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Public Notice of  
DEMOLITION

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# BEYOND THE VEIL OF MISCONCEPTIONS: REFRAMING THE STATUS OF MUSLIM WOMEN IN INDIA

SARIYAH KHAN

When the pictures of Indian Muslim Women overshadowed every newspaper, they were mostly related to the controversy from the Karnataka hijab ban to the triple talaq judgment and the heated debate on Uniform Civil Code. Most of the time, the idea of Muslim women's rights was presented as a conflict of religion and modernity. But if we dust off the slogans and actually go through the real sources, a completely different picture emerges out of it. It is often presumed that Islam oppresses women, but in reality Islam gave women dignity, rights,<sup>1</sup> education, protection and justice long before many modern systems. A woman is considered as an integral part of the society in the sight of Islam. The Prophet (peace be upon Him) emphasized the importance of education for both men and women and condemned practices that treated women as inferior. Islam was the first to establish marriage as a legal contract between a man and woman with the full consent of two of their free wills. However, in reality these rights are often dominated by patriarchal interpretations and social-political distortions.<sup>2</sup> It is not faith or religion that act as an obstacle rather it's the double burden of misinterpretation, cultural stereotypes, media<sup>3</sup> portrayals, socio-economic inequalities and the minority politics that continue to restrict their voices and opportunities in contemporary India. The hidden reality is that

Muslim women in India are not struggling against their religion but against the way it is being misrepresented and misused.

## LOOKING BEYOND THE STEREOTYPES: MUSLIM WOMEN IN INDIA

In the past few years, we have seen how Muslim women have been thrust into the spotlight but not always in the ways that uplift and strengthen them. The Karnataka hijab ban<sup>4</sup> has forced young girls to choose between their faith and education, closing the gates of school on those who simply wanted to study. The triple<sup>5</sup> talaq judgment and the Uniform Civil Code<sup>6</sup> were hailed as positive steps to promote gender justice, yet many Muslim women felt that it was politicized in a way that represented their community as inherently oppressive. Media,<sup>7</sup> which is often considered as the fourth pillar of democracy, significantly shapes stereotypes by highlighting negative stories while ignoring the idea of diversity. For instance, incidents like Sulli Deals<sup>8</sup> and Bulli Bai apps<sup>9</sup>, where images of Muslim women were unlawfully used, put up for online auction, and circulated in social media represented them primarily as victims of humiliation and harassment. Such

representation restricts Muslim women within the limited images of oppression, while overlooking their achievements in education, literature and community leadership.

At the heart of these issues we find a deeper and profound truth that Muslim women in India are caught in a double bind. On one side, there are regressive forces and patriarchal practices such as restrictions in education and limited inheritance rights, despite their substantive recognition in Muslim Personal Law which hinders their growth, and on the other side is the ongoing climate of Islamophobia<sup>10</sup> and minority politics<sup>11</sup> that portray Muslim women as symbols rather than as citizens of a country with equal rights. The consequences can be seen in day to day life. Muslim women continue to face educational and economic marginalization.<sup>12</sup> While there has been progress and growth, highlighting that more young Muslim women are pursuing higher studies and entering public life. However, they are facing the challenges of unemployment, discrimination<sup>13</sup> and residential segregation including workplace discrimination which remains a significant barrier for many Muslim women. It has also been disclosed that many Muslim women in India are excluded from job opportunities simply for wearing a hijab.<sup>14</sup> They are being told that their hijab doesn't look professional or doesn't fit the business image,<sup>15</sup> again forcing them to choose between their faith and careers.

If we look beyond India, a comparative picture can be seen. For example in countries like Indonesia and Malaysia, leadership roles have been taken by Muslim women in academics, politics and business while maintaining their faith and identity. In contrast to this, Muslim women in France face a hijab ban which creat-

-es highlights that the struggle of Muslim women is not rooted in religion versus modernity, rather how a society recognizes and supports diversity. The challenge for India, therefore, is to ensure that Muslim women are not compelled to choose between their identity and to pursue opportunities.

## **LAW, IDENTITY AND THE QUEST FOR JUSTICE**

The Indian Constitution lays down a strong framework for the protection of women's rights in India with an emphasis on the provisions of equality and dignity under Articles 14, 15, 21 and 25 respectively.<sup>16</sup> Although these provisions leave no room for marginalization of any citizen on the basis of gender or faith, yet for Muslim women in India, the gap between constitutional promises and lived experiences remains wide. The legal framework provided by the Apex Court in recognizing the dignity of women through cases like Shah Bano(1985) and the Shayara Bano(2017) have at times provided relief and immediate protection but at the same time Muslim women were positioned as instruments in larger discussions on secularism and personal law reforms. Their identities became arenas of legal and political contestation, rather than the focus being placed on their substantive concerns. As a result, the Courts (they who? The courts?) didn't recognize the structural inequalities which restrict Muslim women's access to education, employment and public life reducing them [Muslim women's] to symbols over identity and secularism.

In order to achieve justice and recognition for Muslim women in India, we need to challenge the stereotypes and address the social and

economic exclusion in addition to the legal safeguard being provided to them. Initiative like LedBy, Bharatiya Muslim Mahila Andolan, Muslim Women's Forum, e.t.c. have helped Indian Muslim women to show remarkable resilience by establishing their presence in academia, professions and public discourse. Therefore, to protect, empower and open the door for socioeconomic advancement for Muslim women in India, it is essential to respect and recognize Muslim identities, foster spaces for dialogue in educational institutions, provide visibility in leadership roles and advocate for anti islamophobia measures which will enable them to fully participa-

-te as citizens and change makers in society.

## CONCLUSION

The path of Indian Muslim women should not be characterized by oppression but rather through resilience, determination and their ongoing struggle for recognition and justice. While constitutional protection and legal framework provide a strong foundation, true justice and equality can only be achieved when we separate faith from distortion and ensure equal treatment of minority communities under the Indian Law.

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# FRAMING MUSLIM DISADVANTAGE THROUGH THE LENS OF SOCIAL EXCLUSION

HURMUZ YUMAN

India, a multi-ethnic, multicultural, pluralistic nation, a melting pot of diversity, enshrines and upholds equality and justice for all in its Constitution, the law of the land. In this immensely diverse nation, Muslims register their place as the most significant religious minority, roughly making 14.2% of the entire population. Their identity, however, has always remained contentious, and their citizenship a contested premise for academicians, lawmakers and ordinary citizens. The current socio-political upheavals, targeted attacks based on identity, and exclusionary policies have made their concerns progressively grave and demand immediate attention and inquiry.

A welfare state is built on the foundation of development for all; however, Muslims are increasingly lagging behind their socio-religious compatriots and other marginalised groups. Despite having a sizeable population, they are often absent from the avenues of development and progress.<sup>1</sup> The community has become extremely peripheralized from all spaces, resulting in their diminishing presence in institutes of higher education, formal employment and political representation, a matter of abject scrutiny.<sup>2</sup>

Hence, this paper attempts to provide a comprehensive analysis of the multidimensional issues Muslims face through

the lens of the umbrella term of 'social exclusion'.

## CONCEPT OF SOCIAL EXCLUSION AS A TOOL FOR ANALYSIS

The conceptual framework of Social Exclusion provides a valuable tool to understand the multidimensional and intersectional marginalisation that Muslims in India face. This concept, coined by René Lenoir<sup>3</sup> creates an umbrella of analysis to understand the multiple strands of a complex issue; hence, it becomes a central analytical tool in understanding deprivation, beyond just income or economic poverty. Amartya Sen, in his work published by the Asian Development Bank,<sup>4</sup> scrutinises, conceptualises and discusses the application of this concept. His other works on development, freedom, agency, and the capability approach explain how exclusion is not only about a lack of resources but also about the systematic denial of participation in the social, economic, and political life of a community.<sup>5</sup> Silver<sup>6</sup> explores the multidimensional relational process of social exclusion. She argues that, through it, people are denied opportunities, impairing social cohesion. She further says it's both a cause

and effect of poverty, and is based on an individual's social location, such as age, gender, income class and unemployment. Her work further emphasises that the socially excluded are those exempted from a secure livelihood and employment, residential spaces, land and housing, and equal participation in a democratic society with basic dignity and freedom. Byrne<sup>7</sup> in both editions of his book, looks at the process of social exclusion as structural and systematic, he defines social exclusion as having a subject-object relation, wherein it is something that is done by some groups (in groups) to others (out groups), wherein the out groups are blocked from social integration. Burchardt<sup>8</sup> defines exclusion as a denial of participation in the mainstream social, economic and political life; he reiterates Byrne's stance on how exclusion is structural, which persists beyond an individual's control. The World Bank builds on the theory of the capability approach by Amartya Sen to conceptualise and measure social exclusion. They do so by identifying vulnerable groups with a higher risk of social exclusion. They conclude through the study that a person's identity, circumstances, and socioeconomic condition prevent them from living a life of dignity and security. Social exclusion is a global phenomenon, impacting vulnerable, minority and marginalised groups all over the world, however to situate the concept to an Indian context, Thorat and Newman<sup>10</sup> look at experiences of caste groups, define it as a process through which groups are systematically disadvantaged, as they are discriminated against based on their identity, religion, ethnicity, or gender which determines their access to resources, opportunities and rights.

This framework, when applied to the context of Muslims in India, underscores the systemat-

-ic and pervasive nature of social exclusion faced by the community. It's an all-encompassing concept, determined by individuals or a community's access to (quality) education, dignified employment, housing or residential facilities provided, representation or underrepresentation in political and democratic institutions, and intricate lived experiences. Marginality can be fleetingly categorised as happenstance; however, exclusion is structural, which is reproduced through biased socio-political policies and perpetuated by social prejudices and discrimination based on religious identity that propagate stigma and stereotypes, resulting in exclusion.

The landmark study on the socioeconomic condition of Muslims in India, the Sachar Committee Report, remains the most authoritative text in understanding the widespread deprivation of the community. Its findings were monumental, categorising Muslims as backwards and, in some arenas, worse off than historically marginalised communities of Scheduled Castes and Scheduled Tribes. Subsequent studies confirm these patterns and claims, such as the Post-Sachar Evaluation Committee report<sup>11</sup> and data from the Periodic Labour Force Survey (PLFS) and the National Family Health Survey (NFHS). Muslims are found to be overrepresented in the informal sector. They are concentrated in low-income generating occupations such as small trades, artisanship, handicraft, and self-employment.<sup>12</sup> Formal and private employment and presence in public institutions remain disproportionately low, despite constitutional guarantees. A more nuanced look into the spaces of residence is becoming excessively relegated to ethnically clustered pockets or ghettos; these spaces of relegation or segregated neighbourhoods further compou-

-nd their social exclusion, while restricting access to mainstream society, access to basic amenities, better housing, credit services, etc.<sup>13</sup>

It's crucial to understand that their exclusion is not an isolated act of aggression or discrimination; instead, they operate and are reinforced through multiple institutional mechanisms. These include institutional exclusion through the absence of targeted welfare policies, limited affirmative action, discriminatory practices in housing markets<sup>14</sup> and hiring processes<sup>15</sup> and underrepresentation in political institutions. Social exclusion is propagated through stereotyping and stigma, wherein Muslims are typecast and associated with violence, terrorism, backwards, aggressive and filthy.<sup>16</sup> Further urban sociologists look at how spatial exclusion is a visible marker of marginalisation in the cityscapes, wherein residential segregation is visible through Muslim majority ghettos, the markers of poor infrastructure such as poor roads and connectivity, low quality and dilapidated schools, as well as absence of government-backed schools, reduced job opportunities are the everyday makeup of these areas. Their share in places of decision-making has been skewing every year, with Muslims' presence being less than 4% of the legislative bodies, which has led to shrinking political voice and presence.<sup>17</sup> These mechanisms reflect how exclusion is both structural, which is shaped by policies of the state and public institutions and experience in every life through interaction with co-citizens through overt and subtle forms of discrimination, violence and increasing

insecurity related to their religious identity.

The consequences of exclusion are hence manifold and manifest through intergenerational poverty, with rising inheritance of low levels of education and income security from parents. The lack of integration in the mainstream society results in a sense of othering or alienation and being classified as second-class citizens.<sup>18</sup> Their inadequate representation on political platforms diminishes their capacity to influence critical policy outcomes. The psychosocial impact, however, is the least looked at, showing how the community lives with heightened insecurity.

Social Exclusion proves to be an instrumental tool in examining the marginality of Muslims in contemporary India, where the issues are not linear but multidimensional, not incidental but structural, which are produced and reproduced through institutions, prejudices and policies. Despite making up a sizeable population of India, they remain on the periphery of India's developmental processes, with limited access to opportunities, education, employment, housing and political representation. Their exclusion requires harder scrutiny, as it further challenges the constitutional ideals of equality, justice and secularism, and undermines the vision of a welfare state.<sup>19</sup> An inclusive approach is essential to this effect for India to realise its democratic ethos. This approach recognises Muslims as equal citizens and ensures their full participation in the nation's social, economic and political life.

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# LANGUAGE, LAW, AND THE FATE OF BENGALI-MUSLIM MIGRANTS IN INDIA

GRASIM SONI

Hasan Shah,<sup>1</sup> a Bengali Muslim, was born in Surat to migrant parents who came to Gujarat for work. Shah, like many others, was dragged from his home in Gujarat on the mere suspicion of being an illegal immigrant. He was handcuffed, blindfolded, and hauled onto a boat bound for Bangladesh. And just like that Shah was arbitrarily deported without any semblance of due process. In the weeks following the Pahalgam attack,<sup>2</sup> state authorities across India have launched a widespread crackdown on illegal immigrants. Authorities across BJP-ruled states, such as Gujarat,<sup>3</sup> Odisha,<sup>4</sup> and Delhi<sup>5</sup> have detained thousands of Bengali-speaking migrants on mere suspicion of being Bangladeshi. These crackdowns reveal not only a collapse of due process but also a deeper constitutional crisis; where identity, language, and citizenship itself are being redefined through administrative violence.

## THE RIGHT TO DUE PROCESS: LIFE, LIBERTY, AND LEGAL PROTECTIONS

Article 21<sup>6</sup> of The Indian Constitution guarantees the protection of life and personal liberty, and further it is afforded to every person, whether they're a citizen or an alien. It

mandates that no person shall be deprived of life or personal liberty except according to the procedure established by law. The Supreme Court in the case of *Francis Coralie Mullin v. Union Territory of Delhi*<sup>7</sup> widened the scope of Article 21 and held that the right to life includes the right to live with human dignity. In *D.K. Basu v. State of West Bengal*,<sup>8</sup> The Supreme Court issued mandatory guidelines for detention and arrest procedures. The state authorities were now mandated to prepare an arrest memo and also inform the relatives of the person in custody.

Authorities in Gujarat and Odisha have completely abandoned these safeguards guaranteed by the Indian Constitution. Migrant workers have been detained during early morning raids,<sup>9</sup> paraded through roads,<sup>10</sup> and subjected to custodial violence.<sup>11</sup> When the State weaponizes its power in such a way, it strips migrants of their dignity while reducing Article 21 to a dead letter. In *Md. Rahim Ali v. State of Assam*,<sup>12</sup> The Supreme Court made it clear that the executive cannot function on their own whims, it cannot detain or proceed against individuals on mere suspicion of them being illegal immigrants. The executive can only operate when they have material evidence, and even then, must strictly follow due process as established by

law. This blatant disregard for due process does not operate in isolation. It is reinforced by a subtler, yet equally insidious form of discrimination, the profiling of individuals based on the language they speak.

## **LANGUAGE PROFILING: DISCRIMINATION BEYOND THE LAW**

The erosion of procedural safeguards under Article 21 is mirrored by another disturbing pattern, the state's use of language as a marker of suspicion. The state authorities were also seen deploying language as a ground to determine citizenship. Individuals were first asked whether they could speak Bengali or not before detaining them. This is a blatant violation of Article 26 of the International Covenant on Civil and Political Rights,<sup>14</sup> which guarantees equality before the law and prohibits discrimination on grounds such as race, gender, or language. India is a signatory to the ICCPR and is bound to respect its mandate. Further, it violates Article 19(1)(d)<sup>15</sup> of the Indian Constitution, which guarantees

every citizen the freedom to move freely across the country. When the state penalizes and starts equating language<sup>16</sup> with guilt, it creates an environment of hostility. An environment in which authorities operate with unchecked bias. Such an atmosphere would push linguistic minorities to self-segregate,<sup>17</sup> ultimately confining them to linguistic ghettos. Assuming guilt based on language alone is not only arbitrary but also carries the risk of deporting a country's very own citizen.<sup>18</sup>

This is not a mere bureaucratic oversight, but rather a state-sanctioned witch-hunt launched against Bengali-Muslim migrants. Mass detentions without due process and using language as a proxy for citizenship expose a gaping crisis within the Indian state. If the state continues to spiral down this path, it will only push India further away from the constitutional values it claims to uphold. The judiciary must play a vital role in countering this erosion. Only through sustained legal and civic engagement can the Indian state be held accountable.

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# THE NEW MARGINS: JUSTICE, STIGMA, AND THE LONG AFTERMATH

ALISHA KHATOON

India celebrated its 78<sup>th</sup> anniversary of independence recently, a moment that takes us back to the promises made at the birth of the Republic. Nearly seven decades ago, as the Constituent Assembly debated the ideals of the new nation, every Indian was assured a life of freedom, dignity, and equality. Jawaharlal Nehru, in his famous speech of “tryst with destiny,” captured this India when he declared, “All of us, to whatever religion we may belong, are equally the children of India with equal rights, privileges and obligations.”<sup>1</sup>

But unfortunately, the constitutional guarantees of justice, equality, and non-discrimination have drastically failed to materialize for the largest minority of India.<sup>2</sup> How can this equality exist when citizenship itself is made contingent upon religion through arbitrary laws like CAA-NRC? Where should the minorities of this country look for justice when “muslim identity” prima facie becomes the evidence of guilt, as seen in the recent acquittal<sup>3</sup> of twelve Muslim men jailed for the 2006 Mumbai serial train blasts case, only to be exonerated after serving almost two decades behind the bars. What does this say about the institutional bias that allows religious profiling to override due process and evidentiary standards?<sup>4</sup> Where should Muslims of this country look for the promise of liberty and non-discrimination made to them 78 years

ago when they face systematic arbitrariness by state authorities, of mass demolitions,<sup>5</sup> targeting their homes and businesses,<sup>6</sup> forced evictions,<sup>7</sup> and even deportations?<sup>8</sup> Where should they seek constitutional redress when lynching<sup>9</sup> and other hate crimes<sup>10</sup> have become disturbingly normalized, with state machinery failing to prevent or adequately respond to such violence? The contemporary socio-political environment in India reveals a widening gap between constitutional ideals and ground realities. Indian Muslims are increasingly facing systemic discrimination across multiple fronts, including political and socio-economic marginalization.

Nineteen years ago, the Sachar Committee<sup>11</sup> pointed out that besides socio-economic marginalization, Muslims of the country live in pervasive fear and insecurity due to recurring communal riots and episodes of targeted violence. Indian Muslims, especially in the past decade, have witnessed a succession of legislative and political measures that have fundamentally altered the frameworks governing citizenship, identity, and national belonging for Indian Muslims, and this has been done primarily through the implementation of divisive legislation and the progressive mainstreaming of exclusionary rhetoric in ways that have deepened this marginalization.

## **SYSTEMATIC SUBJUGATION AND DENIAL OF PROCESS**

In July 2025, the Delhi High Court delivered the verdict of quashing 16 Cases registered against 70 Indian nationals accused of sheltering attendees of the Tablighi Jamaat congregation in their homes or mosques during COVID-19. While giving the judgment, Justice Neena Bansal Krishna observed that the allegations in the chargesheet are “prima facie embellishments and exaggerations” and “abuse of the process of criminal law”.<sup>12</sup> On 21 July 2025, twelve Muslim men imprisoned for years in the 2006 Mumbai train blasts were eventually acquitted<sup>13</sup> when the Bombay High Court found the prosecution had “utterly failed” to prove its case. The Maharashtra government has announced it will challenge the Bombay High Court’s acquittal in the Supreme Court. The case now awaits further legal proceedings, as the Supreme Court has stayed<sup>14</sup> the acquittal order; however, the released accused will not return to jail. One of the accused, Kamal Ansari, died in custody, not getting to see his innocence declared.<sup>15</sup> During the pandemic, Tablighi Jamaat attendees faced mass public shaming, branded as super-spreaders, way before any official investigation was conducted.<sup>16</sup> In both cases, Muslim identity itself became prima facie grounds for culpability. While courts later overturned the charges, they could not undo the personal and social consequences that the accused and their families faced over the years. Dr. BR Ambedkar categorically stated while addressing the constituent assembly on November 25, 1949, “Political democracy cannot last unless there lies at the base of it social democracy”.<sup>17</sup> But what does this social democracy mean? In simple terms, we can say that it represents a way of life that embodies liberty, equality, and fraternity as its foundational principles. These

principles cannot be viewed as isolated elements but must be seen as forming an integrated union, where separating one from the others undermines the very foundation of democracy. Today, the warning of Ambedkar has proven to be prescient for Indian Muslims, from the ‘presumption of guilt’ by state machinery and investigative agencies without following the due process, for merely identifying yourself as ‘Muslim’ to deep-rooted and systemic islamophobic attitudes within law enforcement officers, who normalise extrajudicial punishments, profiling, and torture including rising lynchings, arbitrary arrests, and police encounters against Muslims. These incidents reveal not sporadic excesses but an escalating pattern of state-backed violence, suggesting that what was once unthinkable, the mass atrocities which we could not even imagine about, is becoming disturbingly plausible.<sup>18</sup>

## **CITIZENSHIP AND BELONGING**

Citizenship stands as the most formidable political tool around the world. There are many examples where it has been used as a weapon for systematic erasure of individuals and communities. We have seen this in Myanmar, where the 1982 Citizenship Law reduced the Rohingya to “Bengali” interlopers, and by 2018, over 750,000 Rohingya had been ethnically targeted and driven into Bangladesh,<sup>19</sup> with no papers, nothing except the memories of their homeland. Citizenship as a detriment to legal personhood has often been used by those in power to determine mobility, political voice, property rights, and economic participation etc, of individuals living in a country. On paper, citizenship is a mutual covenant between the individual and the state, but in reality, it functions as an ins-



-trument of control. The modern state has the power to simply erase your records, and with them, erase your very existence, and in the world we are living in, citizenship dictates who may dream, who may belong, and who must languish in bureaucratic purgatory. India has its own ledger of such legal obliteration, and who gets to be a legitimate Indian is now more of a decision based on lineage, language, and religious identity rather than law. The 2003 Citizenship Act<sup>20</sup> amendment under Vajpayee's government was the foundational legal shift in citizenship laws, which created the constitutionally unprecedented category of "illegal migrant", reversing the burden of proof; citizens were no longer presumed legitimate by presumption, they needed to prove their belonging. The next shift we saw was in 2019 when the Citizenship Amendment Act<sup>21</sup> was passed and was operationalised in 2024, offering Indian Citizenship for persecuted and undocumented non-Muslim migrants from Pakistan, Afghanistan, and Bangladesh, everyone Hindus, Sikhs, Christians, Jains, Buddhists, and Parsis were included except Muslims. But currently, the centre of this volatility are the minorities of Assam, where the National Register of Citizens is already implemented. Within six years, approximately six percent of the state's population was left off the final list. It included Hindus, Muslims, Gorkhas, tea plantation workers, landless labourers, basically anyone who lacked the "correct" paperwork.<sup>22</sup> But the implementation of CAA offered a route to everyone except Muslims to be reabsorbed into the nation. In the past seven to eight months, over 5,333<sup>23</sup> homes have been demolished in Assam, predominantly belonging to Bengali-origin Muslims. Critics argue<sup>24</sup> that many residents had relocated to these government and forest lands after losing their original homes to Brahmaputra floods and erosion, making them

climate refugees rather than interlopers. Recent months have seen a major surge in demolitions and evictions targeting Muslims across the state. The escalation has drawn international attention, with the UN Committee on Elimination of Racial Discrimination<sup>25</sup> formally demanding that the demolitions and evictions be stopped. Across India, including in Maharashtra, Uttar Pradesh, Haryana, Odisha, Rajasthan, Delhi, Gujarat, a crackdown is underway, targeting or terrorising Bengali Muslims under the guise of deporting "illegal Bangladeshi immigrant," and Human Rights Watch has documented illegal deportations of Indian Muslims to Bangladesh.<sup>26</sup> UN experts have launched investigations into what they termed "unconscionable, unacceptable acts" after reports emerged of Indian naval forces forcing Muslim Rohingya refugees<sup>27</sup> into open waters. The stories from Assam reaffirm the deafening fact that citizenship has increasingly become an instrument of exclusion, redefining who qualifies as a citizen and who is pushed to the margins, becoming unprotected and stateless. From the voter verification drive<sup>28</sup> in Bihar to the demolitions of thousands of homes in Delhi slums<sup>29</sup> and in Gujarat,<sup>30</sup> this persecution by the administrative authorities is disproportionately impacting low-income, marginalized, and minority communities. In any democracy, when constitutional rights of minorities face a threat, the judiciary must intervene decisively to uphold the democratic foundation of the nation and its commitment to pluralistic unity. The Indian judiciary must bear the critical responsibility to act as a bulwark against majoritarian excesses. Given the intersectional nature of citizenship disputes, courts require rights-based reasoning that recognizes these complexities. While the judiciary has advanced certain righ-

-ts, its protection of vulnerable and minority groups remains frustratingly inconsistent. Despite such grave violations, remedial measures remain absent, and journalists and human rights defenders documenting these abuses continue to face systematic targeting. Victims seeking justice encounter institutional failure, and investigations and justice remain superficial for them. The question remains the same: where does the minority of this nation go for justice, for equality, for liberty, and for fraternity, which was promised to them 78 years ago? When and where does this devastation stop? How many more lives will be destroyed before the conscience of this 'great nation' awakens?

## CONCLUSION

Jean-Jacques Rousseau's concept of "general will" profoundly influenced the French Revolution, modern parliamentary democracy, including the Indian constitutional values. "General will" as defined by Rousseau,<sup>31</sup> works as a crucial check against majoritarian imposition by requiring democratic participation from all sections of society. 'General will' transcends the mere aggregation of individual preferences; instead, it represents an underlying moral principle emphasizing social justice, equality, and liberty regardless of

one's social or political position. In India, there are more than 250 million Muslims who are diverse in themselves, differing by region, language, ethnicity, caste, class, and access to opportunities. Their challenges intersect with gender, caste, and class concerns, not just religious identity. This diversity demands locally tailored responses rather than uniform solutions. The representation<sup>32</sup> of Muslims across various administrative bodies is critically low: 4.4% in parliament, 5.7% in state assemblies, 3-4% in higher bureaucracy and police, 2% in armed forces, and very minimal in the judiciary. This representation must be increased, and this increase must reflect gender, caste, and class diversity, with more Muslim women and marginalized voices in public life. But for this to work, a level playing field must be ensured. Threats, violence, biased policing, and hateful rhetoric must cease. To pull the community back from the margins of India's socio-political, economic, and ecological systems, the nation must renew its 78-year-old commitment to 'equality'. Seventy-eight years on, and what was meant to be the dawn of independence cannot be allowed to become a "long aftermath" of stigma, surveillance, and statelessness, for time and again we have seen that what happens at the margins is often a prelude to the rules of the centre.

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# WHO DEFINES THE TREND?: THE INTERSECTION OF ISLAM, MODERNITY, AND POLITICS

APARNA PATNAIK

Modernity offers avenues of progress, but it can also dictate one's taste. For Muslims, the pressure to conform to global trends, be it cultural or political, meets a more ancient pressure—to remain faithful to a tradition that is both lived and argued. The debate between Islam versus modernity is not the origin of these sociological frictions, rather, it stems from who gets to define modernity and adjudicate which Islamic practices count as modern. Is it the State? The financial markets? The clerical establishments? The citizens whose religious commitments are lived as daily disciplines? As prominent historian Talal Asad argues, the secular is not a neutral space, but a space that has been a historical project reclassifying religion and, thus, reshaping public reason.<sup>1</sup> Put differently, what counts as a 'modern' Muslim life is never only a theological issue. It involves the negotiation of authority between jurists and parliaments, the pressure induced by global cultural industries, how cultural power is shaped across a variety of socio-anthropological contexts, and how the penetration of new technologies both democratise and fragment religious authority. In other words, the shape of Muslim modernity is constantly being contested across law, culture, and digital spheres rather than being determined by theology alone.

This essay advances two claims. Firstly, the

most consequential encounters between Islam and modernity occur in the texture of everyday life, in regular devotional practices that shape a believer's conduct, the ways Muslims form community ties in mosques, charities or study circles, and how Muslims embody virtues such as honesty and patience—long before they appear among the words of the Constitution of party manifestos. Secondly, rather than forcing a unitary rule, political systems work best when they allow people to choose how they wish to live their lives, allowing faith and civic life to grow side by side without crushing one another. For now, we begin with the ground-level, observing Islam as a lived religion.

A line often, and sometimes controversially, translated from Rumi invites us to meet “out beyond ideas of wrongdoing and rightdoing, [in] a field,”<sup>2</sup> a space where moral conversation is possible without erasing difference. Muhammad Iqbal, impatient with civic defeatism, wrote “Sitaron se aage jahaan aur bhi hain.”<sup>3</sup> Read together, these poetic provocations ask a practical question. Can Muslims and their interlocutors imagine civic forms beyond the inherited binaries of secular/religious, East/West, tradition/technology? To answer responsibly, we must start where social life first happens.

## ISLAM AS A LIVED RELIGION

Political debate tends to treat 'Islam' as an ideology that either threatens or redeems democracy; ethnographic work tells another tale. In her landmark *Cultural Anthropology* article, Saba Mahmood shows how women in Cairo's mosque movement pursue piety as an ethical formation, one through bodily comportment, speech, and ritual disciplines that produce capacities rather than signal subordination.<sup>4</sup> The point is not that politics disappears; it is that agency here is legible as commitment as much as dissent. Mahmood's subsequent monograph deepens the claim—virtues are learned and practiced; they make specific kinds of citizens who approach law, charity, and public life as moral obligations rather than lifestyle choices.<sup>5</sup>

Charles Hirschkind's work on cassette-sermon publics argues that listening practices cultivate an ethical sensorium, that is, habits of attention and feeling that bind dispersed listeners into counter publics capable of critique and care.<sup>6</sup> What may look from a distance like 'apolitical religiosity' is often a slow pedagogy of civic responsibility, through organising neighbourhood welfare, disciplining speech, mediating disputes, and orienting votes to character rather than mere charisma. When observers demand proof of Muslim 'modernity' in liberal-individualist terms alone, that is, by measuring freedom only as resistance to norms, they miss how self-binding can be a mode of self-rule. Mahmood's intervention, combined with Hirschkind's, provides a robust, and empirical counterweight to such civilisational theses.<sup>7</sup> By setting preconditions for what counts as a rational, respectable religion, secular-modern governance conditions which pious practices may be seen as compatible with public life.<sup>8</sup>

If everyday piety is a workshop of citizenship, then policy and scholarship should track how religious associations incubate civic goods (mutual aid, education, clean-elections campaigns) without romanticising them or outsourcing the state's duties. Modern Muslim politics must be heard in a sermon cassette, seen in the queue outside a zakat office, and felt in the subtle discipline of a believer learning to speak truthfully.

## GOVERNANCE AND POLITICAL ISLAM

Who should set the boundaries between pulpit and parliament? Alfred Stepan's famous formula of the "twin tolerations" suggests a hard-nosed bargain wherein the state does not monopolise belief, and religious actors do not monopolise the state.<sup>9</sup> Where the bargain holds, faith can shape the public debate without becoming a tool of coercion. Sudanese scholar Abdullahi Ahmed An-Na'im argues that a secular state, not a secularised society, can genuinely protect religious conviction. His point is that when the state itself refuses to enforce a religious belief through coercion, faith spreads and survives through persuasion, a work that the police cannot do. In such an environment, devotion towards faith retains its integrity because it was chosen freely in the first place, rather than a devotion that was compelled by the police.<sup>10</sup> However, such an assumption is contested by many, one coming from Palestinian-Canadian scholar Wael Hallaq. In his book, *The Impossible State*, Hallaq argues that the very architecture of the modern state—its sovereignty, bureaucracy, and the process and manner of codification—is alien to the premodern sharia, making an 'Islamic state' an oxymoron.<sup>11</sup> For Hallaq, the problem

is that the state, aside from the fact of whether it should be secular or not, but rather its form itself corrodes the ethical and communal character of Islamic law. Where An-Na'im trusts the foundations of secularism to protect conviction, Hallaq sees statehood itself as corrosive of integrity behind a conviction. Starkly between them lies the question—can faith be safeguarded by political structures, or does it only survive in areas where it is resistant to them?

Rule-of-law theorists like Noah Feldman suggest that any revival of Islamic legal ideals requires modern institutions, such as independent courts that guarantee rights and provide constitutional checks, otherwise the “law” would collapse into being integrated as a mere slogan.<sup>12</sup> By contrast against secular-driven statecraft, Swiss-Muslim scholar Tariq Ramadan insists that reforms must come through the interpretive resources stemming from Islamic traditions itself.<sup>13</sup> Taken together, these positions frame a triangular debate—An-Na'im trusts the secular state as the guardian of belief, Feldman argues institutions backed with strong constitutional designs are needed to revive Islamic law, Ramadan turns inward to tradition itself for answers, while Hallaq doubts whether the modern state can ever truly reflect the moral ethos of sharia.

Following the 2011 revolution, leaders of Tunisia's Ennahda party repeatedly compromised with secular factions to preserve social peace in the country, and thus, played a central role in shaping its pluralistic constitution that avoided embedding sharia as an explicit source of law. In 2016, its leader Rached Ghannouchi declared, “We are Muslim democrats,” signalling a conscious separation of religious outreach from day-to-day party politics and also, reassuring domestic rivals

and international partners that Ennahda sought to compete within the democratic rules of the game.<sup>14</sup> Political scientist Sharan Grewal's analysis in the American Political Science Review notes that Ennahda members of parliament who had lived in secular democracies were often the most vocal in defending freedom of conscience in resisting attempts to embed sharia explicitly into the constitutional text.<sup>15</sup> Feldman cautions that any revival of Islamic legal ideals requires modern institutions such as independent courts, guarantees of rights, and constitutional checks, to ensure that the law is not rendered to a mere slogan instead of being an established system.<sup>16</sup>

The ‘Woman, Life, Freedom’ protests in Iran exposed the political costs of turning piety into a policy matter. Crackdowns and new surveillance to enforce veiling have deepened the trust deficit between the people and the state having trading moral authority for fear.<sup>17</sup> The lesson bluntly observed here, is that when the state punishes conviction, the public often stops listening.

## **GOVERNANCE AND POLITICAL ISLAM**

The phenomenon of globalisation creates a marketplace of norms, with one Muslim response termed by Iranian sociologist Asef Bayat as ‘post-Islamism,’ a shift from seeking an all-encompassing Islamic state to embedding religious values inside democratic competition.<sup>18</sup> Its attractive points are very clear—it offers flexibility, a space for coalition politics, and a practical focus on governance. Yet, its weaknesses are equally visible. This very openness can appear ambiguous, leaving Islamists wary of dilution and secularists do-



-ubtful of the sincerity such kind of a response brings forward. In practice, such a middle path often struggles to prove to both sides that it is principle rather than opportunism that is driving the compromise. As Bayat notes, pragmatism is, at the end of the day, a willingness to engage and to ultimately recognise that enduring social and political projects can only survive in conditions of pluralism.<sup>19</sup> Supplementing this line of thought is the work of anthropology scholar Hussein Ali Agrama who, in his essay “Ethics, Tradition, Authority: Towards the Anthropology of a Fatwa,” shows that when Muslims seek religious rulings, they are not engaging with the state but with a living tradition that adapts to everyday problems and socially changing times.<sup>20</sup> The fatwa, in this sense, illustrates how authority can come from many voices, be open to discussion, and speak directly to personal lives, and demonstrates that religion continues to thrive outside the strict boundaries of law or state power.

This helps in explaining why the post-Islamist trend reflects confidence in the notion that Islam can guide lives in a plural world without needing to monopolise political authority. In deciding what to wear, how to bank, with whom to associate, or how to draft a constitution, believers are in practice testing how inherited traditions can be carried forward in modern contexts. Such acts shape collective understandings of virtue, the distribution of resources in communities, and the boundaries of law and legitimacy. Rather than abstract debates, such negotiations are lived, contested, and constantly reshaped by ordinary believers and leaders alike. The question ‘Who defines the trend?’ is answered, provisionally, by citizens who argue, vote, organise, donate, and yes, pray, using inherited grammars to make new civic forms. Or, as

Iqbal urged, “Sitaron se aage jahaan aur bhi hain,”<sup>21</sup> the task is to build institutions sturdy enough to reach them.

## **TECHNOLOGIES AND NEW AUTHORITIES: WHO SETS THE TREND AFTER ALL?**

Digital networks have changed who speaks for Islam. Gary Bunt’s study of ‘cyber-Islamic environments’ show how online platforms have given rise to new religious influencers, remote study circles, and decentralised forms of da’wa that compete with traditional scholars for authority.<sup>22</sup> Zeynep Tufekci’s sober verdict on networked protest applies here too; platforms can accelerate mobilisations and diffusion of ideas, but then often lack the institutional muscle required for sustained change.<sup>23</sup>

The result is a double-edged modernity. On one hand, social media gives young believers and minorities a pathway to be heard. It enables forms of transnational solidarity that older institutions have failed to foster. The same channels, however, become conduits for surveillance by states, for the rapid spread of misinformation, and for subtly commodifying piety, reducing devotion to be a notion that is to be ‘packaged’ and ‘marketed’ into ‘content.’ A recent scoping review of Muslims and social media confirms this ambivalence but pointing out that digital spaces widen access to religious knowledge while reshaping authority through visuals, influences, and algorithmic logic.<sup>24</sup> ‘Authority,’ in this environment, is increasingly visual and performative, rendering followers, engagement metrics, and platform algorithms to become part of the claim to speak for a

community. That does not abolish traditional legitimacy, but it forces jurists, preachers and institutions to engage on new terrain.

If the secular/religious boundary is a project, and not a fact—as Talal Asad insists—then the authority over ‘the trend’ is contested terrain.<sup>25</sup> Freedom can mean the capacity to commit, that institutional separation safeguards conscience, that modern legal structures matter, and that pragmatic politics is often the realist’s path. With these being complementary

diagnostics, the final arbiter should not be the coercive state, a profit-seeking market, or an algorithmic architecture. It should be citizens, formed by faith and reason, who negotiate norms through persuasion, institutions, and everyday practices. To borrow Rumi’s words once again—meet us “out beyond ideas of wrongdoing and rightdoing,”<sup>26</sup> for there is the field where new civic forms are possible.

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## ENDNOTES

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## HUMAARE BAARAH: PROPAGANDA, LIES AND COMEDY

ABDUL HANNAN QAZI

### Introduction

After 'The Kerala Story' and 'Bahattar Hoorein', the release of 'Humaare Baarah' had led to another controversy. The movie demonized practicing Muslims by depicting a conservative Muslim man who was the cause of a dysfunctional family. The radical beliefs of the man resulted in his wife's death and also negatively impacted the lives of his children. Islamic views on birth control and abortion, inter alia, are the focal point of this movie. In this article, the author will discuss this movie in the light of Islamic values and rulings.

### Birth Control

In this movie, the man, who is a father of 11, has a radical viewpoint on birth control and deems it 'Haraam' even if his wife is physically frail to bear a child. The movie begins with the misquotation of a verse which states, **"Your wives are your tilth: so you may go to your tilth as you please."**<sup>1</sup> Indeed, one of the intentions behind sexual intercourse is to conceive and give birth to children. But that is neither the context nor the purport of this verse. Once Ibn Umar was reciting the Quran,

and he reached this Ayah. He asked Nafi' whether he knew the story behind this Ayah, to which he answered in the negative. Ibn Umar said, "We, the people of Quraysh, used to have sexual intercourse with our wives from the back (in the vagina). When we migrated to Madinah and married Ansari women, we wanted to do the same but they opposed it because they used to follow the practice of the Jews, who have sexual intercourse with women while they lay on their sides. Then, Allah revealed this verse. Therefore,<sup>2</sup> the purpose of this verse was to refute the superstitious belief of the Jews that having vaginal sexual intercourse with one's wife from the back would result in cross-eyed children.<sup>3</sup>

Moreover, there is a clear narration in this regard. It was narrated that Jabir said, **"We used to engage in 'Azl (coitus interruptus) and the Qur'an was being revealed."** Ishaq added, **"Sufyan said, 'If anything were to have forbidden it, we would have been forbidden it by the Qur'an'."** Therefore, birth control is not a new concept in <sup>4</sup> Islam and has remained in vogue since the Prophetic era. Muslims are highly encouraged

to have more children and increase the population of Ummah. But Islam does not,





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in any manner, prescribe this at the cost of the woman's health and her ability to bear the pregnancy. Though it can be conceded that many Muslims have a misconstrued perception regarding the same, that does not mean that their practices define the Islamic norms.

## Abortion

The abortion debate in the modern 'progressive' world is majorly divided into two contentions. The right wing is outrightly against abortion in any situation and the left wing wants to raise it to the pedestal of a fundamental right. The Islamic world has never been susceptible to such fragility because of its balanced perspective. The movie has portrayed this issue in an extremely negative light. It depicts that the Islamic opinion is against abortion in any situation, even if it threatens the life of the mother. The husband's obstinacy ultimately leads to his wife's death. The scriptwriters have bolstered this propaganda with the help of slogans such as 'Allah Hu Akbar' and have presented it in a manner which would lead to the perception that such falsehood is either a Godly or a Prophetic command.

Islam's balanced view on abortion has been in existence before the idea of anti-abortion and pro-abortion debate was even conceived. Islamic law neither forbids abortion in pressing situations, nor does it qualify it as an inherent right. Islam allows abortion in certain situations such as the mother's frail health, rape, and fetal

deformity. There is a difference of opinion regarding the gestational period among different schools of thought which ranges from 40 days to 120 days. But if there is medical evidence that the pregnancy may cause the death of the mother,<sup>5</sup> such pregnancy can be aborted even after 120 days. Therefore, in the movie, a more Islamically appropriate representation would have<sup>6</sup> been, to go ahead with the abortion in the light of the medical evidence.

## Other Issues

Another issue which was raised in the movie was about education of children. The movie differentiated between Islamic education and worldly education. The father believed that Madrasah education was sufficient for the children and secular education was not necessary as secular institutions would drive the children away from Islamic values. This aspect has various facets that can be dealt with at great length. But a brief reply to such portrayal is that from an Islamic perspective, there is no difference between Islamic and secular education. It was reported by Anas bin Malik that the Prophet (PBUH) said, **"Seeking knowledge is an obligation upon every Muslim."**<sup>7</sup> The Quran time and again exhorts one to ponder upon the creation of Allah. The pursuit of any field of knowledge with the right intention and for the humanity is a part of a Muslim's Deen. Most Muslims are not



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averse to this idea and have no problem in aligning Islamic education with science, maths, economics, social science, psychology, sociology etc. In fact, sincere religious Muslims have suggested various reforms in the Madrasah curriculum in order to upskill students.

One of the most misunderstood concepts in Islam is that the wife is dutybound to obey the husband. The Islamic system lays down a hierarchy of governance which starts from the State and goes down to the family system. In each family, the male (Qawwam) has been entrusted with the responsibility to govern the affairs in accordance with Islamic values. Furthermore, the male is also responsible to be a source of love, affection and mercy in the family. All the members of the family are required to be disciplined just like they must be in any other institution. But this obedience does not include situations where the Qawwam goes against the Islamic code of conduct, takes arbitrary decisions and is cruel. Many people misquote the Hadith wherein the Prophet (PBUH) said, ***"If I were to command anyone to prostrate to anyone other than Allah, I would have commanded women to prostrate to their husbands."***<sup>8</sup> This Hadith is the biggest evidence that a wife is not dutybound to obey the husband if he flouts Islamic teachings as obedience, as a matter of right, has been singled out for Allah and even the husband's obedience is only for Allah. Therefore, obeying the husband

when there is medical evidence of a life-threatening situation is not contemplated by Islam. Moreover, no good Muslim man would ever take such an irrational decision because the scriptwriters forgot to mention another Hadith in respect of familial bond wherein the Prophet (PBUH) said, ***"The best of you are those who are best to their women."***<sup>9</sup>

## Conclusion

Anti-Islam propaganda has become the norm. It is nothing more than the expression of covert hatred towards a particular community due to their loyalty towards their beliefs. Alhamdulillah! Despite all this propaganda, we firmly believe that Islam is the most practical way of life and is the true word of Allah. No Prophet and no believing community has ever existed without such opposition from the disbelieving people. Since time immemorial, people have caused mischief by spreading lies in order to dehumanize a particular community or person. They have attempted to manipulate the truth by employing the most oppressive and forceful means but they have not succeeded because the Quran unequivocally declares, ***"Who does more wrong than those who fabricate lies against Allah or deny His signs? Indeed, the wrongdoers will never succeed."***<sup>10</sup>



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## Endnotes

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# Creative

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# Faith

## GUZARTE HAI HAM SAB

*[We All Pass Through]*

The rickshaw coughs dust and asphalt,  
Away from the alleys where the laughter  
fills the air;  
As children, still unknown  
To hate, weave games without a care.  
Their joy rises, the sky ceases to be a limit,  
A chink against the clash of flags.  
Small footprints made cruel divisions few,  
A bitter respite that history lets lives bleed  
into.

Justice indeed has its festering sores, Mr.  
Hughes. Its hands let  
the scales slip, let the law dissolve too fast,  
The children turn, smiles falling at the  
knock on their door;  
The rickshaw pulls forward, the streets  
blur into shadows passed  
All I hold is gratitude in a small flame.  
All I hope is that the world doesn't treat  
them cruel.

O world of walls; the stories that you hold,  
the blood that bled  
Upon you, let this sight be eternal; let  
these brief lives of joy  
Pierce the falling night that smothers the  
aged into violence and hatred.  
Let them not carry stains of blood, but  
Shower the world with love.

## SHAHRA KE PAAR

*[Over the Highway]*

The voice drifts over the buildings,  
muffled and slow,  
A ribbon of sound towards where the last  
light glows.  
I do not know the language, neither a  
word nor a syllable,  
Yet the prayer croons into the sky, as if  
Love calls me after a long day;  
It folds into the air, weaving devotion  
across lines over the eyes,  
As the sun, in farewell, burns molten gold,  
At the edges the Earth where it lays its  
crown,  
I sit by the window, my eyelids fluttering;  
the world held still,  
As the sky surrenders and traffic weaves  
cars out and in.  
In these ticking minutes, I am of no creed  
No cross, no bindi, no statue, no faith, my  
company  
I sink my head on the lap of Peace; she  
looks down on me with a smile,  
No other rule of law I can claim; it is Her  
spirit that soothes mine all the same.  
Between the horns and the fading day,  
I find rest in the sound that echoes far, far  
away.



— Aparna Patnaik

— Aparna Patnaik



# HOW DOES MUSLIM ERASURE SHAPE THE NATION?

They call it Educational Jihad—  
as if our books are weapons,  
as if our pens drip poison.  
Fees hike in minority institutions,  
like gravediggers' rates during plague season.  
Doorways loom higher than heads,  
classrooms shrinking like rivers in drought.  
Representation fades—1.79 lakh dreams  
dissolved in 2020–21,  
our voices thinning to echoes,  
our faces erased from lecture halls,  
our futures measured not in degrees earned  
but in degrees of erasure.

Dissent criminalized—especially ours.  
Our voices become evidence,  
our questions, confessions.  
Identity on trial: Pakistani. Terrorist.  
The gavel strikes like lightning,  
splitting us into fragments—  
citizen or suspect,  
belonging or betrayal.

Legal papers brittle as ash,  
crumbling in trembling hands.  
Our names reopen wounds  
that bleed citizenship,  
each syllable a stain  
spreading across courtroom floors.  
We carry our passports  
like prayer beads,  
fingering proof of existence  
while they finger us  
for crimes of being born  
with the wrong constellation  
of letters in our names.  
The syllabus becomes a battlefield—  
NCERT edits the sky,  
each day another slice erased,  
another chapter unborn,  
history stitched with rough hands  
that bleed truth in silence.

Graffiti banned: even our shadows  
forbidden to speak.  
The campus saffronizes:  
walls, notices, morning light—  
dipped in the holy dye  
of systematic hate.

Peaceful protest renamed anti-  
national;  
a brand stamped on Muslim  
foreheads  
with cattle ranch efficiency.  
Students become  
political prisoners—  
classrooms traded for cages,  
education for interrogation,  
degrees for detention orders.

Fear crouches every staircase,  
a patient predator.  
Harassment rises like smoke  
from dignity's funeral pyre—  
sexual, mental, relentless.

Scholarships shredded into dust:  
Maulana Azad National Fellowship—  
scrapped  
Pre-Matric (Classes 1–8)—scrapped  
Padho Pardesh—scrapped,  
like promises torn from the  
constitution's spine.



Faith  
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Maulana Azad Education Foundation—shuttered.  
 Madrasas defunded, boards marked for  
 execution—  
 Uttarakhand's bill clears the ground,  
 the Madrasa Act scheduled to die by 2026,  
 death entered in government files,  
 signed off like routine paperwork,  
 they call it reform;  
 we call it dismemberment  
 done with bare hands.

Memory outlawed:  
 Books banned in Kashmir,  
 shelves turned into graves,  
 knowledge buried alive.

“Land Jihad” they scream while dismantling us —  
 the Waqf (Amendment) Act, 2025  
 clenches fists around a million acres,  
 state-sponsored seizure.  
 Thirty-two waqf boards reduced  
 to caretakers of absence:  
 shrines, shops, mosques, schools,  
 repossessed like furniture from defaulters,  
 sanctity itemized on grocery lists.

Bulldozers pray at dawn:  
 Homes and mosques outlawed by steel,  
 democracy's new gods running on diesel.  
 Seven thousand Muslim homes in Gujarat  
 ground into dust.  
 In Nuh, Haryana—300+ homes and shops  
 extracted like rotten teeth.  
 From the only Muslim-majority district,  
 made to swallow its tongue,  
 choke on its identity.

Business criminalized,  
 counters ripped from mornings,  
 like Band-Aids from open wounds.  
 Economic Jihad—the charge.  
 Halal certification banned in Uttar Pradesh:  
 dairy, garments, medicines—

even the consumer's choice outlawed,  
 our stomachs declared anti-national.

Boycotts spread like oil over water,  
 Vendors and laborers beaten, some to  
 death,  
 their crime: existing while Muslim.

India—the world's second-largest beef  
 exporter;  
 four of six major suppliers are Hindus  
 —

The irony thick enough to choke on,  
 yet we bleed for eating meat,  
 for chewing survival into our bones,  
 for taste buds that refuse to segregate.

Mob sirens wear saffron masks,  
 vigilantes crowned with law's  
 blessings.

Migrants uprooted—  
 Bengali Muslims pushed to the  
 border's teeth,  
 like unwanted food to plate's edge,  
 expelled unlawfully to Bangladesh;  
 deportation carried out  
 with cleansing precision.

The criminalization of prayer:  
 Namaz fined in homes like parking  
 violations,  
 banned in public spaces once safe.  
 loudspeakers lifted from minarets,  
 hurled aside like unwanted truths.

The hijab cast as barricade,  
 the beard recast as a suspect device—  
 our very bodies turned as evidence  
 in trials against ourselves.



Collective hate on autoplay:  
digital mobs, street mobs,  
hatred served with morning tea,  
songs hiss venom  
like cobras with recording contracts,  
films hurl petrol on harmony's bonfire—  
The Kashmir Files, Lipstick Under My Burkha,  
The Kerala Story, 72 Hoorain—  
cinema as permission slip,  
Bollywood's destination trip.

Lynchings on festivals, on Independence Day—  
freedom celebrated in our blood.  
No street safe, no lane honest,  
no address permanent—except the morgue.

UAPA as a surname,  
terror laws as heirlooms.  
Thirty percent of detainees are Muslims—  
overachievers in the prison Olympics.  
No bail, only waiting,  
justice on permanent holiday.

Love Jihad—blade slipped into garlands;  
romance rebranded as conspiracy,  
men cut into pieces,  
love criminalized like the rest of us.

History erased by decree:  
roads renamed like relics on auction blocks,  
syllabi gutted like fish on stone slabs,  
Mughal chapters yanked like teeth  
from memory's gum.  
Dynasties turned spectral,  
yet their stones still shoulder the sky—  
dead architecture mocking living erasure.

CAA walls up the doorway—  
citizenship passed like inheritance  
to everyone but Muslims—  
democracy's banquet with their names erased.

Riots scripted, arrests choreographed:  
Muslims cast as villains, always the  
suspects.

We are named Jihadis in the smoke,  
branded like cattle,  
discarded like waste.

That chant—Jai Shri Ram—  
a blade disguised as prayer,  
devotion rehearsed as murder.  
We learn that 'home' is structure under  
demolition,  
pillars marked with notices,  
walls whispering warnings,  
The only exit flung wide—  
a one-way passage leading nowhere but  
away.

And now—what does this pattern show?  
It is an old map,  
drawn in the blood of others.  
An instruction manual for genocide  
with stages we recognize:  
classification, then branding;  
discrimination, dehumanization;  
organization, polarization, preparation;  
persecution—  
and behind the last door,  
what no one wants to name  
but everyone knows is coming.

We've seen these steps before:

In Germany—boycotts, book burnings,  
laws,  
stars sewn on coats like fashion  
statements,  
then trains without return tickets.

In Armenia—villages emptied like dinner  
bowls,  
languages left to starve,  
a people marched into dust



In Myanmar—lists and camps,  
bureaucracy with bloodied hands,  
citizenship peeled off like skin,  
Rohingya homes erased by tide and fire.

In Palestine—blockades and bombardments,  
neighborhoods mapped into target grids,  
the right to breathe negotiated with rubble,  
freedom measured at checkpoints.

In Rwanda—radio chants of hate,  
the same song on repeat,  
neighbors turned executioners,  
a hundred days, a million bones—  
efficiency Germans would envy.

In Bosnia—mass graves as filing cabinets,  
prayers still echoing in Srebrenica's silence,  
ghosts with unfinished business.

Every genocide begins small:  
a syllabus rewritten,  
a shopfront smashed,  
a prayer policed,  
a name recast as foreign,  
hatred legalized as policy.

Look at our ledger:  
education starved, economy strangled,  
prayer criminalized, land devoured,  
homes bulldozed, memory banned,  
laws sharpened, love butchered,  
citizenship tightened into nooses,  
riot-script rehearsed,  
connect the dots,  
or wait for dots to connect you.

Call it whatever soothes the tongue—  
development, security, reform—  
but numbers don't betray,  
and sum is always the same,  
final solution by another name.

This is the last line I refuse to whisper:  
If the world won't read the signs  
written in our bulldozed homes,  
then read our bodies  
in museums they will build later.  
If the world won't hear sirens  
crying through demolished mosques,  
then hear this poem—  
alarm clock for conscience,  
wake-up call for the dead.

The march has already begun,  
jackboots keeping perfect rhythm,  
every step echoing the word  
no nation admits  
until ovens are cold  
and counting is done.

The blueprint is complete.  
The machinery is oiled.  
The world is looking away.  
Again.

Some lessons are too costly to learn  
twice,  
but genocide is always on sale,  
and the world loves a bargain.

— Maria Khanam



## MOHAMMED ARIF ALI VERSUS

**SMT. AFSARUNNISA**

(TELANGANA HC) 2025 SCC ONLINE TS 368

ABDUL HANNAN QAZI

### FACTS

In this case, the wife, an alleged victim of domestic violence, demanded Khula from her husband. The husband refused to comply with the demand which forced the wife to approach the Sharai Council for the grant of Khula. The Council sent three notices to the husband to appear before the Council. The husband disputed the authority of the Council and refused to attend the reconciliation meeting. As a result of the husband's obstinacy, the Council issued a Khulanama (Divorce Certificate) certifying the dissolution of marriage between the parties. Being aggrieved by the Council's decision, the husband petitioned the Family Court and prayed that the Khulanama issued by the Council be declared null and void. The Family Court dismissed the petition stating that due procedure was followed.

### HIGH COURT'S FINDING

Arguments by the husband: The Sharia Council had no jurisdiction or lawful authority to dissolve the marriage. The Council was not eligible to deliver a Qaza (judgement) under the Shariat.

Arguments by the wife: Juveria Abdul Majid Patni v. Atif Iqbal Mansoori<sup>1</sup> was relied upon and it was

contended that dissolution of marriage by way of Khula did not require the Court's intervention. The Family Court did not place emphasis on the Sharai Council's decision and independently adjudicated upon the matter. It concluded that the marriage was no longer subsisting.

### WHAT IS THE PROCEDURE FOR OBTAINING KHULA?

The Court concluded that Islamic law did not provide any specific procedure for obtaining Khula and on the basis of prior judicial decisions, laid down 4 methods of obtaining Khula:

1. On the basis of a Mufti's advisory opinion, a private settlement is entered into. If the matter is carried to litigation, the Qazi pronounces a judgement in accordance with the Shariah. As per Juveria Abdul Majid Patni v. Atif Iqbal Mansoori, the wife is only required to propose Khula to her husband and may choose to accompany her offer to give something in return including her Mahr.
2. A married woman can put an end to the marriage by asking her husband for a divorce. There is no pre-condition for granting Khula but dissolution of marriage through Khula should be preceded by reconciliation attempts. Relying on XXXX v. XXXXX<sup>2</sup>, the court held that wife's right to Khula

- is parallel to the man's right of Talaq.
3. Unilateral invocation of Khula will be valid even if the husband refuses to give consent. The wife is not required to approach the Court in the absence of the husband's consent.
4. As per *Shamim Ara v. State of Uttar Pradesh*<sup>3</sup>, a man cannot force a woman to remain married against her will. Therefore, the husband's refusal to the wife's demand for Khula would be legally untenable.

## CONCLUSION

The Court concluded that obtaining a Khulanama from a Mufti or Darul Qaza was not essential for the validity of Khula as such opinions were only advisory in nature. As the wife's right to demand Khula is absolute is not conditioned by the husband's consent, the only role of the Court is to put a judicial stamp on the termination of the marriage in order to make the dissolution binding on the parties.

## COMMENTS

The Court reached the conclusion that Islamic law did not provide a procedure for obtaining Khula. This is a misconceived notion as books of fiqh are replete with injunctions as to how a woman may obtain Khula. In fact, the Court referred to Tahir Mahmood's translation of an extract of Maulana Syed Abul Ala Maududi's book '*Huqooq Al Zaujain*'<sup>4</sup>. Therein, Maulana Maududi has comprehensively delineated the Islamic procedure for obtaining Khula in the light of the Quran and the Prophetic traditions from page number<sup>5</sup>. Furthermore, even if the Court relied on Tahir Mahmood's book, it must be understood that such writings are merely scholarly opinions. So, a pertinent question that arises at this point is how are Courts determining their choice of scholarship.

In the first procedure the Court said that the wife 'may' choose to accompany her offer for Khula with her claim to Mahr. The basic understanding of Khula as per the Islamic law is that giving up the right to Mahr is an essential aspect of Khula unless the parties mutually agree otherwise.

The Islamic procedure gives the woman a right to invoke Khula, but at the same time, it mandates that the husband must be the one to divorce her. The husband's involvement is merely procedural in nature and if the husband does not comply with this demand, the Qazi can legally compel the husband to pronounce divorce. If the husband absconds and does not comply with the judicial mandate, the Qazi can resort to Faskh and annul the marriage even in the absence of the husband<sup>6</sup>.

The judicial pronouncements have combined Khula and Faskh as the same mode of divorce and have termed this combination as 'Khula'. Tahir Mahmood's translation of Maulana Maududi's book is misplaced as it leads to the wrong interpretation of law. This case demonstrates how a wrong academic explanation of a concept can translate into law. Furthermore, it sheds light on how scholars and books are chosen as per convenience to give effect to an understanding which is deemed correct by the Courts.

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## ENDNOTES

<sup>1</sup> 2014 SCC OnLine SC 796.

<sup>2</sup> 2022 SCC OnLine Ker 5512.

<sup>3</sup> (2002) SC 4726.

<sup>4</sup> *Juveria* (n 1) para 17.

<sup>5</sup> Syed Abul Ala Maududi, *Huqooq Ul Zaujain* (Idarah Tarjuman Al Quran) 58-79.

<sup>6</sup> The author is thankful to Shaikh Abul Lais and Mufti Ziya Ur Rahman for their clarification.



## **Project Mishkat**

Project Mishkat is a student-led initiative bringing together scholars, researchers, and thinkers to foreground critical legal discourse on Muslim identity in India. At a time of profound shifts in the country's political and legal landscape, the project serves as a platform to explore themes of law, citizenship, and minority rights, with a commitment to fostering Muslim public intellectualism