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RESEARCH

Does Religion Affect Women's Agency? Empirical Evidence from India

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Abstract
India has passed several legislations and implemented policies to promote gender equality within the intimate space of the household and in the public sphere. Despite such measures, there are continuing and widening gender disparities for some indicators. In this paper, we use two sources of analysis: firstly, data from the Indian Human Development Survey-2 survey to explore differences in women's autonomy by religion using conventional indicators of autonomy, and secondly, a descriptive analysis of divorce by religion using Census 2011. We empirically explore whether Muslim women suffer especially lower forms of agency compared to Hindu women as per the widespread belief in India or whether other markers (such as caste or marital status) appear more significant. Our analysis reveals that firstly, with regard to divorce rates, states that have an above-average proportion of Muslims in the population and that have other positive gender indicators such as better female literacy rates, less skewed sex ratios, less entrenched patriarchal norms, and similar rates of divorce exist for Hindus as for Muslims. However, for some states, we find higher rates of divorce among Muslim women than among Hindu women, and these states have less gender-equitable indicators and norms suggesting that in a more intense state of patriarchy, a husband's unilateral right to divorce might be disadvantageous to women. Secondly, except for the gender difference in divorce rate for Muslim women, there is no substantial difference in measures of autonomy for Hindu and Muslim women in rural India across other indicators we use, such as decision-making abilities around accessing healthcare for themselves, how many children to have, and the purchase of land or household property. Thirdly, in urban regions, Muslim women are less likely to participate in the labor market than Hindu women. Unlike upper-caste women in urban and rural settings, women from lower castes have historically worked for pay as salaried or casual workers. Fourthly, marital status is a more important indicator of work participation—divorced and widowed women are more likely to report higher workforce participation and participation in public affairs, as are women from historically marginalized groups. Overall, we find that all women lack agency in several aspects of life. Drawing from two bodies of scholarship, one that engages with women's autonomy and agency and another that analyses state feminism, along with our empirical analysis, we discuss factors other than religion that also play a major role in shaping women's lives in India.

> …the success of instrumentalism has also had costs. It has required the translation of feminist insights into the discourse of policy, a process in which some of the original political edge of feminism has been lost (Kabeer, 1994: 436).

Introduction

India has passed several legislations and implemented policies to promote gender equality within the intimate space of the household and in the public sphere. Despite such measures, there are continuing and, in some instances, widening gender disparities. For instance, there has been declining female participation in paid work outside the home (Desai and Joshi 2019), poor performance on health and survival as per the Global Gender Gap 2023 report, and continuing high levels of violence against women and children as per the National Crime Records Bureau data 2023 (Sriram 2023). The current Indian government has decided to implement the Uniform Civil Code (UCC) because they believe that by implementing the UCC, Indian women will be on the path to gender parity. Given that personal laws in India differ based on religion, it is indeed the case that women may have differential access to property and inheritance rights, adoption of children, and divorce rights based on their religion. However, can the UCC, on its own, be effective in ensuring gender equity irrespective of religion? In this paper, we use data from the Census 2011 and the Indian

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Human Development Survey-2 (IHDS, 2011–2012) to explore differences in women's autonomy by religion using conventional indicators of autonomy such as divorce rates, workforce participation rates, women's mobility, household decision-making, and participation in public spheres.

While women's empowerment and agency have been the subjects of scholarly research for decades, quantitative analysis of differences in women's autonomy by religion is relatively infrequent in the Indian context (Jejeebhoy 2002); (Iyer 2002); (Chacko 2001); (Hamal et al. 2020)). When they do exist, it is mainly in the context of family planning, children's immunization, and maternal health rather than conceptualizing autonomy as a way for women to lead full, productive lives. Some scholars have argued that the measurement of women's autonomy is riddled with problems because men and women may interpret these survey questions differently, and unexplained random errors creep in (Ghuman et al. 2006). Despite these limitations, we believe that an empirical analysis of women's autonomy based on their religious affiliation is an important intervention in the debate around the UCC in India. This is especially so because of how polarizing the issue has turned, with scholars on the left of the political spectrum arguing that it is yet another way to denude the rights of religious minorities in India with no real impact on women (Menon 2014); (Agnes 2015). Instead, what they demand is the removal of gender unjust provisions within customary and religious laws for greater equity. They also argue that in a pluralistic society like India, uniformity of any manner goes against the spirit of diversity. They emphasize that replacing diversity with one uniform code on different aspects of marriage, divorce, inheritance, and adoption of children is tricky because it requires normative change that needs time (Manooja 2000). Also, some scholars argue that it is not as if the codification of Hindu laws through the Hindu Marriage Act of 1955 has necessarily led to greater support for women during divorce or maintenance proceedings, especially in bigamous unions, since the Act does not recognize polygamous unions and has driven such practices underground with deleterious consequences for women seeking maintenance or alimony when deserted by husbands (Agnes 2016; (Mensky 2003).

Supporters of the current Indian regime vociferously argue for its implementation to neutralize differences in rights and personal laws based on religion, which they believe is hindering women's progress. However, as many have argued, this sledgehammer approach is unlikely to materialize into equity for women—instead, each aspect of marriage, divorce, guardianship, and inheritance should be dealt with separately to enhance gender equality in each sphere (Agarwal 2023).

In our paper, we explore whether Hindu and Muslim women differ in terms of autonomy across a range of different indicators to delineate such inequalities between the two groups. Hindus and Muslims represent the majority of the Indian population, and it is worth noting that although Muslims are a numeric minority in India, in absolute numbers, India has the third largest number of Muslims in the world. Therefore, legislative changes that have far-reaching consequences will impact a substantial number of people.

Background and Context

South Asia is home to staggering diversity and has huge heterogeneity among multiple religious and ethnic groups. The advent of Islam in India dates back to at least the 7th and the 8th centuries with trade. With the establishment of the Mughal Empire in India, Islam established a foothold and influenced every sphere of life, from food to architecture to language and syncretic religious practices (Robinson 2009). At the end of the Independence movement in India, in 1947, the sub-continent was hastily split up into India and West and East Pakistan. Pakistan subsequently got split into two countries to form Bangladesh in 1971. In the post-independence period in India, after a period of relative calm following the violence of the Partition, Hindu-Muslim relations in India have been strained, especially since the 1990s with the demolition of the Babri Masjid in Ayodhya and the recent establishment of a temple of the Hindu God Lord Ram in its place. Many scholars and activists have been legitimately concerned about the growing marginalization of Muslim populations, particularly poor Muslims in India.

Notwithstanding the nuanced and plentiful scholarship on Muslim girls, women, and agency in India (Vatuk 2008); (Kirmani 2009); (Jamil 2017); (Ansari and Chambers 2022), the dominant discourse seems to suggest that by being trapped in archaic Islamic patriarchal traditions such as*purdah*, *triple talaq*, *nikah halala*, *Hijab*, and others and that Muslim women lack autonomy in India, especially compared to their Hindu counterparts. This discourse tends to erase two critical facts: firstly that 85% of Muslims in India are Pasmanda Muslims, i.e. they belong to either Other Backward Castes (OBC) or are Scheduled Castes (SC) or are tribal Muslims, which also implies that they live in conditions of greater poverty and other forms of economic and social privations compared to both upper caste Muslims (Ashrafs) and upper-caste Hindus (Aza 2023); (Ansari 2019). What has deepened these hardships in recent times are actions such as the ban on cattle slaughter in several Indian states (Paliath 2022), evictions of Muslims for reasons ranging from development projects in Uttarakhand to "illegal" immigration in Assam, and biased and punitive actions for communal violence in Delhi (Siddique 2023). The discourse also elides the marginalization and exclusion that Muslims encounter when accessing the labor market, in particular, Muslim women,

because of deeply entrenched bias against them due to their religious identity (Williams et al. 2017); Shadab et al. 2022; (Tabassum 2023) despite constitutional provisions of equality and non-discrimination. Article 14 of the Indian constitution guarantees equality before the law for all individuals, and Article 15 prohibits discrimination due to gender, caste, religion, etc.

Women have several legal protections in India—in the context of intimate relationships. The government passed laws criminalizing dowry-related violence in 1963 and subsequently amended it to include both mental and physical abuse by in-laws in 1983 (Section 498 (A)) due to the efforts of the women's movement in India. In 2005, the Protection of Women from Domestic Violence Act (PWDVA), the government enacted a civil law to acknowledge violence against women within marriages and cohabiting relationships. However, for personal matters such as divorce, adoption, property, and land rights, the absence of a Uniform Civil Code (UCC) implies that women have different rights based on region, religion, marital status, and ethnicity (Luthra, 2022). The Hindu Succession Act of 1956 includes under its ambit Hindus, Sikhs, Jains, and Buddhists but excludes Parsis, Jews, Muslims, and Christians, as well as members of Adivasi or indigenous communities who are governed by personal or customary laws. While legislations are necessary to ensure women's rights are honoured, they are not sufficient in and of themselves to ensure gender parity. As an illustration, despite having legal rights to inherit land, dominant caste Hindu women are often reluctant to stake this claim because they do not want to sour their relationships with their brothers in agricultural communities in rural north India. This is due to culturally situated norms of reciprocity, expectations that underscore the role of brothers as a vital source of protection, and the natal family as a refuge in situations of intolerable domestic violence or abandonment by husband or in-laws (Chowdhry, 2012).

Note on Terms

We recognize that terms like empowerment, agency, and autonomy have an intellectual lineage and are perhaps best not used interchangeably. However, in our paper, we foreground the role of power and use Batliwala's conceptualization, which defines women's empowerment as "…the process, and the outcome of the process, by which women gain greater control over material and intellectual resources, and challenge the ideology of patriarchy and gender-based discrimination of women in all the institutions and structures of society" (Batliwala 2013): 46. Thus, when we use the terms agency, empowerment, or autonomy interchangeably, we are vested in the transformation of gender relationships, ideologies, institutions, and structures.

Rationale

While activists in India have made trenchant arguments that religion is not necessarily the source of disempowerment for Muslim women, our paper examines this claim using empirical methods to establish the contours of such disempowerment or empowerment. We examine the relative contributions of gender and religion on critical indicators of women's autonomy, such as women's participation in public and political spheres, women's decision to participate in salaried and casual work, and women's property ownership rights. We chose variables that represent women's participation in political and public spheres because of the significance of women's political empowerment on positive outcomes for women, children, and society as a whole (Alexander et al., 2016; Bratton and Ray, 2002; Chattopadhyay and Duflo 2004).

Women's decision to participate in paid work is an important indicator of autonomy because economic citizenship—the capability to sustain oneself, typically achieved through the freedom to pursue a desired occupation, alongside the recognized status of being a full-fledged individual under customary and legal frameworks, is important for women's empowerment (Kessler-Harris 2003; (Kabeer 2008). The multifaceted nature of women's marginalization from economic citizenship, spanning ideological, material, and legal realms, suggests that their undertakings in the economic sphere could serve as pathways to broader forms of citizenship. However, in the Indian context, it is important to note two caveats to explaining the poor labour force participation of women—firstly, some scholars argue that it is a problem of mis-measurement—that women's work in India is not measured appropriately and hence appears to be low (Deshpande 2019); secondly that fewer women in India especially women with some level of education participate less in paid work outside home because the availability of decent work is low (Deshpande 2021).

It is also worth noting however that in the South Asian context, women's work has also encountered patriarchal backlash and an increase in domestic violence, particularly when women are in low-wage occupations (Krishnan et al. 2010; Heath 2012); (Chattopadhyay 2024): pp 104–121. On the other hand, women's property ownership, whether in the form of land, homes, or other immovable assets, has implications for her autonomy, including the ability to leave violent marriages (Agarwal and Panda 2007) and therefore may be a more reliable indicator of autonomy than employment alone. Therefore, we have included information about women's names on rental agreements or properties in our study. Variables that represent women's decision-making to seek care for themselves are important to establishing their autonomy and ensuring that serious health conditions are

not marked by delays in care-seeking, which may exacerbate such conditions (Bloom et al. 2001).

Data and Methodology

In our analysis, we use two sources of data: the 2011 Indian census and the India Human Development Survey (IHDS-II), 2011–2012. We use the former to calculate rates of marital dissolution by religion across genders. The descriptive analysis is performed based on the census data available for 2011. We have calculated the divorce and separation percentages using the numbers of ever-married individuals as a base, which is the convention in demography. We have calculated the gender and religious disparities in divorce using similar methods.

IHDS contains a module on women's responses to various economic and social indicators for women aged 15 to 60. We have used that module and matched data with the household roster to compute women's decision-making in the household and public affairs. We have performed this empirical analysis for rural and urban India separately. IHDS-II contains information about decision-making practices by men, women, senior men, and senior women for each household. We focus on women's responses to the decision-making questions in the household. The questions are related to household cooking responsibilities, the number of children to have, children's health, the purchase of expensive household items, the purchase of land or property, and money to spend on social functions like marriage. Furthermore, to better understand the extent of women's ability to make decisions within every section, IHDS provides information on "who has the most say in the decision."

Table 4presents the descriptive analysis of women's participation in household decision-making. We acknowledge that the questions about decision-making at the household level, while informative, do not reveal the true nature of the negotiation processes that underlie household decision-making, as pointed out by (Donald 2017). Therefore, we are unable to capture the full dynamics of intra-household bargaining and negotiation processes. However, our objective to capture women's agency, irrespective of their religion, is examined by combining information from the all-India census and eligible women's decision-making modules in the IHDS survey.

The following specifications are used as follows:

$$PARTICIPATION_{ij} = \alpha + \delta_1 X_{ij} + \delta_2 Z_{ij} + \upsilon_{ij} \quad (1)$$

$$WORK_{ij} = \beta + \delta_3 X_{ij} + \delta_4 Z_{ij} + \epsilon_{ij} \quad (2)$$

$$OWNERSHIP_{ij} = \phi + \delta_5 X_{ij} + \delta_6 Z_{ij} + \omega_{ij} \quad (3)$$

$$HOUSEHOLD_{ij} = \Omega + \delta_7 X_{ij} + \delta_8 Z_{ij} + \mu_{ij} \quad (4)$$

In Eq. (1), the outcome variable is ($PARTICIPATION_{ij}$), which denotes women's participation in public meetings organized by village panchayats and zero otherwise. The subscript *i* denotes the woman in the household, and *j*denotes the household. The village meetings are considered essential forums where women can share their opinions regarding public affairs and policies (Xiajuan 2016). Women's involvement in public meetings can help in networking, building support systems outside the marital family, and increasing the possibility of them getting important information.

The second outcome in Eq. (2) is $\left(WORK_{ij}\right)$related to women's decision to participate in salaried or casual work. It is a dichotomous variable that takes the value one if the woman in the household has the most say in her work; otherwise, it is zero. Studies show that the ability to be involved in productive employment is a major determinant of women's agency (Maxwell 2021). Increased labour market participation can enhance women's life opportunities (World 1995) and strengthen women's intra-household bargaining power (Heath and Jayachandran 2018). It has been observed that when women work outside the home, they are more likely to be engaged in household decision-making (Antman, 2014). However, as we discuss in later sections, a woman's employment on its own does not guarantee her ability to lead an autonomous life free from violence and oppression. The nature of the employment and ownership of fixed assets go much further in guaranteeing autonomy for women.

The third outcome in Eq. (3) is ($OWNERSHIP_{ij}$), which denotes women's property ownership. It is a binary variable that takes the value one if the woman's name is present on the ownership or rental papers for her home. Property ownership leads to expanding social and economic opportunities; hence, women's asset ownership is an important variable indicating achievement in gender equality. Women's access to productive assets can help enhance welfare, efficiency, and empowerment for women and their families (Agarwal, 2023). One important cause of women's vulnerability is that the access to resources may be gendered, implying that women have lesser control over resources compared to men in a patriarchal social setup with traditional cultural values (Bradshaw 2013).

The fourth outcome in Eq. (4) is ($HOUSEHOLD_{ij}$), an indicator of women's decision-making authority in various household matters. This binary variable denotes whether the woman has the most say in decisions such as daily cooking, how many children to have, health management, whether to buy land or property, and social event expenditures. Each of these indicators of household decision-making is a binary

variable, taking the value of the woman having the most authority to make the decision.

In all the equations, (X_{ij}) denotes the main explanatory variables, which are women's marital status and religion. Other control variables (Z_{ij}) include caste, per capita household income, woman's age and education, and number of living children. District-fixed effects are included in all regressions to account for time-invariant effects. In Eqs. (1), (2), and (Agarwal and Panda 2007)),υ_{ij}, ϵ_{ij}, and ω_{ij} denote the error terms. Since the outcome variables are dichotomous, we apply the logit model to study the effects of women's marital status and religion on decision-making outcomes within and outside the household. In the regression analyses, Hindu women are considered the reference category for religion, married women are the base for women's marital status, and upper-caste women are considered the reference category for caste. Detailed summary statistics for all variables are presented in Table 1.

In the IHDS-II rural sample, 83.9% of women belong to Hindu religion and 9.9% of women are Muslim (Table 1). Nearly 9.3% of Hindu women and 8.6% of Muslim women participate in public spheres. Relatively, a larger proportion of Hindu women (4.6%) report participating in work for pay than Muslim women (3.9%). Concerning property ownership, 15.4% of Hindu women and 13% of women belonging to the Muslim religion have their names on home ownership papers.

Table 1 also provides information on the aspect of "whether the woman has the most say" on different decision-making activities, disaggregated by religion. We observe some important patterns in household decision-making. In the rural regions, women reported higher agency when it comes to having the most say in cooking; 68% of Hindu and 63.9% of Muslim women reported having the highest decision-making in cooking in the household. Hindu women have relatively more say in everyday cooking than Muslim women.

In the urban sample, 77.8% of women belong to the Hindu religion, compared to 42% of Muslim women (Table 1). The primary autonomy measures include women's participation in public matters, property ownership, and labor market participation. Nearly 6.6% of Hindu women and 4.7% of Muslim women have reported attending public meetings. Concerning participation in work for pay, 4.6% of Hindu women work as casual or salaried workers compared to 3.8% of Muslim women. Thus, Hindu women participate more actively in the labor market than Muslim women. Ownership rights over household property are low among women across all religions.

There is not much difference in household decision-making about what to cook on a regular basis, as 68.5% of Hindu and 68.4% of Muslim women reported that they have the highest decision-making in cooking in the household. This pattern is reversed when we observe women's participation in other domains of decision-making, such as decisions related to the purchase of land or property, expenses for weddings, decisions relating to how many children the couple should have, and women's decisions regarding their health. In all such decision-making cases where family budgetary allocation is involved, women have reported the least agency, irrespective of whether they are Hindu or Muslim.

With decisions related to how many children to have, there is not much difference between Hindu and Muslim women. Results show that 24.8% of Hindu women can decide on the number of children to have as opposed to 23.4% of Muslim women in rural India (Table 1). Similarly, in urban India, 26.4% of Hindu women and 25.6% of Muslim women reported that they have the most say in deciding the number of children (Table 1). Disconcertingly, husbands are making decisions for women even in situations where women fall sick, regardless of religion. In conclusion, women's agency in crucial aspects of family decision-making remains low, and the difference across religious groups is not large. We test the differences in women's household decision-making across religion, and the results are presented in the "Empirical Results" section.

Empirical Results

In the first model, we examine the relationship between women's religious affiliation (and marital status) and their active participation in decision-making in public affairs in rural India (Table 2; column C1). The findings suggest that Muslim women are more likely to participate in public meetings than women belonging to the Hindu religion; however, the marginal effect (ME) is statistically insignificant. For marital status, widowed women are 2% points more likely than married women to participate in public spheres. Divorced or separated women also show a higher likelihood of participation in outside meetings, although the average marginal effect is not statistically significant. It is important to note that women belonging to SC/ST status are more likely to participate in public meetings than upper-caste women. SC and ST women are 1.9 and 2.9% points more likely to participate in meetings in public spheres than upper-caste women, respectively.

In the second model, ME suggests that the probability of women belonging to "other" religious groups holding property ownership is 1.9% points higher than for Hindu women (Table 2; column 2). Therefore, in rural India, Hindu women are still worse off concerning ownership rights over their dwellings. Muslim women are 1% point more likely than Hindu women to have their names on home ownership or rental papers; however, the effect is statistically insignificant. Therefore, the results indicate that there is not much

Table 1 Descriptive statistics

Variables	Mean	SD
a (RURAL)		
Participation in public spheres for Hindu women	0.093	0.290
Participation in public spheres for Muslim women	0.086	0.281
Participation in public spheres for women of other religion	0.149	0.356
Work participation for Hindu women	0.460	0.498
Work participation for Muslim women	0.396	0.481
Work participation for women of other religion	0.519	0.499
Property ownership for Hindu women	0.154	0.361
Property ownership for Muslim women	0.130	0.336
Property ownership for women of other religion	0.191	0.393
Hindu women: decision about cooking	0.680	0.466
Hindu women: decision on the number of children to have	0.248	0.432
Hindu women: decision on own health	0.217	0.412
Hindu women: decision on purchasing land or other property	0.077	0.267
Hindu women: decision on wedding expense	0.141	0.348
Muslim women: decision about cooking	0.639	0.480
Muslim women: decision on the number of children to have	0.234	0.423
Muslim women: decision on own health	0.219	0.414
Muslim women: decision on purchasing land or other property	0.068	0.252
Muslim women: decision on wedding expense	0.131	0.338
Other women: decision about cooking	0.673	0.469
Other women: decision on the number of children to have	0.249	0.432
Other women: decision on own health	0.298	0.457
Other women: decision on purchasing land or other property	0.091	0.287
Other women: decision on wedding expense	0.161	0.367
Hindu	0.839	0.368
Muslim	0.099	0.299
Other religion	0.062	0.241
Married women	0.937	0.243
Widowed women	0.0536	0.225
Divorced or separated women	0.009	0.0967
Upper caste	0.248	0.4319
OBC	0.404	0.491
SC	0.227	0.419
ST	0.108	0.311
Household size	5.541	2.528
Per capita income	21825.47	38537.1
Age	35.88	10.034
Education	4.097	4.479
Number of children	2.662	1.609
b (URBAN)		
Participation in public spheres for Hindu women	0.066	0.248
Participation in public spheres for Muslim women	0.047	0.212
Participation in public spheres for women of other religion	0.110	0.313
Work participation for Hindu women	0.463	0.499
Work participation for Muslim women	0.387	0.487
Work participation for women of other religion	0.564	0.496
Property ownership for Hindu women	0.197	0.398
Property ownership for Muslim women	0.163	0.370
Property ownership for women of other religion	0.215	0.411
Hindu women: decision about cooking	0.685	0.464

Table 1 (continued)

Variables	Mean	SD
Hindu women: decision on the number of children to have	0.264	0.441
Hindu women: decision on own health	0.248	0.432
Hindu women: decision on purchasing land or other property	0.0925	0.289
Hindu women: decision on social event like wedding expense	0.178	0.382
Muslim women: decision about cooking	0.684	0.464
Muslim women: decision on the number of children to have	0.256	0.436
Muslim women: decision on own health	0.266	0.442
Muslim women: decision on purchasing land or other property	0.087	0.282
Muslim women: decision on wedding expense	0.174	0.379
Other women: decision about cooking	0.654	0.476
Other women: decision on the number of children to have	0.308	0.462
Other women: decision on own health	0.325	0.468
Other women: decision on purchasing land or other property	0.082	0.275
Other women: decision on wedding expense	0.167	0.373
Hindu	0.778	0.416
Muslim	0.163	0.369
Other religion	0.059	0.237
Married women	0.929	0.256
Widowed women	0.060	0.237
Divorced or separated women	0.011	0.103
Upper caste	0.355	0.479
OBC	0.410	0.492
SC	0.186	0.389
ST	0.032	0.178
Household size	5.281	2.332
Per capita income	39105.14	62619.22
Age	37.214	9.471
Education	7.289	5.055
Number of children	2.344	1.432

Source: Calculated by authors using IHDS-II (2011–2012) data

significant difference between the autonomy status of Hindu and Muslim women. Widowed women are 17.3% points more likely to have their names on rental papers for homes than married women (Table 2; column 2).

In India, marriage and inheritance are governed by personal laws, which vary across religions and regions (Agarwal, 2023). Legally, Hindu inheritance laws have led to more equality, at least in theory, particularly after the amendment in 2005 to the Hindu Succession Act of 1956; under Muslim personal laws, inheritance laws are still gender unequal and favor male heirs over female ones and do not recognize a child's automatic right to inheritance (Suleman 2018). Muslim religion undermines women's autonomy, which leads to poor demographic outcomes such as high fertility and child mortality rates (Caldwell 1986). Our results show that 9.3% of Hindu women have ownership rights in rural areas compared to 8.6% of Muslim women. This suggests that although relatively higher ownership rights exist for Hindu women than Muslim women, there is little difference (Table1).

Next, we examine the association between women's individual characteristics and their decision-making in workforce participation. Marginal effects suggest that Muslim women are 1.65% points less likely to participate in the labor market than Hindu women. However, the effects are statistically insignificant (Table 2; column 3). Women of other religious groups are 4.2% points more likely to actively participate in the labor market than Hindu women (Table 2; column 3). In this regard, Hindu women are relatively better off than Muslim women but worse off than women of other religious groups in exercising their choices to work for pay.

Another important finding is that widowed and divorced women are more likely to participate in the labor market than married women (Table 2; column 3). This could be because married women are less inclined to participate in market-oriented work in rural regions because of concerns about their family status and a response to increased spousal income, commonly known as the income effect (Eswaran et al. 2013).

Table 2 Likelihood of decision-making of women in rural India (Logit regressions; marginal effects)

Variables	Whether the woman attended public meeting (1)	Woman's name on home ownership or rental papers (2)	Whether the woman decide to work for pay as a salaried or casual worker (3)
Muslim woman	0.0002 (0.0071)	0.0106 (0.0090)	−0.0165 (0.0124)
Women in other religion	−0.0054 (0.0065)	0.0189* (0.0097)	0.0416*** (0.0141)
Widowed woman	0.0204** (0.0086)	0.1733*** (0.0127)	0.4153*** (0.0115)
Divorced or separated woman	0.0150 (0.0200)	0.0773*** (0.0267)	0.3101*** (0.0269)
OBC	−0.0131*** (0.0048)	0.0141** (0.0060)	0.0331*** (0.0087)
SC	0.0190*** (0.0060)	0.0309*** (0.0074)	0.0893*** (0.0099)
ST	0.0287*** (0.0065)	0.0071 (0.0086)	0.1199*** (0.0125)
Age of woman (years)	0.0030*** (0.0002)	0.0053*** (0.0003)	0.0036*** (0.0004)
Education of woman	0.0072*** (0.0005)	0.0051*** (0.0006)	0.0023*** (0.0009)
No. of children	0.0016 (0.0015)	0.0024 (0.0018)	0.0128*** (0.0027)
Household size	−0.0063*** (0.0009)	−0.0072*** (0.0011)	−0.0186*** (0.0015)
Ln (per capita household income)	−0.0002 (0.0017)	0.0073*** (0.0025)	−0.0087*** (0.0032)
District fixed effects	Yes	Yes	Yes
Pseudo-R square	0.0770	0.0927	0.0889
Observations	24,497	24,256	21,494

Source: calculated by authors using IHDS-II (2011–2012) data

Robust standard errors are reported in parentheses. Significant at ***$p<0.01$, **$p<0.05$, *$p<0.1$

Furthermore, SC/ST women are more likely to participate in the labor market than upper-caste women. The marginal effects suggest that ST and SC women are 11.9 and 8.9% points more likely to participate in salaried or casual work per their choice than higher caste women, respectively. This finding is consistent with research that indicates that upper-caste women are less likely to participate in waged labor (Eswaran et al. 2013). Furthermore, because caste and class overlap not infrequently in India (Zacharias and Vakulabharanam, 2011), women from the most marginalized castes also tend to be those most likely to work due to their financial needs.

Next, we examine the effects of religion on women's autonomy indicators in urban regions. In urban India, Muslim women are less likely to attend public meetings than Hindu women, and the marginal effects are statistically insignificant (Table 3). Like rural India, women belonging to lower caste groups are more likely to participate in public spheres than upper caste women. Results show that OBC, SC, and ST women are 3%, 2.9%, and 3.5% more likely to participate in public meetings than upper-caste women. In the rural and urban samples, old and educated women are more likely to participate in public spheres.

Although in urban India, the proportion of women holding ownership rights is relatively higher than in rural India; the status of women's property ownership is still inadequate. The summary statistics show that 19.7% of urban Hindu women and 16.3% of urban Muslim women have property ownership (Table 1). In rural India, nearly 15% of Hindu women and 13% of Muslim women have reported having their names on home ownership papers (Table 1). Our results indicate that despite legal provisions for Hindu women, both Hindu and Muslim women lack ownership rights over property. This is important to note in the backdrop of the UCC discussion because laws may be necessary but are by no means a sufficient condition to ensure gender equality concerning property rights.

Muslim women are 3.96% points less likely to decide to work for pay as salaried or casual workers than Hindu women (Table 3; column 3). However, women belonging

Table 3 Likelihood of decision-making of women in Urban India (Logit regressions; Marginal effects)

Variables	Whether the woman attended public meeting (1)	Woman's name on home ownership or rental papers (2)	Whether the woman decide to work for pay as a salaried or casual worker (3)
Muslim woman	−0.0066 (0.0070)	0.0162 (0.0112)	−0.0396*** (0.0143)
Women in other religion	0.0109 (00086)	−0.0035 (0.0141)	0.0730*** (0.0196)
Widowed woman	0.0034 (0.0088)	0.1229*** (0.0168)	0.4489*** (0.0144)
Divorced or separated woman	−0.0174 (0.0177)	0.0364 (0.0360)	0.3838*** (0.0310)
OBC	0.0300*** (0.0057)	−0.0002 (0.0078)	−0.0208* (0.0110)
SC	0.0287*** (0.0085)	0.0179* (0.0107)	0.0326** (0.0141)
ST	0.0351*** (0.0108)	−0.0033 (0.0198)	0.0378 (0.0267)
Age of woman (years)	0.0023*** (0.0003)	0.0065*** (0.0004)	0.0036*** (0.0006)
Education of woman	0.0022*** (0.0005)	0.0055*** (0.0008)	0.0011 (0.0010)
No. of children	0.0006 (0.0019)	0.0026 (0.0031)	0.0075* (0.0043)
Household size	−0.0057*** (0.0012)	−0.0076*** (0.0017)	−0.0074*** (0.0022)
Ln (per capita household income)	−0.0037*** (0.0012)	0.0058* (0.0032)	0.0021 (0.0037)
District fixed effects	Yes	Yes	Yes
Pseudo-R square	0.1573	0.0915	0.1001
Observations	12,348	12,625	10,437

Source: calculated by authors using IHDS-II (2011–2012) data

Robust standard errors are reported in parentheses. Significant at ***$p<0.01$, **$p<0.05$, *$p<0.1$

to other religious groups are 7.3% points more likely to participate in the labor market than Hindu women. Thus, in the context of labor market participation, urban Hindu women's decision-making position is better than that of Muslim women. Nevertheless, the labor market participation of Hindu women is relatively lower than that of women of other religious groups.

As we have discussed in the earlier sections of the paper, there is substantial evidence to indicate that Muslim women face discrimination in the labour market owing to the multiplicative impacts of their gender and religious identities. Hence, these results should be interpreted with caution because of whether this is a real reluctance to not work for pay or the impact of structural barriers in the labor market, such as the lack of availability of decent work. The reduced labor market participation adversely affects women's decision-making power within and outside the household. In the next section, we examine women's decision-making regarding household matters.

Household Decision-Making Variable

Table 4 shows the results of logistic regression analyses predicting women's autonomy in household decision-making by religion and marital status. Results show that rural Muslim women are 2.1% points less likely than Hindu women to have the most say regarding what to cook regularly. Widowed women are 6.5% points more likely to decide what to cook than married women. We see no significant difference in decision-making about the number of children the couple can have between Hindu and Muslim women in rural India. Similarly, there is no significant difference between Hindu and Muslim women concerning their decisions regarding their health, purchasing of land or other property, and spending on social events like weddings.

Table 5 presents the marginal effects from Logistic regressions showing the effects of women's religion and marital status on indicators of household decision-making in urban India. Unlike rural women, Muslim women in

urban regions are 2.4% points more likely to decide what to cook than Hindu women. There is no significant difference between Hindu and Muslim women about their decision-making status on how many children to have. An important finding is that Muslims are 4.7% points more likely than Hindu women to make health-related decisions.

Furthermore, women belonging to other religions are 5.2% points more likely than Hindu women to decide what to do if they fall sick. No statistically significant difference exists between Hindu and Muslim women concerning their autonomy in decision-making regarding the purchase of land or any other household property. Muslim women in urban regions are 3% points more likely than Hindu women to decide the expenditure to be undertaken on social events such as weddings. Widowed and separated women are more likely to be autonomous in household decision-making. Age and higher education of women have a statistically significant impact on women's autonomy in decision-making about the number of children to have and their own health.

To sum up, the empirical results suggest no statistically significant difference between Muslim and Hindu women in rural India concerning their participation in public spheres, ownership rights over property, and decisions to participate in the labor market to work for pay as a salaried or casual worker. However, in urban India, results show that Muslim women are less likely to participate in the labor market compared to Hindu women. The lower workforce participation of Muslim women could be due to cultural factors, and the Hindu-Muslim gap in the labor market is much more pronounced in the urban sector than in rural India (Bhattacharjee and Roy Chaudhuri 2023).

Marital Dissolution

In relation to divorce and separation rates, we see that across all religious groups except for Sikhs, women have a higher rate of marital dissolution (divorce and separation) compared to men. Within religions, the gender disparities are especially stark for Muslims—with a much higher

Table 4 Likelihood of household decision-making of women in Rural India (Logit regressions; marginal effects)

Variables	Decision about cooking (1)	Decision on the number of children to have (2)	Decision on own health (3)	Decision on purchasing land or other property (4)	Decision on social event like wedding expense (5)
Muslim woman	−0.0210**	0.00009	0.0118	0.0028	0.0063
	(0.0099)	(0.0096)	(0.0092)	(0.0055)	(0.0076)
Women in other religion	−0.3885**	−0.0217**	0.0653***	0.0051	0.0038
	(0.0130)	(0.0110)	(0.0118)	(0.0063)	(0.0088)
Widowed woman	0.0653***	0.4580***	0.4631***	0.4952***	0.4939***
	(0.0135)	(0.0150)	(0.0141)	(0.0145)	(.0142)
Divorced or separated woman	−0.0153	0.4467***	0.3365***	0.3172***	0.2918***
	(0.0272)	(0.0333)	(0.0288)	(0.0274)	(0.0277)
OBC	0.0253***	−0.0038	0.0306***	−0.0002	0.0026
	(0.0071)	(0.0070)	(0.0067)	(0.0037)	(0.0053)
SC	0.0160*	0.0013	0.0220***	−0.0008	0.0086
	(0.0085)	(0.0082)	(0.0079)	(0.0043)	(0.0063)
ST	0.0376***	−0.0088	−0.0309***	−0.0051	0.0106
	(0.0109)	(0.0106)	(0.0102)	(0.0057)	(0.0078)
Age of woman (years)	0.0054***	0.0009***	0.0035***	0.0014***	0.0033***
	(0.0004)	(0.0003)	(0.0003)	(0.0001)	(0.0003)
Education of woman	−0.0022***	0.0030***	0.0034***	0.0008**	0.0014**
	(0.0007)	(0.0007)	(0.0006)	(0.0004)	(0.0005)
No. of children	0.0385***	0.0026	0.0145***	0.0057***	0.0084***
	(0.0024)	(0.0031)	(0.0020)	(0.0011)	(0.0016)
Household size	−0.0424***	−0.0096***	−0.0166***	−0.0114***	−0.0170***
	(0.0028)	(0.0013)	(0.0014)	(0.0009)	(0.0012)
Ln (per capita household income)	−0.0005	−0.0005	0.0016	−0.0041***	−0.0035**
	(0.0028)	(0.0026)	(0.0024)	(0.0011)	(0.0016)
District fixed effects	Yes	Yes	Yes	Yes	Yes
Pseudo-R square	0.1147	0.0666	0.1055	0.2938	0.1766
Observations	25,195	24,276	25,185	24,782	25,097

Source: Calculated by authors using IHDS-II (2011–2012) data

Robust standard errors are reported in parentheses. Significant at ***$p<0.01$, **$p<0.05$, *$p<0.1$

Table 5 Likelihood of household decision-making of women in Urban India (Logit regressions; marginal effects)

Variables	Decision about cooking (1)	Decision on the number of children to have (2)	Decision on own health (3)	Decision on purchasing land or other property (4)	Decision on social event like wedding expense (5)
Muslim woman	0.0245**	0.0011	0.0476***	0.0080	0.0314***
	(0.0113)	(0.0115)	(0.0118)	(0.0069)	(0.0103)
Women in other religion	−0.0434***	0.0104	0.0516***	−0.0115	−0.0211*
	(0.0162)	(0.0164)	(0.0161)	(0.0082)	(0.0121)
Widowed woman	0.0516***	0.5011***	0.4796***	0.5289***	0.4742***
	(0.0184)	(0.0185)	(0.0182)	(0.0194)	(0.0186)
Divorced or separated woman	−0.0579	0.5209***	0.3162***	0.3825***	0.3379***
	(0.0361)	(0.0406)	(0.0400)	(0.0380)	(0.0382)
OBC	0.0249***	−0.0171**	0.2811***	−0.0040	0.0018
	(0.0088)	(0.0088)	(0.0087)	(0.0050)	(0.0073)
SC	0.0258**	−0.0138	0.0451***	0.0207***	0.0293***
	(0.0111)	(0.0114)	(0.0117)	(0.0070)	(0.0098)
ST	0.0549**	0.0143	0.0413**	0.0114	−0.0179
	(0.0231)	(0.0215)	(0.0202)	(0.0116)	(0.0181)
Age of woman (years)	0.0055***	0.0057	0.0035***	0.0013***	0.0029***
	(0.0005)	(0.0004)	(0.0003)	(0.0002)	(0.0003)
Education of woman	−0.0026***	0.0021**	0.0025***	0.00029	0.0017**
	(0.0009)	(0.0009)	(0.0033)	(0.0005)	(0.0007)
No. of children	0.0512***	0.0068*	0.0157***	0.0121***	0.0209***
	(0.0039)	(0.0036)	(0.0033)	(0.0019)	(0.0027)
Household size	−0.0485***	−0.0055***	−0.0166***	−0.0117***	−0.0241***
	(0.0019)	(0.0019)	(0.0014)	(0.0013)	(0.0019)
Ln (per capita household income)	−0.0016	0.0054*	−0.0057**	−0.0029**	0.0001
	(0.0032)	(0.0032)	(0.0027)	(0.0012)	(0.0022)
District fixed effects	Yes	Yes	Yes	Yes	Yes
Pseudo−R square	0.1244	0.0867	0.1136	0.2993	0.1726
Observations	13,035	12,604	13,057	12,894	13,026

Source: Calculated by authors using IHDS-II (2011–2012) data

Robust standard errors are reported in parentheses. Significant at ***p<0.01, **p<0.05, *p<0.1

percentage of Muslim women reporting being divorced compared to Muslim men (Fig. 1).

To do a deeper analysis, we chose the states of Jammu and Kashmir, Assam, Bihar, Jharkhand, West Bengal, Kerala, and Uttar Pradesh, which have a population of at least one crore and where the percentage of Muslims exceeds the Indian average of 14%. For some states like Uttar Pradesh, Jharkhand, and Bihar, the Muslim rate of divorce exceeds the Hindu rate of divorce by a substantial margin, but not for West Bengal, Jammu and Kashmir or Kerala (Fig. 2). This is surprising since the former group of states have the lowest divorce rates in India, while Jammu and Kashmir, West Bengal, and Kerala have some of the highest rates (Jacob and Chattopadhyay, 2016).

This presents an interesting paradox, if divorce is indeed viewed as an exercise in women's autonomy in situations where both partners have equal rights to divorce, then in states that have other positive gender indicators such as better female literacy rates, less skewed sex ratios, and less entrenched patriarchal norms, we observe similar rates of divorce for Hindus as for Muslims (West Bengal, Kerala, Jammu, and Kashmir). The gender disparity in divorce cuts across Hindus and Muslims in India—it is worth noting that more women than men report being divorced across all of these states, as also for India suggesting that women once divorced either cannot or do not want to get married. In states where women's lives are marked by extensive inequities using those same set of social indicators, we observe higher rates of divorce among Muslim women than among Hindu women (Uttar Pradesh, Bihar, and Jharkhand), suggesting that a husband's unilateral right to divorce may be increasing women's divorce rates in a regime of more intense patriarchy (Table 6).

Since the Census data was collected before the abolishment of Triple Talaq in India, these findings seem intuitive. Divorce rates across India reveal significant variation—in northeastern India where women have better outcomes on

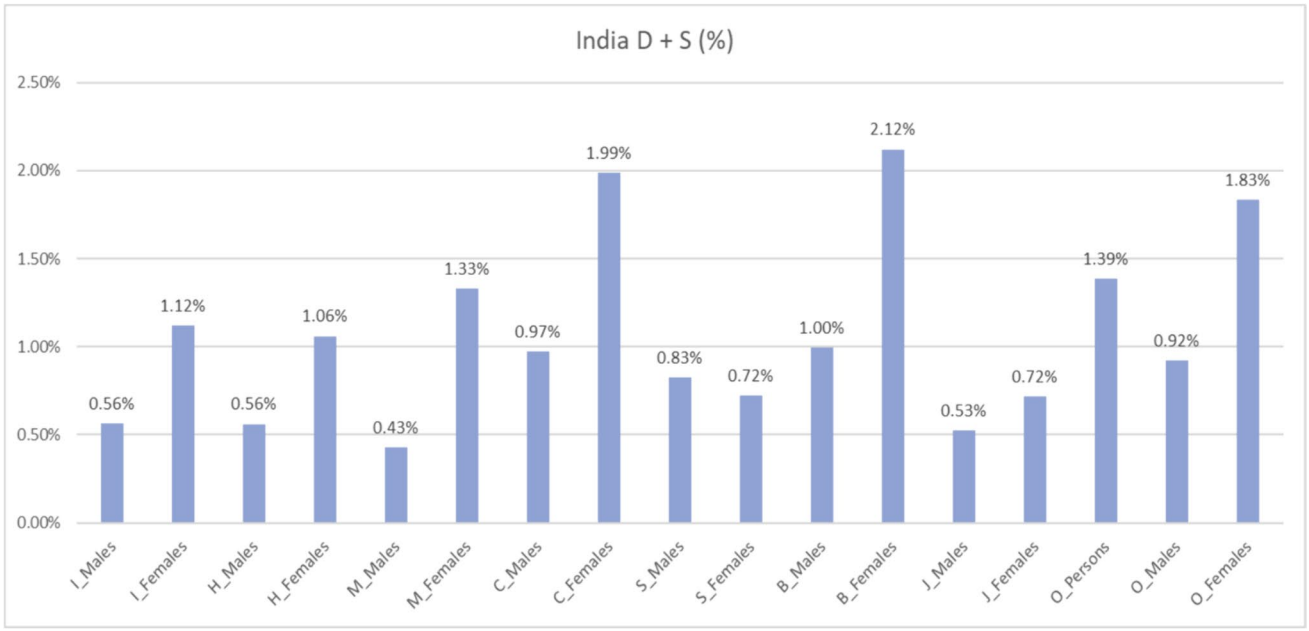

Fig. 1 Divorce and Separation rates in India across religion. Note. I_Males, Indian Males; I_Females, Indian Females; H_Males, Hindu Males; H_Females, Hindu Females; M_Males, Muslim Males; M_Females, Muslim Females; C_Males, Christian Males; C_Females, Christian Females; S_Males, Sikh Males; S_Females, Sikh Females; B_Males, Buddhist Males; B_Females, Buddhist Females; J_Males, Jain Males; J_ Females, Jain Females; O_ Males, Other religion Males; O_ Females, Other religion Females

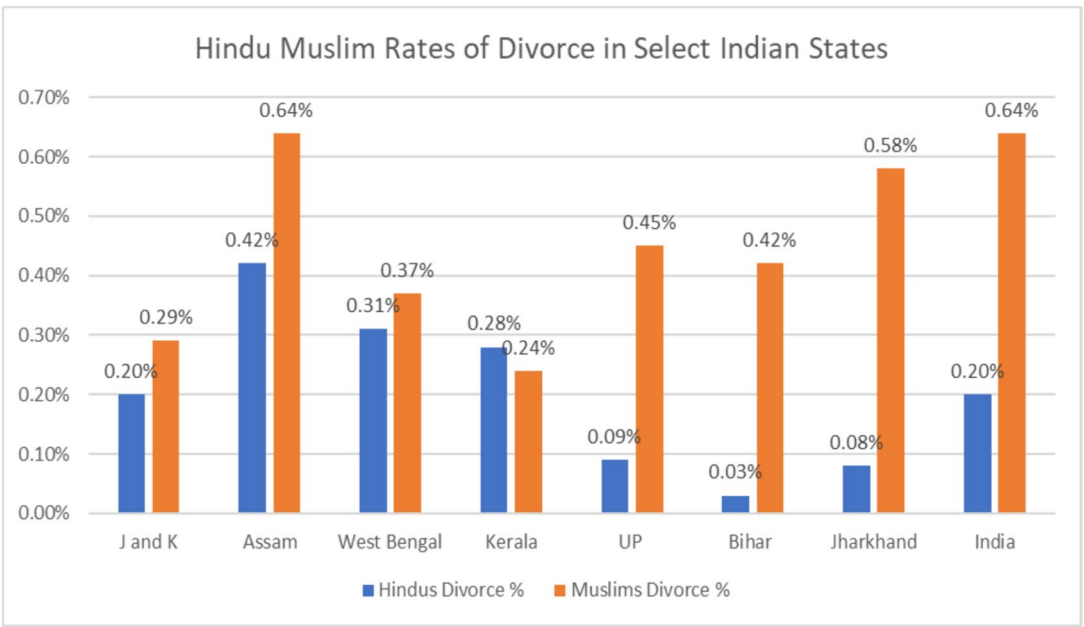

Fig. 2 Hindu and Muslim rates of divorce in India in select states. Source: Census 2011 using authors' calculations

conventional measures of autonomy such as mobility, labour force participation, and control over household resources (with the notable exception of land rights since most north-eastern states are covered under the 72nd Amendments, have majority indigenous populations and hence many customary laws prevent women from inheriting land) have higher rates of separation and divorce than other parts of India (Jacob and Chattopadhyay 2016).

This analysis is instructive in alerting us to the complex interactions between region, religion, and gendered inequities. It is reinforced by scholarship on reproductive decision-making, where gender systems, autonomy indicators, and overall social development, including the role of the state, are more important than religion in determining women's agency in South Asia (Jejeebhoy and Sathar 2001). It is also true in the context of women's agency and employment—Kabeer (2002), in her study of Bangladeshi and British Bangladeshi garment workers, found that contextual differences in social and cultural environments allowed Bangladeshi women to break away from restrictive norms around marriage and motherhood in Bangladesh; however, despite living in an ostensibly more progressive country such as the UK, the same did not happen for British Bangladeshi women because of racialized and classed segmented labour markets. Sabarwal et al. 2014 found that in the less gender-inequitable settings of southern India, women's freedom of movement and financial autonomy acted as protective factors against the risks of domestic violence, while in the more gender-stratified settings of northern India, these indicators had no impacts on these risks. The question thus remains whether implementing a UCC where all women across the country, regardless of their religion, have equal rights to divorce, among other rights, will automatically lead to greater female autonomy and, therefore, gender parity.

Discussion

Our empirical analysis suggests that what matters most for women's autonomy, agency, and related indicators are marital status and caste rather than religion. This is consistent with other research that finds that contextual factors such as the size of a family's landholding, which is often a proxy for caste in India since dominant and/or upper castes tend to hold the most land and wealth in India, are also characterized by lower autonomy for women due to more entrenched patriarchal norms such as restrictions on mobility, marriage choice, work, and other indicators of autonomy (Goli and Maikho Apollo Pou 2014); (Rao 2014). This is evident in our analysis, which suggests that SC and ST women are more likely to decide to work for pay, and the marginal effects are statistically significant in rural and urban areas. Some of this is driven by circumstances, and others are an exercise in women's agency.

There are multiple conceptualizations of women's agency. For instance, Giddens conceptualizes agency as emerging from the conflict between structure and people's ability to navigate that structure, and it is a dynamic concept (Giddens 1984). It is foregrounded in an understanding of power where structure comprises both institutions and rules, resources, and assets. Women's participation in public affairs may be viewed as an expression of this form of agency. In 1992, through the 73rd Amendment to the Constitution, a law was introduced to reserve at least a third of the seats for women at the village level. Forty-six percent of Indian women occupy seats in Panchayat Raj Institutions (PRIs) across 21 Indian states where this mandate has been implemented, with studies indicating that this high proportion could be a result of this legislation (O'Connell 2020). In contrast, just 14% of women occupy seats in the Lok Sabha, the lower house of the Parliament, where there is no reservation for women.

While women contesting elections face significant barriers, including violence, and popular discourse suggests that women leaders are often treated as puppets by powerful male kin, research shows there are benefits to having women participate in local governance (Biniwale 2016), particularly if they have had the opportunity to remain in the same job for three years or more. Folbre (1994) added another dimension to the concept of agency by emphasizing that its scope is constrained by intersecting identities that an individual inhabits. In our empirical analysis, we find that the participation of women in public affairs is low; 9.3% of Hindu and 8.6% of Muslim women attend public meetings in rural areas (Table1). In urban areas, only 6.6% of Hindu and 4.7% of Muslim women participate in public affairs (Table 1). One possible explanation of the low participation of women in urban areas could be

Table 6 Percentages of men and women divorced in select Indian States

States	Hindu_Males	Hindu_Females	Muslim_Males	Muslim_Females
Jammu & Kashmir	0.26%	0.44%	0.32%	0.53%
Assam	0.17%	0.44%	0.17%	1.10%
Bihar	0.03%	0.03%	0.05%	0.22%
Jharkhand	0.05%	0.11%	0.08%	0.49%
Kerala	0.13%	0.42%	0.13%	0.93%
Uttar Pradesh	0.10%	0.09%	0.14%	0.33%
West Bengal	0.16%	0.46%	0.15%	0.75%
India	0.15%	0.26%	0.16%	0.56%

Source: Census 2011, calculations authors' own

due to reduced familial and social networks since many women in urban India migrate with their husbands and have less thick networks.

Some scholars view agency from an individuated perspective that does not always account for the insidious impacts of patriarchal norms. For instance, Ibrahim and Alikire (2007:383) define agency as "…the ability to act on behalf of what you value and what you have reason to value". This includes the material domains (such as making decisions about household purchases or whether to be employed or not), the psychological domains (whether an individual feels that she can make certain decisions), and physical domains (freedom of movement and the ability to participate fully in public life). Ibrahim and Alkire (2007) do not distinguish between different kinds of goals and achievements, assuming that what people have reason to value will be socially beneficial.

We argue that this is a limited understanding of agency because conflicts can often arise between individual interests and collective interests, care work being one such example. Women's reproductive labor and care work, despite being socially and economically beneficial, are undervalued and unacknowledged, and when remunerated, frequently underpaid. This is not just in the domestic sphere but also in roles such as childcare workers, sanitation workers, domestic workers, frontline health workers, teachers, and nurses.

Women's unpaid care work and household responsibilities in contexts like India prevent them from taking up waged labour (Chopra 2017) and contribute to a low workforce participation rate, in addition to gender norms that discourage women from taking up paid work. In our analysis, too, we see that divorced and widowed women are more likely to report that they work compared to married women. Divorced women are 31% points more likely to work for pay than married women in rural India (Table 2). In urban India, the effects are stronger as divorced women are 38% points more likely to work as salaried or casual workers (Table 3). Widowed women also report a higher likelihood of working for pay than married women.

The Role of the State in Promoting Women's Rights

As already discussed, the Indian state has been involved in governing both intimate and women's public lives across a range of areas—education, health, violence against women, personal laws, etc. State feminism was a term coined by Hernes (1987)—(Mazur and McBride 2007) highlight that state feminism as a concept was first developed for comparative and empirical approaches in Western Europe and North America and subsequently in Australia to describe a range of state activities with a gender/women's issue focus. Next, the concept became associated with the study of women's policy agencies. In the earlier sections of the paper, we have already briefly covered the legislative landscape with regard to gender. Here, we offer a few examples that highlight some of the positive initiatives, albeit not without criticisms or problems, that the Indian state has been vested in for greater gender parity. In relation to education, there have been multiple initiatives—several Indian states have made primary and secondary education free in public schools to encourage girls' education, the state of Bihar introduced a bicycle scheme so more girls complete secondary school since some of these were some distance away from home, and the state of West Bengal introduced the Kanyashree Scheme, a conditional cash transfer scheme to discourage child marriage and encourage girls to complete secondary school or vocational training.

Realizing the importance of good prenatal care and the importance of emergency obstetric care in reducing maternal mortality, the Indian government introduced the Janani Suraksha Yojana in 2005—a conditional cash transfer scheme to encourage institutional births. Recognizing that violence against women and female children is a serious problem that begins in the womb, India banned sex-selective abortions through the PCPNDT Act in 1994 to tackle the skewed sex ratios in many parts of the country and has also introduced punitive measures for those who provide this service.

In some parts of the country, women-only police stations have been introduced to encourage the reporting of crimes against women, such as sexual assaults, domestic violence, dowry-related harassment, and kidnapping (Amaral 2021). Across India, there are reservations for women at the village level to encourage greater political participation, although reservations for women in the Parliament while a long pending demand is still to be implemented. Most of these interventions have met with varying degrees of success (Varughese and Bairagya 2020); (Dasgupta 2021); (Chattopadhyay 2017).

There are clear parallels between what we see in the erstwhile Soviet countries with regard to women's rights and what has unfolded in Indian states like Kerala when we critically consider the role that the state played in improving women's status. However, several of these interventions have been largely instrumental and focused on meeting international targets such as the Millenium Development Goals or in ensuring that other targets such as immunization rates, reduction in mortality rates, and improvements in literacy rates are met (Chattopadhyay 2022).

Mazur 2002, 2007 argues that state feminism as a concept must include the following: (1) consider women as a category along with the diverse social locations that women occupy; (2) advance women's rights or status or conditions both within the private and the public domains; (3) reduce or eliminate gender-based hierarchy or patriarchy, which are the main driver of gendered inequities. If we use this

rubric to analyze the potential of the Uniform Civil Code for gender parity alongside our findings, we observe that while the UCC is trying to do #2, it is falling short of #3 and #1 significantly.

The UCC does not recognize the plurality of women's identities not just as rights-bearing citizens who are entitled to state benefits but also in relationships of co-dependence and interdependence with their kin groups. Further, the UCC is also blind to intersectional vulnerabilities that women experience not just due to their gender but also due to their religion, class, or caste location. As we have already demonstrated, the existence of laws is not sufficient for women to claim rights because of these webs of relationships that they are embedded in, and many of these interventions require significant transformations in gender norms, which have been an especially sticky issue in the Indian context. With regard to #3, the Indian state's scorecard in reducing gender-based disparities has been mixed. In the realm of education, some gains have been made by closing the school-based enrolment gap. However, this has not translated into equal numbers of women entering higher education, or a greater number of women participating in dignified work, or a significant reduction in violence against women.

Conclusion

To sum up, our analysis demonstrates that all Indian women lack agency in significant aspects of their lives, as evidenced by their low participation in public spheres, reduced participation in the labor market, few ownership rights, and the ability to make decisions on important dimensions of their lives such as health. Given this backdrop, it is instructive to recall Folbre's distinction between rules and norms—while rules can be enforced, for instance, through legislation as the UCC seeks to do, social and gender norms are often implicit and may appear to be less centrally controlled but are nevertheless more intractable because they are so deeply embedded in defining our identities (Folbre 1994 quoted in Gammage et al. 2016).

Consider two examples—inter-caste and inter-faith marriages, as well as divorce. While a marriage of choice from a different caste or religion can be viewed as an instance of women exercising autonomy—consequences for couples can be fatal, as experiences from both northern and southern India suggest (Arulappan 2023); Outlook Web Des (Outlook 2023), notwithstanding the less insidious forms of patriarchy that Southern Indian women encounter (Dyson 1983). While legislations such as the Special Marriage Act allow for inter-religious marriages in India, several states have recently introduced laws to prohibit such unions because of the misplaced belief that they are forcing religious conversions. The recent UCC Act passed by Uttarakhand state mandates a government roster of couples in live-in relationships, further diluting women's ability to make independent choices among marriage partners (Mishra 2024). Marrying or courtship, or even the idea of a heterosexual friendship between individuals of two religions, ruptures existing norms around caste purity, patriarchy, and religious distinctions and invites social penalties such as boycotts and ostracisms or worse for couples.

In relation to marital dissolution, research indicates that despite high levels of violence, many women continue in abusive marriages rather than separate from their spouses (Chattopadhyay 2024). This is not only because women have few support systems or independent means of sustenance but also because of the powerful impacts of social conditioning that normalizes such violence and encourages women to endure such violence by husbands and in-laws. Given that nearly 32% of women in the latest round of the National Family and Health Survey report being subjected to some form of marital violence (physical, emotional, sexual), we should expect that the divorce rate in India should be closer to that figure if women believed and were able to exit such marriages. However, the rates are much lower, suggesting that both demand and supply side factors are responsible for keeping women trapped in such relationships, notwithstanding legislations that have been the outcome of years of activism and lobbying by the women's movement in India.

Firstly, our analysis used a limited set of indicators to demonstrate the extent of the difference in autonomy between Hindu and Muslim women. A different set of indicators may have given different results, though this is unlikely. Secondly, we need to consider the possibility that while autonomy indicators between Hindu and Muslim women do not differ substantially in the absence of UCC, the results may have been different in its presence. Thirdly, given the small sample size among women of other religious groups, we could not use them for the analysis.

We believe this analysis will be the springboard for other research that systematically analyzes differences in indicators of women's empowerment based on religion in South Asia. This will not only help to dispel popular myths around the disempowerment of certain religious groups but also push forward the agenda of gender equity for all. Our analysis has demonstrated the absence of autonomy in significant aspects of their lives for most Indian women—whatever differences exist, they are not substantial, especially after so many schemes have been implemented to reduce inequalities in these outcomes.

When women truly want to exert their agency in meaningful ways, for example, through a marriage of choice, we see that not only does the state surveil and curtail such intimate

relations but also enact legislation to prevent future occurrences. While the UCC may have the potential to eliminate gender-unequal inheritance laws across religions, it cannot hit the ground running because not only do Hindu and Muslim women bear a nearly equal burden of misogyny in the Indian context, as our findings reflect, but also the intent of the UCC matters—does it want to spearhead a gender just society where women are free to lead autonomous lives? Or will it be yet another tokenistic gesture that pays lip service to the cause of a gender-just society?

Author Contribution Sreeparna Chattopadhyay and Joyita Roy Chowdhury contributed equally to the manuscript. Sreeparna developed the research question, conducted the Census analysis, and undertook the literature review as well as writing the first draft of the manuscript. Joyita contributed to writing the empirical strategy and conducted all the analysis for the IHDS-II, contributed to the survey of the literature, and prepared the tables and appendices. All authors reviewed the manuscript before submission.

Data Availability All data can be downloaded from the Government of India Census website and the IHDS data website, respectively, https://ihds.umd.edu/data/ihds-2. Data is therefore not provided with the manuscript. Stata files and excel files are available from the author should the journal wish to replicate the research.

Declarations

Competing Interests The authors declare no competing interests.

Reflexivity Statement As calls for representation and equity in academia and beyond have become ever more strident, we acknowledge the complexities of writing this paper as two upper-caste Hindu women about a religious minority group in India. However, we hope that by mindfully including the excellent scholarship of Muslim scholars, we have been able to amplify the voices of those who may not always have the platform to speak for themselves. We understand the sticky questions of representation still remain, but our intent is to present empirical evidence that can inform public policy geared towards equity for all and especially for those who have been most marginalized.

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