

Sharia, Legal Pluralism and Muslim Personal Law in Contemporary India

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Abstract : Over the years, discussions in India regarding personal law in India have focused on its deficiencies, increasing involvement of the judiciary, and the pursuit of uniformity. However, little attention has been given to understanding how the law functions in a multicultural nation committed to political secularism. This paper addresses this gap by exploring the mahallu system in Malabar, shedding light on the decision-making process within Muslim personal law. It reveals that this process is deeply rooted in everyday micro-politics, sectarian dynamics, social pressure, and emotions. Through an in-depth examination of a triple talaq case, the paper demonstrates how love (or the lack of it), family expectations, and community authority intersect in resolving marital disputes. Instead of a straightforward legal interpretation, this process leads to a complex maze of micro-politics involving local religious factions and authorities. The paper underscores that the non-state quasi-legal institutions within the mahallu system represent a distinct form of legal pluralism characterized by intricate power dynamics at multiple levels. Moreover, it highlights the interplay between what is considered legally valid and what is deemed socially legitimate.

Keywords : islamic law, sharia, fatwa, muslim personal law

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