



NO MORE

“TALAQ TALAQ TALAQ”

Muslim Women Call for a Ban on an UnIslamic Practice

Zakia Soman
Dr Noorjehan Safia Niaz

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"The lawful thing which Allah hates most is divorce."

~Prophet Mohammad [PBUH]

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GLOSSARY

Halala: It is a practice where a woman is made to do a consummated nikaah with another man in order to go back to her former husband.

Jamaat: Group congregation, gathering, assembly

Mehr: It is the Quranic right constituting a consideration for marriage and meant for the financial security of the bride in terms of a sum of money or other property to be delivered to the bride by the bridegroom at the time of the nikaah as a condition precedent for solemnization of their marriage, as specified in the Nikaahnama.

Nikah: Marriage or Nikah is a solemn pact or 'mithaq-e-ghaliz' between a man and a woman, soliciting each other's life companionship, which in law takes the form of a contract or aqd. [Ref: Section 2 of Muslim Women (Protection of Rights on Divorce) Act, 1986]

Nikahnama: The enforceable written marriage contract wherein the consent of the parties and other terms and conditions of marriage are stipulated and signed by both parties, qazi as well as four witnesses, two from each party of either sex.

Talaq: Divorce effected by the husband's enunciation of the word 'talaq', this constituting a formal repudiation of his wife.

Panchayatnama: A document prepared by a group of five influential older men acknowledged by the community as its governing body

Qazi: A qazi is a judge ruling in accordance with Islamic religious law (sharia), appointed by the ruler of a Muslim country. Qazis traditionally have jurisdiction over all legal matters involving Muslims.

ACKNOWLEDGEMENTS

We thank all the Muslim women in different states who shared their stories with us and made it possible for the larger cause of reform in Muslim personal law to be taken up through their testimonies. We hope their contribution will lead to a meaningful outcome.

We thank the members of the National Council of the Bharatiya Muslim Mahila Andolan for taking forward the campaign for a codified Muslim personal law of which this study is a part. They enabled and oversaw the compilation of women's' stories from different states. We specially acknowledge the contribution of Nishat Hussain from Rajasthan, Khatun Shaikh from Maharashtra, Jeibunnisa R from Tamilnadu, M Nasreen from Karnataka, Safia Akhtar from Madhya Pradesh, Rahima Khatun, Naziya Banu Saiyed and Nasmin Chaudhury from West Bengal and Farhat Amin from Odisha.

We must specially thank Mariya Salim, the lead researcher for this study whose passion and commitment enthused all involved to give their best.

We are grateful to Prof Tahir Mehmud for writing the foreword to this report.

FOREWORD

Commenting on the Islamic law of divorce, an eminent non-Muslim judge VR Krishna Iyer had once observed that “a deeper study of the subject discloses a surprisingly rational, realistic and modern law of divorce.” In its original unadulterated form it indeed was rational, realistic and modern but has by efflux of time been awfully distorted beyond recognition. There is nothing in the law of Islam suggesting that the husband is free to exercise the power of talaq in an arbitrary and irrational manner, but this is exactly what Muslim men in our times are doing. While the law on divorce by men is in misuse, that on divorce by women is in disuse. The very humanitarian concept of khula has been thrown into the dustbin, giving an absolutely wrong impression that putting an end to a marriage is an exclusive privilege of men. Restoration of the original unadulterated law, on both talaq and khula, is indeed a pressing need of the hour.

I have gone through the Bharatiya Muslim Mahila Andolan's draft report on talaq with some of its enclosures. It reads like a horror story and reveals what havoc a gross misuse of the noble Islamic law on divorce as a whole is playing in the society. It is an authentic document of great utility for the purpose of taking corrective measures. I hope social reformers will make good use of it in their efforts to secure gender justice in the society.

~ **Tahir Mahmood**

Institute of Advanced Legal Studies
Amity University, Delhi NCR
30 October 2015

1

INTRODUCTION

The Sachar Committee gave a comprehensive report about the socio-economic and educational marginalization that signifies the lives of Indian Muslim community. Their report highlighted how the largest minority lives in poverty and backwardness with a sense of fear and insecurity from communal violence. They studied the condition of the whole community in detail although they were not tasked with a particular study of the condition of Muslim women. They have however, dwelt upon aspects such as access to education and health mechanisms, public transport and public services as well as identity and security issues in relation to accessing these. The report mentions about the singling out and stereotyping about Muslim women that takes place in our society. However, we are aware that like their fellow male citizens the Muslim women face socio-economic challenges about inclusive education, livelihoods, health care etc. Additionally and very importantly the Indian Muslim women face hardships in marriage and family emanating from the rampant misinterpretations of Quranic tenets related to marriage and divorce.

Since January 2007, in the course of our work we have come across thousands of cases of oral talaq rendering women destitute with nowhere to go. We have been hearing numerous accounts of women being rendered homeless overnight along with their children as their husbands chose to unilaterally say talaq talaq talaq. In most cases the husband's mindset as well as action is dictated by a common sensical understanding about their “right” to pronounce talaq and part permanently with the wife as “given by Islam”. Hardly is there any awareness about the actual Quranic injunctions or the meaning of triple talaq. Partly, the maulvis and qazis should accept their share in the prevalence of this malpractice as should those who have insisted on being sole arbiters of our religion in the country! Also those who have been claiming to be speaking on behalf of all Indian Muslims have a lot

to answer! All of them must accept that together they have failed to build an awareness about the Quranic tenets on divorce that call for a 90 day time period of discussion, dialogue, arbitration and considered action. Perhaps with the right education and awareness this problem would not have arisen at all. Once in a while we have witnessed an instance where the husband was repentant even ashamed when he was convinced with Quranic evidence about how Allah does not allow triple talaq! The problem has reached these proportions largely owing to wilful and deliberate misinterpretations being spread by some gatekeepers of religion in our country. Blame must also be put on ignorance about Quranic tenets of justice and fairness in our society. We must also blame the popular misconceptions about male superiority in the minds of ordinary Muslims thanks to the misinterpretations carried out by the vocal forces in our society! A lot of patriarchal thinking emanating from misogynic mindsets has been passed off as Islamic and thereby the malpractice of triple talaq as a widely accepted method of divorce! The dissolution of marriage under Muslim law can be broadly categorized into two:

1. Judicial and
2. Extra Judicial
 - » By the Husband [Talaq, Ila and Zihar]
 - » By the wife [Khula and Talaq e tafweed], and
 - » By common Consent [Mubarah].

The forms of talaq or divorce through extra judicial methods may be classified as follows:

1. Talaq al- sunna [ie in conformity with the dictates of the prophet]
 - » Ahsan [the most approved], and
 - » Hasan [Approved]

2. Talaq al-bid'a [of innovation, therefore not approved]
 - » three declarations or triple Talaq and
 - » one irrevocable declaration [generally in writing]. It is the second form of Talaq, that is Talaq al Bid'a that needs to be questioned and made to end in totality.

While the Ahsan method of divorce allows the couple to wait for three months once the first talaq has been pronounced to give them a chance to reconcile, the so-called triple talaq, the talaq al-bidah, does not allow any reconciliation and gives the husband the unilateral right to divorce his wife, by merely pronouncing the term 'Talaq' thrice. Not surprisingly, this form of talaq has found most favour with South Asian men and there has been widespread misuse of this male will to divorce leaving their wives without any redress and in the exacting social veracities of South Asia, particularly India, as has been noted in most of the cases in this Study, husbands do not honour their obligations of paying maintenance to their wives and children nor has payment of mehr been common.

What has been making the situation for Muslim women worst are the various fatwa's by religious seminaries upholding arbitrary divorces as valid and thereby adding on to the miseries by giving religious sanction to the unislamic act of triple talaq in one go, to those women who are divorced unilaterally. The website of the Darul Uloom, looked upon by many around the world as an authentic source for interpretation of Quranic texts, is full of fatwa's on triple talaq and while answering queries on the pronouncement of talaq, in many cases, go to the extent of saying that a talaq is valid even if it is said in anger, or while the wife is pregnant, or even when sent as a written communication to her. In fact, in response to a query on the validity of a written talaqnama sent to the wife, in as recent as 2014, the Darul uloom writes that 'Talaq took place on your wife when you got the Talaq Nama written!' Some influential clerics may condemn such fatwas, but the fact that there is no action to declare these acts illegal. That such advisories and fatwas continue unabated speaks a lot about the state of affairs that Muslim women in India continue to face and live in. This tantamounts to a persistent denial of Quranic rights of a woman!

We urgently need reforms in the manner in which Muslim personal law is understood and practiced in India today. We need to bring about laws based on the principles of justice and fairness enshrined in the Quran. Muslim countries such as Morocco,

Tunisia, Turkey, Egypt, Jordan and closer home even Bangladesh and Pakistan have codified personal laws dealing with marriage, divorce, guardianship and property. India may be an exception to the rule with a consistent ambiguity and obfuscation that guides these important components in a married couple's life. Plus, it clearly renders the woman believer as second class! Horrific practices such as triple talaq and halala bring a lot of suffering to ordinary women and also a bad name to the community! As several scholars have pointed out, the Muslim Personal Law prevalent in India is a large body of uncodified laws which have been a creation of the colonial British rule. It is applied to Muslims as a matter of legal policy and not as religious tenets. The large-scale misinterpretations provide evidence about this. Therefore, reform would be a step forward in the direction of attaining Quranic justice and not the other way round as it is made out to be!

Since inception, we have tried to bring about sanity on the side of justice in this unchecked march of misogyny. The present Study is yet another step in this direction. We embarked upon case study collection in August-September 2015 in the states of Rajasthan, MP, Maharashtra, Tamilnadu, Karnataka, UP, Odisha and West Bengal. A questionnaire was prepared and 100 casestudies were collected in this period. They speak volumes about the problem of triple talaq and the hardships faced by women. Because of socio-economic constraints and the inability to access the courts, most women who faced triple talaq have spoken out for the first time through this study. This may be representative of the situation of most women in the country who suffer an extra judicial divorce, specially divorce by pronouncement of the word 'talaq' thrice. What is startling is the ease with which men divorce their wives, some by a mere whatsapp or an sms and others by a simple communication through relatives or the local Jamaat. In many cases, the woman is informed of being divorced while she is outside her home, she is thus unable to go back to her husband's home to retrieve her belongings, in effect leaving her destitute. The situation is further aggravated if she has no maternal family to help her.

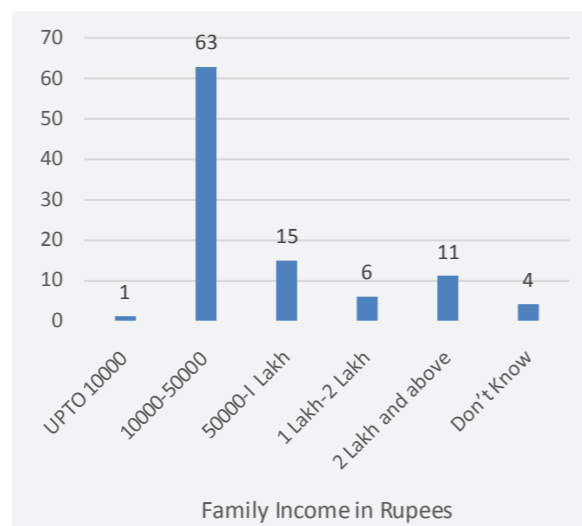
It has been our endeavour to strive for the Quranic rights of Muslim women towards justice and equality in family and society. For doing this we have been criticized even maligned by some conservative male-dominated sections. Doubts about our intentions and our "affiliation" are being deliberately planted in the media by the same set of patriarchal gate-keepers who have presided

over exclusion of women for far too long. However, we are determined to work towards countering this project of exclusion of women believers from the fold of the religion. We are determined to expand the number of women and ordinary Muslims who speak for themselves; we are determined to gather more and more evidence about how we are being systematically denied our Quranic rights; we are determined to find our rightful place as equal subjects who are loved by Allah; for we know that we were born female owing to the will of Allah; for we know that Allah does not discriminate.

2 NUMBERS SPEAK

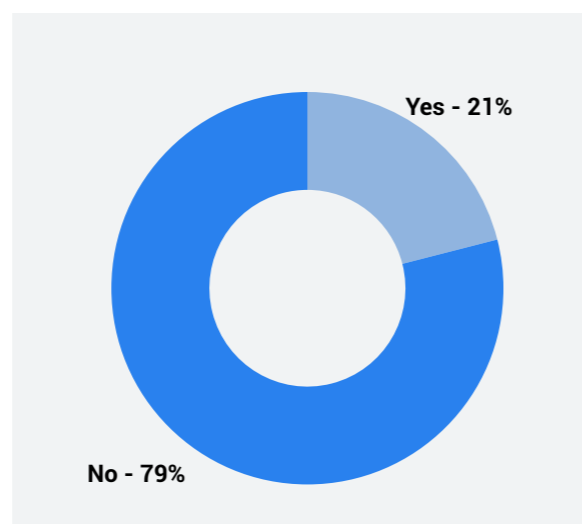
ANNUAL FAMILY INCOME

63% of those interviewed reported to have an annual family income of upto Rs 50,000. 11% had a family income of Rs 2 lakh and above. By family income most women meant income of their father, brother and themselves.



DID YOU GET MAINTENANCE AFTER DIVORCE?

79% women reported not having received any maintenance from their husband post their divorce.



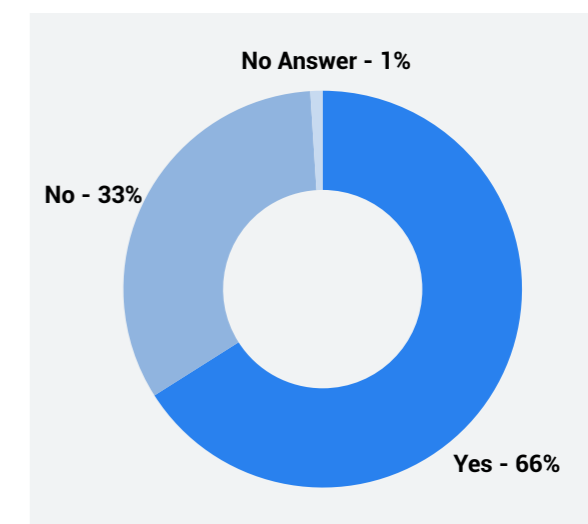
DID YOU GET BACK YOUR BELONGINGS AND JEWELRY AFTER DIVORCE?

| Item | Yes | No | No Answer |
|------------|-----|-----|-----------|
| Belongings | 53% | 43% | 4% |
| Jewelry | 57% | 42% | 1% |

Over 40% women were not able to retrieve their belongings, jewelry and valuables from their husband's house, post-divorce.

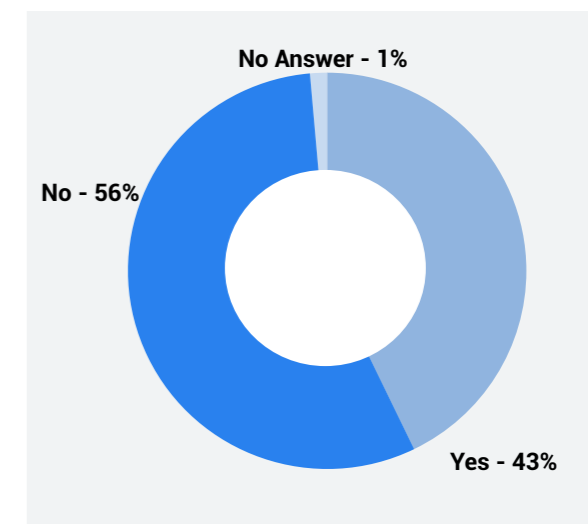
DO YOU HAVE YOUR NIKAHNAMA?

33% of those interviewed were not in possession of their nikahnama while 66% said they had their nikahnaama with them



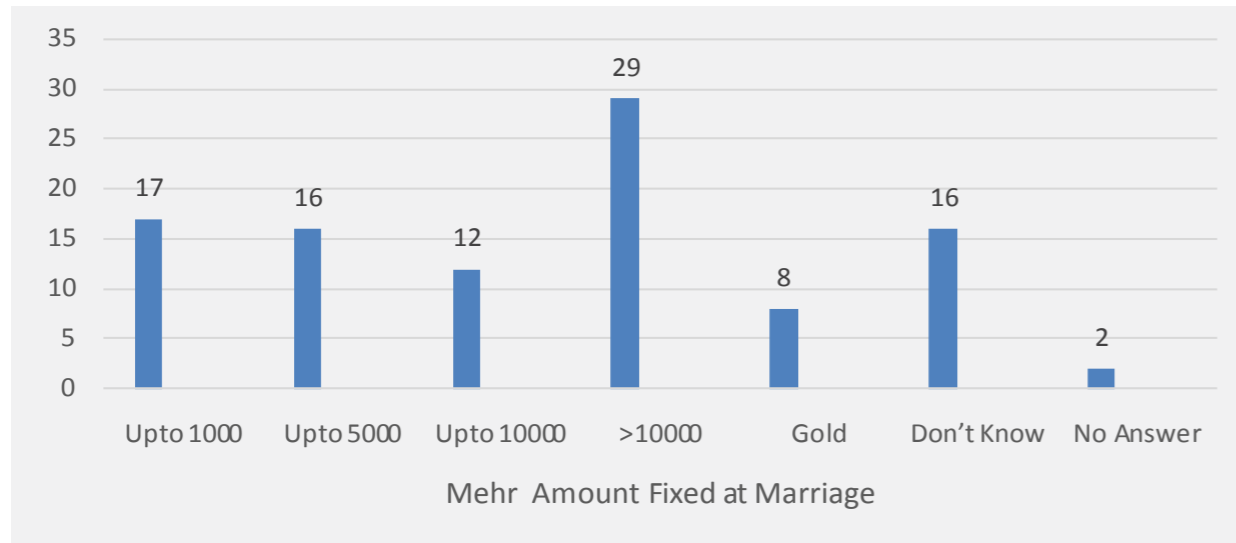
DID YOU RECEIVE YOUR MEHR?

Over 50% of women had not received their mehr. A number of those who did, reported having received it post their divorce. It is interesting to note that amongst those who received their mehr are mostly women whose mehr was fixed at a very meagre token sum, some receiving Rs 501 to others a mere symbolic Rs 786 .



WHAT WAS THE AMOUNT OF MEHR FIXED IN THE NIKAHNAMA?

While for 17% women, the mehr fixed was a mere token sum, up to merely one thousand rupees, 16% were not even aware of what the amount fixed was.



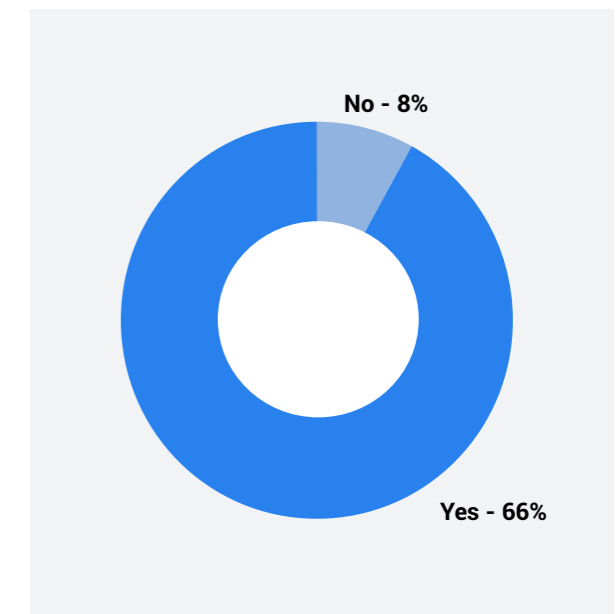
HOW DID THE DIVORCE TAKE PLACE?

59% of the women reported being divorced unilaterally by their husband by mere utterance of the word 'talaq', thrice. In almost all the other cases as well, the divorce was one sided, with either the woman being informed of her divorce by the local Qazi, relatives or by her husband, on phone. One percent reported being divorced by a mere sms.

| | | | |
|------------------------|----|-------------------|----|
| IN HER ABSENCE | 1 | BY EMAIL | 1 |
| ORALLY | 59 | ON PHONE | 3 |
| LETTER SENT BY HUSBAND | 3 | THROUGH RELATIVES | 9 |
| LETTER SENT BY QAZI | 8 | ON FACEBOOK | 0 |
| BY SMS/WHATSAPP | 1 | BY CHEATING | 3 |
| | | OTHERS | 12 |

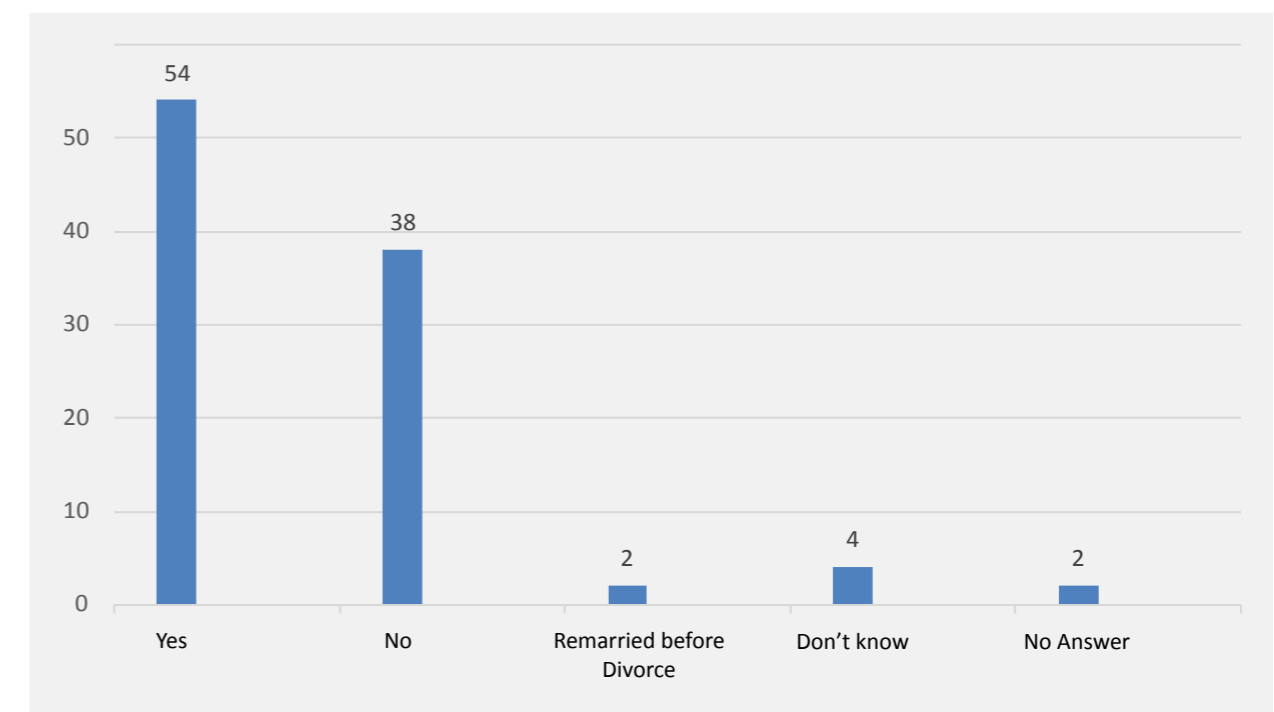
WAS THE WOMAN ASKED TO GO THROUGH THE PROCESS OF A HALALA?

8% of the women reported having being asked to go through a halala. Although 8 percent may seem a small number, the fact that so many have been asked to go through such an un-Islamic and inhumane process is a cause of worry.



DID THE HUSBAND REMARRY AFTER DIVORCE?

Over 50% of the men who divorced their wives, remarried immediately after divorcing them. 2% married even before divorcing their wives.



3

TESTIMONIES OF
WOMEN

CASE STUDIES OF TRIPLE TALAQ FROM STATES

TAMIL NADU

1. M Begum, 31 years old, is a resident of Begumpore, Dindigul. Unemployed, she is a mother of two children aged seven and three years. Her husband divorced her seven years after their marriage, unilaterally, in her absence. Domestic violence, suspicion and a disturbed life with her in-laws were problems she faced in her daily married life. Despite having a nikahnama, with 3 gms of gold fixed as mehr or dower at the time of marriage, she did not receive it. She received it neither at the time of marriage nor divorce. Not having received any maintenance post-divorce, nor been allowed to take back her belongings after the unilateral divorce by her husband, she now resides in her parents' house, with both her children living with their father.
2. Twenty eight year old Fathima, does not have her nikahnama. Though she received her mehr at the time of marriage, which was fixed at 2 gms of gold, she received no maintenance post-divorce. A victim of oral divorce, she faced harassment and violence at the hands of her in-laws. She is not educated and post-divorce lives with her parents. She has not been able to get back her belongings, nor her jewelry etc from her husband's house post-divorce.
3. Naveena J, an MPhil from Thirupore, is a mother of a one year old. Divorced unilaterally three months after her marriage by her husband, by a mere letter through the Qazi, neither did she receive her mehr fixed at ten

gms of gold, on her marriage, nor has she received any maintenance from her husband post-divorce. Domestic violence, issues and fights with in-laws and husband, harassment for more dowry and a suspicious husband were problems she faced in the three months that she was married. She has not been able to get back her belongings and jewelry from her husband's house, post-divorce and lives with her one year old child in her parent's home. Her husband is now preparing to marry for a second time.

4. Rafeekha, 36 years of age has four children aged 16, 12, 6 and 4 years. A daily wage labourer, she does not have her nikahnama and had never received the Rs 1001 fixed as mehr during her marriage. Divorced unilaterally by her husband, she has not received any maintenance from him. A victim of domestic violence and having faced an alcoholic husband, post-divorce she stays with her parents and all the four children also are her responsibility. She managed to get back her belongings and jewelry from her husband's home after their divorce.
5. A house help by occupation, Jennath N, 45 years of age became a victim of oral talaq four years after her marriage. Mother to a 16 year old, Jennath's unilateral divorce by her husband was communicated to her by the local jamaat. With neither maintenance nor mehr, she has to work very hard to make ends meet and stays with her daughter at her brother's house where she has to face a lot of humiliation and social stigma. She has not been able to retrieve her belongings or jewelry from her husband's house, who married a second time after having easily divorced her.

6. J Nisha, a mother of two girls, aged nine and seven, was divorced four years after her marriage. She is not in possession of her nikaahnama and did not receive the meagre Rs 1000 fixed as mehr at the time of her wedding. Post-divorce, she has not received any maintenance from her husband, who divorced her through oral repudiation. She lives with her children in her parent's home and was unable to get back any of her belongings from her husband's house. Her husband remarried as soon as he divorced her orally.
7. P, presently fifty two years old, was orally divorced by her husband five years after their marriage. She is a mother of four children, two boys aged 19 and 20 and two girls, 23 and 25 years old. She does not have her nikahnama with her, neither is she aware of the Mehr that was fixed at the time of her wedding nor did she receive any. No maintenance was ever paid to her after her divorce, neither was she able to take her belongings and jewelry from her husband post-divorce. Her husband took another wife after divorcing her. She is presently living with her sons.
8. S, working as a househelp in Trichy, was divorced by oral talaq by her husband six years after their marriage. Mother of an eight year old daughter, she does not have her nikahnama, is not aware of the mehr fixed during her wedding, and neither did she receive any. Victim of dowry demands and an alcoholic husband, Sakkira never received any maintenance from her husband, who remarried after divorcing her. As of today she lives on her own with her daughter and has not been able to get any of her belongings or valuables from her husband's home.
9. S, 45 years old, was married to a Muslim cleric in Ramanathapuram who divorced her by oral repudiation twenty years after their marriage. With no nikahnama in her possession, she did not receive her mehr, which was fixed at a meagre Rs 1000, neither has she got any maintenance from her husband post-divorce. She has been living with her parents with their four children since, and although she could get some of her belongings from her husband, he sold all the gold that her parents had gifted her at the time of her marriage. She reported fights with her husband, sexual abuse and suspicious nature as problems which were a daily part of her married life.
10. A Kani's husband divorced her by pronouncing the word talaq, thrice, three years after their marriage. A Kani, who is 33 years old, does not have her Nikahnama and did not receive her Mehr, nor has she received any maintenance from her husband after her divorce. She has a fifteen year old child with whom she has been living in her parent's home since her divorce. She was able to obtain all her belongings and jewelry from her husband's house, who got married again immediately after divorcing her.
11. 34 year old S Banu, a house help by occupation was divorced ten months after her marriage to a mechanic. Mother of a sixteen year old, she does not have her nikahnama with her neither did she receive the Rs 500 fixed as mehr during her marriage. She is a victim of oral talaq and has never received any maintenance allowance from her husband. Her 16 year old child and she have been living in her parent's home since her divorce and she has not been able to retrieve any of her belongings from her husband, who married for a second time after divorcing her.
12. 45 year old Haseena is a victim of oral divorce. She was divorced by her husband, one year after their marriage. She is not aware of the mehr that was fixed at the time of her marriage, neither does she have her nikahnama nor did she receive the mehr. Post-divorce she was unable to retrieve her belongings from her husband. Having received no maintenance allowance from her husband, Haseena, who sells idlis in Dindigul to make ends meet, lives in a separate house with her 18 year old child.
13. 49 year old Zareena was married for only three years when her husband divorced her unilaterally and remarried after that. Not in possession of her nikahnama, Zareena is not aware of the mehr fixed for her neither did she receive any, either at the time of marriage or after divorce. She has also not got any maintenance allowance in any form from her husband. She resides in a separate house with her sons, aged 20 and 18 years and has not been able to retrieve any of her belongings and valuables from him. While she was married, Zareena had to face harassment for dowry, a suspicious husband and no maintenance for herself and her children from him.

14. M begum, a house help by occupation was orally divorced by her husband, a year after her marriage. She has not received any maintenance allowance from her husband post her divorce neither did she receive the mehr fixed at her wedding and does not have her nikahnama with her. Post-divorce she lived with her parents and her child and continues to live there. Lack of maintenance, suspicion and fights with her husband were problems she faced while married. Like most of those above, she was unable to get back her belongings and valuables from her husband.
15. 44 year old Asiya from Dindigul works as a house help. Her husband divorced her unilaterally by sending her a letter through a Qazi. She is not aware of the amount of Mehr that was fixed during her marriage and did not receive any either. Nor did she receive any maintenance allowance from her husband post-divorce. They did not have any children and she has been residing with her relatives since her divorce.
16. A Mariyam from Trichy has two children, aged 7 and 12. 29 year old Mariyam, married at a very young age was divorced by her husband fifteen years after their marriage by a message on Whatsaap! She has her nikahnama with her but has not received the mehr fixed at the time of her marriage, a meagre sum of rupees one thousand only. She faced domestic violence and got no maintenance from her husband while she was married to him. She has also not received any maintenance allowance from her husband. She shifted to her parent's home post-divorce and both her children live with her in laws. She managed to get her jewelry and valuables back from her husband's house after her divorce.
17. 35 year old R is a labourer. Six years after their marriage, her husband through a petition, delivered to her by the Jamaat divorced her in her absence! She does not have her nikahnama, did not receive the mehr fixed at the time of her wedding and has not received any maintenance allowance from her husband who remarried after divorcing her unilaterally. She has been living with her two children aged seven and ten years, in her parent's home since her divorce. She was fortunate to be able to retrieve her personal belongings and jewelry from her husband's home after her divorce.
18. A Bibi is a mother of a twenty five year old. Divorced only six months after her marriage, her husband divorced her by merely orally uttering the term 'Talaq' thrice and remarried immediately after. A Bibi is not aware of the amount of mehr fixed for her, and neither did she receive any. Not having received any maintenance either, she lives in her parent's house, with her son who takes care of her. Domestic violence, a suspicious alcoholic husband were problems she faced in the six months that she was married. She was not able to get back her valuables and jewelry from her husband post her divorce.
19. Saurakani, from Madurai, works as a domestic help. Forty five years old and a mother of a nineteen year old, her husband divorced her by orally pronouncing divorce one year after their marriage. She had not received her mehr post her marriage, neither has she received any maintenance post-divorce. She faced domestic violence and was married to an alcoholic which resulted in fights at home. She has been living in her parent's house post divorce and though was able to retrieve some of her belongings from him, she could not get her valuables and jewelry back.
20. B Begum, nineteen years old, was divorced one year after her marriage. She has her nikahnama with her and received her mehr, which was fixed at 2 gms of gold, at the time of her marriage. She was divorced by her husband through a mere communication sent to her by husband through the Jamaat, in her absence. She has not received any maintenance from her husband who remarried after divorcing her. She was also only able to partially retrieve her jewelry from his house and is currently residing with her parents.
21. Thirty five year old S Begum, is a mother of a three year old. She works as a tailor to earn her living. She was divorced one year after her marriage, orally by her husband. She has her nikahnaama and received her mehr of four grams of gold at the time of her wedding. She however did not receive any maintenance allowance from her husband post her divorce who remarried after their divorce. Domestic violence, frequent fights and lack of maintenance were problems faced by her at the time of her marriage. She has been living with her child in her parent's house since her divorce. She was able to retrieve her valuables and jewelry from her husband's house.
22. B Nisha, unemployed, was divorced merely five months after her marriage. Thirty years old Nisha's husband, divorced her by oral pronouncement of talaq and she has not received any maintenance from him. She has her nikahnama with her and had also received her mehr of two grams of gold, fixed as mehr at the time of her marriage. She faced domestic violence, fights with her husband and in laws and dowry harassment while she was married. Her five year old child and she have been living in her parent's home since she was divorced. She was able to get back her jewelry and belongings back from her husband.
23. T Banu was divorced by her husband unilaterally, sixteen years after their marriage and he remarried soon after. She has her nikahnama but neither is the mehr mentioned in the same nor did she receive any. She did not receive any maintenance allowance post-divorce either. Domestic violence and fights with husband and in laws were problems she faced while married. She has been living with her parents since her divorce. She was able to get her jewelry and belongings back from her husband.
24. J begum was divorced unilaterally by her husband by oral pronouncement of talaq, three and a half years after their marriage. She has a nikahnama but neither did she receive her mehr nor does she know what the amount was. She reported facing domestic violence, continued fights with her husband and in laws, lack of maintenance and dowry harassment. She has also not received any maintenance allowance from her husband either, post-divorce. She was able to get back her jewelry and other belongings from her husband's house and has been living with her parents since her divorce.
25. N Begum, 38 years old, is a tailor by profession. She has a thirteen year old child and was divorced by her husband twelve years after their marriage. He simply pronounced the term 'talaq' thrice to end their matrimonial bond. Although she has her nikahnama, she never received any mehr nor did she receive any maintenance allowance post her divorce from her husband. While married she was subject to domestic violence, and harassment for dowry and was also not getting any maintenance from her husband. Fights with in-laws and her husband and her were common too. She was not able to get back her valuables and jewelry from his house and lives with her child in her parent's home.

ODISHA

1. S Parween from Cuttack works at a photocopy shop. She is twenty-eight years old and was divorced by her husband by a mere letter sent to her by her husband through a Qazi. She has not received any maintenance post-divorce, but she has her nikahnama and got her mehr after their divorce instead of at the time of their marriage. While married she faced domestic violence and a disturbed relationship with her in-laws and her husband. She was able to retrieve her belongings from her husband and both she and her husband remarried after their divorce.
2. P Banoo, 35 years old, runs a small business. She has an eighteen year old son and was divorced by her husband only three years after their marriage. Her husband, a businessman, divorced her orally in the presence of his parents and relatives. The mehr fixed at the time of her marriage was Rs 50,000 which she received immediately after her nikah. She was also able to retrieve her valuables and other belongings from her husband's house who remarried after divorcing her. She has been living with her parents, along with her son since her divorce.
3. T Begum has only studied till class 10. Mother to a 12 yr old daughter and 18 year old son, she was divorced fifteen years after her marriage by her husband. The divorce took place legally, in a court of law. She has her nikahnama with her, and received the 30 grams of gold fixed as mehr, immediately after her nikah. While married, she had to face sexual abuse

at the hands of her alcoholic husband and also complained of frequent fights with him. Her son stays with her ex-husband and she has been residing with her daughter, in her parent's home. She was able to retrieve her valuables and jewelry from her husband's house on divorce, who remarried soon after divorcing her.

4. S Begum, 37 years of age, was a housewife. She has two children, a seven year old son and a twelve year old daughter. She was divorced by her husband ten years after their marriage by a letter of divorce sent through a Qazi. She does not have a nikahnama, does not know the amount of mehr fixed for her, neither did she receive any. She received maintenance from her husband post their divorce. She managed to get back her belongings and jewelry from her husband's house who remarried soon after divorcing her. She has been living with one of their children in her parent's house since the divorce and the other child stays with her ex-husband.
5. Fifty two year old Farida S, has a thirty year old daughter who is married. Farida was divorced merely two years after her marriage, orally by her husband. She did not receive any maintenance post her divorce. She had received the meagre amount of 10,000 as mehr, one year after her marriage. She faced domestic violence while married to her husband. Her daughter and she moved to her brother's house after her divorce. She was able to get back her jewelry and personal belongings from her husband's home post their divorce.
6. R Begum is thirty years old and has two daughters aged 10 and 12 years. She was divorced by her husband five years after their marriage, unilaterally by mere pronouncement of Talaq in one sitting. Her husband remarried soon after. She received upon divorce, the meagre amount of 1000 rupees fixed as mehr at the time of her marriage but has not received any maintenance from him post-divorce. Domestic violence, harassment for dowry and frequent fights with her husband were problems she faced in her married life. Both the girls live with their father and R Begum has been living with her parents since her divorce. She was able to get back her jewelry and other belongings post-divorce.

7. Rukhsar B, 20 years old and educated upto class 10 was divorced six months after her marriage by her husband orally, she was informed of the same by her relatives. She received the ten thousand rupees fixed as mehr at the time of her marriage, after her divorce, she however did not receive any maintenance from him post-divorce and has been living with her parents since. She was able to get back her jewelry and other belongings from his house after their divorce.
8. Thirty eight year old N Bibi was divorced five years after her marriage, orally by her husband in the presence of a qazi and witnesses. She has two children, a fifteen year old son and a fourteen year old daughter who stay with their father who married soon after he divorced their mother. She received the meagre sum of Rs 5000 rupees fixed as mehr during her marriage, only after her divorce and has not received any maintenance post-divorce. She was harassed for dowry and did not receive any maintenance when she was married. She was able to retrieve her belongings and jewelry from her husband post-divorce.
9. R Begum is thirty years old and educated till the third standard. Mother of two sons, she was divorced by her husband five years after their marriage, orally. She does not have her nikahnama and did not receive any mehr either. She has not received any maintenance post her divorce from her husband, who remarried after divorcing her. Harassment for dowry, no maintenance and frequent fights with an alcoholic husband were some of the reasons that led to the divorce. She has been living at her parent's house, with her children since her divorce and has not been able to get back her belongings and jewelry from him.
10. T Afjal was divorced by her husband one year after her marriage, unilaterally by her husband, a mason by profession, in front of a Qazi. He remarried soon after. Neither has she received any maintenance from her husband nor had she received her mehr fixed at Rs 12000, when her marriage took place. No maintenance and frequent fights with her husband were problems she faced while she was married. She was able to get back her belongings as well as her jewelry from his house. She has been living with her parents since her divorce.

11. S Begum was divorced five years after her marriage. The divorce took place in court. She never received the five thousand rupees of mehr fixed at the time of her wedding, but was able to receive maintenance from her husband post-divorce and has been living with her parents since, with her ten year old son. She has been able to get her belongings and jewelry and other valuables from her husband.
12. S Bibi is fifty years old and was a housewife. She was divorced by her husband twenty years after their marriage, orally. She has not received any maintenance allowance from him post-divorce. She has her nikahnama and received her mehr of 5000 rupees, but at the time of her divorce. She was not able to get her belongings and jewelry from her husband who remarried post their divorce.
13. F Begum was divorced two years after her marriage, orally, by her husband. Merely twenty five years old, she received maintenance post-divorce. She has her nikahnama and also received the mehr, fixed at ten thousand rupees, six months after her marriage. Dowry demands and fights with husband led to the divorce. She was also able to retrieve her belongings and jewelry from her husband.
14. D Bibi, educated till the second standard has an eighteen year old daughter. She has her nikahnama and got her mehr of one lakh rupees immediately after her marriage. She was divorced by her husband, a teacher by profession, through relatives and parents and has been living at her parent's house with her daughter since. She was a victim of dowry demands. She was able to get back her jewelry and other belongings from her husband who married again after divorcing her.
15. Y Parveen works at a tailoring shop to earn her living. She is twenty seven years old and was divorced by her husband, through parents and relatives, three years after her marriage. She received maintenance after her divorce and also her mehr, one year after her marriage. She and her 8 year old child have been living in her parent's house since her divorce. She managed to get her jewelry and personal belongings back from her husband

post their divorce. He remarried soon after divorcing her.

16. C Begum, thirty years old works as a tailor. She got a divorce eight years after her marriage by mutual settlement through a Qazi. Frequent fights with her husband led to the divorce. She has three children and has been living with them in her parent's house since her divorce. She got maintenance from her husband after their divorce and also received her mehr, but post-divorce. She was also able to retrieve her belongings and jewelry from his house. He remarried after their divorce.
17. Shabana B, from Cuttack is thirty one years old. She has a four year old son who is mentally challenged. She was divorced by her husband two years after her marriage, through a Qazi. She has her nikahnama and received the fifty thousand fixed as mehr, immediately after her marriage. She has however not received any maintenance. She has been living in her parent's house with her son since her divorce. She was able to get back her belongings and jewelry from her husband.
18. Laila B, educated till the tenth standard has two children. She was divorced, orally, eleven years after her marriage by her husband, a businessman by profession. She received maintenance from her husband post their divorce. She does not have her nikahnama and did not receive the 12,000 fixed as mehr either. She faced sexual abuse while married. She was able to get back her belongings and jewelry after her divorce. Her husband married her sister after he divorced her.

KARNATAKA

1. K Bano, thirty two years old, is a resident of Hospet, Bellary. She is an Asha worker and has two children. She was divorced eleven years after her marriage, by her husband, by deceitful methods. She has her nikahnama and received her mehr of five thousand rupees at the time of her nikah, she has however not received any maintenance from her husband

since he divorced her. She presently lives in a rented house with both her children. Domestic violence, fights with in-laws and her husband as well as harassment for dowry were issues she had to face when married. Although she was able to get back her belongings from her husband, she could not retrieve her jewelry from his house after their divorce.

2. Parveen, a homebased worker, is forty two years old. She was divorced eighteen years after her marriage by her husband, by fraudulent methods. She does not have her nikahnama and had received the meagre sum of 501 rupees fixed as mehr during her marriage. She has two children and all three of them live in her husband's house. She was unable to get her jewelry and other belongings from her husband who married again after divorcing her.
3. Shabeera B, is 28 years and studied till B.Com final year. She was married to an advocate. She was divorced four and a half years after her marriage, by her husband, orally but in her absence. She has not received any maintenance from her husband post their divorce. She has her nikahnama and received her mehr of 5000 rupees at the time of her marriage. She faced domestic violence, dowry demands and frequent fights with her in laws and husband, who was also an alcoholic. She was able to retrieve her belongings and jewelry from her husband's house and has been living with her parents since her divorce.

WEST BENGAL

1. H Khaton, twenty years old, from Howrah, West Bengal, is a zari worker. She was divorced three years after their marriage by her husband, who worked as a zari worker in Saudi Arabia, on phone. She has her nikahnama with her and also received the token amount of one thousand rupees fixed as mehr, at the time of her marriage. Sexual abuse and fights with husband were frequent problems she faced. She was able to get back her belongings and jewelry after their divorce and has been living with her parents since her divorce.

2. S Banu has only studied till the third standard. She is twenty five years old and was divorced by her husband, a year after their marriage, through their relatives. She does not have her nikahnama and did not receive the 5000 rupees fixed as mehr either. She has also not received any maintenance from her husband post their divorce. She does not have any children and has been living with her parents post her divorce. She was not able to get back her valuables, jewelry and belongings from her husband who remarried soon after divorcing Banu.
3. A Khatun, a zari worker, was divorced six months after her marriage, orally and has not received any maintenance from him. She has her nikahnama but did not receive the 7000 rupees fixed as mehr at the time of her marriage. She was a victim of domestic violence. She has been residing in her parent's house since divorce and has not been able to retrieve her belongings and jewelry from him.
4. Twenty four year old Anwara K is a Bidi worker. She was divorced two years after her marriage by a panchayatnama, facilitated at village meetings. She has her nikahnama but did not receive the one thousand fixed as mehr at the time of her marriage. She has not received any maintenance post-divorce either. Her three year old son lives with her at her parent's house now. She faced domestic violence and frequent fights with her in-laws and husband while married. She was able to get back her belongings and valuables from her husband, who married again after divorcing her.
5. H Khaton works as an agricultural labourer. She is twenty four years old and was divorced by her husband merely five months after their marriage, who sent his unilateral divorce in a letter through a qazi. Although she got maintenance after her divorce, she has not received her mehr, which was fixed at a high 75,000 rupees, despite the fact that her husband was a daily wage labourer. She could not get back her belongings but was able to retrieve her jewelry and valuables from her husband after their divorce. She has been living with her parents since her divorce and learnt that her husband remarried after their divorce.

6. Mastara K from Dinajpur, West Bengal, is merely twenty two years old and was divorced after eleven months of her marriage, by a mere letter sent by her husband who worked as a labourer in Punjab. She has not received any maintenance post her divorce, and received her mehr of six thousand rupees, after their divorce. There were frequent fights with her husband and in-laws. Her husband remarried soon after their divorce. She was able to get back her jewelry and belongings from her husband after their divorce.
7. N Khatun has studied till class ten. Thirty years of age, she is a zari worker and was divorced a year and a half after her marriage by her husband, orally. She has not received any maintenance post-divorce, and despite having her nikahnama, has not received the mehr, fixed at five thousand rupees at the time of their marriage. Domestic violence and frequent fights with her husband and in-laws were problems she reported having faced while married. She received her belongings and jewelry back, partly, from her husband, who remarried after divorcing her.
8. Twenty seven year old R Bibi works as a house help. A mother of three children, she was divorced seven years after her marriage, by her husband, orally and has been living at her relative's house along with her children since. She does not have her nikahnama and did not receive any mehr either. She has also not received any maintenance from her husband after their divorce. She was not able to get any of her belongings or jewelry from her husband, who remarried soon after divorcing her.
9. Yasmin A from Kolkata is a graduate. She is thirty two years old and has two daughters, aged six years and six months. Divorced eight years after her marriage, orally by her husband, Yasmin did not receive any maintenance from her husband for her or her daughters. The mehr fixed at the time of their nikah was also not received. She has been living in her husband's house and has got back her belongings and jewelry from him.
10. Twenty eight year old Seema has a two year old daughter. Her husband divorced her unilaterally, through their relatives, two years after their marriage. She has her nikahnama but did not receive her mehr, neither has

she received any maintenance from her husband. Domestic violence and fights with her husband were problems she faced while married. She was fortunate to be able to retrieve her belongings and jewelry from him, post-divorce. Her husband remarried, after divorcing her.

11. Z Parveen, makes kite sticks to earn a living. She is thirty two years old and a resident of Kolkata. Her husband divorced her unilaterally, through their relatives, and has not given her any maintenance for her or their nine year old child. She also did not receive her mehr. Domestic violence and fights with in-laws and lack of maintenance from her husband were some of the reasons that led to the divorce. She lives in her husband's house presently and has been able to get her belongings and jewelry from him.

MAHARASHTRA

1. Rumana S is twenty years old and a resident of Mumbai. She was divorced orally by her husband, five months after their marriage and has not received any maintenance allowance from him. She has her nikahnama and also received her mehr, in the form of a gold locket at the time of her nikah. Dowry demands, fights with her husband and in laws and no maintenance from her husband while still married were problems she faced. She has been living with her parents since her divorce.
2. S Ali, twenty six years old has studied till class ten. She has two sons aged six and eight years. She has her nikahnama but was asked to let go of the meagre amount of 522 rupees, fixed as mehr at the time of her nikah, and she did. She was cheated and made to sign divorce papers not knowing what she was signing. She and her sons have been living with her parents since her divorce. She was a victim of domestic violence, incompatibility with in laws and husband, who did not maintain her even while they were married, neither did she receive any maintenance post-divorce. She was able to get back her jewelry and belongings from him post-divorce. Her husband remarried after divorcing her.

3. J Qureshi was a housewife and her husband used to run a soft drink shop. Fifty five years old, she has five sons and three daughters and was divorced thirty years after her marriage by her husband, orally. She does not have her nikanama and had not received any mehr at the time of her nikah, neither has she received any maintenance post-divorce. She managed to get rights to half their matrimonial home, and lives with her children there, presently. Because of this, she was also able to get her belongings and jewelry from the house as well.
4. S Sheikh works as a domestic help. She is thirty five years old and was divorced last year, five years after her marriage. She realized that her mother in law had, by fraudulent ways, got a divorce written in her nikanama itself. She has not received any maintenance from him post-divorce. While married she faced domestic violence, fights with husband and in laws, no maintenance and an alcoholic husband and she has been living with her parents since her divorce. She was able to get her jewelry back from her husband's house.
5. R Ansari is thirty one years old and makes food from her home to sell it and make a living. She does not have her nikanama, but received the meagre amount of the symbolic 786 rupees on the day of her marriage. Her husband divorced her nine years after their marriage, by merely pronouncing talaq thrice and has not given her any maintenance post-divorce. Domestic violence, dowry demands, fights with in laws and her husband as well as lack of maintenance and alcoholism were problems she faced while married. She presently resides with her parents along with her two sons. She was not able to get back any of her belongings and jewelry from her husband who married again, soon after divorcing her.
6. L Khan, nineteen years old, was divorced by her husband, nine months after their marriage, orally. She has her nikanama and received the mehr fixed at the time of her nikah, that of five thousand rupees. Her husband, a gym trainer by profession, used to frequently fight with her and was also very suspicious. She was even asked to go through the process of halala after her divorce. She was not able to get any of her belongings from her husband, neither was she able to get back her jewelry. She has been living with her parents since her divorce.
7. A Sheikh, twenty years old has studied till the seventh standard. She has a five year old child. Her husband divorced her orally, ten years after their marriage. She has her nikanama with her and received the mehr in the form of a gold locket at the time of her marriage. She faced violence, frequent fights with her husband and did not receive maintenance from him while married. She has not received any maintenance post-divorce either. She is presently living with her parents and her child with her husband. She was able to get back most of her belongings and jewelry and other valuables from her husband.
8. M Khan has studied till the twelfth standard. She is twenty four years old and was a housewife. She was divorced by her husband, orally, merely five months after her marriage. She has received a meagre sum of four thousand rupees towards maintenance post-divorce. Domestic violence, and fights with a suspicious husband were an everyday affair for her while she was married. She has her nikanama and had also received the token amount of five thousand rupees at the time of her nikah. She was able to get back most of her belongings and jewelry and other valuables from her husband. She is presently living with her maternal grandparents.
9. N Ansari is a graduate from Bombay. Her ex-husband worked at a bank in Dubai. She is expecting a child at present. She was divorced within a year of her marriage to him by a mere email. Neither has she received her mehr nor has she received any maintenance allowance from her husband post-divorce. She is presently living with her parents. Neither was she able to retrieve her belongings nor her jewelry and valuables from her husband who subjected her to sexual abuse, domestic violence and no maintenance when they were married.
10. Nazia S is a mother of two children and was divorced thirteen years after her marriage, by her husband, orally. He has not given her any maintenance post their divorce. She has her nikanama with her and had received the token mehr sum of eleven hundred at the time of her marriage. Domestic violence,

no maintenance and frequent fights with her husband were common when she was married. She presently stays with her parents while both the children stay with their father. She was fortunate to be able to get all her belongings and jewelry back from her husband after their divorce.

11. Noorjahan k, twenty nine years old, has studied till class twelve. She has three children, the eldest eight years old and was divorced by her husband, orally, nine years after their marriage. She has her nikanama and received her mehr of ten thousand rupees at the time of her nikah. She has however not received any maintenance for herself or her children, from him, post their divorce. She was a victim of domestic violence and dowry demands, and also faced an uncordial relationship with her husband and in laws, her husband also was suspicious of her and was an alcoholic who sexually abused her. She is presently living with her parents with two of her children. One of them lives with his father. She was able to retrieve her belongings and jewelry from her husband after their divorce.

3. Shehla was divorced 8 years after marriage by her husband, an engineer by profession. Despite having a nikaahnama with a mehr of a total sum of fifty thousand rupees, she is yet to receive the money. The divorce was given unilaterally and the primary problem faced by her was quarrels with her in-laws. Shehla has been staying with her children at her parent's house and did not approach any individual or institution post-separation. Neither was she given any of belongings nor her jewelry after the divorce took place.

3. Rubina, a 28 year old resident of Bhopal M.P., did not receive any formal education. She works as a domestic help for a living and her husband owns a shop. She has a seven year old daughter who is now being raised by her, at her parent's house, after the divorce. Having a mehr fixed at seven thousand rupees in the nikaahnama, which she is yet to receive, Rubina was divorced three years after her marriage. She had to face domestic violence and fights with her husband, leading to their divorce, which was delivered orally. She has not been given any amount as allowance post the dissolution of their marriage.

Her husband remarried without returning any of her personal belongings and jewelry to Rubina.

MADHYA PRADESH

1. R Begum, aged 31 years resides in Khajuraho, M.P. Rasheeda runs a beauty parlour and has completed her education till 12th standard. Mother of an 8 year old, Rasheeda was divorced after four years of marriage by her husband, through a letter by a qazi. She hasn't been given any maintenance ever since. Even though the mehr on the nikaahnama was fixed at an amount of fifty thousand rupees, she is yet to receive the sum. Frequent fights with her husband caused the divorce. She has been living in her parent's house post separation and was asked to do a halala. Notwithstanding that the alimony, jewelry and belongings were not given to her after the divorce, she has been raising her child all by herself. Her husband remarried after getting divorced.
2. Twenty eight year old Shehla B holds a Bachelor's degree in Science. A resident of Bhopal, M.P., she has two children, aged 5 and
4. Madina B, an owner of a bangle shop, has an annual income of thirty thousand rupees only. She is of thirty five years of age and is not literate. A resident of Chatarpur M.P., Madina has three children and the eldest child is aged 16. Even though she possesses her nikaahnama with a fixed mehr amount of five thousand rupees, she was not given the sum even after her divorce, which took place five years after her marriage. Her children have been staying with her in a rented house. During her marriage, Madina had to face fights with her in laws. Neither was her jewelry nor any of her personal belongings returned after the separation. Her husband immediately remarried post-divorce.
5. Salma, aged 21 was married at a tender age of 16 and was divorced within 5 months of marriage. A resident of Satna, M.P., she has studied till the fifth standard. Salma's husband was an auto driver by profession

Her five year old child has been staying with her, at her parent's house, since the divorce. A sum of mere five thousand rupees was fixed as mehr in the nikaahnama. She wasn't supported financially for her sustenance and didn't receive the mehr after being divorced unilaterally. Even during the short span of her marriage, Salma had to face domestic violence and fights with her husband.

She did not approach any institution or individual post-separation. Not only did her husband marry thrice, he deprived her of her personal belongings and jewelry and divorced her when she was three months pregnant.

6. A domestic worker by occupation, Nasreen is a 30 year old resident of Bhopal, M.P. She has received education up to twelfth standard. Her husband, a driver, divorced her six years after marriage. He gave her the mehr that was fixed at eleven thousand rupees in the nikaahnama, a year after their wedding. She wasn't provided with any financial aid for her subsistence during marriage and after their separation. This along with quarrels with her husband was the problem she had to face over the years. Nasreen has been staying at her parent's house ever since she was divorced orally. She was given her jewelry but her personal belongings weren't returned. Her husband remarried after divorcing her.
7. Mahnoor holds a bachelor's degree in arts. A homemaker by profession, she was divorced by her husband, who is a teacher, eight years after marriage. Although Mahnoor possesses her nikaahnama with a mehr fixed at 25876 rupees, she neither received the mehr nor any financial assistance post separation. She had to face difficult circumstances including fights with her in-laws and dowry harassment, thereby leading to the divorce which was conveyed unilaterally. She has been living at her parent's house and had approached a Qazi following the divorce. Neither did she get any of personal belongings nor her expensive items back since the dissolution of her marriage.
8. Thirty one year old Nazia works at an Aanganwadi for a living whereas her husband owns property. She is a holder of a Master's degree, residing at Jahangirabad, Bhopal M.P.

The divorce took place a month after marriage, unilaterally, in her absence. The mehr was fixed at an amount of 50 thousand rupees and she was given half the sum only after a fatwa was issued from Darulqaza. Nazia did not receive any maintenance after divorce. After Nikah, she stayed at her parents' house. Continued pressure from her parents lead to the separation after a month of marriage. Her husband remarried subsequently.

9. N, mother of a 10 year old, aged 28 years is a resident of Nairabad, M.P. She has studied up to eighth standard. Her husband runs a business. She was divorced three years after marriage and the problems that led to it were domestic violence, fights with in-laws and dowry harassment. The mehr fixed at the time of Nikah was of a total amount of 11786 rupees and she received it after separation. However, she wasn't given any maintenance. N has been staying with her child at a relative's home ever since the divorce was delivered orally. Not only did her husband remarry before the annulment of the first marriage, he neither gave back her personal possessions nor her jewelry post-divorce.
10. S, presently 20 years old was divorced after a year of marriage. A resident of Satna, M.P. and a housewife by occupation, she has been educated till class eight. Her husband, a watch repairer, divorced her unilaterally without providing any allowance for her sustenance. Fortunately, she received the mehr that was fixed at an amount of twenty one thousand rupees, but only after their divorce.

Being harassed for dowry, S now stays with her parents. She got her belongings but didn't get her jewelry and was asked to do a halala. Her husband remarried post-divorce.

11. Thirty five year old S Begum has completed her matriculation. A resident of Bhopal, M.P., she makes envelopes for a living. Her husband, a farmer by occupation, divorced her six years after marriage and they have a child aged 10. S possesses her nikaahnama, in which the mehr was fixed at a sum of twenty thousand rupees which she received after separation.

The primary problems that she had to face

were fights with her in-laws and a suspicious husband. She has been staying with her child at her parent's house. Her approach to a Qazi helped her get back only her jewelry/expensive stuff but not her personal belongings post the annulment of the marriage. Her husband remarried after their divorce.

12. Nazra B, 34 years old, is a mother of two children, aged 13 and 10. A resident of Satna, M.P., she is a daily wage worker by profession and her husband, an owner of land and property. She has completed her secondary school and was a victim of domestic violence, dowry harassment and fights with her in-laws. Nazra was divorced eight years after her marriage by a mere . Her husband remarried after their divorce letter from her husband. She possesses her nikaahnama that her mehr was fixed at 21786 rupees, but is yet to receive the amount. Fortunately, she received some financial support for her subsistence.

She has been staying with her children in a rented house, post-divorce. She was asked to do a halala. Neither did she get any of her belongings nor her jewelry; her husband remarried after their divorce.

13. Twenty five year old Shaista is a resident of Bhopal, Madhya Pradesh. Having been educated up to twelfth standard, Shaista is a mother of two kids, aged 3 and 2. Her husband works as an Imam, Qazi, and owns a shop on Islamic books. He divorced her unilaterally, four years after marriage and did not give her the mehr that was fixed at forty five thousand rupees in the nikaahnama.

Shaista had to face a number of hurdles during marriage including domestic violence, quarrels with her husband and in-laws, dowry harassment, lack of maintenance, and sexual abuse. Her children have been staying with her at her parent's house. She didn't receive any of her personal belongings including her jewelry, post-divorce and was also asked to do a halala.

14. Nahida, a thirty year old, mother of three children aged 19, 16 and 13 was divorced seven years after marriage. Having received education up to eighth standard, presently

stays in a rented house with her children. She does not possess the nikaahnama and received her mehr, which was fixed at 5786 rupees, two years after divorce.

No financial assistance was provided for the sustenance of Nahida and her children, by her husband, post divorce. Her husband remarried after the divorce, which was conveyed through relatives. She had to face fights with her in laws and husband. Neither did she receive her personal belongings nor her jewelry; her husband remarried after divorcing her.

15. T Begum, a domestic worker by profession, has studied till class eight. A forty year old and a mother of two, aged 12 and 10, she was divorced three years after marriage. She is a resident of Satna, M.P. and possesses her nikaahnama with a mehr fixed at 7786 rupees, which she is yet to receive. T was not given maintenance after being divorced, domestic violence being the main cause for the it. Her husband divorced her orally and she has been staying with her children at her parent's house ever since. She wasn't given her belongings or jewelry after the divorce. Her husband did not remarry.

16. A resident of Satna, M.P., Shabana B is a thirty eight year old and a mother of two children, aged 16 and 8. She is a domestic worker by profession, educated up to the eighth standard, and was divorced 8 years after marriage. The mehr was fixed at an amount of seven thousand seven hundred and eighty six rupees and she has her nikaahnama. However, the sum wasn't given to her. The divorce was announced in a Masjid and the biggest problem that she had to face was domestic violence. Shabana has been residing at her parent's house with her children post separation. Neither was her jewelry nor any of her belongings returned to her after the divorce.

17. Thirty year old Salma was divorced five years after marriage, over the phone. A domestic worker, she was a victim of domestic violence. Neither did she receive any financial aid after divorce nor was she given the mehr, which was fixed at a meagre amount of five thousand rupees in the nikaahnama. Salma possesses the nikaahnama. She has been

She has been living at her parent's house at present. She received her jewelry but was neither given her personal belongings nor any maintenance after the divorce took place.

18. Twenty five year old Shaheen B is a resident of Satna, M.P. She has studied up to class eight, is a homemaker who was divorced two years after marriage. She possesses her *nikaahnama* and her *mehrw* was fixed at rupees five thousand only. The sum was given to her post dissolution of the marriage. Shaheen had to face domestic violence and the divorce was conveyed through relatives. She was fortunate to receive her personal belongings and jewelry after divorce, but hasn't been given any financial support for her subsistence. She has been staying at her parent's house ever since and her husband has remarried.
19. A teacher by profession, holding a bachelor's degree in Arts and Education, K Khan, a forty year old woman, is a resident of Bhopal, M.P. Her husband, a doctor, divorced her unilaterally and gave her the *mehr*, which was fixed at a total sum of one lakh rupees, post separation. She possesses her *nikaahnama*. Frequent fights between the two led to the divorce. She has been living at her parent's house at present. She received her jewelry but was neither given her personal belongings nor any maintenance after the divorce took place.
20. Shama, a resident of Panna, M.P., was divorced two years after marriage. Aged twenty five, she is a homemaker and possesses her *nikaahnama*. Educated up to the eighth standard, Shama was fortunate to receive maintenance after the divorce. She was also given the *mehr*, but only post separation, which was fixed at an amount of eleven thousand rupees. Fights between Shama and her husband led to the divorce, which was delivered unilaterally.

She has been staying at her parent's house and was returned her belongings and jewelry post-divorce. Her husband remarried before the divorce.

5

CONCLUSION

The Need to reform personal laws in conjunction with Quranic principles; uniform civil code is not the answer

As is evident from the cases presented here the Indian Muslim woman continues to suffer on account of oral and unilateral divorce. The Quranic injunctions about accountability, time period, procedure, arbitration notwithstanding triple talaq takes place all around us. This un-Quranic practice needs to be abolished by law. One simple method as suggested by a prominent scholar of Indian origin could be an amendment to the Dissolution of Muslim Marriages Act, 1939 to include man apart from woman. This law enables Muslim woman to seek divorce on the grounds mentioned therein. The same can be extended to include and made applicable to man too. A man can seek divorce on the same grounds following the same procedure as laid down for a woman. Another alternative could be an amendment to the Shariat Application Act, 1937 to include all the aspects such as age of marriage, marriage procedure, divorce procedure, polygamy, maintenance, custody of children, property etc based on the Quranic injunctions. Such a law would also be in keeping with the Constitutional principles of justice and equality for all citizens. This would also be in consonance of the right to religious freedom enshrined in the Constitution.

On the one hand the Muslim orthodoxy in India does not want to entertain any talk of personal law reform and the Hindu right is pushing for the Uniform Civil Code on the other. The truth is both these sections are coming from extreme points-of-view and both are equally patriarchal. The credentials of both these formations on the question of gender justice and place of women in society are far from impeccable. For one, nobody knows what those belonging to the Hindu Right have in mind when they talk about a Uniform Civil

Code in India for they have never shared a draft or an outline about the same. Besides, historically their opposition to the concept of Uniform Civil Code put forth by Nehru and Ambedkar is well documented. The Constituent Assembly debates are replete with speeches by Hindu religious-minded MPs opposing the Uniform Civil Code as an onslaught on ancient Indian civilization and culture. They rejected it as a foreign idea which posed a threat to our rich cultural tradition. Then how come their successors want a Uniform Civil Code now?

There is no clarity about what is meant by Uniform Civil Code in the BJP manifesto of 2014. Are they calling for abolition of the Hindu Marriage Act, 1955? Do they want to do away with the Hindu Succession Act, 1956? Are they proposing that Hindu marriages can happen without Kanyadaan and Saptapadi rituals? Can the Hindu marriage be solemnized based on secular procedures laid down in a future Uniform Civil Code based on constitutional principles? Are they unhappy with the Hindu Undivided Family [HUF] as a legal entity and are suggesting secular taxation laws in the country? The BJP and their friends need to think through these and such other questions.

On the other hand, the Muslim conservatives cannot keep their minds and eyes shut to the atrocities such as triple talaq listed here in this Study. As silence will only give furtherance to the Uniform Civil Code demand for gender justice. They need to recognize that Muslim women have been denied their Quranic rights for far too long and that this injustice cannot go on. We have to begin a process involving legal and social reform involving the whole community and the elected representatives. Indian democracy allows for regulation of family matters based on each one's religious texts. The Christian and the Parsi minorities have taken recourse to these Constitutional provisions and

enacted their personal laws accordingly. It is the Muslim orthodoxy signified in the self-appointed personal law body that is resistant to any reform within the agreed framework. their personal laws accordingly. It is the Muslim orthodoxy signified in the self-appointed personal law body that is resistant to any reform within the agreed framework. It is anybody's guess as to how representative this body is as far as the Indian Muslim population is concerned. A Study conducted by us Seeking Justice Within Family showed that overwhelming 94% Women surveyed had not heard about this body! Besides, Islam does not recognize the role of intermediaries. For how long can these elements continue to speak in the name of Islam? Women and youth, ordinary Muslims want change and they want this change to take place fast. They are also concerned about the bad name it gives to the faith and the practitioners.

The founders of the Constitution had gender justice uppermost in their minds. They also respected the religious diversities that comprise India. They were also mindful about India being a secular country where the government has to be equi-distant from all religions and maintain its secular character. Uniform Civil Code was conceived in the backdrop of rituals and practices in our society leading to denial of gender justice and equality. Practices such as Sati, widow ostracization, dowry, low domestic status were the social ills that were being justified in the name of religion. Each socio-religious community had their problems on the issue of womens' equality. Nehru and Ambedkar thought that a Uniform Civil Code could be the answer to this problem. But down the decades the Uniform Civil Code idea has got highly politicized. The concern for gender justice seems to have been relegated to the background.

The gender concerns of Nehru and others led to the formation of the Hindu Marriage Act, 1955 as well as the Hindu Succession Act, 1956. The Special Marriages Act, 1954 would enable all citizens irrespective of their religious background to marry within a secular framework. The Christian Marriage Act, 1872 has undergone so many amendments towards reform in marriage and divorce matters. Similar is the case with The Parsi Marriage and Divorce Act, 1936. Indian Muslims seem to be the only community who have not adequately codified their marriage and family laws. This has led to the incidence of oral talaq and such other malpractices as there is no law to govern these matters. The husband can divorce at will without any substantive procedure, the qazis can continue siding with the husband and the Muslim wife has to

bear the brunt of this injustice. Justifying oral talaq in the name of religion is adding insult to injury such that an ordinary woman may never think of fighting it. The misinformation has continued and the women and their children have suffered untold miseries some of which are captured here in this Study.

For a country such as ours with all the cultural and socio-religious diversities upholding of the diversities plural practices is paramount. Article 25 and various other articles take care of this obligation of the government. The Uniform Civil Code is mentioned in Article 44 which is found in Part IV of the Constitution which is about Directive Principles of State Policy. These are merely guiding principles and not enforceable through courts. The solution to the marriage and family concerns of the Muslim community lie in reform of the personal law within the Quranic framework. And this should stand the test of the Constitution as well as the Quran. This can open up avenues for justice and equality for the Muslim women and thereby the entire community.

6

ANNEXURE I

FORMAT FOR ORAL/UNILATERAL DIVORCE CASE STUDIES Bharatiya Muslim Mahila Andolan State- Case study No:

19. Name:
19. Age:
19. Education:
19. Address:
19. Annual family income:
19. Occupation self:
19. Occupation husband:
19. No. of Children: age.
19. Did she get maintenance after divorce: a. Yes..... b. No
19. Does she have nikaahnama:
19. After how many years of marriage was she divorced: years
19. How much was the mehr fixed on nikaahnama.....
19. Did you receive it: a. Yes..... b. No.....
19. When did you receive it :
19. Problem faced:
 - a. Domestic violence
 - b. Fights with husband
 - c. Fights with in-laws
 - d. Dowry harassment
 - e. Lack of maintenance.....
 - f. Sexual abuse.....

16. How did the divorce take place:
- In her absence
 - Orally.....
 - Letter by husband
 - Letter by qazi
 - By sms/ whatsapp
 - By email.....
 - On phone
 - Through relatives
 - Facebook.....
 - By cheating Any other
17. Where did she reside after divorce:
- Husband's house
 - Parents house
 - Relatives House
 - Shelter home.....
 - Any other.....
18. After divorce did she approach any individual or institution?
- Yes
 - No.....
19. Was she asked to do halala?
- Yes.....
 - No
20. Where are children after divorce?
- With her.....
 - With husband
 - Any other.....
21. Did she get her belongings back after divorce?
- Yes
 - No.....
22. Did she get her jewelry/expensive stuff back after divorce?
- Yes
 - No.....
23. Has the husband remarried after divorcing her?
- Yes
 - No

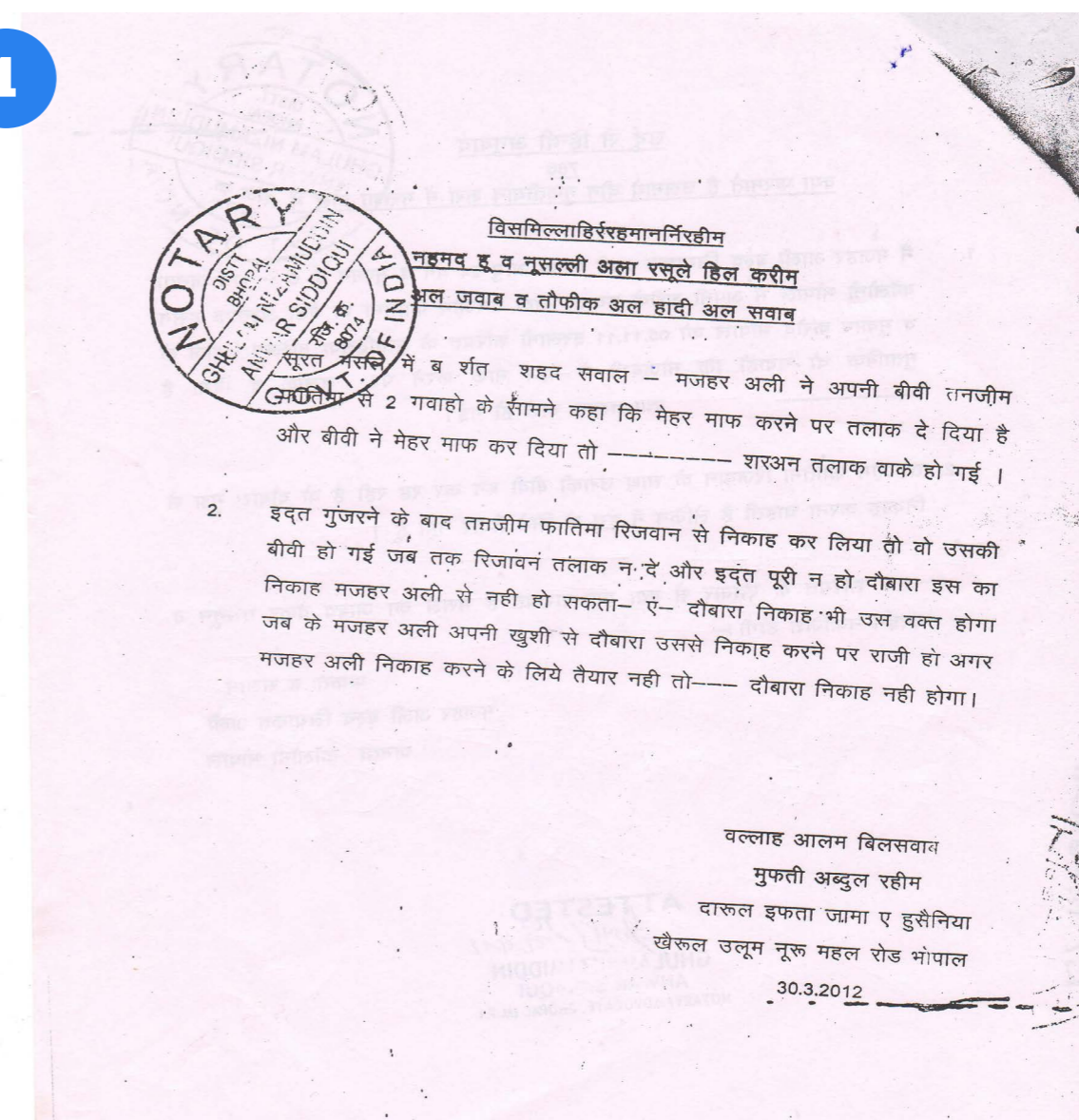
7

ANNEXURE II

QAZI LETTERS UPHOLDING TRIPLE TALAQ FROM MADHYA PRADESH AND MAHARASHTRA

MADHYA PRADESH

1



2

جنتا صحیفی ایوانِ اعلیٰ (مجلس) دارالافتاء زیر اہتمام مساجد کمیٹی، بھوپال



۶۶۷۱
۱۶/۸/۱۱

فون نمبر: ۲۵۳۰۲۳۲

1871

فارم کا سلسلہ نمبر

مجموعہ نمبر ۵۶۲
۲۳ اکتوبر ۲۰۱۱ء

موصولہ نمبر ۵۶۲
۱۶ اکتوبر ۲۰۱۱ء
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
فَاسْئَلُوا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُونَ

فُتُوٰی

اِسْتِفْتَاٰ

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
الجواب بتوفیق الہادی الی الصواب

کیا فرماتے ہیں علماء دین ومفتیان شرع متین

صورت مسئلہ میں بشرط صحت سوال حکم شرعی ہے

مسئلہ ذیل میں

سیدہ انصاف علی بی بی نے اسے اپنی بیوی صبیحہ خان کو تحریری طور پر تین ہفتوں کے لیے تعلقہ خالی کر دیا تھا جس پر تین ہفتوں کے بعد اسے واپس لے کر رہنے اور رشتہ زوجیت باطل نہ ہو گیا۔

یہ کہ مجھ سدا انصاف علی ولد سدا علی علی صاحب کی شادی ۱۹ مئی ۲۰۰۸ء کو ہوئی تھی۔ ۲۰۰۸ء میں ۲۱/۷/۲۰۰۸ء کو صبیحہ کے عہد میں میری بیوی کو تعلقہ خالی کر دیا گیا تھا جس پر تین ہفتوں کے بعد اسے واپس لے کر رہنے اور رشتہ زوجیت باطل نہ ہو گیا۔

طلاق کے وقت میری کام سے موجود دہرا دہری تھی میری کام سے تعلقہ خالی کر دیا گیا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔

یہ کہ وہ سے میرا ایک لڑکا سدا انصاف علی علی صاحب کے پاس ہے جو اس وقت تعلقہ خالی کر دیا گیا تھا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔

جواب درست ہے
۱۸ رمضان ۱۴۳۲ھ
۱۹ اکتوبر ۲۰۱۱ء

تعلقہ خالی کر دیا گیا تھا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔

۱۸ رمضان ۱۴۳۲ھ
۱۹ اکتوبر ۲۰۱۱ء

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۱۹ اکتوبر ۲۰۱۱ء

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۱۹ اکتوبر ۲۰۱۱ء

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3

جنتا صحیفی ایوانِ اعلیٰ (مجلس) دارالافتاء زیر اہتمام مساجد کمیٹی، بھوپال



۱۸۵
۱۴/۳/۱۲

فون نمبر: ۲۵۳۰۲۳۲

2569

فارم کا سلسلہ نمبر

مجموعہ نمبر ۱۸۵
۱۵/۰۳/۱۲

موصولہ نمبر ۱۸۵
۱۴/۰۳/۱۲
بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
فَاسْئَلُوا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُونَ

فُتُوٰی

اِسْتِفْتَاٰ

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
الجواب بتوفیق الہادی الی الصواب
صورت مسئلہ میں بشرط صحت سوال حکم شرعی ہے

کیا فرماتے ہیں علماء دین ومفتیان شرع متین
مسئلہ ذیل میں

۱- صبیحہ کے ساتھ رہنے کے دوران میں میرا ایک لڑکا پیدا ہوا تھا جس پر تین ہفتوں کے بعد اسے واپس لے کر رہنے اور رشتہ زوجیت باطل نہ ہو گیا۔

یہ کہ میں صبیحہ خان بنت انوار محمد مریم جو کہ افضل کالونی جنوبی چھانگرا بادی کی رہنے والی ہوں۔ میرا نکاح سیدہ انصاف علی ولد سیدہ انصاف علی صاحب سے ۱۹ مئی ۲۰۰۸ء کو ہوا تھا۔ ۲۱/۷/۲۰۰۸ء کو صبیحہ کے عہد میں میرا ایک لڑکا پیدا ہوا تھا جس پر تین ہفتوں کے بعد اسے واپس لے کر رہنے اور رشتہ زوجیت باطل نہ ہو گیا۔

۲- میرا ایک لڑکا سدا انصاف علی علی صاحب کے پاس ہے جو اس وقت تعلقہ خالی کر دیا گیا تھا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔ اس کے بعد میری کام سے تعلقہ خالی کر دیا گیا۔

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4

دارالافتاء زیر اہتمام مساجد کمیٹی، بھوپال

229
19/11/11



فون نمبر: 2629441

بجریہ نمبر

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

موسم نمبر 229
19/11/11

فَاسْئَلُوا اَهْلَ الذِّكْرِ اِنْ كُنْتُمْ لَا تَعْلَمُونَ

اِسْتِفتاء
فتویٰ

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

الجواب بتوفیق الہادی الی الصواب

صورت مسئلہ میں بشرط صحت سوال و شرط صحت واقعہ

صورت مسئلہ میں بشرط صحت سوال و شرط صحت واقعہ

عبد الجبار خان صاحب جب اپنے بیٹے کو مہاجرہ بیگم عرف نکیت کو بھاری بھاری طور پر دینے کو آپ کی دینی سہولتوں

طلیق (مخلط) سماء ماجدہ عرف نکیت پر شہ قی واقع ہو گئی اور شہ قی زوجیت سمیت نکیت کی فتنہ ہو گیا۔ اب طلاق دینے اور مطلقہ کا

انکسار کو میان بیوی بچہ طرح ایسا بے حلالہ و شرعی کے قطعاً حرام ہے۔ طلاق واقع ہونے کے بعد مطلقہ کا

کسب سے ہونا یا اسکا تحریر طلاق نہ کرنا شرط نہیں ہے۔ مطلقہ ماجدہ عرف نکیت اپنے طلاق دینے

عبد الجبار خان صاحب سے شرعی مطالبات یا اپنی ضرورتیں کے لئے اپنے حق سے

واللہ اعلم بالصواب
مفتی محمد امجد علی صاحب
بھوپال

کیا فرماتے ہیں علماء دین و مفتیان شرع متین

مسئلہ نمبر 229
بسم اللہ الرحمن الرحیم
مفتی محمد امجد علی صاحب
بھوپال

مفتی محمد امجد علی صاحب
بھوپال

مفتی محمد امجد علی صاحب
بھوپال

مفتی محمد امجد علی صاحب
بھوپال

مفتی محمد امجد علی صاحب
بھوپال

مفتی محمد امجد علی صاحب
بھوپال

مفتی محمد امجد علی صاحب
بھوپال

5

کسی بیانہ و تعال

تصدیق نامہ

تصدیق کیجاتی ہے کہ محمد عمران عرف بیٹو ولد محمد رمضان صاحب کو ڈاکا لاکھ دو روپے مالک اور انہی بیوی سے نکیت کو بھاری بھاری طور پر دینے کو آپ کی دینی سہولتوں میں شہ قی واقع ہو گیا اور شہ قی زوجیت سمیت نکیت کی فتنہ ہو گیا۔ اب طلاق دینے اور مطلقہ کا انکسار کو میان بیوی بچہ طرح ایسا بے حلالہ و شرعی کے قطعاً حرام ہے۔ طلاق واقع ہونے کے بعد مطلقہ کا کسب سے ہونا یا اسکا تحریر طلاق نہ کرنا شرط نہیں ہے۔ مطلقہ ماجدہ عرف نکیت اپنے طلاق دینے عبد الجبار خان صاحب سے شرعی مطالبات یا اپنی ضرورتیں کے لئے اپنے حق سے



QAZI
DARUL QAZA
BHOPAL

6

33 33 9 9
33 an फतवा

1) फतवा सबीहा खान

मुफती साहेब का कहना है कि आपका शाहर ने दो गवाहों के सामने तलाक़ कहे दिए हैं। तलाक़ हो गई। बीवी का सामना करना या मुजुर्दा होना या उसकी मर्जी जानना जरूरी नहीं है।

2) माजिदा बेगम का फतवा

शाहर ने अमिर खानर तीन तलाक़ कहे दिए। तलाक़ हो गई। तलाक़ के तर्जुमा बीवी का वहां होना जरूरी नहीं है।

3) तलाक़ का तस्दीक नामा (Confirmation letter of Talaq)

इस लेटर में काजी साहेब का कहना है कि शाहर ने फौजपुर तलाक़ कहे दिए। इस लेटर तलाक़ हो गई।

MAHARASHTRA

1

Rehmat Ali Qazi

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

مولانا رحمت علی قاضی
قاضی شرعیہ شہر ممبئی

Time : 10 a.m. to 5 p.m.

Time : 10 a.m. to 5 p.m.

Ref. No.:

Date : 23/10/2019



Handwritten text in Urdu script, including the word 'طلاق' (Talaq) and other legal details.

Handwritten signature and date: 23/10/2019



2

Abdul Qadir Qasmi

Imam Masjid Saat Rasta,
Dr. E. Moses Road,
Jacob Circle, Mumbai - 400011.

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

عبد القادر قاسمی

امام مسجد سات راستہ
ڈاکٹر ای موزس روڈ، جیکب سرکل، ممبئی نمبر ۱۱۔

Ref.:

Date: _____

IN THE NAME OF AL-MIGHTY ALLAH

On this 9th day of September, 2013, the Marriage of Janab Mohammed Fauzan Abdul Rab Chishti has been performed with Sameena D/o. Abdul Habib Shaikh on 7th March, 2013.

Due to differences in their behaviour and frequent disopinion and arising of quarrell between them. And many a time matter conciliated between them.

Today on 9th September, 2013, both Mohammed Fauzan Abdul Rab Chishti and Sameena Abdul Habib presented themselves for settlement of the problems, and in the mean-while the discussion increases between them and Mohammed Fauzan Chishti has given his wife Sameena Abdul Habib Shaikh Three Talaq in the presence of the witnesses:

Sign. of Qazi (Cleric) Sd/- in Urdu Abdul Qadir Qasmi

Sign. of Mohd. Fauzan Chishti: Sd/- in English

Signature of Witnesses:

- 1) _____
Mo. Abdul Qadir Qasmi
- 2) _____
Mo. Abdul Qavi
- 3) _____
Mo. Tayab

A. Q. Qasmi
KHTEEB

Masjid. Saat Rasta,
Dr. E. Moses Road, Jacob Circle,
MUMBAI - 400 011.

3

DARUL-QAZA

Under Supervision :
ALL INDIA MUSLIM PERSONAL LAW BOARD
With the Co-Operation From :
BROTHERS EDUCATIONAL AND SOCIAL TRUST (B.E.S.T)
Kedy Shopping Centre, Basement Masjid, 234/233,
Belassis Road, Nagpada Junction, Mumbai - 400 008

**دارالقضاء**

زیر نگرانی: آل انڈیا مسلم پرسنل لاء بورڈ
زیر تعاون: برادرس ایجوکیشنل اینڈ سوشل ٹرسٹ B.E.S.T.
کیڈی شاپنگ سینٹر، بیسمنٹ مسجد، ۲۳۳/۲۳۴، بلاک روڈ، ناگپاڑہ جنکشن، ممبئی ۴۰۰ ۰۰۸

حوالہ نمبر _____

مقدمہ نمبر ۲۸/۲۸/۲۰۱۳ء

تاریخ: ۲۵/۲/۱۹
۱۳/۱۳/۲۳

مرست شیخ بنت مظفر شیخ

بنام

اشرف علی ولد جمال الدین

مقدمہ ہذا مورخہ ۱۵/۲/۲۰۱۳ء مطابق ۲۲ ستمبر ۲۰۱۳ء کو دارالقضاء آل انڈیا مسلم پرسنل لاء بورڈ، شہر ممبئی میں دائر ہوا۔ حسب ضابطہ کارروائی کی تکمیل ہوئی۔ آج مورخہ ۱۹/۲/۲۰۱۳ء مطابق ۲۳ ستمبر ۲۰۱۳ء کو قانون اسلامی کی روشنی میں فیصلہ کرتے ہوئے درج ذیل حکم دیا جاتا ہے۔ فریقین مقتضی آیت قرآنی ﴿فلا وربک لایؤمنون حتی یتحکموا﴾ فیما شجر بینہم ثم لا یجدوا فی انفسہم حرجاً مما قضیت ویسلموا تسلیماً ﴿(سورہ نساء: ۶۵) ترجمہ نہیں! (اے محمد ﷺ) تمہارے رب کی قسم یہ کبھی مومن نہیں ہو سکتے جب تک کہ اپنے جھگڑوں کا فیصلہ کرنے والا تم کو نہ مان لیں، اور تم نے جو فیصلہ کیا اس پر اپنے دلوں میں کوئی سختی محسوس نہ کریں بلکہ فرمانبرداری کے ساتھ قبول کر لیں۔ اس حکم پر عمل کرتے ہوئے اپنے خالق و مالک جن جل مجدہ کی خوشنودی حاصل کریں اور دنیا و آخرت میں فلاح و کامیاب ہوں۔

حکم

آج میں نے مدعیہ مرست بنت مظفر شیخ کا نکاح مدعی علیہ اشرف علی ولد جمال الدین سے سخت زور و کوب، وعدم ادائیگی نان و نفقہ کی بناء پر ازراہ دفع ظلم و ستم و دفع حرج و ضرر فتح کر دیا۔ اب وہ اشرف علی کی بیوی نہیں رہی۔ عدت (تین حیض یا تین ماہ) کے بعد اپنے نفس کی اجازت ہے۔

نوٹ: (۱) یہ فیصلہ شریعت کے مطابق ہوا ہے فریقین چاہیں تو قانونی کارروائی کر سکتے ہیں۔

(۲) پورے فیصلہ کی نقل باضابطہ اس کے اخراجات جمع کر کے حاصل کی جاسکتی ہے۔

اشرف علی
قاضی شریعت



4a

MADARASA FAIZANE RAZA

Indira Nagar, Bandra Terminus Road, Bandra (E), Mumbai 51



Regd. G.B.B.S.D. 574/02

مدرستہ فیضانِ رضا

انڈرانگرا، باندرا ٹرمینس روڈ
باندرا (ایس) ممبئی ۵۱

(گلابی نامہ) ۲۰۰۹ء مئی ۲۰
Date: 20/5/09

میں شیخ ظفر علیکس ابھی ملگزار شیخ آج بروز بدھ کو نماز عشاء اور بی بی ہوی ف
ہینت علیہ الرحمہ کے فرزند شریف کو لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ لکھنؤ
گلابی دیگر ایسی اوجھت سے خارج کر رہا ہے اور یہ دونوں کی عمر
گلابی ہوا ہے۔ آج کے بعد فرزند یہ میرا گویا حق نہیں ہے میں سوچ رہا
دستخط کر رہا ہوں تا کہ وہ حق ضرورت کام آسکے۔

دستی گویا
① شیخ ظفر علیکس
② فرزند شریف علیکس



20/5/09

4b

انگریزی میں ایک لڑکی ہے جو ماں اپنے بچا کو اپنی ہے
اپنی مرضی سے - - - - -

4a

MADARASA FAIZANE RAZA

Indira Nagar, Bandra Terminus Road,
Bandra (E), Mumbai 51



Regd. G.B.B.S.D. 574/02

مدارستان ایضا

انڈرائنگ، باندرا ٹرمینس روڈ
باندرا ایسٹ ممبئی ۵۱

Date: 20/5/09

(طلاق نامہ) ۲۰ مئی ۲۰۰۹ء

میں شہین ظہیر علیکس ایسی سلطانی شہین آج بروز بدھ ۲۰ مئی ۲۰۰۹ء کو طلاق ہوئی ہے
بنت علیہ محمد بن عبدالمطلب صلی اللہ علیہ وسلم کی بیٹی ہیں۔ ان کو طلاق طلاق ہے
طلاق دیگر ایسی زوجیت سے خارج کر رہا ہوں اور یہ دونوں کی عمر
صلاتی ہوا ہے۔ آج کے بعد زانیہ میرا کوئی حق نہیں ہے میں سچ سے
درست خطہ کر رہا ہوں تاہم وہیں ضرورت کام آسکا ہے

دستی گواہی

| | | |
|---|------------------------------|------|
| ① | شہین ظہیر علیکس | دستی |
| ② | فرزادہ بنت محمد بن عبدالمطلب | گواہ |
| ③ | | |
| ④ | | |
| ⑤ | | |

20/5/09



4b

الفوتی (میرا ایک لڑکی ہے جو ماں اپنے بچا رکھ رہی ہے
ایسی مرہلی ہے -

5a



★
Aulana Abul Hasan Rahi Quazi
QUAZI FOR GREATER MUMBAI
MAHKAMA-E-SHARIA DARUL QUAZA REHMANIYA (REGD.)

Mobile : 9223424370
Tel. No.: 26324486

Mamta Chawl Committee, Near Madina Masjid, Anand Nagar, Link Road,
Jogeshwari (West), Mumbai - 400 102.

Ref. No.: MSR/301/12

Date: 17/09/2012

Handwritten text in Urdu script, appearing to be a legal document or court order. The text is dense and covers most of the page.

5b

Handwritten text in Urdu script, appearing to be a continuation of the document or a separate note. It includes some signatures and dates.



ABLANA ABUL HASAN,RAHI QUAZI
QUAZI FOR GREATER BOMBAY,
Room No. 74, Mamta Seva Committee,
Behind Madana Masjid Anand Nagar,
Link Road, Jogeshwari (W), Mumbai-400102

6a

سید نکاح منجانب قاضی

رسید نمبر ۱۲ تاریخ ۱۲ جون ۲۰۱۵ بروز پیر لکھنؤ ضلع

| | | |
|----------------|--|---|
| محمد اشرف انور | محمد احسان علی فقیر عمر ۲۸ سال نسبہ سیدی، پتہ ایف ۲۵، لاہور | نام شوہر مع ولدیت عمر و قوم و پتہ |
| المنیر | المنیر بخش عید بخش پتہ ایف ۳۵، لاہور | نام ولی شوہر مع ولدیت عمر و قوم و پتہ |
| عقلمند | سعید ۶۵ نو پیدہ و بخش - ۲۲ سال پتہ ایف ۱، لاہور | نام زوجہ مع ولدیت عمر و قوم و پتہ |
| محمد | سعید و بخش سید پتہ ایف ۲، لاہور | نام ولی زوجہ مع ولدیت عمر و قوم و پتہ |
| محمد | محمد حنیف نور محمد ۳۳ سال پتہ ایف ۲، لاہور | نام وکیل مع ولدیت عمر و قوم و پتہ |
| محمد | سیار محمد جان محمد ۲۸ سال پتہ ایف ۲، لاہور | نام گواہ اول مع ولدیت عمر و قوم و پتہ |
| محمد | نعمت الحق امام لکھنؤ پتہ ایف ۲، لاہور | نام گواہ ثانی مع ولدیت عمر و قوم و پتہ |
| محمد | محمد | نام نکاح خواں مع ولدیت عمر و قوم و پتہ |
| | محمد | مقدار مہر بجلی / موقبل |
| | دستخط قاضی | کیفیت |

6b

نکاح و طلاق کے چند مسائل

نکاح (۱) کم سے کم دو گواہوں کے سامنے ایجاب و قبول سے نکاح صحیح ہو جاتا ہے۔
 (۲) نابالغ کی طرف سے اس کے ولی کا ایجاب و قبول کرنا ضروری ہے (۳) بالغ ہونے کی
 اگر کوئی علامت دہانی جائے تو چاند کے حساب سے پندرہ سال کی عمر مکمل ہو جانے سے شرعاً
 بالغ ہو جاتا ہے (۴) اگر ولی یا ولی کے بھیجے ہوئے وکیل کی اجازت کے طلب کرنے پر
 کوئی عورت کی جیب رہی یا مسکرا دی یا رونے لگی تو بس اجازت ہو گئی (۵) مہر کو شریعت
 نے عورت کا حق قرار دیا ہے جبنا جلد ہو سکے ادا کرنا چاہئے (۶) صاحب حیثیت
 لوگوں کو اپنی حیثیت کے مطابق مہر کی مقدار مسنون مقرر کرنی چاہئے۔

طلاق (۱) بالغ شوہر ہی کے طلاق
 دینے سے طلاق ہوگی کسی دوسرے کو طلاق دینے
 کا حق نہیں۔ (۲) اگر ایک طلاق دے کر
 خاموش ہو جائے تو عدالت میں رجوع کر سکتا ہے
 لیکن اگر تین طلاق دیدیا تو بغیر حلالہ کے لاکھ
 لینا اور رہ جانا بالکل حرام ہے ہمیشہ زنا کا
 وبال پڑتا ہے اور اولاد حرامی ہوگی۔
 (۳) مذاق - تفریح - غصہ میں کسی کے سامنے
 یا تنہائی میں - خوشی یا زبردستی سے زبان سے یا کھنے سے ہر حال میں طلاق واقع ہو جائے گی۔

ضیاء الدین پور پوسٹ گوگل پوری، دہلی ۱۱۰۰۱۱
 فون نمبر: ۲۱۹ ۳۶ ۷۹
العباس پبلیکیشنز

8

ANNEXURE III

THE MUSLIM FAMILY LAW DRAFT

THE MUSLIM FAMILY ACT
Draft prepared by Bharatiya Muslim Mahila Andolan

Statement of Objects and Reasons

The Muslim Personal Law (Shariat) Application Act, 1937 was passed to ensure that customary law does not take the place of Muslim Personal Law. However in the absence of a codified law, customary practices which are divergent from the values and principles of the Quran have emerged. New codes have been introduced globally with the hope that they will introduce the rule of law in family matters and end arbitrariness and variances in judicial decisions. In India there is a need to have a comprehensive codified family law to ensure justice within the family.

This Act, based on the values and principles of the Quran as prescribed in the Quranic verses [Schedule 1], is to consolidate, clarify and codify the provisions of Muslim law and related procedure regarding Muslim marriage, divorce, maintenance during marriage, maintenance after divorce and widowhood, custody and maintenance of children.

I – PRELIMINARY**1. Short title and extent**

- a. This Act may be called The Muslim Family Act.
- b. It extends to the whole of India except the States of Jammu and Kashmir and applies to all Muslim citizens of India.
- c. It shall come in to force on such date as the Central Government may appoint by notification in the Official Gazette.

2. Application of the Act

- a. This act applies to all Muslims as per the definition given u/s 1(3)h of the Act.
- b. A marriage solemnized between Muslims before the commencement of this Act, which was otherwise valid, shall not be deemed to be void by reasons rendering the marriage void under this Act. This Act shall have a prospective effect only.
- c. Nothing contained in this Act shall be deemed to effect the provisions contained in the Special Marriage Act, 1954 with respect to marriages between Muslims solemnized under that Act, whether before or after the commencement of this Act.

3. Definitions**a. Arbitrators:**

Welfare agencies registered under the relevant government Act as well as registered under this Act according to the Rules.

b. Court:

In any area where there is a city civil court, that court, and in any other area the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act.

c. Halala:

It is a practice where a woman is made to do a consummated nikaah with another man in order to go back to her former husband.

d. Iddat:

It is a period of waiting for a woman who has been divorced or whose husband has died, upon the expiry of which a remarriage is permissible. In this period no other restrictions are enforceable except marriage and the woman is free to continue with all her activities.

This period is three menstrual courses after the date of divorce, if she is subject to menstruation

1. This period is three menstrual courses after the date of divorce, if she is subject to menstruation
2. It is three lunar months after her divorce, if she is not subject to menstruation
3. This period of waiting is 4 months and ten days after the date of death of the husband
4. If she is pregnant at the time of the death of her husband, the period extends between the death of the husband and the delivery of her child.

e. Marriage:

Marriage or Nikah is a solemn pact or mithaq-e-ghaliz' between a man and a woman, soliciting each other's life companionship, which in law takes the form of a contract or aqd. [Ref: Section 2 of Muslim Women (Protection of Rights on Divorce) Act, 1986]

f. Maintenance:

Maintenance includes an entitlement to food, clothing, residence, educational and medical expenses and all other personal expenses of woman according to the lifestyle the parties have enjoyed during their marriage and the economic status of the husband.

g. Mehr [Ajar]:

It is the Quranic right constituting a consideration for marriage and meant for the financial security of the bride in terms of a sum of money or other property to be delivered to the bride by the bridegroom at the time of the nikaah as a condition precedent for solemnization of their marriage as specified in the Nikaahnama.

h. Muslim:

Any person by birth or by conversion who professes the religion of Islam, in other words accepts the unity of God and the prophetic character of Mohammed. [Ref: Amir Ali]

i. Nikaahnama [Mithaq]:

The enforceable written marriage contract wherein the consent of the parties and other terms and conditions of marriage are stipulated and signed by both parties, qazi as well as four witnesses, two from each party of either sex. [Nikaahnama annexed in Schedule 2 of this Act]

j. Prohibited Degrees:

Degrees of prohibited relationship as specified within which marriage is not permissible. [List of prohibited relationships annexed in Schedule 3 of this Act]

k. Registered Qazi:

Qazi of either sex undergone training in Islamic law by a registered organization and registered under this Act as per the Rules.

l. Unsound Mind:

A person of unsound mind is an adult who from infirmity of mind is incapable of managing himself or his affairs. [Ref: Black's Law Dictionary]

m. Witness:

Adults of either sex with address and identity proof.

4. Overriding effect of Act

The Shariat Application Act, 1937, The Dissolution of Muslim Marriage Act, 1939 and Muslim Women's Protection Act, 1986 continue to apply to the Muslim community except those provisions which are in contravention of the provisions of this Act. The same have been incorporated in this Act in Schedule 4. Any other provision of uncodified shariah law which is in contravention to the provisions of this law hereby stands cancelled.

The Muslim women will continue to take advantage of the other laws of the land like the Dowry Prohibition Act of 1961, Protection of Women from Domestic Violence Act of 2005, Juvenile Justice [Care and Protection of Children] Act of 2000, Prohibit of Child Marriage Act of 2006 and other laws as deemed fit.

II – SOLEMNIZATION AND REGISTRATION OF MUSLIM MARRIAGES**1. Conditions relating to solemnization of Muslim marriage**

Notwithstanding anything contained in any other law for the time being in force relating to the solemnization of marriages, a marriage between any two Muslims as defined u/s 1(3)h of this Act, may be solemnized under this Act, if at the time of the marriage the following conditions are fulfilled, namely:

- a. Every marriage solemnized under this Act shall include payment of Mehr as defined u/s 1(3)g and as specified u/s 11(4) of this Act.
- b. Express and unambiguous consent of both parties is necessary before a marriage contract becomes valid. This consent must have been obtained without undue influence, coercion and fraud.
- c. The bridegroom has completed the age of twenty-one years and the bride has completed the age of eighteen years authenticated from reliable proofs or records of the date of birth.
- d. The parties are not within the degrees of prohibited relationship as mentioned in Schedule 3 of this Act
- e. In the subsistence of one marriage a man cannot marry another woman.

2. Procedure for solemnization of Muslim marriage

- a. For the solemnization of the marriage, the parties have to approach a qazi as defined u/s 1(3)k of the Act.

- b. The parties have to send a letter of application to a qazi 30 days before the date of solemnization where either bride or groom is residing for the last 30 days.
- c. The procedure of solemnization would include ijaab [proposal of the marriage] and qubool [acceptance of the proposal]. Both the proceedings of ijaab and qubool must happen in the same sitting in the presence of witnesses as defined u/s 1(3)m of this Act and the qazi as defined u/s 1(3)k of this Act.
- d. Nikaahnama as specified u/s 1(3)i of this Act must be filled up and original, true copies of the same is to be provided to the parties.

3. Responsibilities of the Qazi

- a. The said qazi shall ensure that both parties have fulfilled the conditions specified u/s 11 (1) a to e of this Act.
- b. The said qazi shall demand from both parties' authentic proofs pertaining to dates of birth and their place of residence and retain copies of the same after having them personally authenticated.
- c. The Qazi must ensure that the bride knows and consents to marry the bridegroom if his previous wife has been divorced or deceased and has children from the said marriage.
- d. The qazi solemnizes the said marriage by filling up the nikaahnama as annexed in Schedule 2 of this Act. The Nikaah-nama shall be signed by the said Qazi, the contracting parties and two witnesses present at the time of marriage.
- e. A copy of the certified nikaahnama shall be a conclusive proof of the solemnization of that marriage.
- f. The qazi shall maintain a proper record of the marriage and give duly certified true copies of the nikahnama to both the parties.
- g. A qazi as defined u/s 1(3)k can act as an Arbitrator if it is also registered under this Act as an Arbitrator
- h. The qazi must ensure that the parties submit the divorce papers of previous marriage if divorced and death certificate in case of the death of the previous spouse. In case where the party is marrying for the first time, it must submit to the qazi affidavit stating that it is his/her first marriage.

4. Mehr

- a. The minimum amount of mehr shall not be less than his one full annual income which could be his income from property, business, agricultural or commercial land and salary. It can be given either in cash/gold/kind.
- b. If income/salary cannot be determined then the mehr can be fixed based on the minimum wages of his occupation where he is residing.
- c. The mehr must be prompt and must be paid to the bride at the time of the marriage.
- d. The mehr is the wife's exclusive property to be used by her at her absolute discretion without any manner of interference from parents and relatives of both parties.
- e. The wife cannot be forced or compelled or emotionally pressurized to forego/return the mehr anytime during the subsistence of marriage or after divorce or widowhood.
- f. The groom/husband and his family cannot demand dowry nor can they casually and innocently express their desire for dowry before or during the subsistence of marriage.

5. Registration of Muslim Marriages

- a. Immediately on solemnization of the marriage as specified in Section 11 (2) a - d of the Act, the signed nikaahnama should be registered by the parties at the local state bodies like the Panchayat, Block Office, District office, Ward Office or Marriage Registrar Office under the relevant marriage registration Act.

- b. The parties must ensure that they each have true, original copies of the registration certificate.

6. Responsibility of the Witness:

The witnesses must sign the relevant documents and ensure that the party to which they are supporting as witness must have the relevant documents, which is;

- c. Death certificate if the spouse of the party has died
- d. Divorce papers if the party has been divorced
- e. Whether the party they are supporting is previously married.

III - TEMPORARY PROHIBITIONS IN MARRIAGE

1. Irregular Marriage (Fasid Nikaah)

Any marriage solemnized shall be considered irregular:

- a. If two adult witnesses as defined u/s I(3)m are not present at the time of nikaah.
- b. If the marriage has been solemnized during the period of iddat
- c. If the marriage has been solemnized without the qazi as defined u/s I(3)k of this Act
- d. If the marriage is not registered as mentioned u/s II(5) a and b of this Act
- e. If the amount of Mehr as specified u/s II(4) of this Act is not paid.

2. Regularization of Irregular marriage

- a. All marriages termed irregular u/s III(1) of this Act can be regularized within one year of the solemnization of marriage. The rights of women and children accruing from the said marriage are not affected if the marriage is not regularized. The regularization process would include:
- b. Approaching a qazi as defined u/s I(3)k along with witnesses as defined u/s I(3)m and attaching affidavits from all witnesses affirming the said marriage.
- c. Approaching a qazi as defined u/s I(3)k after which the parties will give an affidavit stating that the period of iddat is over deeming their marital status legal under this act.
- d. Approaching a qazi as defined u/s I(3)k and resolumnise the marriage with a fresh nikhanama
- e. The parties themselves should take their filled up nikhanama along with an affidavit and register it with the authority specified u/s II(5).
- f. The marriage can be regularized by paying the promised amount of mehr as u/s II (4) of this Act.

IV. INVALID MARRIAGE

1. Any marriage solemnized under this Act shall be an invalid marriage:

- a. If the consent of either party to the marriage contract has been obtained by force, coercion, undue influence or fraud.
- b. If the bride and groom are within the prohibited degrees as specified in Schedule 3 of the Act.
- c. If the bride and groom have not completed 18 and 21 years of age respectively
- d. If the husband has entered into another marital contract in the subsistence of a marriage contract, the second marriage will be an invalid marriage.

V. GROUNDS FOR DIVORCE

1. Grounds for decree for dissolution of marriage.

A woman married under Muslim law shall be entitled to obtain a decree for the dissolution of her marriage on any one or more of the following grounds, namely:\

- a. That the whereabouts of the husband have not been known for a period of four years;
- b. That the husband has neglected or has failed to provide for her maintenance for a period of two years;
- c. That the husband has been sentenced to imprisonment for a period of seven years or upwards;
- d. That the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;
- e. That the husband was impotent at the time of the marriage and continues to be so;
- f. That the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;
- g. That the husband treats her with cruelty, that is to say,
 - i. Habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or
 - ii. Associates with women of evil repute or leads an infamous life, or
 - iii. Attempts to force her to lead an immoral life, or
 - iv. Disposes of her property or prevents her exercising her legal rights over it, or
 - v. Obstructs her in the observance of her religious profession or practice, or

VI. DIVORCE

1. The Act recognizes 3 forms of separation between husband and wife:

- a. Demand for divorce by wife [Khula/faskh]
- b. Demand for divorce by husband [Talaak]
- c. Divorce by mutual consent [Mubarah]

2. In the event mentioned in VI (1) a and b,

In the event mentioned in VI (1) a and b, the party demanding divorce will follow the Talaak-e-Ahsan method of divorce as annexed in Schedule 5 of the Act. In the event of Khula the wife has the right of divorce if she is certain that she cannot stay with her husband for fear of physical and/or emotional harm. The demand of khula by wife is not dependent on the consent of the husband. The Arbitrators can terminate the marriage in the absence of consent of the husband in case of khula [faskh-e-nikaah].

The four steps thus mentioned also signify restitution of conjugal rights.

3) In the event of divorce by mutual consent i.e. mubarah;

- a. Both the parties to the marriage present a joint application to the Arbitrators as defined u/s 1(3)a for the dissolution of their marriage on the ground that they have mutually agreed that the marriage should be dissolved.
- b. After the joint application is submitted, the period of iddah follows. After 3 months or 3 monthly courses the divorce is finalized before the Arbitrators. Since this Iddat period is required to ensure absence of pregnancy, Arbitrators may consider allowing medical test for verification or absence of pregnancy.

- c. The Arbitrators have to ensure that the rights of women are ensured in the event of mubarah.
 - d. Original copies of the divorce document must be provided to both the parties.
4. **Divorce given by any other method other than those given above, is an invalid method of divorce.**
 5. **The practice of halala as defined u/s 1(3)c is an offence.**
 6. **The practice of muta marriage [temporary marriage] is an offence.**
 7. **Notwithstanding that a marriage is invalid or irregular any child of such marriage shall be deemed to be legitimate under this Act.**

VII - MAINTENANCE

1. Maintenance during Marriage and Widowhood:

Maintenance as per u/s 1(3)f of this Act, includes an entitlement to food, clothing, residence, educational and medical expenses and all other personal expenses of wife.

- a. The responsibility of maintaining the wife and children, even if she has an independent source of income is with the husband.
- b. During the process of arbitration, the maintenance of the wife and children will be the responsibility of the husband.
- c. During the subsistence of the marriage, if the custody of the child is with the mother then the responsibility of maintenance of the child is with the husband.
- d. Procedure for obtaining maintenance from the husband during the subsistence of marriage is the same as enlisted in Section 126 of the Code of Criminal Procedure, 1908.
- e. The widow has a right to maintenance and right to stay in matrimonial home.
- f. Maintenance during iddat period is the same as that provided during the subsistence of the marriage

2. Maintenance after divorce:

The provisions of maintenance after divorce are to be governed by the Muslim Women (Protection of Rights on Divorce) Act, 1986.

VIII - CUSTODY OF CHILDREN

1. Natural Guardians:

Both mother and father are considered natural guardians of the child.

2. Custody of children after divorce:

- a. In the event of a divorce, regardless of who amongst the spouse initiates the divorce, the decision regarding the custody of all children (male and female) will reside with the mother until they reach the age of 14 when the child can decide for himself/herself.
- b. After reaching the age of 14 the parent not having the custody can apply for custody of the child to an Arbitrator as given in u/s 1(3)a of the Act. The consent of the child will be sought by the Arbitrators.

- c. The parent who has lost the custody of the child will get fair visitation rights.
- d. Only if the child is not able to take a decision the Arbitrators shall take the decision based on the principle of the best interest of the child which includes the child's physical, emotional and economic security.
- e. In the event when the custody of the child is with the mother, it is the responsibility of the father to financially maintain the child.

3. Custody of the children of widows:

- a. The mother continues to be the natural guardian of the children after she becomes a widow.

4. In the event that the child is not able to take a decision the Arbitrators while making a decision should keep the following guidelines in mind:

- a. Consider the quality of the upbringing of the child till date
- b. The health, education, physical and emotional safety of the child.

5. Custody of the child is not necessarily lost if:

- a. Either parent change their respective religion
- b. Either of the parent remarries

IX. ARBITRATION

The parties can choose to go for Arbitration in the event of a dispute.

1. Nature of Arbitrators

- a. Arbitrators could be registered welfare agency which is:
 - i. Also registered under this Act as per the Rules.
 - ii. Having atleast 50% women members, preferable Muslim women
 - iii. Has an impeccable record of social justice

2. Duties and Responsibilities of the Arbitrators:

- a. The Arbitrators can arbitrate on all matters mentioned in this Act.
- b. The Arbitrators must follow the rule of giving both the sides a chance to be heard.
- c. The Arbitrators are mandated to keep a record of all proceedings during this process as well as a record of all decisions taken.
- d. In case of a divorce, the Arbitrators should safeguard the rights of the women by listing them out on the divorce document and give true, original copy of the same to both the parties.
- e. This decree is then binding on both parties to the dispute.
- f. After following the principles of natural justice, a just and fair decision should be made by the Arbitrators on all matters mentioned in the Act.

X. INHERITANCE

Notes on Inheritance

- a. A person must make a will for its family and relatives. There is no restriction that the will has to be only 1/3rd of the value of the property. There is no mention of 1/3rd division in the Quran.

- b. The distribution of Quranic parts come after making of the will and clearing of debts and in case the property owners die without making a will.
- c. Quranic verses 4:11, 4:12 which gives division after making wills and clearing debts.
- d. Son gets more than the daughter only from residual left over and above the will and debt. This division where daughter gets half than son is relationship based and not gender based. In other divisions there is no difference in the share between man and woman. In order to make the daughter get equal share in the parent's property the parents can make a gift-will to their daughter.
- e. The logic of wills in Islam is that the owner of the property decides what he/she wants to do with his/her property
- f. The grandson or granddaughter must inherit from the grand father/grandmother in case of the death of the intervening son
- g. The wife has right to receive part of husband's property (the Qur'an 2: 240), and an additional specified share in lieu of her housework contributing to the conjugal home and property creation.

The portions mentioned below are to be allotted only after making a will and clearing debts.

- a. The brother will have that share which two sisters would get. If there are only sisters and more than two then they will have two thirds of what is inherited. If there is only one sister, then she will have one half. To equalize the daughters share with the son, the parents must make a gift-deed or HIBA for their daughters so that all off-springs get equal share of the parents property.
- b. If a man has children then his each parent inherits one sixth of his property. If he has no children and his parents are the heirs, then to his mother is one third;
- c. If he has siblings then to his mother is one sixth.
- d. For a man it is half of what his wife leaves if they have no children.
- e. If they have a child then to the husband is one quarter of what his wife leaves behind.
- f. To the wife is one quarter of what the husband leaves behind if they have no child.
- g. If they have child then the wife gets one eighth of what husband leaves behind.
- h. If a man or a woman has no one, but has a brother or sister, then to each one of them is one sixth, but if they are more than this then they are to share in one third.
- i. These shares are applicable only after a will is carried through or after clearing debts if any.

Schedule 1: Quranic Verses

Schedule 2: Nikaahnama

Schedule 3: Prohibited Degrees

Schedule 4: 1937, 1939 and 1986 Acts [can be obtained from the web]

Schedule 5: Talaak-e-Ahsan method

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ANNEXURE IV

BHARATIYA MUSLIM MAHILA ANDOLAN'S NIKAAHNAMA

1. This Nikaahnama is in consonance with the Holy Quran and entered into at _____ (city/state), this _____ of _____ between _____ (A) hereafter referred to as they BRIDEGROOM AND _____ (B) hereafter referred to as the BRIDE.
2. This Nikaahnama is subject to the exclusive jurisdiction of the court where the bride ordinarily resides at any future date.

Personal particulars of parties A and B are given below :

1. Name of the bridegroom(Full Name) _____
Date of birth : _____
Address : _____
Marital status (single, widower, married, divorcee) : _____
2. Name of the bridegroom (Full Name) _____
Date of birth : _____
Address : _____
Marital status (single, widower, married, divorcee) : _____
3. Date of Nikaah : _____
4. Islamic date : _____
5. English Date : _____
6. Place of Nikaah (full address) : _____
7. Time of Nikaah _____
8. Name of Witness No. 1 from the bridegroom's side: _____
9. Age : _____
10. Address : _____
11. Name of Witness No. 2 from the bride's side : _____
12. Age : _____
13. Address : _____
14. Permanent address of Bride's Family : _____

15. Permanent address of Bridegroom's family : _____

16. The amount of Rs. _____ in cash or kind has been fixed as Mehr in this Nikaah.

I, the above named bridegroom do hereby agree to give Rs. _____ or _____ as Mehr for this marriage to the bride and the same has been approved by her.

| Serial No. | Item | Quantity |
|------------|----------------|----------|
| 1 | Cash | |
| 2 | Gold | |
| 3 | Silver | |
| 4 | Fixed Deposits | |
| 5 | Land | |
| 6 | Cheque / DD | |
| 7 | Any other | |

Annexure to this Nikaahnama are original lists duly signed by both the parties. The list is as given below :

- » Articles received by bride from the bride parents and relatives.
- » Articles received by bride from the bridegroom parents and relatives.
- » Articles given by bride to the bridegroom and his relatives and friends.

Other details about the bridegroom:

- » Present occupation: _____
- » Address of the place of employment: _____
- » Income per month : _____
- » Particulars of property (self acquired and share in inherited property) _____

The following documents are enclosed with this Nikaahnama

- » Passport size photos of the bride and the groom
- » Wedding invitation card (if there is one)
- » Copy of the passport/PAN card/voter I-care/IT Identity card attached.
- » Copy of the ration card.
- » Proof of employment.
- » In case of divorce documents related to the divorcee from first spouse.
- » In case of widower/widow death certificate of spouse.

But the bride and bridegroom do hereby confirm that each of them have read the Nikaahnama, understood its contents and given their consent to abide by all the conditions and nothing has been concealed or suppressed by either of them.

Signed by the bridegroom

Mr. _____

In the presence of Witness No. 1 and Witness No. 2

Name : _____

Sign : _____

Signed by the bride

Ms. _____

In the presence of Witness No. 1 and Witness No. 2

Name : _____

Sign : _____

Signed and delivered by Marriage Solemnizer

Name : _____

Sign : _____

Three (3) original copies of the Nikaahnamas have been prepared and given to the bridegroom, bride and the Marriage Solemnizer

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ANNEXURE V

ABOUT BHARATIYA MUSLIM MAHILA ANDOLAN (BMMA)

The Bharatiya Muslim Mahila Andolan [Indian Muslim Womens' Movement] was formed in January, 2007 at national meeting in Delhi. It is a democratic organization of Muslim women, led by Muslim women which works for citizenship rights of all and particularly Muslim women in India. Today its membership has crossed 70,000 women and men across 13 states. BMMA shares the values of justice, democracy and secularism enshrined in the Constitution of India as well as the values of justice and peace enshrined in the Quran. It believes in women's position as equal citizens in society and strives to build Muslim womens' leadership. In different states – Gujarat, Maharashtra, Rajasthan, M.P, Karnataka, Tamilnadu, Orissa, West Bengal, Bihar, Orissa, Jharkhand - it works on the issues of education, jobs, security, law and health. BMMA is opposed to communalism and believes in communal harmony, mutual religious respect and co-existence. It stands in solidarity with all who believe in social justice and equality.

Muslims who are the largest minority in India have a poor human development status- widespread illiteracy, low income, irregular employment and a high incidence of poverty and marginalization. The documented evidence by various secular agencies reveals that in areas like education, work participation, health and income Muslims are found to be faring much lower than other communities. The rise of communal and conservative forces has made matters worse. Muslim women

suffer from multiple marginalization owing to poverty, lack of education, inequality and lack of opportunities. The issue of marginalization and injustice is compounded by the fact that it is a minority community and is deeply influenced by conservative, religious patriarchal forces on one hand and exists in extreme poverty and marginalization on the other. Moreover rising communalism and fundamentalism has resulted in increased insecurity and sense of alienation within the community. The rise of terrorism and the impact from the so-called war on terror, increasing negative impact of the forces of capitalism has led to the Muslims being a community under siege. In this context the issues of the Muslim women never come to the forefront and therefore the need for a Muslim womens' national organization was felt.

The movement being a national entity seeks to carry out its activities through an informal national democratic structure with a system of accountability. It will address the issues of education, employment, security and legal reforms and take proactive and concrete steps towards these. It will not only work at the grassroots on these issues but also do political advocacy to raise issues at the appropriate fora. In short it seeks to create an alternative voice of Muslim women and works for leadership development of the women.

GOAL

To create conditions within the Indian society where the Muslim community and especially the Muslim women are able to eradicate their own poverty and marginalization and live a life of equality, justice and with respect for human rights of all.

Following are some key activities conducted in the year 2013-15

- » **Prepared a draft Muslim Family Law** based on Quranic tenets concerning age of marriage, mehr, talaq, polygamy, maintenance, custody of children etc. We are currently campaigning to contain 1,00,000 signatures towards endorsement of this draft calling for a total ban on triple talaq. We are petitioning and dialoguing with decision makers, parliamentarians, civil society etc for this draft law to be presented in the parliament of India.
- » **Womens' Shariat Courts:** we run shariat courts entirely managed by women in 4 cities. In the year 2014 we had 245 cases registered by women in these courts over issues such as oral talaq, halala, polygamy etc. We intend to expand these courts to more cities.
- » **National Study Seeking Justice Within Family-Muslim Women's Views on Reforms in Muslim Personal Law:** A national study on Muslim women's views on reforms in Muslim personal law was released on 20th August 2015 in Delhi. This study was conducted by us across 10 states. As part of this Study 4710 Muslim women were directly surveyed. The purpose of the Study was to ascertain the status of Muslim women pertaining to matters such as marriage, divorce, maintenance, custody of children etc. and also to find out their views on legal provisions concerning these aspects. This Study has led to a huge debate on rights of women in Islam particularly the need to ban oral divorce.
- » **Women Qazi Training:** we intend to train Muslim women as Qazis for furthering the goal of gender justice in Islam. We are preparing training modules based on feminist and humanist interpretations of the Quran. The women will be trained in batches of 20 to understand the message of justice and equality enshrined in the Quran and to help them practice as Qazis to help women in need. The male Qazis, maulvis have failed in delivering justice to Muslim women owing to patriarchy and misinterpretation of Quranic tenets.
- » **Campaigning for peace, justice, harmony:** we live in a multi-cultural society where the diversity and pluralism needs to be upheld. We also need to practice religious mutual respect and peaceful co-existence. We undertake regular programs at the grass-roots level involving women, men, religious leaders, media, elected representatives etc towards these objectives.

- » **Empowering and Educating:** Organising, mobilising and empowering groups of young adolescent Muslim girls, reaching out to Muslim youth in the ages of 10-18 years, and forming groups of Muslim women
- » **Economic Empowerment:** Through 7 centres in different cities vocational training and economic empowerment programmes are run for women so that they are able to earn a decent livelihood.

BELIEFS

1. Values of democracy, secularism, equality, non-violence, human rights and justice as enshrined in the Constitution of India. These will be our guiding principles in our struggle for justice.
2. Collaboration and alliance with other movements and networks that are fighting for social justice, equity and human rights.
3. Leadership of Muslim women to work towards ameliorating the social, economic, political, legal and educational backwardness and fight for justice.
4. Positive, liberal, humanist and feminist interpretations of religion for ensuring justice and equality.

OBJECTIVES

1. To work towards understanding and ameliorating the marginalization, backwardness and insecurity of the muslim community and help muslim women raise her voice
2. To work towards empowering muslim women and take steps to ensure their social, economic, political, civil, legal and religious rights.
3. To work to uphold the Constitutional principles like equality, freedom, secularism, social justice and democracy.
4. To undertake and propagate positive and liberal interpretations of religion which are in consonance with principles of justice, equality, fairness and protection of human rights.
5. To oppose fascism, capitalism, communalism, imperialism in all its forms and to support peace, justice and uphold human rights.

6. To take forward the process of legal reforms within the Muslim personal law.
7. To build alliances with other marginalized groups and movements.
8. To create an alternative voice within the Muslim community.
9. To understand the caste hierarchies within the Muslim community and raise the issues of Dalit Muslims

OUR WORK APPROACH

We don't have a formal registered organization. We believe in democratic decision-making through discussion and deliberation. The National Council comprises the founder members and the state convenors. It is the decision-making body at the national level that meets 3 to 4 times a year and decides on the programmatic and other agenda. We have an informal advisory group of eminent activists, academics and civil society leaders that help, guide and support us in our mission. We believe in the agency of the ordinary muslim woman and the agency of ordinary members of society to take decisions based on principles of justice and equity. We have similar informal structures at state level for taking forward the mission in respective states. The NWC- National Working Committee comprising 7 senior members is responsible for day-to-day decision making.

CONTACT DETAILS OF CO-FOUNDERS

Zakia Soman
zakiasoman@gmail.com

Noorjehan Safia Niaz
noorjehan.sn@gmail.com



BHARATIYA MUSLIM MAHILA ANDOLAN

Bharatiya Muslim Mahila Aandolan (BMMA), is an autonomous, secular, rights-based mass organization led by Muslim women which fights for the citizenship rights of the Muslims in India. BMMA was formed in January, 2007.

National Secretariat:
35-B,Royal Hill Society, NNP 1&2, New MHADA
Colony, Goregoan east, Mumbai-400 065