

## REVIEWER'S REPORT

Manuscript No.: IJAR-51623

Date: 16-05-2025

**Title: The Muslim Women (Protection of Rights on Marriage) Act, 2019: A Critical Examination Through Modern Legal Philosophy and Islamic Legal Traditions**

### Recommendation:

**Accept as it is.....YES.....**

Accept after minor revision.....

Accept after major revision .....

Do not accept (*Reasons below*) .....

Rating	Excel.	Good	Fair	Poor
Originality		√		
Techn. Quality			√	
Clarity			√	
Significance		√		

**Reviewer's Name:** Dr Abdul Hameed Shah

**Reviewer's Decision about Paper:** **Recommended for Publication.**

**Comments** (*Use additional pages, if required*)

### Reviewer's Comment / Report

#### Abstract:

The abstract provides a succinct and comprehensive summary of the research. It encapsulates the central focus on triple talaq legislation and articulates the tension between legal reform and cultural-religious traditions. The reference to gender justice, legal jurisprudence, and the socio-legal implications for Muslim women captures the multifaceted nature of the inquiry.

Additionally, the abstract sets a reflective tone by positioning the paper within critical legal philosophy, while remaining attentive to Islamic jurisprudence and the lived experiences of women.

#### Keywords:

The keywords are relevant, thematically aligned, and reflective of the interdisciplinary approach

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of the paper. Terms such as "Triple Talaq," "Legal Reform," and "Tripartite Framework" highlight the legal, philosophical, and religious dimensions under discussion.

### Introduction:

The introduction is intellectually engaging and presents a strong foundational critique of the Act. It raises profound jurisprudential concerns by examining the perceived conflict between constitutionalism, religious norms, and criminal law principles. The ethical and legal dilemmas posed by the Act are convincingly laid out, establishing the central thesis of procedural and substantive injustice. The narrative reflects a deep awareness of the socio-political sensitivities surrounding the legislation, situating the legal debate within both national constitutional values and transnational Islamic doctrines.

### Analytical Depth:

The paper demonstrates a nuanced understanding of legal pluralism and the inherent tensions between state law and religious personal law. It integrates concepts from modern legal philosophy, such as moral legitimacy and institutional justice, while grounding the discussion in classical Islamic jurisprudence. This dual-layered critique enables a comprehensive analysis of the legislation's conceptual and practical ramifications.

### Critical Framework:

The manuscript adopts a critical legal perspective, questioning the legitimacy of law when it diverges from ethical reasoning and religious norms. It emphasizes the principle of *moral resistance* to unjust laws, drawing from both legal theory and community responses. The argumentation is rigorous, particularly in highlighting the tension between constitutional ideals (like equality and justice) and the penal implications of the Act.

### Interdisciplinary Engagement:

The integration of legal philosophy, constitutional law, and Islamic jurisprudence provides an interdisciplinary richness to the analysis. The paper not only interrogates the statute through normative legal frameworks but also contextualizes the lived experiences of Muslim women, which adds depth and authenticity to the critique.

### Tone and Style:

The tone is scholarly, assertive, and reflective. The language is precise and well-suited to an

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academic audience familiar with jurisprudence, constitutional studies, and Islamic law. The paper maintains objectivity while critically assessing the motivations, structure, and consequences of the legislation.

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### **Summary:**

The paper offers a well-reasoned, philosophically grounded, and jurisprudentially rich critique of *The Muslim Women (Protection of Rights on Marriage) Act, 2019*. It skillfully navigates the complexities of legal reform, religious doctrine, and gender justice, presenting an intellectually robust analysis that contributes meaningfully to contemporary legal and socio-religious scholarship. The intersectional approach—blending legal theory with Islamic tradition and lived experience—underscores the paper's scholarly depth and relevance.

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