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Divorce and Muslim Women in India: A PRISMA-Guided Systematic Review

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Abstract:

India is often characterised as a low-divorce society, yet women's experiences of marital breakdown reveal complex negotiations of kinship norms, economic dependence, social stigma, and uneven access to justice. Within this broader terrain, Muslim women's divorces have attracted sustained scholarly and political attention, particularly through debates on Muslim personal law, maintenance rights, and the regulation or criminalisation of practices such as triple talaq and extra-judicial divorce. Despite a growing body of literature, this scholarship remains fragmented across legal, sociological, and policy-oriented domains.

This study undertakes a PRISMA-guided systematic review of peer-reviewed literature on divorce and marital dissolution among Muslim women in India to synthesise existing evidence and identify directions for future research. Using a transparent screening and selection process across Scopus, the review maps how scholars conceptualise women's marital exit through intersecting legal and social pathways, including formal court litigation, personal-law adjudication, and informal or community-based dispute resolution mechanisms.

The thematic synthesis identifies several recurring concerns: the disjunction between legal reform and women's everyday ability to secure maintenance, dignity, and safety; the constrained choices women face when navigating khula, negotiated settlements, or community mediation; the emergence of women-led Islamic legal activism and female-mediated forums as alternative sites of justice; and the ambivalent role of political and media framings that may simultaneously advance and instrumentalise Muslim women's rights claims.

At the same time, the review highlights notable gaps in the literature, including limited empirical attention to post-divorce trajectories, insufficient comparative analysis across regions and class locations, and a lack of longitudinal evidence on the material and social consequences of criminalisation in the absence of robust welfare protections. By consolidating dispersed scholarship into an integrated analytical map, this review contributes to socio-legal debates on gender, law, and minority rights, while offering a grounded foundation for more context-sensitive, rights-centred approaches to marital dissolution among Muslim women in India.

Keywords: Muslim women, divorce, personal law, India, PRISMA, systematic review

Introduction:

Marriage, divorce, and women's rights within Muslim communities in India remain deeply contested terrains, shaped by the intersecting forces of religious law, constitutional governance, political discourse, social norms, and everyday lived realities. Over the past several decades, debates surrounding Muslim women's marital rights have occupied a prominent place in legal, political, and academic discourse, particularly in relation to Muslim Personal Law (MPL), triple talaq, maintenance, and the broader question of gender justice within religious legal frameworks. These debates have often been framed through polarized narratives that position Islamic law as inherently oppressive to women or, conversely, depict state-led reform as an external imposition on religious autonomy. Such binary framings, however, obscure the complex and negotiated ways in which Muslim women in India experience, interpret, resist, and reshape legal and social structures governing marriage and divorce. Recent legal developments—including landmark Supreme Court judgments such as *Shah Bano v. Union of India* (1985)¹, *Danial Latifi v. Union of India* (2001)², and *Shayara Bano v. Union of India* (2017)³, as well as the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019—have intensified public attention on Muslim women's rights. While these interventions have been presented as milestones in the pursuit of gender justice, their broader implications remain contested. Critics argue that constitutional and legislative reforms have at times been shaped by majoritarian political agendas, selectively mobilizing women's rights rhetoric while failing to address the structural and material conditions that shape women's everyday vulnerabilities. At the same time, grassroots Muslim women's movements and faith-based feminist initiatives have challenged dominant narratives by articulating alternative visions of justice rooted in Islamic jurisprudence, community accountability, and women-led legal interpretation. These competing forces highlight that Muslim women's divorce in India cannot be understood as merely a legal issue; it is a deeply socio-political phenomenon embedded within legal pluralism, identity politics, economic precarity, and moral regulation.

Despite a growing body of literature on Muslim Personal Law, feminist legal reform, and post-divorce precarity, existing scholarship remains fragmented across doctrinal analysis, ethnographic case

¹The Shah Bano Begum vs. Union of India case was a landmark 1985 Indian Supreme Court judgment that affirmed a divorced Muslim woman's right to maintenance under the secular Section 125 of the Code of Criminal Procedure (CrPC).

² *Danial Latifi v. Union of India* (2001) is a landmark judgment by the Supreme Court of India that interpreted the rights of Muslim women to maintenance after divorce under the Muslim Women (Protection of Rights on Divorce) Act, 1986, and upheld the constitutional validity of the Act while ensuring that it did not violate women's right to equality and dignity under Articles 14, 15, and 21 of the Constitution.

³*Shayara Bano v. Union of India* (2017) was a landmark Supreme Court case in which the Court declared the practice of instant Triple Talaq (where a Muslim man could divorce his wife by saying "talaq" three times at once) unconstitutional. The Court held that this practice was arbitrary, discriminatory, and violated Muslim women's fundamental rights to equality, dignity, and personal liberty under the Indian Constitution. It also ruled that instant Triple Talaq is not an essential religious practice deserving constitutional protection. This judgment marked a major step toward gender justice and led to the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019, which legally banned the practice.

studies, political critique, and media discourse. Much of the research focuses either on formal legal change or on women's lived experiences, but rarely offers an integrated framework that connects legal reform, religious interpretation, informal justice mechanisms, political instrumentalisation, and post-divorce life trajectories within a single analytical lens. Moreover, Muslim women are frequently portrayed as passive subjects of legal systems rather than as active interpreters, legal strategists, and agents of reform, thereby limiting the conceptual space for recognising their epistemic authority and grassroots activism. This study responds to these gaps by offering a systematic thematic synthesis of existing scholarship, grounded in an intersectional feminist socio-legal framework that foregrounds both institutional structures and women's everyday experiences.

The central objective of this paper is to examine how Muslim women's divorce in India is shaped by the dynamic interaction between legal pluralism, judicial reasoning, informal dispute-resolution mechanisms, women-led reform initiatives, political and media narratives, and lived socio-economic consequences.

Despite extensive legal and policy debates on Muslim women's divorce in India, a persistent gap remains between formal legal reform and women's lived post-divorce realities. Existing scholarship largely focuses on statutory change, constitutional litigation, and landmark judgments, particularly around triple talaq and maintenance, often assuming that legal recognition leads to substantive empowerment. There is limited empirical evidence on whether these reforms translate into improved economic security, enforceable maintenance, housing stability, custody outcomes, or psychosocial well-being, especially for economically marginalised and rural Muslim women facing weak enforcement, bureaucratic barriers, and social stigma. An emphasis on elite jurisprudence further obscures everyday legal practices in lower courts, legal aid systems, qazis, and informal forums, where most divorce negotiations occur, leaving women's ordinary legal strategies under-theorised.

The literature is further limited by urban bias, insufficient institutional analysis of informal Islamic justice mechanisms, and weak engagement with how formal and informal legal systems interact in practice. Finally, there is a lack of longitudinal, policy, and psychosocial research examining divorce as a long-term life process, including post-divorce economic mobility, mental health, family relations, and intergenerational outcomes.

Methodology:

The present study adopted the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) framework to ensure a transparent, replicable, and methodologically rigorous process for identifying, screening, and selecting relevant literature. The initial search was conducted in two major academic databases, i.e., Scopus and Web of Science (WoS), using the keywords "Divorce" AND "Muslim Women" AND "India."

As shown in figure 1, the search in Scopus yielded 41 results. To refine the focus of the review,

the first filter was applied for limiting the articles belonging to the broad field of social sciences, which reduced the count to 35. Subsequently, a further filter was applied to include only peer-reviewed research articles, leading to 28 eligible records in Scopus. At this stage, the pool from database comprised 28 articles from Scopus, resulting in a preliminary total of 28 records for the initial screening stage. All subsequent screening was carried out manually to ensure nuanced judgment beyond automated filtering. This involved a careful review of each article's title and abstract to identify literature with a focus on divorce and women in the Indian context.

The thorough analysis of titles and abstracts resulted in the exclusion of 10 articles from Scopus on the grounds of irrelevance and non-availability because full-text access could not be obtained despite extensive efforts to locate them through institutional subscriptions and open-access repositories. These steps ensured that only unique, accessible, and directly relevant studies progressed to the final inclusion stage. The final dataset comprised 18 articles from Scopus. These articles formed the core body of literature for detailed review and analysis in this study.

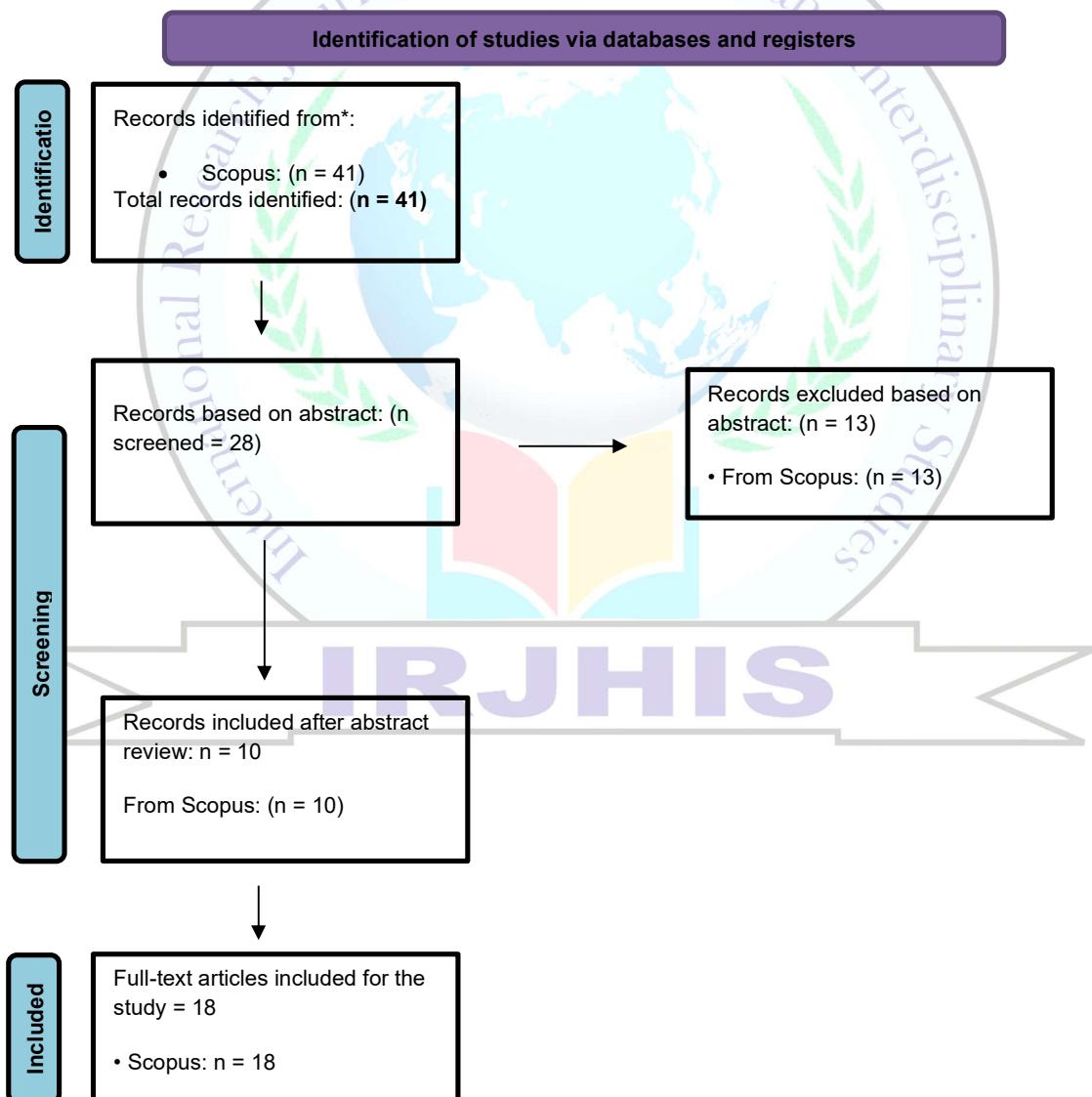


Figure 1: Systematic review of research articles on the issue of divorce of muslim women in India
(Source: Author's own source)

Findings and Analysis:

Theme I: Legal Pluralism, Reform Pathways, and Gender Justice:

This dimension brings together scholarship examining how gender justice is negotiated within India's plural legal order through doctrinal reform, judicial interpretation, informal justice mechanisms, and women-led legal activism. Rather than depicting Islamic law as antithetical to women's rights, these studies reveal a complex field of internal reform, interpretive flexibility, and strategic engagement with both state and non-state legal institutions. India's long-standing effort to reconcile *Sharia*⁴ based personal law with constitutional principles of equality finds one of its earliest and most consequential moments in the colonial-era Dissolution of Muslim Marriages Act (DMMA), 1939⁵. As De (2009) critically pointed out, the DMMA codified a broad and comparatively progressive set of grounds on which Muslim women could seek divorce many of which were unavailable to Hindu or Christian women during the same period. These grounds included cruelty, non-maintenance, impotence, and inequitable treatment in polygamous marriages, thereby significantly expanding women's legal exit options from oppressive marital arrangements. By formally embedding these provisions within Islamic legal discourse, the DMMA created an important doctrinal space in which gender justice could be pursued within an Islamic interpretive framework rather than in opposition to it. This legislative development marked a pivotal moment in the evolution of Muslim women's marital rights, signaling that Islamic law was not inherently static or hostile to women's autonomy. The broader significance of these judicial developments is further examined by Subramanian (2017), who offers a comparative analysis of the legal reasoning employed in these two Supreme Court cases.

In *Shah Bano* (1985), the Court grounded its decision primarily in constitutional principles of equality, a stance widely perceived as subordinating Islamic personal law to secular legal norms. This ruling not only intensified national debates around women's rights and religious personal laws but also reignited political calls for the implementation of a Uniform Civil Code, provoking strong public and community backlash. In contrast, *Danial Latifi* (2001) upheld substantially similar entitlements for

⁴ *Sharia* is the comprehensive body of Islamic law derived from the Quran and the Sunnah (teachings and practices of Prophet Muhammad). It encompasses both religious and secular aspects of life for Muslims, providing guidance on matters of worship, ethics, and social conduct.

⁵ The Dissolution of Muslim Marriages Act (DMMA), in 1939, was passed by the Central Legislative Assembly of British India, which was the legislative body functioning under colonial rule before India's independence in 1947. Before the enactment of the DMMA, Muslim personal law in India was uncodified and unevenly interpreted across courts. While Muslim men had unilateral rights to divorce (through talaq), Muslim women had limited and ambiguous recourse for initiating divorce, often depending on local customs or differing schools of Islamic jurisprudence. The Act was introduced following a notable case (the *Rattu v. Rahmat Bibi* case in Lahore, 1931) where a woman's petition for divorce was rejected, despite her husband's cruelty and neglect, because her legal right to divorce was not recognized clearly under Hanafi law as practiced in India. To address these injustices, Qazi Muhammad Ahmad Kazmi, a prominent Muslim scholar and legislator, introduced the Bill in the Central Legislative Assembly, which eventually became the DMMA in 1939.

Muslim women while anchoring its reasoning within Islamic jurisprudence rather than constitutional supremacy. According to Subramanian (2017), this jurisprudential shift proved more socially acceptable and institutionally stable because it reframed women's right to alimony as emerging from Islamic legal principles instead of appearing to replace them. Taken together, these studies trace a historically layered evolution of Muslim women's divorce rights, beginning with the doctrinal innovations introduced by the DMMA, 1939, followed by the gender-equalizing implications of the 1973 Criminal Procedure Code amendment, and culminating in constitutional litigation that reshaped the balance between religious legitimacy and state authority. As De (2009) emphasizes doctrinal adaptability within Islamic law and Subramanian (2008) highlights state-led modernization, this body of scholarship collectively illustrates how Muslim women's legal rights have been forged through an ongoing negotiation between religious interpretation, legislative intervention, and constitutional jurisprudence.

Theme 2: Judicial Reasoning, Constitutionalism, and Religious Legitimacy:

A significant strand of scholarship examines how Indian courts have navigated the tension between constitutional equality and religious legitimacy in adjudicating Muslim women's post-divorce rights. Subramanian (2017), in a comparative analysis of *Shah Bano* (1985) and *Danial Latifi* (2001), demonstrates a marked evolution in judicial reasoning across these landmark Supreme Court cases. In *Shah Bano*, the Court grounded its decision primarily in constitutional principles of equality, a move widely perceived as subordinating Islamic personal law to secular constitutional norms. This judgment intensified national debates around women's rights, minority protections, and religious personal laws, while also reviving political calls for the implementation of a Uniform Civil Code (UCC).

However, the ruling provoked strong backlash from segments of the Muslim community, highlighting the social and political sensitivities surrounding judicial intervention in religiously governed family law. In contrast, *Danial Latifi* upheld nearly identical entitlements for Muslim women but anchored its reasoning within Islamic jurisprudence rather than constitutional supremacy. According to Subramanian (2017), this jurisprudential recalibration proved more socially acceptable and institutionally stable, as it framed women's right to alimony as emerging from religious principles rather than appearing to override them. This shift illustrates how courts strategically balance constitutional ideals with cultural and religious legitimacy in plural legal contexts, recognizing that judicial authority depends not only on legal reasoning but also on community acceptance.

Theme 3: Informal Justice Mechanisms and Gendered Trade-offs:

A growing body of ethnographic and doctrinal scholarship highlights how Muslim women often navigate divorce through informal justice mechanisms, not as a preferred or empowering choice but as a response to the limitations and exclusions embedded within formal legal systems. Vatuk (2019), drawing on ethnographic fieldwork conducted between 1998 and 2001 in Chennai and

Hyderabad, foregrounds the everyday legal struggles of Muslim women who seek resolution through religious and community-based forums when state courts fail to offer timely, accessible, or socially acceptable remedies. Her research demonstrates that *khula*⁶, although formally recognized within Muslim law, is more frequently pursued through informal religious channels rather than formal courts, largely because these forums are perceived as faster, less bureaucratic, and more socially navigable.

However, Vatuk (2019) underscores that this route is far from emancipatory. Women's ability to obtain *khula* remains contingent upon the husband's consent, significantly limiting their autonomy and reinforcing patriarchal control over marital exit. Moreover, women are often compelled to relinquish critical financial and legal entitlements—including *mahr*⁷, maintenance, and, in some cases, child custody—in order to secure divorce. This reveals a deeply gendered trade-off in which women exchange material security and legal rights for freedom from marital relationships, illustrating how informal justice spaces frequently reproduce, rather than resolve, structural inequalities.

Extending this insight into the domain of formal legal institutions, Larouche and Lemons (2020) demonstrate that Muslim women's constrained legal choices persist even within state family courts, complicating the assumption that formal legal systems inherently provide more empowering alternatives. Through a mixed-methods study of 3,593 family court cases in Delhi's South-East Saket Family Court (2011–2013), supplemented by qualitative analysis of Muslim litigant case files, the authors reveal that Muslim Personal Law is rarely applied in everyday judicial practice, despite its formal legal status. Muslims constituted only a small fraction of total family court litigants relative to their demographic presence, suggesting continued reliance on informal, religious, or community-based dispute resolution forums.

Even when Muslim women approached state courts, they frequently avoided Muslim Personal Law in favour of secular provisions, particularly Section 125 of the Criminal Procedure Code (CrPC), which they perceived as more accessible, enforceable, and strategically advantageous than the Muslim Women (Protection of Rights on Divorce) Act. Yet, outcomes under both religious and secular frameworks remained precarious, with exceptionally high dismissal and withdrawal rates, especially in cases filed under Muslim Law. The study further shows how judicial discretion produces hybrid legal reasoning, as judges routinely blend religious and secular legal norms—sometimes applying Hindu Marriage Act definitions of cruelty to Muslim divorce cases—thereby generating a form of de

⁶ *Khula* is a procedure in Islamic law where a Muslim woman can initiate divorce from her husband. It's a right granted to women under Islamic jurisprudence, allowing them to seek separation when they find the marriage unworkable. Typically, the wife initiates the process by approaching a court and may need to return her *mehr* (dower) or offer compensation to her husband.

⁷ *Mahr* (Mehr) is a mandatory financial gift that a Muslim husband gives to his wife at the time of marriage as part of the Islamic marriage contract (*Nikah*). It symbolizes respect, security, and the wife's legal right, and it belongs exclusively to the wife—no one else can claim it. *Mahr* can be paid immediately (Prompt *Mahr*) or at a later time (Deferred *Mahr*), and it may be in the form of money, property, jewellery, or any valuable asset. It serves as an important tool for women's financial protection and dignity, especially in cases of divorce or separation.

facto legal harmonisation from below through everyday courtroom practice rather than through formal legislative reform.

The vulnerability of women within informal legal systems becomes even more pronounced in discussions surrounding *nikah halala*⁸, a practice that has attracted significant scholarly and ethical critique. Imran (2022) argues that *nikah-halala* is *haram* (prohibited) and religiously invalid according to multiple authentic hadiths and the opinions of Islamic scholars, asserting that it lacks legitimate grounding within Islamic jurisprudence. He further contends that the practice has evolved into a commercialized enterprise, wherein clerics offer so-called “halala services” in exchange for financial compensation, thereby transforming religious doctrine into a market-driven mechanism that exploits women’s vulnerability and undermines their dignity. Similarly, Kausar (2025) corroborates these findings by demonstrating that *nikah halala* in India has no basis in Qur’anic text or Hadith and is religiously illegitimate. Kausar (2025) further situates India’s experience within a broader comparative framework by examining reforms undertaken in Pakistan, Saudi Arabia, and Malaysia, ultimately calling for urgent reforms in Muslim Personal Law (MPL) in India to align more closely with Islamic ethical principles and gender justice. Together, these studies reveal how informal religious practices, when detached from accountability and ethical oversight, can become sites of institutionalized exploitation, reinforcing patriarchal authority under the guise of religious legitimacy.

The persistent misuse and gendered consequences of informal justice mechanisms raise a critical normative question: can Islamic law itself provide more just and empowering pathways for Muslim women? Responding to this concern, Mustafa (2025) offers a reform-oriented perspective by examining successful international models from Indonesia, Saudi Arabia, the UAE, Pakistan, and Turkey. His comparative analysis explores the tension between legal uniformity and religious pluralism, highlighting how Islamic dispute-resolution mechanisms such as *tahkim*⁹ and *sulh*¹⁰, along with contractual innovations embedded within *nikahnamas*¹¹, can be leveraged to strengthen women’s rights while remaining consistent with constitutional values. Mustafa (2025) thus reframes Islamic law

⁸ *Nikah halala* is a practice within some interpretations of Islamic law where a woman, after being divorced by triple talaq, must marry another man, consummate the marriage, and then divorce him before she can remarry her first husband. It is often associated with the practice of instant triple talaq, where a husband divorces his wife by uttering the word “talaq” three times.

⁹ “*Tahkim*,” in an Islamic legal context, refers to arbitration, specifically the process of resolving disputes through the appointment of a third-party arbitrator. It is often used in family matters, particularly when marital disputes reach a point of “*shiqaq*” (severe discord). The appointed arbitrators, known as “*Hakam Keluarga*” or a “*Hakam Panel*,” are empowered to make decisions, potentially including divorce pronouncements, to settle the conflict.

¹⁰ “*Sulh*” is an Arabic word meaning resolution, reconciliation, or peace. It is frequently used in the context of resolving disputes and conflicts, both in personal and social settings. In Islamic law, “*sulh*” specifically refers to an agreement between parties to settle a dispute and achieve a peaceful resolution.

¹¹ A *Nikahnama* is a Muslim marriage contract, often referred to as a marriage certificate, that documents the legal and religious aspects of a Muslim wedding. It serves as proof of marriage and includes details like the couple’s names, date and place of marriage, mehr amount, and other conditions agreed upon by the couple.

not as an inherent constraint on women's autonomy but as a potential resource for gender-just reform, provided that interpretive authority, institutional design, and enforcement mechanisms are oriented toward accountability and women's empowerment.

Taken collectively, these ethnographic, doctrinal, and institutional studies reveal a shared insight: Muslim women's reliance on both informal and formal justice forums is driven less by empowerment than by constrained choice, institutional inefficiency, and pragmatic survival strategies. Women often turn to community mediation, religious arbitration, *khula* procedures, or secular legal provisions because formal legal institutions are plagued by procedural delays, financial barriers, social stigma, and bureaucratic indifference that leave them with limited viable alternatives. Yet, across both informal and formal legal spaces, marital exit frequently becomes possible only when women concede rights that should have been legally and morally protected. This body of work therefore underscores that legal pluralism does not inherently guarantee justice; rather, it operates as a contested terrain in which power, gender norms, judicial discretion, institutional accountability, and interpretive authority determine whether legal processes function as mechanisms of liberation or as sites of continued inequality.

Theme 4: Grassroots Legal Pluralism and Women-Led Reform Initiatives:

The limitations and failures of formal judicial institutions have not merely constrained Muslim women's access to justice; they have also catalysed a powerful grassroots counter-mobilisation within Muslim communities, where women actively reconfigure legal authority, religious interpretation, and dispute resolution from below. This theme explores how Muslim women transform systemic exclusion into platforms for resistance, reform, and community-led legal pluralism, challenging the assumption that legal change must originate solely from state institutions. Drawing on ethnographic research with 30 Muslim women activists, Rasheed & Sharma (2021) document how Sharia courts, or *Dar-ul-Qazas*¹², remain overwhelmingly male-dominated and frequently exhibit gender bias in adjudicating family disputes.

Rather than accepting this marginalisation, Muslim women have increasingly intervened within these legal-religious spaces to reshape both their institutional practices and interpretive foundations. Expanding on this argument, Rasheed (2023) contends that these women are not merely service providers or mediators but active interpreters of Islamic law, who articulate gender-just understandings of Quranic principles and challenge patriarchal monopolies over religious knowledge. Through the practice of *ijtihad*¹³ (independent reasoning), women reinterpret Islamic jurisprudence in ways that

Dar-ul-Qaza, also known as Sharia courts or Islamic courts, are institutions that offer dispute resolution based on Islamic law (Sharia), primarily focusing on personal matters like marriage, divorce, and inheritance for Muslims. While not recognized as a formal part of the state's legal system, they are often used as alternative dispute resolution forums. Ijtihad refers to the process of independent reasoning in Islamic law, where qualified scholars interpret the Qur'an and Hadith to address new or complex issues not explicitly covered in religious texts. It allows Islamic law to remain flexible and adaptable to changing social, legal, and cultural contexts. Only scholars with deep knowledge of Islamic jurisprudence

expand women's rights within marriage and divorce, thereby asserting epistemic authority within a domain traditionally controlled by male clerics.

This interpretive and institutional activism has been formalised through women-led Muslim organisations such as Bazm-e-Khawateen¹⁴ (BeK) in Lucknow, the All India Muslim Women's Personal Law Board (AIMWPLB)¹⁵ in Hyderabad, and the Bharatiya Muslim Mahila Andolan (BMMA)¹⁶ in Mumbai, which operate as mediators, counsellors, and advocates in family disputes, particularly in cases involving triple talaq and maintenance. These organisations not only provide legal and emotional support to women navigating marital breakdown but also function as alternative sites of Islamic legal reasoning, where gender-sensitive interpretations of religious doctrine are articulated and institutionalised. A central demand advanced by women activists within these movements is the inclusion of female qazis¹⁷, a reform aimed at ensuring more equitable, empathetic, and gender-aware adjudication within Islamic legal forums. Supporting this perspective, Dutta (2021) argues that women-run sharia courts possess the potential to empower Muslim women to exit abusive marriages through gender-sensitive adjudication, supportive counselling, and community-based dispute resolution, thereby offering a model of reform that remains culturally grounded while advancing women's autonomy.

Offering a more critical and reflective intervention, Redding (2014) cautions against the liberal-secular assumption that Islamic legal forums are inherently regressive, arbitrary, or procedurally deficient. By highlighting the procedural integrity, normative coherence, and community responsiveness of non-state Islamic courts, Redding challenges simplistic binaries that position religious law in opposition to modern legal rationality. His analysis suggests that women-led reforms within Islamic legal spaces do not necessarily rupture legal tradition but rather draw upon its own ethical resources, jurisprudential principles, and interpretive possibilities to advance gender justice. At the same time, the methodological limitations of Redding's study—particularly its reliance on a single, in-depth interview with "Ayesha," who obtained a divorce through a *dar-ul-qaza* in Delhi—underscore the need for broader empirical validation and caution against overgeneralization. Nevertheless, when read alongside the broader body of ethnographic and doctrinal scholarship, these findings collectively

(*fiqh*) can perform Ijtihad, and it plays a key role in legal reform, ethical debates, and modern interpretations of Islamic principles.

Bazm-e-Khawateen (BeK) is a Muslim women-led community group based in Lucknow, Uttar Pradesh. The organisation¹⁴ focuses on empowering Muslim women and promoting their participation in various aspects of life. It serves as a forum for discussions on issues relevant to women, including empowerment, personal law, and social issues.

The All-India Muslim Personal Law Board (AIMPLB) is a non-governmental organization in India that works to protect¹⁵ and promote the application of Islamic personal law (Sharia) among Muslims in India. It was formed in 1973 and is primarily concerned with matters of marriage, divorce, inheritance, and other personal affairs governed by Islamic law. *Bharatiya Muslim Mahila Andolan*, or BMMA (transl. Indian Muslim Women's Movement), is an autonomous, secular,¹⁶ rights-based mass organization led by Zakia Soman that fights for the citizenship rights of the Muslim women in India.

The BMMA was formed in January 2011. The organization is based in Mumbai. A "Qazi" (also spelled Qadi or Kazi) is an Islamic judge or magistrate who presides over Sharia courts. They are¹⁷ responsible for interpreting and applying Islamic law in both civil and criminal matters, and also perform extrajudicial functions such as mediation and guardianship.

illustrate how Muslim women's groups employ *ijtihad*, mediation, and community counselling to challenge patriarchal legal interpretations while preserving Islamic legal identity and legitimacy.

Taken together, these studies reveal that women-led Islamic legal initiatives represent a significant reconfiguration of religious authority and legal pluralism in India. Although these reforms remain uneven in reach, constrained by limited institutional recognition and broader structural inequalities, the emergence of female qazis and women-run sharia courts signals an important transformation in how Islamic law is interpreted, practiced, and institutionalised. By positioning Muslim women not merely as legal subjects but as authors of legal meaning and architects of reform, this body of work demonstrates that legal pluralism can facilitate gender-just outcomes when women shape its interpretive frameworks and institutional designs. At the same time, the unevenness of these initiatives highlights that grassroots reform, while transformative, cannot fully substitute for systemic legal and policy change, pointing to the continued need for multi-level strategies that integrate community-based activism with formal legal and constitutional protections.

Theme 5: Politics, Precarity, and Lived Consequences of Divorce:

Through a critical analysis of how mainstream English-language Indian media represented the issues of triple talaq and Love Jihad between 2017 and 2018, the authors demonstrate how gender justice rhetoric has been selectively mobilised to advance majoritarian political objectives. Their study reveals that the Hindu Right, particularly under the leadership of the BJP (Bhartiya Janta Party) strategically positioned itself as a protector of Muslim women in debates surrounding triple talaq, invoking the language of women's rights to legitimize legal intervention. At the same time, women's rights were sidelined in the discourse on Love Jihad, which was reframed as a matter of national security rather than gendered vulnerability. Piedalue, Gilbertson & Raturi (2021) argue that this selective deployment of feminist rhetoric does not stem from a genuine commitment to women's emancipation but instead serves a broader majoritarian political project that instrumentalises Muslim women's suffering while marginalising their long-standing, community-driven struggles for justice.

Extending this critique beyond media representation, Gupta, Gökarişel and Smith (2020) argue that such co-optation of Muslim women's rights is not confined to discursive spaces but is also embedded within state practices and nationalist governance frameworks. Their analysis demonstrates how Muslim women's struggles are routinely mobilised to advance Hindu nationalist agendas and territorial projects, rather than to secure substantive and transformative gender justice. In this context, women's legal vulnerabilities and marital lives become sites through which the state negotiates power, identity, and ideological legitimacy. Taken together, these studies reveal that Muslim women's pursuit of autonomy remains profoundly shaped by intersecting structures of caste, class, religion, media power, and state authority, even when reforms appear progressive or community-led. Although grassroots initiatives create new openings for resistance and self-determination, they unfold within a

political environment where women's rights are frequently selectively amplified, reframed, or subordinated to nationalist and ideological priorities.

The findings under this theme shift analytical attention away from legal texts and institutional reform toward the everyday lived realities of divorced Muslim women, revealing divorce as a profoundly social, emotional, and material rupture rather than merely a legal event. Their work highlights how post-divorce life is often marked by financial precarity, insecure housing, mental health struggles, and strained family relationships, exposing the gendered asymmetries that structure women's vulnerability long after legal separation is achieved. Beyond individual hardship, the study reveals a broader social contradiction: divorced women are stigmatised for their perceived transgression of marital norms while simultaneously being relied upon for their labour, resilience, and caregiving capacities. This underscores how heteronormative family structures persist not because they are inherently natural, but because they are continually reproduced through social expectations, moral judgments, and everyday forms of regulation, even as women quietly resist and renegotiate these norms in their daily lives.

Comparative insights provided by Suryani et al. (2024) further broaden the analytical frame by examining the regulatory implications of extrajudicial divorce practices beyond the Indian context. By drawing lessons from India's Muslim Women (Protection of Rights on Marriage) Act 2019 which criminalised triple talaq following the Shayara Bano judgment. The study analyses Indonesia's contrasting legal approach, where extrajudicial divorces among Muslim women do not carry criminal penalties. This comparative perspective illuminates the risks at both ends of the regulatory spectrum: while criminalisation can produce coercive or destabilising effects, the absence of legal sanctions can allow informal and unregulated divorce practices to persist, potentially undermining women's legal security. Together, these findings suggest that neither punitive legal intervention nor regulatory absence alone is sufficient to secure substantive justice. Instead, they highlight the need for balanced reform models that combine legal accountability with welfare protections, enforcement mechanisms, and socio-economic support systems.

Taken collectively, this body of work underscores that divorce often precipitates a cascade of intersecting vulnerabilities, including social exclusion, economic insecurity, housing precarity, emotional distress, and legal marginalisation. The evidence presented by Parveen (2024), and Suryani et al. (2024) reveals that women's post-divorce struggles are shaped not only by personal circumstances but also by structural conditions such as gender norms, legal frameworks, economic inequality, and state policy choices. These findings reinforce the broader argument of this study that legal reform alone is insufficient to secure gender justice unless it is embedded within comprehensive social, economic, and welfare infrastructures. Meaningful reform must therefore extend beyond doctrinal change to include accessible maintenance enforcement, housing support, livelihood

programs, mental health services, and community-based mechanisms that recognise divorced women not as moral failures or legal dependents, but as rights-bearing citizens entitled to dignity, security, and long-term social protection.

Conclusion:

This PRISMA-guided systematic review shows that scholarship on Muslim women's divorce in India has expanded, but remains unevenly weighted toward landmark jurisprudence and reform narratives, with less sustained attention to how rights are realised or fail within everyday legal practice and post-divorce life. Across the reviewed literature, divorce emerges not as a discrete legal event but as a long socio-legal process shaped by plural legal forums, institutional discretion, informal mediation, and women's constrained yet strategic navigation of these terrains. The evidence consistently underscores a disjunction between formal legal recognition and substantive outcomes, particularly regarding maintenance enforcement, economic security, housing stability, custody, and psychosocial well-being gaps that are most acute for poorer, rural, and socially marginalised women. The review also challenges representational framings that cast Muslim women primarily as victims or objects of reform. Instead, it highlights women's agency as legal strategists and epistemic actors, including through women-led Islamic legal activism and community-based justice initiatives that contest patriarchal monopolies over religious interpretation. At the same time, the synthesis cautions that gender justice claims are frequently entangled with political and media instrumentalisation, while punitive reform trajectories (including criminalisation) may generate unintended vulnerabilities in the absence of robust welfare protections.

Overall, the review calls for a shift from reform-as-text to reform-as-lived: future research should prioritise regionally inclusive, intersectionally operationalised, and longitudinal studies that trace post-divorce trajectories, map formal-informal legal interactions, and evaluate implementation and welfare infrastructures. Such an agenda is essential for building context-sensitive, rights-centred approaches that secure not only legal exit but also dignified, sustainable futures for Muslim women in India.

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