



ACCOMMODATION OF MUSLIMS IN INDIAN SUB-CONTINENTS: AN ANALYTICAL STUDY

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Abstract

Everyone has the equal right to practice any religion of their choice, and no one has the right to interfere with that practice, but it has been claimed many times that the interference is happening in other religious practices. Many states have made it a fundamental right by approving it in their constitutions under the heading of "Right to Religion." If there is a violation of someone's right they can take their case to the appropriate court for enforcement. Muslims are the ones who follow Islam and they followed the Quran and they believed that there is one God who is Allah and Prophet Muhammad was the messenger of God. Migration of Muslim is not allowed in Islam, but there are certain conditions in which they can move, such as for jobs, education, business etc., but this cannot be done for permanent purpose. Entering in non-Muslim countries is always forbidden. It is encouraged for a believer to visit non-Muslim nations to propagate the Islamic faith. But in the present scenario more Muslims move to the other nation for better opportunities for jobs and education so what will be the effect on them. In this paper, an attempt has been made to understand the actual condition or status of Muslims in Indian Sub continents state and to give an overview of the present scenario. Some international provisions relating to this has been discussed in this paper. An attempt was also made to suggest corrective measures against it.

Keywords- Muslim, Shariat, Principles of Muslim, Human Right, Constitutional Provision, Right to religion.

Introduction

Abu Basir says that he heard Imam as-Sadiq say: "The major sins are seven: killing a person intentionally; associating someone or something with the Almighty Allah (shirk); wrongfully accusing a married woman of adultery; Knowingly dealing in usury; running away from the battle-field in jihad; at-ta'arrub ba'd al-hijra; causing distress to one's parents by encroaching on their rights, and wrongfully acquiring the property of the orphan".³

A Muslim who is born and raised in a Muslim country, where he is exposed to the laws, values, and teachings of Islam, grows up to be a young adult who is aware of the customs of his religion, travels along its path, and is led by its teachings. A Muslim who was born and raised in a non-Muslim country, on the other hand, will show the influence of that environment in his thinking, ideas, behavior, values, and manners, barring the intervention

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³ Muhammad bin Ya'qūb al-Kulayni, *al-Usūl min al-Kaḥfī*, vol. 2, p. 281.

of his Lord. This anti-Islamic influence is more pronounced in the second generation of migrants to non-Muslim countries.

Socio, economic, and political situations must be considered when research is conducted to understand the status of anything. Muslims who reside in the Indian states are most secure, compared to Muslims living in other countries. According to Articles 25-28 of the Indian Constitution, every citizen has the freedom to practice the religion of his or her choice. This is a fundamental right of every citizen.⁴

The Sunni, Shi'a, Ibadi, Ahmadiyya, and Sufi movements are the five basic schools of Islam. Numerous branches of Islam emerged after Muhammad's death when people began to argue over who should head the faith.

Social Condition

The Indian Constitution aims to establish a society free from prejudice based on things like caste, creed, gender, religion, etc. Following the ratification of the 42nd Amendment in 1976, the Preamble to the Constitution declared India to be a "Secular Country".

It has been said in the case of *S. R. Bommai v. Union of India*,⁵ "India is the Secular Country and they respect and welcome all the religions equally without any kind of discrimination in Indian State, there are so many religions that are practiced equally without any kind of overlapping. Secular is the basic structure of the Indian Constitution".

Article 14 of the Constitution of India reads as under: "On Indian soil, the State is not allowed to deny anyone's right to equality before the law or to equal protection under the law. The aforementioned article is divided into two sections; it forbids the State from denying anyone "equality before the law" as well as "equal protection of the laws." Discrimination is prohibited by the Rule of Law. According to the idea of "equal protection of the laws," the State must treat individuals differently depending on their circumstances to provide equality for everyone. It has a constructive attitude. As a result, it follows that those who are equal should be treated similarly, while those who are not would need to be treated unfairly. The concept of equality is that, every member of society is afforded equal chances and is free from all forms of discrimination and before the law everyone is equal".

In *State of Kerala v. N.M. Thomas*,⁶ it was held by The Apex Court that, "Articles 14, 15, and 16 are all equality rights, and that the scheme of equality sought to achieve real equality".

In the case of *E. P. Royappa vs State of Tamil Nadu & Anr.*,⁷ it was held that "Equality is the dynamic concept with many aspects and dimensions and it cannot be imprisoned with traditional and Doctrinaire limits".

The citizens are protected under Article 15 against any type of discrimination by the State based on religion, race, caste, sex, place of birth, or any combination of those factors. The State may nonetheless provide any unique measures for women or children despite this Article. Additionally, it permits the State to make special allowances for socially and economically disadvantaged classes to promote their growth. Scheduled Castes (SC) and Scheduled Tribes (ST) are also covered.⁸

⁴ See Article 25-28 of the Constitution of India.

⁵ ([1994] 2 SCR 644 : AIR 1994 SC 1918 : (1994)3 SCC1).

⁶ (1976) 2 SCC 310.

⁷ 1974 AIR 555, 1974 SCR (2) 348.

⁸ See Article 15 of the Indian Constitution.

In the case of *Dasaratha v. State of A.P.*,⁹ it was held that "Article 15 is an instance and particular application of the right of equality provided for in Article 14. While Article 14 guarantees the general right, Articles 15 and 16 are instances of the same right in favor of citizens in some special circumstances".

In *Minerva Mills Ltd. v. Union of India*,¹⁰ Chandrachud, C.J., as he then was, observed: "Three Articles of our Constitution, and only three, stand between the heaven of freedom into which Tagore wanted his country to awake and the abyss of unrestrained power. They are Articles 14, 19, and 21".

In *Bachan Singh v. the State of Punjab*,¹¹ it was held that, "There are three Fundamental Rights in the Constitution which is of prime importance and which breathe vitality in the concept of the rule of law. These Articles are 14, 19 and 21".

Our Constitution's guarantee of equality envisions ensuring not just formal equality but also true and complete equality.

Many nations, both those with a Muslim majority and others, have a sizable Muslim population. Muslims are the world's fastest-growing religious community. There are 172.2 million Muslims who adhere to Islam, according to the 2011 Census.¹²

In India, we are having a secular-religious system that gives respect to every religion without favoring or suppressing a particular religion. Originally, the population of Muslims was around 5% now it has reached 30%. This clearly shows that Muslims are safe in the country as reflected by the growth of their population which is much more than in the Muslim States. There is a recent incident of Rohingya Muslims who were thrown from Myanmar due to their brutal behavior and now are spread in our entire country with population around 5 crores and now they are settled successfully. Interestingly, the Indian government is providing food and shelter to those. But, if you see the status of Afghanistan country when it was relieved by the US Army, Afghanistan Muslims started killing women, men, children, and old people, and trafficking of female child was started. Muslims themselves are not treated well in their own Muslim country. whereas their position in non-Muslim states is much better than in the Muslim States and are given Respect and Protection to flourish and this is only possible as these countries have the competent law and all citizens are free to move to court if they are not getting any right and the Indian Judicial system works for the citizen not for any particular religion. Even there are so many nations those don't allow Muslim people to enter in their country. In some of the Muslims states they are subjected to Discrimination and it has been seen that they are getting low salaries from there and they don't have the channel to raise their voice.

Every country has its own religion-like Pakistan has a Religious status of Thematic which means the country believes in one religion for each citizen. Like Pakistan, Muslims have to follow a religion that is even appreciated by the legislation of the country. So, it means double laws apply to the Muslims whether it is the legislation of the country as per their constitution or statute or Shariat Act/Kanoon. All are binding on each citizen of the country. But Muslims, who are living in non-Muslim states, are not bound to follow Shariat Act/Kanoon. So it's a better place for them where they are not doubly pressurized by country legislation. There is a country called Lebanon where the Country is having a Religious status of 'open thought' where the majority of Christians are living and inviting religions to stay in their country a concept of open thought.

In the case of *M. Ismail Faruqui (Dr) v. Union of India*,¹³ held that, "It is clear from the constitutional scheme that it guarantees equality in the matter of religion to all individuals and groups irrespective of their faith

⁹ AIR 1961 SC 564.

¹⁰ (1980) 3 SCC 625.

¹¹ (1982) 3 SCC 24.

¹² Government of India (2011), "Religion PCA – India". 2011 Census of India", New Delhi: Office of the Registrar General & Census Commissioner, Retrieved 6 July 2022.

emphasizing that there is no religion of the State itself. The Preamble of the Constitution read in particular with Articles 25 to 28 emphasizes this aspect and indicates that it is in this manner the concept of secularism embodied in the constitutional scheme as a creed adopted by the Indian people have to understood while examining the constitutional validity of any legislation on the touchstone of the Constitution. The concept of secularism is one facet of the right to equality woven as the central golden thread in the fabric depicting the pattern of the scheme in our Constitution.”

According to the Hon. Supreme Court's ruling in the case of *Commissioner of Police v. Acharya Jagadishwarananda Avadhuta*,¹⁴ it was said, “If one religious denomination is allowed to practice its religion but another religious denomination is prohibited from practicing its religion and almost similar religious practices, the same make out a clear case of discrimination in violation of the principles of Article 14 of the Constitution”.

In the case of *Bal Patil v. Union of India*,¹⁵ it was held by the court that, “It is against this background of partition that at the time of giving final shape to the Constitution of India, it was felt necessary to allay the apprehensions and fears in the minds of Muslims and other religious communities by providing to them a special guarantee and protection of their religious, cultural and educational rights. Such protection was found necessary to maintain the unity and integrity of free India because even after the partition of India communities like Muslims and Christians in greater numbers living in different parts of India opted to continue to live in India as children of its soil. It is with the above aim in view that the framers of the Constitution engrafted a group of Articles 25 to 30 in the Constitution of India. The minorities initially recognized were based on religion and a national level e.g. Muslims, Christians, Anglo-Indians, and Parsis. Muslims constituted the largest religious minority because the Mughal period of rule in India was the longest followed by the British Rule during which many Indians had adopted Muslim and Christian religions. India is a world in miniature. The group of Articles 25 to 30 of the Constitution, as the historical background of the partition of India shows, was only to give a guarantee of security to the identified minorities and thus to maintain the integrity of the country. It was not in the contemplation of the framers of the Constitution to add to the list of religious minorities. The Constitution through all its organs is committed to protecting the religious, cultural, and educational rights of all. Articles 25 to 30 guarantee cultural and religious freedoms to both majority and minority groups. The ideal of a democratic society, which has adopted the right to equality as its fundamental creed, should be the elimination of majority and minority and so-called forward and backward classes”.

Protection of Rights of Muslim Women

A woman is the founding stone of any society and they are the mirror of any nation which tell how the government rules and how they treated the citizen of their country. India has always been a nation that respects women from the very beginning till now and women are respected equivalent to god. Under the Indian constitution and various law, there are so many rights has been given to them.

In *Preeti Srivastava (Dr) v. State of M.P.*,¹⁶ it was held by the court that, “Despite Articles 15(1) and 29, the Constitution First Amendment's 1951 addition, Article 15(4), allows the State to create specific arrangements for the promotion of, among other groups, Scheduled Castes and Scheduled Tribes (2). Article 15's phrasing and paragraph 15(4) are similar (3). Article 15(3) has been in place since the beginning. It permits the creation of particular provisions for women and children despite Article 15(1)'s prohibition on discrimination based on, among other things, sex. To provide protection, this was meant to be a sort of discrimination. Scheduled Castes and Scheduled Tribes are included in the protection from discrimination that is provided by Article 15(4). The

¹³ (1994) 6 SCC 360

¹⁴ (2004) 12 SCC 770.

¹⁵ (2005) 6 SCC 690.

¹⁶ (1999) 7 SCC 120.

cumulative effect of these articles has led the various States and the Union governments to adopt a variety of compensatory or protective discrimination schemes. Every such policy deviates from the equality standard, albeit in a legal way, to help the underprivileged, thus it must be created and implemented in a way that would ultimately lead to the creation of an equitable, non-discriminatory society. Its last constitutional justification is that. As a result, programs and policies of compensatory discrimination under Article 15(4) must be created and implemented to further this overarching national interest. Programs and policies must also be reasonable and consistent, and they cannot be implemented in a way that jeopardizes the welfare of any individual or group or other crucial public interests. Therefore, all public policies in this field must pass muster on the criteria of reasonableness and overall public welfare. In the context of Article 16(4), the Constitution-makers specifically identified one such public benefit that cannot be abandoned in Article 335, namely the requirement to maintain administrative efficiency. Additionally, policies under Article 15(4) must be structured in a reasonable manner that is compatible with the overall public interests”.

Article 39 of the Indian Constitution¹⁷, which addresses equal pay for equal work for men and women, is relevant here.

The State shall establish provisions for securing reasonable and humane working conditions and for maternity relief, as outlined in Article 42 of the Constitution.¹⁸

Section 125 of Code of Criminal Procedure

Every person who is unable to support themselves for any of the reasons listed in Section 125 is entitled to maintenance. All individuals who are Indian citizens and refuse to pay the compensation are subject to the provisions of this section.

In the case of *Shabana Bano v. Imran Khan*,¹⁹ The Honorable Supreme Court ruled, “As long as she does not remarry, a divorced Muslim woman is entitled to maintenance from her ex-husband even after the iddat period has expired”.

Even in the case of *Saira Banu v. Abdul Gafoor*,²⁰ it was held that “section 125 of the CrPC, 1973 applicable to all person irrespective of the religion and a wife is entitled to maintenance”.

Concept of Triple Talaq-

In the case of *Shayara Bano v. Union of India and Others*,²¹ the Supreme Court of India ruled by a 3:2 majority that, “the practice of Triple Talaq is unconstitutional. By declaring that the basic right protected by Article 14 of the Indian Constitution is violated by this form of talaq”.

In *Shamim Ara v. State of U.P.*,²² The Supreme Court ruled, "The correct law of talaq as ordained by the Holy Quran is that talaq must be for a reasonable cause and be preceded by attempts at reconciliation between the husband and the wife by two arbiters—one from the wife's family and the other from the husband's—and that, if the attempts fail, talaq may be carried out”.

There are lots of Judgment and various provisions which give so many rights to the Muslim woman and uplift their status in society and it has to be seen that such types of rights the Muslim woman don't get in Islamic Countries.

¹⁷ See Article 39 of the Indian Constitution.

¹⁸ See Article 42 of the Indian Constitution.

¹⁹ 2010, Cri L.J.521 (S.C).

²⁰ 1987 Cr.L.J.980 (S.C).

²¹ Writ Petition (C) No. 118 of 2016.

²² (2002) 7 SCC 518.

Economic Condition

The financial standing of a nation's citizens provides information about the type of lifestyle they lead and the standard of living they enjoy. Every person has the right to a living, and while it is the responsibility of the state to provide for the needs of its citizens, everyone also has the right to live as a human and not an animal. Every Indian citizen has a right to equal economic justice that applies to everyone, regardless of caste, ethnicity, sex, or religion. The economic standing of Indian Muslims is comparable to that of other citizens. And The Preamble of the Indian Constitution defines the same as follows: -

"Economic Justice - Economic Justice means no discrimination can be committed by anyone based on their economic standing, wealth, or income. Everyone must receive an opportunity to earn a living and be rewarded fairly for work performed in all positions".²³ The Indian Constitution's Article 16 guarantees equal opportunity in issues of public employment and forbids the State from engaging in any form of discrimination based on religion, race, caste, sex, descent, place of birth, residency, or any combination of these. Additionally, this Article gives the State the freedom to designate special positions under the State for members of the underrepresented States, SC, and ST. For some positions, local candidates may also receive preference. It shall not be regarded as illegal to reserve positions in a religious or denominational institution for members of a certain religion or denomination.²⁴

In-State of Kerala v. N.M. Thomas,²⁵ it was held, "that Government has an affirmative duty to eliminate inequalities and to provide opportunities for the exercise of human rights and claims Fundamental rights as enacted in Part III of the Constitution are, by and large, essentially negative and The concept of equality of opportunity in matters of employment is wide enough to include within it compensatory measures to put the members of the Scheduled Castes and scheduled tribes on par with the members of other communities which would enable them to get their share of representation in public service. How can any member of the so-called forward communities complain of a compensatory measure made by the Government to ensure the members of Scheduled Castes and scheduled tribes have their due share of representation in public services? It is said that Article 16(4) specifically provides for reservation of posts in favor of Backward Classes which according to the decision of this Court would include the power of the State to make a reservation at the stage of promotion also and therefore Article 16(1) cannot include within its compass the power to give any adventitious aids by legislation or otherwise to the Backward Classes which would derogate from strict numerical equality. If the reservation is necessary either at the initial stage or at the stage of promotion or at both to ensure for the members of the Scheduled Castes and scheduled tribes equality of opportunity in the matter of employment, I see no reason why that is not permissible under Article 16(1) as that alone might put them on a parity with the forward communities in the matter of achieving the result which equality of opportunity would produce. Whether there is equality of opportunity can be gauged only by the equality attained in the result. Formal equality of opportunity simply enables people with more education and intelligence to capture all the posts and to win over the less fortunate in education and talent even when the competition is fair. Equality of result is the test of equality of opportunity".

Similarly, like other citizens, all Muslims have the same rights as other citizens have. India is a democratic country and all people have the right to participate in the Government and the right to vote. The Muslim community in India possesses the same right.

In Delhi itself around 5 lakh Muslims were staying with the facility of food and shelter. This indicates that Muslims are much respected in a country like a non-Muslim state.

²³ See Preamble of the Indian Constitution.

²⁴ See Article 16 of the Indian Constitution.

²⁵ (1976) 2 SCC 310.

The Pradhan Mantri Garib Kalyan Yojna was launched by Indian Prime Minister Shri Narendra Modi during the Covid-19 to give 5 kg of grains and wheat to the underprivileged. And the Indian government has created a plethora of laws to support and assist all segments of society. However, it is important to note that not all laws are equally applicable to everyone.

In accordance with article 38 of the Indian Constitution, ²⁶"The State shall endeavor to promote the welfare of the people by guaranteeing and protecting as efficiently as it may a social order in which justice, social, economic, and political, shall inform all the institutions of the national life".

Political Condition

"Political Justice – Political Justice means all the people have an equal, free and fair right without any discrimination to participate in political opportunities".²⁷

According to the various Political thinker for constituting the State, there are a few important Ingredients has to be needed they are –

- There should be some fixed territory
- Population
- And The Government to rule

The final ingredient, which is necessary to manage the state, is the government. And this government granted its citizens some form of political rights so that they could interact with the government and take part in it either directly or indirectly. The most significant aspect indicating a citizen's state in a country is their political status.

According to the 2011 census, 14% of Indians identify as Muslim. However, after the 2019 parliamentary elections, there are just 5% Muslim representatives in the 17th Lok Sabha, which is the same as the average Muslim representation in the Lok Sabha since Independence. Compared to the previous year, when 22 Muslims were elected to the Lok Sabha, 25 Muslims were elected in 2019.

According to the Constitution of India, each state has representation in the Parliament, and further, the same representation has been divided into various seats based on caste and religion and the Muslim community has the likewise.

Table No-1: State-wise distribution of Muslim members in the Lok Sabha, 1952–2019.²⁸

State	Percentage
Andhra Pradesh	5
Assam	5
Bihar	12
Delhi	2
Gujarat	1
Haryana	1
Jammu and Kashmir	8
Jharkhand	2
Kerala	8
Lakshadweep	3

²⁶ See Article 38 of the Indian Constitution.

²⁷ See Preamble of the Indian Constitution.

²⁸ Government of India (2020), "State-wise distribution of Muslim members in the Lok Sabha, 1952–2019", New Delhi, Statistical Reports of Election Commission of India.

Madhya Pradesh	2
Maharashtra	3
Mysore/Karnataka	5
Puducherry	1
Punjab	2
Rajasthan	4
Tamil Nadu	4
Telangana	4
Uttar Pradesh	24
West Bengal	17

Source: State-wise distribution of Muslim members in the Lok Sabha, 1952–2019

Protection of Human Rights

Human rights are the fundamental rights that all people have, and it is the responsibility of the state to defend them. Various provisions are made in this regard. Human freedom is social concepts that respects and cherish individual worth. People have the power and ability to behave however they like, free from limitations or punishments, so long as their behavior does not impede the freedom of others. Individual freedom has a significant impact on human progress.

According to Article 18 of the Universal Declaration of Human Rights, “ Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance”.²⁹

(a) Also According to Article 18 of the International Covenant on Civil and Political Rights 1966,

“1. Everyone shall have the right to freedom of thought, conscience, and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.

2. No one shall be subject to coercion that would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their convictions”.³⁰

(b) Also According to Article 12 of the American Charter on Human Rights and People's Rights,

²⁹ See Article 18 of the Universal Declaration of Human Right.

³⁰ See Article 18 of the International Covenant on Civil and Political Rights 1966.

"1. Everyone has the right to freedom of conscience and religion. This right includes the freedom to maintain or to change one's religion or beliefs, and the freedom to profess or disseminate one's religion or beliefs, either individually or together with others, in public or in private.

2. No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.

3. Freedom to manifest one's religion and beliefs may be subject only to the limitations prescribed by law that are necessary to protect public safety, order, health, or morals, or the rights or freedoms of others.

4. Parents or guardians, as the case may be, have the right to provide for the religious and moral education of their children or wards that is in accord with their convictions".³¹

(c) Article 9 of the Convention for the Protection of Human Rights and Fundamental Freedom states,

"1. Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice, and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health, or morals, or the protection of the rights and freedoms of others".³²

According to the Human Freedom Index 2022, India Stands at 119 in number as compared to Qatar 128, UAE 131, Bangladesh 142, Pakistan 145, Iraq 157, and Iran 160.³³ The Human Freedom Index has been given to the following 12 Categories:

- Rule of Law
- Security and Safety
- Movement
- Religion
- Association, Assembly, and Civil Society
- Expression and Information
- Identity and Relationships
- Size of Government
- Legal System and Property Rights
- Access to Sound Money
- Freedom to Trade Internationally
- Regulation

The information above demonstrates that Muslims living in India have better living conditions and that all of their rights are upheld there. No one has the right to violate a person's fundamental rights, which are protected by the Indian Constitution's "Fundamental Rights," and if a fundamental right has been violated, a person may file a claim with the High Court and the Supreme Court for the enforcement of their rights. In a similar vein, reading the Indian Constitution reveals that it upholds the Universal Declaration of Human Rights, the

³¹ American Convention on Human Rights: "Pact of San José, Costa Rica". Signed at San José, Costa Rica, on 22 November 1969.

³² See Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedom 1950

³³ Human Freedom Index 2022, URL: <https://worldpopulationreview.com/country-rankings/freedom-index-by-country>. accessed on 04-07-2022.

International Covenant on Civil and Political Rights of 1966, and the American Charter of Human and People's Rights of 1969 concerning religion, ensuring that everyone has the freedom to practice any religion they so choose. The Indian Constitution also has a provision regarding minorities' rights. The Indian Constitution's Articles 29 and 30 safeguard the rights of various social groups to culture and education.

According to Article 29 of the Indian Constitution- Protection of interests of minorities.-

“(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script, or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them”.³⁴

In the case of *Jagdev Singh Sidhanti v. Partap Singh*,³⁵ it was held that, “This Article includes the freedom to agitate for the protection of their language, meaning ‘political region’”.

According to Article 30 of the Indian Constitution- The right of minorities to establish and administer educational institutions –

“(1) All minorities, regardless of language or religion, are entitled to create and run the educational institutions of their choice.

(1A) The State shall ensure that the amount fixed by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause when it makes any law requiring the compulsory acquisition of any property of an educational institution established and administered by a minority as referenced in clause (1).

(2) The State may not exclude any educational institution from receiving funding because its administration is comprised of a minority group, regardless of that minority's religion or language”.³⁶

In the case of *Joyal Abunil v. State*,³⁷ the court summarised the provisions under Article 30 as: “Freedom to establish and Freedom to administer an educational institution of their own choice – free from external control with regards to the two aspects”.

Status of women in the contemporary world

In Pakistan, the status of women varies from ruler to ruler and from urban areas to urban areas. Women's rights in Pakistan have recently increased, and more of them are now educated and read. However, in some regions of Pakistan, women are disadvantaged relative to men. In the area of education, they are far behind. There are fewer schools and colleges for women in Pakistan, and there is a low enrollment rate for female students in educational institutions. The government also does not provide adequate money for the education sector. In Pakistan, women are hardly ever employed in the formal economy; instead, they mostly labor on family farms and engage in subsistence farming. In certain places, women are unaware of their legal rights. Like murder, rape, honor killings, and forced marriages, many crimes against women are also common in society. According to a Geo News investigation, just 41% of rape crimes in Pakistan in 2020 were reported to the police station

³⁴ See Article 29 of the Indian Constitution.

³⁵ (AIR 1965 SC 183,188).

³⁶ See Article 30 of the Indian Constitution.

³⁷ (AIR 1990 Cal 193, 201, 202).

because of social pressure and humiliation. Each day, 11 rape cases were reported in Pakistan.³⁸ In Pakistan, the majority of child and early forced marriages occur in rural, low-income households, where education is the lowest. Due to societal, economic, and cultural pressure, a significant fraction of young girls is pushed to wed before turning 18 years old. The Pakistani Peoples Party passed numerous legislation to safeguard women's rights in the nation, however, their implementation fell short of expectations. The position of women in Pakistan is very similar to that of women worldwide. Due to the demands of running a household, commitments to their families, and other factors, women have rarely been able to organize and fight out for their rights as a group. Women in the nation still have less access to jobs, education, and property than men do. Pakistani women have low participation in outside society.

Women in Bangladesh have advanced significantly in a number of areas of life. They have made significant strides in the areas of education, politics, and society, but they are still working to reach equality with men because of societal conventions. Bangladesh's women continue to have a significantly lower status. In traditions and behaviors, women still have lower status. Bangladeshi women have limited access to the local government, the market, and other productive services. Although they engage in economic activity, women are often ignored. Women's labor is frequently underappreciated and underreported.

After Afghan President Ashraf Ghani and the United States left the nation in August 2021, the Taliban seized power and installed an all-male government. Women's access to education and employment has been severely restricted despite the Taliban's assurances that their rights would be upheld. In certain places, the Taliban forced women to quit working. The lessons for girls and women have been suspended in the upper grades of the educational system and at the university level. Women are not permitted to return to university to work or to study, according to a declaration made by the chancellor of Kabul University in September. In the Taliban provisional cabinet, there were no female ministers or deputy ministers. A notification stating that all Afghan women shall wear full-body covering clothing, such as a burqa or an abaya worn with a niqab, was published in May 2022. As they are not permitted to live freely in their own country, it demonstrates the pathological situation of women in Muslim-majority nations.

Conclusion

Religion and the community have been created to unite the people but nowadays this only works to divide society. The Constitution of India gives equal status and equal treatment to all religions and no discrimination has to be done by it. And it also gave the equal opportunity for employment in the matter of public services. Muslims in Indian states are treated well as compared to those in other countries and also to Islamic countries. Comparatively, there is the upliftment of Muslims in respect of the socio-economic and political sphere. The government of India always makes policies respective to any religion and the policies have to be accepted by the public at large. India is a secular nation that unites people of many religions. Additionally, in accordance with Article 44, our universal civil code applies to everyone, regardless of caste or religion. The said article strengthens the unity of India. Even Muslim women have a better lifestyle as compared to Islamic countries because in India constitution is the supreme and no one is above the law and all the other statutes have drawn power from it. The constitution did not interfere in the personal laws of any religion and also the Muslim unless or until such laws violate the constitution. It is also evident that India got independence by the efforts of all citizens and not because of any particular religion. We only work in the spirit of brotherhood and only as a citizen of India. There are a few disturbing elements in the society that insight the people to fight in the name of caste, sex, and religion. We only have to work for the prosperity and the development of the country that is India.

³⁸ Web Desk. (2020, Nov 13). 11 rape incidents reported in Pakistan every day, official statistics reveal, *International The News*. 11 rape incidents reported in Pakistan every day, official statistics reveal (thenews.com.pk)