<sup>45</sup> The low rate of employment in Kerala as a whole has been attributed to the highest number of unemployed women in Malappuram and Kozhikkode districts where 12,47,419 (in Malappuram District) and 5,41,646 (in Kozhikkode district) Muslim women have been placed in the category of non-workers.<sup>46</sup>

Marriage is a blissful institution but not to the students. Interestingly, an increasing number of students are getting married during their studies. The number of married students swells as we move from the south to the northern parts of Kerala.

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<sup>45</sup> Quoted in U. Mohammed, *Educational Empowerment of Kerala Muslims - A Socio-Historical Perspective* (A Project approved by the Indian Council of Historical Research, New Delhi, 2003, p.4.

<sup>46</sup> *Ibid.*, p.11.

An evaluation by The Hindu (Education plus) reveals that incidence of marriage among women during their studies has not dwindled despite an increase in awareness, and the fact of their parents being better educated. This is particularly evident among Muslims.

It has furnished the different views on mixing marriage and studies and tells how it affects a student's academic performance. Some campuses have scores of married women. Their views about a wedded life may differ. But in one voice they say marriage affects their studies. The most enterprising among them rise to overcome the hurdles, the rest buckle under pressures, some accept the stoppage of studies as their inevitable destiny.

According to N.P. Hafiz Mohammad, sociology professor of Farook College who studies the issue, educated and employed parents are more worried about their daughters than their uneducated counter parts. This worry, he says, deprives the women of their chance for a marriage by chance or preference. It is this worry that prompts parents to get their daughters married during studies. Most parents also harbour a fear that higher education will obviate the chances of a proper alliance for their daughters. The higher the education the fewer the chances of suitable alliance that is the general feeling found among parents.

Nothing but the will of the student stands before the parental pressure. The number of women effectively parrying parental pressure to marry is far

too small compared to those who tacitly succumb. The role of the teachers too is limited here. "We discourage marriage during studies. But we cannot interfere in parental decision. After all, we are not the ones who find alliances for the students"<sup>47</sup> says P. Mohammed, principal of Unity Women's college at Manjeri. His colleague Ashraf K.K. who heads the department of History, adds that there will be no change so long as the parental concern does not subside.

As a counsellor, says Mr. Hafiz Mohammed, "I cannot say, don't get married. But we try to influence and convince them." Most colleges show some leniency towards married students. The fact is that they are under tremendous pressure. They have to get up at early morning for doing their work at home but also for college. Ancila, the principal of Providence Women's College, Kozhikode says that, marriage of students should be discouraged at any cost. "Because it affects their studies badly,"she says. "Marriage takes half of her attention from studies. But still some of the students are coping up with their studies".

When the married students are interviewed they list various problems. Parents get their daughters married promising them permission to continue the studies. But after marriage, it is a different ball game altogether. The student becomes a woman with added responsibilities. Her rates are diversifying, She

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<sup>47</sup> *The Hindu, (Education plus)* Coimbatore, August 22, 2006, Kerala, p.1.

is no longer the student child of her parents. She is a wife, a daughter-in-law, a home maker and much more. And then to continue her studies depends a great deal on the husband and his family. "I am fortunate to have two great broad minded in laws." Says Fathima Nilofer Assain, second year M.A. English student of Providence Women's College. Herself and her husband have agreed upon that she should continue her studies without any pressures. "I give equal importance to my career and life" she says.

Some of the married students say we are a praise for our men." Despite agreeing that wedlock affected their studies, the firmly believe that their determination backed by the support of their husbands help them continue their studies, "we can over ride the academic interruption caused by marriage only by our will and spouses 'support.'<sup>48</sup> Says Shahina Mustufa, a fourth semester M.A. English student with two children. She got married after her plus two and joined B.Sc Mathematics, shifted to TTC without completing B.Sc. gave birth to her first child, missed a year, then resumed her B.Sc., and later abandoned it, joined for B.A. English, gave birth to her second child, and is now doing her post-graduation. Twenty five year old Shahina is a model for many Muslim women.

A survey conducted among the married students of Unity Women's College Manjeri, by the editors of the college magazine in 2005 has

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<sup>48</sup> *Ibid.*

unquestionably proved that studies are affected by their nuptials. Yet the continuation of their studies depended solely on the support of the spouse's family, the survey has found.

The study was conducted among the married students of first year B.A. English, second year B.A. History, B.com computer Application and B.Com Co-operation and final year B.A. English and B.Com co-operation. The survey found that 11.11 percent of the students on this post graduate campus were married and nearly 6% of the students discontinued their students following marriage.

More than 55% of the teachers whom the students interviewed said that studies suffered badly after marriage. When 22% of the teachers said there was no problem because of marriage, as many number of teachers said they did not know.<sup>49</sup>

Nearly 78% of the teachers believed that marriage had brought about tremendous change in the student standard. And most of them pointed out that there was a general lack of interest in studies among students after marriage.

The census of India, 2001, clearly reveals how urban Muslim males were relatively worse off at each educational level compared to the non Muslims what is worrisome is how the gap widened at the level of college

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<sup>49</sup> *Ibid.*

graduates and above. The inference is obvious, relatively speaking urban Muslim families seem to invest less on the education of their children than do non-Muslim house holds. Thus for instance the percentage difference between proportion of Muslim and non-Muslim male graduates was 64% at all India (rural + urban) level. The story was similar for Muslim versus non Muslim women graduates. The former were 72% worse off in urban India, compared to the latter being 63% worse at the All India level.<sup>50</sup>

Pervasive and severe gender discrimination is an ugly fact of India and it shows in education. Indian women are more discriminated against by their own families compared to non-Muslims. Across educational level in urban India, both Muslim and non-Muslim women suffered discrimination vis-a-vis their males, but the extent was greater for the Muslims. At the lowest end of the spectrum the proportional difference in literacy rates between urban non-Muslim women and their men was 15%. At graduate level and above such gender equality rose to 33%. This discrimination was worse for urban Muslim women. For instance, at the most basic level of literacy. Muslim women in cities and towns were 18% worse off compared to their men. This gender inequity increased to 48% at the level of urban graduates and above.

Clearly, there have been failures at all levels. For a country that professes school education for all, parents can pull their children out of

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<sup>50</sup> *India Today, op.cit.*, p.39.

schools with impunity with no fear what so ever of any official restriction or penalty. There is a dearth of social workers among Muslims. NGO's and activists among Muslim communities of India are trying to convince their audience the need to be educated in the true sense of the term. Too many Muslim households still believe that religious education at 'madrasas' is a substitute for high school and college learning-something that has not been actively dissuaded by the state and central Governments. In free India, sometimes for lack of opportunities in the country and sometimes by lure of better life chances, trained Muslims have migrated to the west and gulf countries resulting in a further depletion of talents among them within the country.<sup>51</sup>

There are economic reasons as well. Educational attainments are known to be co-related with household income. The average income of Muslim families in India is much lower than that of non-Muslims.<sup>52</sup>

The census also shows that the Muslim families were educationally worse off among all religious groups in India in 2001. Such educational disempowerment could lead to proportionately lower share of Muslim men, women finding a place into tomorrow's labour force. And with over 60 percent Muslims living in relatively poorer state, this difference could get

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<sup>51</sup> Iqbal, A. Ansari, 'Muslim Educational Backwardness' in Iqbal, A. Ansari (ed.) *The Muslim Situation in India*, New Delhi, 1989, p.90.

<sup>52</sup> *India Today*, *op.cit*, p.40.

starker over times. Recently, Rajindar Sachar, a former Chief Justice of the Delhi High Court, who was appointed by central government (2006) to probe into the social, economic and educational status of Muslims all over India. Submitted his report the committee in its report said that the position of the community was relatively poor. They are comparatively illiterate, have lower access to education and to in public and private sector. Jobs and in their case there is lower availability of bank credit for self employment. So their position is below that of Dalits.<sup>53</sup>

The solution for these existing problems are not religious based reservation. Instead, it involves spending greater social and political capital to convince Muslim house holds and their leaders that salvation lies in educating their children, instead of denying it because of the force of custom. That is no easy task. But it is the only real way out of this morass.<sup>54</sup>

As far as Muslim women or women of any other community are concerned, what they need is social, political economic, cultural, intellectual, educational and psychological empowerment. Various laws have been formed for the protection of women. But they are not being effectively implemented without any discrimination and bias. Crimes against women would not subside unless stringent laws are implemented as is done in the Middle East. It would be helpful if some restrictions be put on polygamy

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<sup>53</sup> *The Hindu Daily*, Coimbatore, Nov. 18, 2006, p.12.

<sup>54</sup> *India Today*, *op.cit*, p.40

making permission of law court necessary for any one wanting to take a second wife. Such a flexible attitude would not only relieve Muslim women of many problems but would also go a long way in easing communal tensions in India.<sup>55</sup> First of all, Muslim women should establish their own identity and respect their own individuality by believing in their capabilities and also by acknowledging the presence of her own species in relation to the society by being bold and determined. Secondly, the democratic notion of gender equality should be translated into reality. A massive effort has to be planned and mobilised within the community to enlist their active involvement and participation in the literacy drive and enlightening the adult groups regarding the value and importance of education. Simultaneously suitable schemes have to be devised by experts to ensure the imparting of education of the right type and quality at primary, secondary and collegiate levels to the members of the backward Muslim community. The voluntary organizations of the community should set up cells at Taluk and District levels to guidance to the students regarding the courses of studies available at various centers, Job schemes, coaching institutions and the special schemes offered by the state and central Government for the uplift of the backward sections from time to time. These cells can collect and co-ordinate relevant statistics relating to the

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<sup>55</sup> Asgar Ali Engineer, *The Rights of Women in Islam*, New Delhi, 1992, p.161.

community and act as a liason between the people and the authorities.<sup>56</sup>

The destruction of one to the profit of the other would have adverse effect in the natural balance. A nations progress and prosperity can be judged by the way it treats its women. As Mr. Justice, A.S. Anand, the former justice of India has said that, the cry for gender equality should not be treated as if it is a fight against men. It is a fight against traditions that have chained women, a fight against attitudes that are ingrained in society. It is the fight against, the proverbial "Lakshmana Rekha." Therefore men must recognize and accept the fact that women are equal partners in life.

In the foregoing pages specific issues concerning Muslims of India, and particularly Muslim women are mentioned as part of the Malabar. When the issue of Sharit and reform of Shariat law was much discussed at all India level and when it became one of controversy during 1985-86 (Shah Bano controversy) Muslim women of Malabar too joined issue and during this period many a Muslim (Mappila) thinker and writer of Malabar took part in the discussion pointing towards the active involvement of Muslim women of Malabar the general public of Malabar in the debate on the issue. It is within context that the general issues of Indian Muslims are touched upon in this chapter.

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<sup>56</sup> U. Mohammed, "Educational Problems of the Muslim Minority in Kerala," in Asgar Ali Engineer (ed.) *Kerala Muslims - A Historical Perspective*, New Delhi, 1995, p.155.

## CONCLUSION

On analysing and examining the process of modernization and social change among Muslim women of Malabar, the present study irrefutably establishes the fact that during the 50 years after Independence, the status of Muslim women has risen considerably from social and cultural points of view. It has been said that to measure the progress of a nation the status of women in the social, political, cultural, and religious fields is to be studied properly.

It is noted that socio-economic influences that have brought about many changes in the Indian social fabric did not filter down to the lower strata of the society. The conflict between the forces of modernity and tradition got upper hand. This was true with reference to Muslim society of Malabar also.

The call for higher education was the result of modernity and the tradition of being homebound was prevented. Consequently, new avenues have been opened up to enter into social, economic and political aspects of their lives.

To examine the process of change, a study on Muslim society explaining origin of Islam and its impact is relevant in this context. The origin of Islam is a controversial theme among scholars due to the confused nature of evidence and lack of contemporary evidence. Conventional scholars

believe that Ceraman Perumal's conversion is to be placed in the 9<sup>th</sup> century A.D. and the recent findings of scholars would place it in the 12<sup>th</sup> century A.D.

The views of the conventional historians are based on the traditions contained in *Keralolpati*, *Grandhavaris of Calicut* and *Cochin* and *Tuhfat-al-Mujahideen*. Likewise, histories sometimes highlight invasions while peaceful movements are forgotten. Arab settlers and traders had been visiting India and settling on the coast of Kerala long back. Hence, the first Muslims in India were the newly converted Arab traders of Muscat and Ormuz who came and settled on the Malabar coast.

The view finds support in K.M. Panikkar's *History of Kerala* where in he says that when Islam swept over Arabia its influence was felt immediately over Kerala also. In fact, according to fairly ancient tradition the last Perumal himself became a convert to Islam. Thus, Islam began to spread in Malabar early enough both by conversion and by the settlement of Arab traders and this is clear from a Muslim inscription in Pantalayini Kollam dated Hijira 166.

*Keralolpati* tradition refers to the conversion of last ruler in, Perumal line into Islam. Ceraman Perumal, the last ruler of Makotai (Mahodayapuram) partitioned his kingdom among his kith and kins and arranged the administration of the Kingdom and went on a pilgrimage to Mecca in the Company of Muslim Faquirs and a Sheik. On the return journey

to Malabar, the ruler fell dangerously ill and so he handed over a letter to the missionaries to be submitted to the existing ruler of Kodungallur to do all facilities for the propagation of the new religion.

Accordingly, they proceeded to accomplish their missionary activities. With the permission of the Kodungallur ruler they constructed a mosque there. Subsequently, many mosques were constructed in different parts of Malabar. Zeinuddin in his work entitled *Tuh-fat-al-Mujahideen* supports the above story and concludes that it is difficult to give a precise date for it. Most probably it might have taken place 200 years after Hijra (ie about 825 A.D).

Logan ascertains that introduction of Islam might have taken place 200 years after Hijra. This date or later date may be correct. As far as he is concerned, Kodungallur and Pantalayini Kollam enjoyed the advantage of being trade centers. The Arabs had settled down in these places long previously for trade purposes. The Hindus reject the tradition and they believe that the Cera ruler died as a Siva devotee. Any way whoever might be converted whether Ceraman or Zamorin of Calicut, it is only legends and traditions uncorroborated by contemporary records.

Modern scholars like Prof. Elamkulam Kunjan Pillai and Dr. M.G.S. Narayanan have provided new findings based on the inscriptional evidences. According to the former, Kerala was not partitioned till 11<sup>th</sup> century A.D. The rulers of Mahodayapuram continued their rule till 1102 AD. The early

scholars did not have the privilege of studying the records of later Cera kingdom, which existed from 9<sup>th</sup> century A.D. to 12<sup>th</sup> century A.D. He also adds that the foreign travellers who visited in the 16<sup>th</sup> century A.D were the earliest to notice the Ceraman legend and record it in their literature. The first writer to put it in record was Duarte Barbosa (1510 AD). It is a well-known fact that legends have no time sense. They tend to grow and absorb new materials. They get distorted during the time of transmission from place to place and from person to person.

Dr. M.G.S Narayanan has concluded that there is no specific contemporary evidence regarding the advent of Islam in Kerala. Masudi of Bagdad (890-966 A.D) speaks of contacts between Malabar and Arabia. These early contacts would increase the possibility of Ceraman legend if it were being genuine. The plaque at Madayi mosque shows the year 1124 A.D. as the date of its foundation.

The evidence agrees with the date of last Ceraman Perumal who is known from epigraphic records to have ascended throne in 1102 A.D. The king's name is mentioned as Rama Tiruvati and Kulasekhara Chakra Vartikal. This year was the closing year of Rama Varma Kulasekhara Chakravartikals as opined by Prof. Elam Kulam Kunjan Pillai. This is refuted by Dr. M.G.S. Narayanan. He is of the opinion that an inscription from Tiruvalanjudi temple near Tanjore dated the 4<sup>th</sup> year of Vikrama Cola (1122 A.D) mentions

the offer of tumbamalai to the deity in the name of Ceramanar Rama. This Rama is identified with Rama Varma Kulasekhara. Hence, it is ascertained that his reign prolonged upto 1122 A.D. Finally he concludes that Ceraman Perumala's conversion has found a place in the Muslim chronicles and Brahmanical chronicles also. So it cannot be rejected as such.

In course of time, Kodungallur, Madayi, Dahfatan, and Fandarina developed into big centres of Muslims. Maravi may be Madayi, Dahhfatan may be Dharmapattom and Fandarina is the same as Pantalayini Kollam. Calicut, the greatest centre of Muslims in Malabar is left out of the list. This is a proof to show that the tradition itself was created before the rise of the principality of Calicut, an event after the disintegration of the Kingdom of Makotai. Thus the tradition of the propagation of Islam in Kerala towards the close of the Cera period with the blessings of Ceraman perumal is acceptable as has been opined by Dr. M.G.S. Narayanan.

The sailors, traders and missionary activities had accelerated the spread of Islam in Malabar coast. Their settlements gradually brought about the establishment of their faith among the inhabitants in this land. There was a willing acceptance of new faith by large numbers whom the existing social order influenced heavily. The lower castes welcomed Islam as a chance to obtain some degree of social freedom. By conversion, an untouchable got a distinct rise in the social scale.

The encouragement and support extended by the rulers of Malabar was also a factor to be reckoned with for promoting conversions to Islam. Zamorin of Calicut is a typical example for this kind of support of a ruler. He needed sufficient sailors to man his navies. He encouraged the fishermen families to bring one or two children as Muslims. To-day many of the fishermen along the Calicut coast are Muslims.

The Arabs respected all those who had embraced Islam, especially women. So, the growth of the population at first was confined to seashores which were once trading centres. Nevertheless, a study of the available records about Arakkal ruling dynasty will show that one of the most important rulers of Kerala in the early days had embraced Islam. For one thing the extensive missionary activity that was known elsewhere in the history of Indian Islam is not evident in South India. However, the services of first missionary and his assistants cannot be denied.

In course of time, Ponnani became an important Muslim centre. Kondotty Tangal, Tangals of Malappuram, Sayyid Jiffrey, Mambaram Sayyid Alavi Tangal, and Fazal Pookoya Tangal, played a dominant role in the propagation of Islam in Malappuram area. Some of them also spread anti imperialist trends among the Muslims.

Muslims of Malabar are called Mappilas whose mother tongue is Malayalam and claim to be the descendants of Arab settlers. Their physical

appearances indicate their Arabic origin. It has been said that the Arabs had been carrying on trade with India since pre-Islamic times. The rise of Islam revitalized their intercourse which had previously been more commercial than cultural character.

The trading centres of Malabar had separate quarters for separate trading centres of Kerala and important among them were Kollam, Kodungallur, Ponnani, Tanur, Parappanangadi, Kannur, Ezhimala etc. Most of these merchants were from southern Arabia and Persian Gulf. This accounts for the Arabic Islamic culture in Kerala in contrast with the Turko-Persian Islamic culture in other parts of Kerala.

Abdul Razack, Ma-Huan and others provide description of Calicut. They observe that a considerable number of Mussalmans had built two mosques there in which they met Friday to offer prayers and most of them had their shops there. The wealthy merchants could carry on trade without much difficulty, as there existed a sense of justice and security.

Later, the privileges and concessions enjoyed by the Arabs at Calicut especially in trade were threatened by the Portuguese with their arrival at Kappad in Calicut 1498 A.D. Kunjalis were the hereditary admirals of the Zamorin who fought against the Portuguese in the longer periods in the history of Calicut. But, the chapter of Kunjalis came to an end with the tragic

death of Kunjali IV who met his end at the hands of the Portuguese with the support of Zamorin of Calicut.

Bitter criticism and baseless objections have been raised against Islam's unequal treatment of women in the matters of inheritance, permission to men of contracting marriage upto four wives and segregation of women or 'Purdha'. The scholars on Islam have clarified all the questions in the light of translation and interpretations on Quranic injunctions.

With regard to the distribution of property it is said that by giving the daughter half the share of a son, Islam has let down the position of women. But it should not be forgotten that a woman receiver 'dower' and property from her husband in which her inequality is more than compensated for.

Much harsh criticisms have been levelled against Islam for having permitted polygamy. The general interpretation is that limited polygamy is permitted. It must be borne in mind that the Arabs of pre Islamic days had very lax matrimonial laws. The rules regarding a maximum of four wives was a restraining piece of legislation. Polygamy is a provision and not a compulsion. It's intention was to provide help for the helpless women and save them from falling into destitution. There is another suggestion that prostitution can be controlled by it.

The Quranic verses say that women should stay at home and should not wander about displaying their beauty and finery. But this does not mean

that they should never go out and remain in perpetual confinement. The purdha system among Muslims has been a subject of controversy among the conservative school of thought and new enlightened section of Muslims under the influence of western education and culture.

The critics argue that the purdha system as it exists now has nothing Islamic about it. It is purely a non-religious social custom. Women in early Islam were not confined to their homes. They came out on occasions under the stress of economic, social and religious necessity. When they came out they dressed and moved in a particular way which did not make them objects of attraction, intermixture of the sexes was never approved of by Islam and runs counter to the whole spirit of its teachings.

The defenders of purdha system argue that Islam means to keep women closely and completely confined to their homes. This is a wrong interpretation. When the Quran says that women should stay in their houses and make no display of their charms, it is referring to the life of pre-Islamic Arabia. Despite the heavy social and legal disabilities from which they suffered, the women truly and frequently moved about to indulge in enormous talks with strangers or mixed with them freely. This is a kind of life which Islam wanted to take over by a life of decency and responsibility. If the Quran has intended totally to prohibit the movement of women outside the

home there was no necessity of laying down these restriction on dressing and movement.

It is finally summed up that 'hijab' is an obligation upon every Muslim woman. However, Islam does not prescribe a specific dress code. A woman has the right to select any outfit as long as it fulfills some of the above mentioned condition which underlines chastity and modesty.

The rights of women are granted by Islam and they cannot be altered or replaced. Woman have gained these rights without a feminist rebellion. These rights were conferred on her fourteen hundred years ago when the contemporary civilizations were not prepared to consider her as a human being.

The weak commitment to religion tends to cultivate unjust and hostile treatment of women. Uncultured men tend to oppress them in many ways. Unfortunately, the patriarchal hold was too severe after the prophet's death, and women started losing rights they had during the life time of the prophet. The Muslim women should acknowledge the rationale behind the interpretation of the Quranic injunctions for their betterment rather than falling into ignorance.

The conditions of Malabar Muslim women till the beginning of 20<sup>th</sup> century were not better off relatively with that of non Muslim women. Their life was centred around some traditional concepts. Hence, women were under

constraints and controls and remained within the four walls of their houses. Consequently, they were not dared to seek western education and not even Malayalam. Malayalam was considered as the language of non-believers and hence was a taboo. So, the sweet fruit of academic education was denied to them. The only education allowed both for men and women was the education in 'Dars' and Madrasa attached to the mosques. The forces of orthodoxy in the Muslim society of Malabar determined the socio religious and political factors of the society.

The system of education imparted through 'Madrasas and Dars' began to deteriorate on account of the ways and methods employed by untutored masters in teaching. The students were forced to learn the scripture by rote and memorise it. And they did it without understanding its meaning properly. This system did more harm than good in many cases. Students of tremendous potentials had their heart and brain stunted by rigid method of education. The pronouncements of the prophet were not understood properly and consequently there were many taboos, superstitions and un-Islamic practices.

In Islam, religion and society are identical and cannot be segregated each other. So all reform movements organized among the Muslims for their reformation have been essentially religious and social reform movements.

In this context, the part played by various socio-religious reformers should not be forgotten. The Malabar society, under the influence of socio

religious reformers of the community underwent a great transformation in their outlook. Taking Kerala as a whole, the main role in the intellectual awakening was played by a socio-religious organization called 'Kerala Muslim Aikya Sangham.' Wakkam Abdul Quadir Moulavi was a pioneer who continuously called upon his brethren to relinquish unIslamic practices and beliefs and encouraged them to take to modern secular education. He convinced the community, the need to educate Muslim women. His reform-oriented publications had their impact on the Muslims activity. Today, there are innumerable primary and high schools exclusively under the control of Muslims the impact of which still continues to be felt. Through his patriotic journal 'Swadeshabhimani' he became engaged in journalistic criticism of existing structures. The one welcome result of the movements was that, inspite of the opposition of the orthodox faction, these movement compelled people recognize the necessity of modern education. The far-reaching influences of other reformers like Sanaula Makti Tangal (1847-1912) and Islahi movements have been felt in every nook and corner of Kerala.

A major impact of the Islahi movement was the decreasing interest in saints, superstitions evinced by conservatives. Finally, the substantial contribution of this movement is the encouragement given to female children to acquire modern education.

Side by side with these development the initiative for re-orienting Dars system was undertaken. Scientific system of religious education with proper curriculum, text books and tools was made necessary. A definitely progressive movement in education was started by Muslims of Malabar just before the 50's of 20<sup>th</sup> century preceded by the second phase of the resurgent educational activity. Today, there are innumerable primary and schools exclusively under the control of Muslims for uplifting their children educationally.

After the Mappila Rebellion of 1921, the Government resolved to concentrate more on education of the Mappilas. A Muslim training school was started in Malappuram, the head quarters of Mappila Malabar to train Muslim teacher primary religious teachers called Mullakka masters. They were also given special training. Women instructors were also trained to impart religious education to women. Now there are Muslim women who are designated as Arabic teachers working in schools and colleges.

The British Government seriously thought about giving education to female children. The education of girls received a great boost as the encouragement was in the form of incentives. Vocational training schools and colleges would improve the quality to and skill of the students in Malappuram.

At private initiative, many schools sprang up in Calicut to impart religious and secular education. Also, there are many Arts and Science colleges in Mappila pockets. Female education has gone a step further. Girls are now going to schools and colleges in large numbers. Farook College at Feroke in Calicut district is one among them where many Muslim girls are receiving College education. At Malappuram, there is a polytechnic college which is exclusively for women. It functions well, maintaining a good record of Muslim women.

The services rendered by Muslim Educational Society led by Dr. Abdul Ghafoor and his associates in the field of education and social service and the ladies wing are commendable. Masterminds like Mrs. Fathima Gafoor and Mrs. Khamarunnisa Anwar are the prominent persons behind the uplift of Muslim women of Malabar. MES is giving scholarships and financial assistance to poor Muslim girls and enable them to receive educational benefits. MES has created a tremendous impact when it opened colleges in the erstwhile backward areas of Malabar.

By 1967, MES had laid the foundation of its first college at Mannarghat, Ponnani, Cranganore and Valancherry etc. To the credit of the community, many female graduates and post graduates are serving in different institutions as doctors, lawyers, teachers, engineers and clerks. Subsequently, even the orthodox ulema who are vehemently opposed to

Muslim girls attending schools have dropped much of their opposition and started sending their children to schools and colleges without hesitation.

Today 60% of the readers of magazines and weeklies in Malayalam are Muslim literate women in Malabar. They are anxious to know women's issues published in it. There are many Muslim women journalists also. One among them is working on the Gulf edition of Chandrika daily. One or two examples would also show the empowerment of Muslim women in the political field.

When a study was conducted among some Muslim women of Malappuram it is understood that 27% of them became literate for communicating with their husbands at Gulf. In the absence of their husbands, they carry on bank transactions and also act as the deciding authorities at home.

As regards the dress pattern, they wear modern dresses like churidhar and salwar kameez, and sari instead of their traditional dresses. Even though 'purdha' wearers have diminished in number but for the influence Gulf migrants, wearing of purdha as an indispensable part of the dress of Muslim women, has become a fashion among teenage girls.

The enhanced importance of the bride is indicated through the change in the value of 'Mahr' or gift of the bride. It depends upon the financial capacity of the families. The dowry in the matrimonial market is increasing.

The poor suffer on account of this. But those who have become rich due to Gulf impact help the poor some times. Not only changes have been felt in political, social, cultural income and educational spheres, but also in religious life. Now-a-days women are allowed to attend prayers in the mosques though the orthodox segments like sunnis object to it.

There is no doubt that these women have established an identity by challenging some old values of conservatism. The courage and confidence instilled in them an urge to empowerment. It is in fact the impact of secular education, the economic independence, socio-religious reform movement, expansion of trade and commerce, contact with outside world-all these factors made a tremendous improvement affecting the social and cultural status of Muslim women.

In spite of the changes Muslim women have some specific issues. But women of other communities are also not free from social issues. The present global scene reflects ever increasing incidents of divorce, the birth of illegitimate children, breaking up of families and suicidal cases. The specific issues of Muslim women are triple Talaq. Maintenance rights, purdha system and polygamy. Socio reformers like Raja Ram Mohan Roy and others fought against the social evils. Still, it continues to haunt women in the form of female infanticide and female foeticide.

Under Muslim personal Law, divorce is an easy matter for the husbands as he can divorce his wife at his own will by the sheer pronouncement of the verbal formula of divorce (talaq). The Quran does not sanction this kind of privilege to any Muslim. The right of obtaining a separation should be on rational grounds. In spite of these restrictions, Muslim men still enjoy much freedom, not enjoyed by women at any time.

Theoretically, Muslim women have more legal rights than high caste Hindu women but in practice they suffer many disabilities. As per Islamic Law, a wife is expected to get maintenance from her husband till the period of 'Iddat'. Under the provisions of criminal procedure code 1898, she can claim it from her husband till the period of 'Iddat'. If he fails to provide the same she can sue even in a court.

When a bill was moved in 1973 for the revision of criminal procedure code in order to provide maintenance for divorcees, it was opposed severely by orthodox Muslims on the basis that the husband has to provide for maintenance only till the period of 'Iddat' and not beyond that time.

But the liberal minded section pleaded for social legislation. Its implications were felt in Kerala also. The year 1985 is a land mark in the history of Muslim women of India. Shah Bano, a divorcee of Madhya Pradesh field a case against her husband in the court for maintenance till she remarried. She was awarded maintenance by the court in accordance with

provisions of the Criminal procedure code Sec. 125. On the contrary to the Judgement, her husband with the support of Personal Law Board filed an appeal against it in the Supreme Court. But the Supreme Court Judgement came out in support of the judgement of court of Madhyapradesh and said that in the case it was given in kindness. It led to an acrimonious debate throughout between supporters and opponents supported by many political parties. There was made a hue and cry in Malabar area also. Shah Bano's case has set a precedent warming up the minds of thousands of unfortunate Muslim women.

The supreme court in a recent judgement wanted the government to clarify all Personal Laws and to introduce a uniform civil code. But, a section of Muslim community objected to it. A few people welcome changes in the Personal Law provided the fundamental aspects of Shariat are retained. It could be hoped that Muslim women would welcome change in the statutes concerning marriage and divorce.

'Triple Talaq is also a major issue among Muslims as one concerning women. By pronouncing 'Talaq' three times the husband divorces his wife. It is hoped that to solve these kinds of problems, the Muslim Personal Law could be re-examined to the benefit of the Muslim women. This does not mean that it should be amended entirely or in its essential aspects. The plea is

that Muslim women should not be made to suffer on account of the special nature of Muslim Law.

If the women's issues are studied in theoretical perspectives, it can be understood that these arise due to many factors. One major factor is the psychological factor. Firstly, if a woman enters into the word of men she is bound to lose herself in the overwhelming crowd unless she has an iron will to keep moving forward. Secondly, an inferiority feeling is sown into her mind by the society. Thirdly, men like to see women suffering because he would be a good father than be a good husband. Therefore the problem is basically a psychological one that lies deep in the minds and hearts of men.

The man who tortures his wife feel pained if the same happens to his daughter after her marriage. That is why women's problems cannot be solved by law alone. Here, the conscience has to change which governs one's mind. In Shah Bano's case she was mocked by the religious fundamentalists. The Government should have safeguarded the Muslim women's right. It did not come to rescue her.

It is always the poor women who have to put up with such injustice because they are uneducated and unaware of the provisions of law. So she is cheated and finally they have no moral and financial support. Apart from that, upper-class women do not suffer degradation. She can walk down upon her husband if she is ill-treated. Sometimes marriage is not a necessity for

her. The middle class woman suffers because she is educated but yet she is pinned down by convention. She has to obey him unquestionably. She has a psychological trauma.

Finally, the lower class woman is exploited but does not face psychological trauma. Due to lack of education and awareness women are struck with 'before marriage syndrome' and 'after marriage syndrome'. Some of them marry after compulsion. Unmarried women are looked down by our society.

Both men and women have to realize that marriage means commitment and it calls for efforts from both of them to keep the marriage going. If either of them shows a reluctance to get into life-long commitment, it is better to stay single rather than applying for divorce on flimsy ground. A balance of attitude is necessary to achieve equilibrium among themselves.

The educational data of religious groups across the country provided by the census of India 2001 gives a detailed account. If it is taken in the all India level, the findings are disheartening because average Muslim women are far less educationally accomplished than their non-Muslim counterparts. It is certain, that Kerala may have highest literacy rates. The dropouts of Muslim women at the level of higher education is staggering. The tragedy is that the state has not succeeded significantly in reducing the drop out rates compared to others. Gender discrimination is another factor. Families

encourage male education and discourage female education in some parts of India. Unfortunately, here too, Muslim women are more discriminated and discouraged by their families, whereas Muslim men are given more accessibility to education. The Census Report also finds this to be a reason for their poor show in education.

There may have been failures at all levels. For a country that professes school education for all unfortunately, parents pull out their children from schools without any fear. Still, there are households that consider religious education at madrassas as a substitute for higher education.

Following inferences are made here. Muslim women should come to the fore. They should not miss any opportunity to be educated. Education is the remedy for most of the ills of the society. The educated husband should help in the education of his wife and educated parents should provide facilities for the education of their children. Education of the daughters should be made compulsory. Teenager's marriage should be discouraged. It gives not only financial stability and security but will widen the horizon of their knowledge. They will march forward with a view to creating happy world for themselves and others.

Apart from these specific social issues, the Muslim women of Malabar no doubt have achieved great strides in different spheres of their lives. They are no longer in the shells, as they were in the past for many centuries.

Education to the extent possible has freed their minds from sticking to the traditions and orthodoxy. It has brought social and cultural changes in their thoughts and deeds.

The condition of Muslim women has improved a lot during the last fifty years. The community has gone through a wave of social change. Muslim women reflect an image of educated and modernised woman. Definitely, the Muslim women have gone forward. And this forward march is going to continue in the coming years as the trends among Muslim women would show.

## GLOSSARY

Bidah	:	Innovation in religious matters.
Bohra	:	A shia sect and followers of the western wing of the Ismaili School of Islamic Law
Dars	:	Traditional Arabic School attached to mosques where classes are conducted in different disciplines of Islam
Hadis	:	Traditions of the words and deeds of prophet Mohammed
Hadith	:	Same as Hadis (see above)
Hanafi	:	One of the four Sunni Schools of Islamic Law
Islahi	:	Mujahid movement for reform especially theological
Karanavan	:	Head of matrilineal family
Kazi	:	A Judge, a religious functionary who solemnizes marriage
Madrasa	:	A religious school
Marumakkattayam	:	Matrilineal system of Inheritance
Mullaka	:	A religious teacher especially in Madrasa
Muta	:	Temporary Marriage
Nercha	:	Offering, vow, a religious festival in honour of a saint ..

of Muslims saints

Purdha	:	A veil worn by Muslim women
Rahukalam	:	Inauspicious days
Sambandham	:	A form of marriage prevalent in the past among the Naiss
Shafi	:	One of the four Sunni School of Islamic Law
Sthreedhanam	:	Dowry
Sheik	:	Spiritual leader
Sufi	:	One who holds the doctrine and practices, a form of Islamic mysticism, tasawwf
Sunni	:	The major division of Muslims who follow tradition of prophet Mohammed
Tali	:	Marriage badge
Taravad	:	Nair joint family
Tangal	:	An honorific term applied to a descendent of prophet Mohammed, a term peculiar to Mappila Tangal are religious leaders as well
Ulema	:	Theologians well versed in Islamic Sciences.

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#### **f. PERIODICALS AND OTHER PUBLICATIONS**

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The New Indian Express, Cochin, 15<sup>th</sup> August, 1998.

The New Indian Express, 8<sup>th</sup> June, 2000.

The Hindu, Cochin, 30<sup>th</sup> July, 2006.

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January – 5<sup>th</sup> January, 1996.

Engineer, Asghar Ali : 'Muslim Sthreegalum Prashnagalum', (Muslim women  
Issues) *Mathrubhumi, Calicut*, 30<sup>th</sup> – 5<sup>th</sup> February, 1996.

### **g. Personal Interviews**

The researcher met the following persons. Details are furnished below.

Abbas, E.P. Principal in charge, MEASS College, Areacode, on 07.12.2006

Alifiya on 21.11.06

Headmistress of Calicut Girls' Vocational Higher Secondary School,  
Kundungal, Calicut on, 20.11.2006.

M.C. Ibrahim, Calicut on 20.11.2006

Kalmabi, former School teacher, on 21.11.2006.

P.Kulsu, Member of Vanitha Commission, Government of Kerala, on  
12.2.206.

K. Safarullah Superintendent, MEASS College, Areacode on 7.12.2006.

Survey on Bohra Muslim women Calicut, on 21.11.2006.

Dhakni Muslim Women, *Daira* Street, Palakkad on 20.09.2006.

Mappila Muslim Women, Kuttichira, Calicut on 20.11.2006.

Rawther Muslim Women, Parakunnam, Palakkad on 16.09.2006