

Bharatiya Muslim Mahila Andolan

# **Seeking Justice Within Family**

A National Study on Muslim Women's Views on  
Reforms in Muslim Personal Law

**Dr. Noorjehan Safia Niaz  
Zakia Soman**



INDIA • SINGAPORE • MALAYSIA



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## FOREWORD

At many moments in India’s political life, Muslim women have been talked *about* rather than listened *to*. Whether in the long-running discussions about the benefits or otherwise of personal laws versus a common civil code, the Shah Bano controversies around women’s rights to post-divorce maintenance in the 1980s, the more recent deliberations around the prohibition of triple-*talaq* divorce, or even in commentary concerning Muslim women’s prominent participation in the anti-CAA protests of 2019-20, Muslim women have too often been fodder for the discussions of others. Politicians, academics and journalists, clerical leaders and NGO workers, communalists and secularists, community patriarchs and liberal women’s rights activists: all at times have sought to speak for Muslim women’s views or interests. Whether well-meaning or otherwise, this collective chatter has given the impression that, to quote the title of a well-known 2002 book by Lila Abu-Lughod, Muslim women need ‘saving’. Too often marginalised on multiple levels – by wider societal patriarchy, community-level restrictions and often low socio-economic status – Indian Muslim women themselves have not always been afforded their own voice in the discussions that concern them.

It is against this background that the scale of the Bharatiya Muslim Mahila Andolan’s success must be understood. Since its foundation in 2007, no

organisation has done so much to articulate the perspectives and demands of Indian Muslim women. The BMMA has of course not been the only organisation dedicated to giving Indian Muslim women a voice, but it stands out for several reasons. First, as a national ‘movement’ rather than single NGO, it has achieved unprecedented reach, claiming thousands of members and holding semi-independent state-level units in eleven of India’s states. It is thus the only Muslim women’s organisation to hold influence across huge stretches of the country. Second, it is equally notable for the multidimensionality of its activism. It has led major national campaigns to advocate for legal reforms and both women’s and citizen’s rights, as well as its audacious *auraton ki shar‘i adalat* (women’s *shari‘a* court) movement, which appoints women-*qazis* (religious judges) to address the social and legal needs of women. Yet, the BMMA has been equally productive at the grassroots level, with its state-level units engaging in a range of initiatives including skills-training, education programmes, community harmony-building projects, arbitration and legal aid initiatives, and the promotion of citizens’ entitlements like the right to food and local government accountability. Third, as a result of these intertwined activities, the BMMA has addressed the specific needs of Muslim women but has also encouraged their engagement as equal citizens, thus in the process upholding a commitment to Indian

secularism and minority inclusion within a pluralist society.

The BMMA, however, has become perhaps best known for its various campaigns for the reform of Muslim personal laws, in order to secure dignity and justice for women within the family as well as society. The BMMA's convenors were pressing for personal law reform as soon as the organisation was founded, holding conventions and conferences with a range of secular activists, lawyers, activists and Islamic modernists to chart possible agendas for change. In these activities lies another important aspect of the BMMA's activism which, to use one term evoked in this book, is conceived as partly a 'knowledge project'. For several decades major liberal Muslim and Islamic feminist authors around the world have developed more gender-just interpretations of Islamic texts. However, since these thinkers are based, for the most part, in academic circles largely in the Global North, their ability to translate their findings meaningfully into legal policy or practice for ordinary Muslim women has lagged behind their intellectual contributions. The BMMA, however, has pushed hard in this direction, taking the liberal and feminist thought of Muslim scholars like Zainah Anwar, Amina Wadud, Khalid Masud and Ziba Mir-Hosseini, and applying their arguments to Muslim personal law reform in India. In this, the BMMA have sought radical alternatives to the status

quo, rooted in valid interpretations of Islamic teachings and safeguarding justice for women.

The report being published here, “Seeking Justice within the Family: A National Study on Muslim Women’s Views on Reforms in Muslim Personal Law”, represents a seminal step in the BMMA’s campaign for the promotion of more progressive Muslim personal laws. This report, originally produced in 2015, was based on interviews with almost 5000 Muslim women from ten Indian states, giving a snapshot of women’s experiences of living under Muslim personal laws and their views on whether they should be reformed. As shown from the statistics, many of the women interviewed were from low socio-economic groups, and therefore exactly the voices who do not find themselves heard in most debate on these issues.

It is important to remember that, when “Seeking Justice within the Family” was first published, the political climate was very different: no major legislative interventions had been made into Muslim personal laws for decades. Looking back from our vantage point now, things look very different. The Supreme Court’s declaration of instant triple-*talaq* divorce as unconstitutional in 2017 has transformed the language of debate (and of course, the BMMA shares credit for that important judgement, since its convenors had acted as co-petitioners to the original court case). Calling for judicial and legislative

involvement in reforming Muslim personal laws looks viable now in a way that it did not several years ago, and while any prospect of state engagement with Muslim personal laws remains deeply contentious, the BMMA has developed a template for pursuing this form of activism.

Reading “Seeking Justice within the Family” now, the scale of inequality embedded with Muslim personal laws is striking. While some defenders of Muslim personal law assert that it ultimately protects women, the results here show how its structures have in practice promoted certain types of endemic patriarchy and inequality. To give some examples contained within: over half of women report having married before or by the age of 18; only around half of women have a copy of their marriage contract and only half of those have read it; over a third of women deny that their consent was taken when they married; and almost half of married women have not received their *mehr* (a bridal gift that according to Islamic law should be given at the time of marriage).

Yet equally striking is that the surveyed respondents seem to be highly supportive of the call for reform. Most, for example, opposed not just oral unilateral triple-*talaq*, but seemed to advocate a higher age of legal marriage, compulsory enumeration of the *mehr*, abolition of polygamous marriages in most circumstances, and the extension of child adoption laws to Muslims. Equally striking, in view of

frequently made claims that Muslims resist any state intervention into their personal laws, is that these respondents seem to welcome increased oversight from lawmakers. For example, they seem to support in principle the state's assistance in developing codified Muslim personal laws. They also welcome increased government oversight of bodies like *qazi* courts and religion-based arbitration councils that handle much Muslim personal law-related litigation in India.

The findings published in this report, if accepted, give weight to the BMMA's call for a more codified Muslim personal law in India. Indeed, one of the BMMA's most striking achievements has been its call for the full codification of Muslim personal laws, which has been expressed via a draft bill of Muslim Family Law first published in 2014 and several times since. The option of more codified Muslim personal law has too often been forgotten in the emotive debates on the issue, falling through the cracks between those groups that argue against any state interference in Muslim personal laws on one hand, and those calling for a uniform civil code on the other. This is despite the fact that other expert bodies, not least the Law Commission in an important consultation paper on family law reform published in 2018, have broadly advocated reform *within* different bodies of personal laws as the most appropriate direction forward on the issue.

The BMMA's campaign for a more gender-just Muslim personal law, that operates both according to both constitutional rights and the Qur'an's own message of equality and justice, represents the fullest articulation to date of the need for personal law reform as a means to provide protections to Muslim women. The BMMA has, moreover, continued to pursue this agenda against huge pressures coming both from Muslim community organisations but also from often venomous and communal language across India's political life. At present, the BMMA's campaign for a statutory ban on polygamous marriage and an attempt to have Muslim marriages explicitly included under the Prohibition of Child Marriage Act are just two of the latest efforts seeking incremental codification on certain points in the law. "Seeking Justice within the Family", the report being published here, represents an important, early step in this ongoing campaign for reform.

Prof. Justin Jones  
University of Oxford



## **PREFACE**

This study was first informally published by Bharatiya Muslim Mahila Andolan in March 2015. Its continued relevance to the issue of reform in Muslim family law compelled us to formally publish it. We want the contents to be available for all at all times. \

This study played an instrumental role in giving a push to our campaign for reforms in the Muslim family law. Especially the data on instant triple talaq was an eye opener. This study was conducted at a time when the practice was rampant and many victims were coming forward to our centres and filing complaints of unilateral divorce. This study captures the mood of the Muslim women who emphatically opposed the practice of one-sided divorce. The data contained here is very relevant and also there seems to be hardly any possibility of a comprehensively codified law becoming a reality in India. As this study goes for publication, we are in the process of refiling a Public Interest Litigation against polygamy and have already given our recommendations to the government with regards to the amendments to the Prohibition of Child Marriage Act, 2006. The data here will help all for further advocacy.

India faces a crisis of religious polarization and hate. Indian muslims are under onslaught from forces of communalism and majoritarianism. While it is imperative for all citizens to oppose communalism and

social division, it must be said that the need for reform in Muslim family law has been a long-pending demand of muslim women. As we celebrate the 75<sup>th</sup> year of India's independence, 15% of Indian population continues to live without a comprehensively codified Muslim family law. And because we are 75 years late, it is imperative that as a Muslim women's organization, we push for reforms and wait no further. We demand our constitutionally protected legal rights as citizens and we reach out to the Parliament, to fulfil its constitutionally mandated obligation to protect and promote Muslim women's rights within the family.

Muslim women living in other countries, in either minority or majority contexts, are struggling for the same. We publish this study in solidarity with all Muslim women across the countries who are fighting for their legal rights within the family. We also seek solidarity from women from within the country who enjoy the privilege of a statutory law but struggle every day for its effective implementation.

In the coming years we hope to get a legislation against polygamy either through a codified law or through the application of the law of the land. We also seek amendment in the Prohibition of Child Marriage Act, 2006 so that it becomes expressly applicable to the Muslim community as well to prohibit child marriages that take place on the pretext of puberty being age of marriage. We are looking forward to legal protections and safeguards for muslim women and girls at par with our sisters from hindu, christian and other backgrounds.

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## ***Chapter 1***

### **INTRODUCTION**

India is a secular democracy where all citizens are equal. The fundamental rights are guaranteed to all citizens irrespective of religion, caste, ethnicity, sex or language. The founding visionaries of India had a special commitment to the rights and safety of the minorities. This concern found a clear and definite reflection in the Constitution of India which enshrines the values of justice, equality and democracy. In the context of this study certain Constitutional provisions need to be recounted here as they are of paramount importance and relevance. There are safeguards for minorities in the form of various articles prohibiting discrimination on religious grounds and enabling development for minority communities. The provision pertaining to equality before law is a very important provision as is the right to religious freedom. The fundamental duties of every citizen include promotion of harmony and renunciation of practices that are derogatory to the dignity of women. The present study has been carried out in the framework of Constitutional provisions and the rights of women in the Holy Quran.

The present day ground reality pertaining to the socio-economic condition of Indian Muslims is well-known thanks to the Sachar Committee report<sup>1</sup> as well as some other studies. It is important

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<sup>1</sup> The Rajinder Sachar Committee was constituted in the year 2005 by the Prime Minister of India. The Sachar Committee was tasked with collecting information on the socio-economic status of India's Muslim population and identifying areas of intervention by the government. It collated data from the Census and National Council of Applied Economic Research studies, and conducted its own surveys to highlight that Muslims in India fared worse than other socio-religious communities on issues of access to health, education, credit, general infrastructure and employment.

to understand the reasons behind the gap between the Constitutional provisions and the prevalent reality. Indian minorities and particularly the Muslims have been historically disadvantaged and vulnerable in spite of the Constitutional safeguards. The Sachar Committee says that Indian Muslims continue to live in poverty and social and educational backwardness. Successive governments since 1947 including governments led by secular political parties have done little more than pay lip sympathy to the plight of the minorities. Be it persistent socio-economic exclusion as in the case of the Muslims or the menace of communal violence affecting Muslims and now increasingly the Christians, the minorities have not been given a fair deal.<sup>2</sup> Politics has overtaken priorities such as genuine welfare and safety. Consequently, the Muslims have lived in poverty, fear and insecurity. Muslims are the largest minority in India. As per the provisions under the National Commission of Minorities [NCM] Act, 1992, five religious communities - Muslims, Christians, Sikhs, Buddhists and Parsis have been notified as Minorities. According to 2001 Census, 18.4 per cent of Indian population comprises minority communities. Muslims constitute 13.4 per cent, Christians 2.3 per cent, Sikhs 1.9 per cent, Buddhists 0.8 per cent and Parsis 0.07 per cent of the country's total population. Recently, the Jains have been given minority status too. In absolute numbers, Muslims [nearly 140 million] account for 72.8 per cent of the total minority population of 189.5 million.

## **Socio-Economic-Educational Marginalization of Muslims**

Although the Sachar Committee did not make special

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2 Soman Zakia, Promises and Reality, Peoples' Mid-Term Appraisal of Eleventh Five Year Plan, Wada na Todo, CBGA, Delhi, 2010

interrogation into the socio-economic condition of Muslim women they have been sensitive to the plight of these most marginalized citizens. Justice Sachar has written in detail about the efforts made by the Committee to include the concerns of Muslim women in the foreword to the report.<sup>3</sup> Though limited, there has been an emergence of a debate in the present decade concerning the condition of Muslim women and the need for special attention. Significant questions concerning citizenship of Muslim women and how to enable them to attain full citizenship are being raised. Educational opportunities for Muslim girls from primary schooling to higher education, livelihood support for women, health related facilities for women and children and political representation of Muslim women are being taken up to a small extent by the women themselves with the help of voluntary groups.

The important concern regarding inclusion of women from marginalized communities in entitlements and welfare programs remains largely unaddressed in the government's policy framework. India presents a unique scenario of historical exclusion based on caste, religion, gender and ethnicity of communities. And whereas the overall exclusion of communities based on these factors may find occasional mention in government policies, the multiple exclusion faced by women within these communities goes largely unattended. There is no empirical evidence gathering exercise undertaken by any government agency to assess actual inclusion of women. In the absence of such evidence the question of addressing the gaps does not arise! Thanks to the scale and complexities of the issues faced by the marginalized communities and of course, owing to compulsions of electoral

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3 Foreword by Rajinder Sachar, Chairperson, of Sachar Committee

politics there is never the “right time” or “opportune moment” to bring up the blatant marginalization and inequality that women of these communities live with. This heightens the need to assess the levels of exclusion of women from marginalized communities specially Muslim women.

The census of 2001 puts the Indian Muslim population at 138 million accounting for 13.4% of India's population. Muslims have a higher sex ratio at 936 compared to the national average of 933. The child sex ratio at 950 is higher than the national 927. The percentage of 0-6 years population to total population at 18.7 years is the highest amongst all religious communities and higher than the national average of 15.9. The literacy rate for Muslim women at 50.1% is lower than the literacy rate for Muslim males at 67.6%. It is lower than the national average literacy rate for women at 53.7% and national literacy rate at 64.8%. Also, only one in 100 Muslim women is a graduate, whereas one out of 37 women in the general population is a graduate. Muslim women at the graduate level are fewer by 63 per cent. The work participation rate for Muslim women at 14.1% is lower than Muslim males at 47.5% and the national average for women at 25.6%<sup>4</sup>.

The Sachar Committee established that Muslims remain poor and marginalized in the present times. Under the circumstances of overall exclusion and poverty it is anybody's guess as to what could be the living conditions of Muslim women. If Muslims as a whole are unequal citizens what could be the status of Muslim women is a question that needs deeper and scientific probing. What is the extent of Muslim women's access to food, shelter, health, education, income, safety and security is a question of great relevance to the

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4 Census of India 2001

democratic functioning of the country as is the extent of her social and political participation! The threat and incidence of communal violence faced by a Muslim woman in today's India is no small indicator of her condition either! This has direct bearing to the safety, mobility and social position of Muslim women.

*Interactions with Muslim women from across the four states corroborated nation-wide data that there were high levels of anaemia and malnutrition amongst Muslim women and children. Respondents underscored the need for all girls' schools, preferably within the neighborhood. One of the key issues highlighted during FGDs, was the limited access of girls to government schools... For instance, adolescent girls in Lucknow (Uttar Pradesh) reported that neither they nor their female relatives had ever attended government schools. They complained that not one government school was operational in their neighbourhood. This acted as a deterrent as early marriage and the lack of employment opportunities for Muslim women remained impediments to their educational progress.<sup>5</sup>*

Also, our interactions with women in the community in the course of this Study and our ongoing work in different states indicate that the time has come to accept issues emanating from the way personal law is understood and practiced in India. Our work also throws up evidence of how it is more often than not detrimental to the well-being and lives of Muslim women. As much as the concerns of citizenship and entitlements there is need to look at measures for justice in family and marriage for Muslim women. And needless to say apart from the community itself, the government has an important role to play in both these areas as it concerns the most marginalized citizens.

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<sup>5</sup> Zakia Soman & Noorjehan Safia Niaz, *Locating Muslim Women in Indian Policy, People on the Margins: Whose Budgets? Whose Rights?*: UN Women, New Delhi, 2014

The Sachar Committee Report highlights some important features concerning identity, education and livelihoods for Muslim girls and women. They have mentioned about Muslim women being singled out to deny job opportunities because of them wearing the *hijab* and they being singled out for ill treatment and glances because of the *burqa* at public places such as hospitals, schools, market places, public transport and other public facilities. Our findings too suggest similar incidence. The over emphasis on stereotypical portrayal of Muslim women as victims in the media often digresses attention from the real issues faced by them and tends to single out the whole community as backward and for unfair treatment towards women. It doesn't encourage any discussion regarding the agency of Muslim women and their will and ability to fight injustice. It also provides loopholes for the government machinery to get away without much accountability as the blame is put on the community for its own plight and the backward plight of the women. It is invariably dismissed as an internal matter of the Muslim community where the government has no role to play.

The government agencies generally consider only Muslim men and very often religious leaders amongst them as the overarching leaders of the whole Muslim community. This leads to total blocking out of the special concerns and demands of women. It should be noted that such neglect based on a patriarchal system of functioning makes the inclusion and participation by Muslim women in the various government schemes that much more difficult even impossible. They continue to be singled out for being Muslim in public places and the men in their own community don't consider it necessary to include them in social interactions either! This leads to Muslim women becoming voiceless.

faceless persons. This is a complex reality which needs serious attention and resolution with a long-term perspective.

Very importantly the Sachar Committee Report has noted the strong desire and enthusiasm for education among Muslim girls. Our interaction with women during the course of our work confirms this positive upsurge. There is a great desire and enthusiasm amongst parents, both mothers and fathers, to send girls to modern schools and even English medium schools.

### **Legal Marginalization of Muslim Women**

On the one hand the Muslim women are excluded educationally, economically and socially owing to government neglect and on the other hand they suffer from near absence of any legal framework in matters of family, marriage, divorce, custody of children etc. Lack of legal recourse and discrimination is a very important aspect that calls for correction while addressing the citizenship rights of Muslim women. Thanks to the way the Muslim personal law is understood and practiced in India the situation concerning the legal rights of Muslim women is mired in ambiguity, obfuscation and gross apathy at the least! The absence of a comprehensive codified personal law often results in the Muslim woman suffering in matters of divorce, alimony, polygamy, custody of children, property etc. The Shariat as practiced currently in different parts of the country is subject to multiple interpretations and misinterpretations which more often than not are unfair to women. Often the injunctions of the Holy Quran are violated in the name of Shariat; widespread incidence of triple talaq is the commonest example. Unfair practices pertaining to *mehr*, divorce, alimony, child custody, property are all passed off in the name

of Shariat. It is anybody's guess as to how many ordinary Muslims understand the spirit of the Holy Quran or its underlying principles of gender justice! It is not difficult to guess as to what is the perspective and understanding of some of those men dispensing justice in Shariat courts across the country! Most times the verdicts in family matters end up being unfairly pro men and anti women. This can hardly be said to be based on Quranic injunctions!

The Indian sub continent is home to a wide diversity of Muslims. There are two main sects amongst the Muslims; they are the Sunnis and the Shias. The Sunnis are further divided into four schools of jurisprudence: the Hanafi, Shafi, Hambali and Malliki. The Shias are further sub divided into Ismailis, Bohra, Ishnaashari. The Bohras are further sub divided into Dawoodi and Sulaimani. And thus, it goes on into further sub sub-sects. Apart from this there are regional groups like Memons, Malabarlis, Qureshis', Ansaris, Pathans, Halais etc. All of these groups are governed by their group or jamaat's understanding and interpretation of Shariat, especially the Shariat law concerning family matters<sup>6</sup>. Though diverse, all interpretations have one thing in common that they are extremely patriarchal and always understand law to be on the side of the man. This heterogeneous community was never ever united under one Shariat, neither in the times of the Mughals and nor in the 21st century. In fact, women have always been denied their Quranic rights such as right to property and inheritance, right to divorce, right to matrimonial home etc. by invoking the Shariat. By falsely justifying arbitrary interpretations, women have been consistently denied their rights clearly stated in the Holy Quran.

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<sup>6</sup> Safia Niaz, *Evolution And Effectiveness Of The Community-Based Structures In The Muslim Community In Providing Legal Aid To The Distressed Women In Mumbai*, Mumbai, 2013 [to be published]

Shariat or Islamic law is man-made; an impression has been wrongly created that Shariat is divine. Protection of such divine Shariat has been made a convenient pretext for centuries to continue unjust practices such as triple talaq and to deny women their rights.

The current predicament of the Muslim women can be traced back to the events of the Mutiny of 1857. The British successfully crushed the joint struggle of the Hindus and Muslims against its rule by initiating the policy of divide and rule.<sup>7</sup> They very consciously initiated policies for the political and economic marginalization of the Muslims from whom they had usurped power. During the British rule the Indian male reformers pressurized the British to introduce legislation in favour of women. The women were not in a position to demand any changes in their situation due to lack of education, mobility and awareness. Once the legislations were in place the women anyway were hardly in a position to make use of the laws. These reforms impacted all women but were mainly legislated keeping in mind the Hindu women as they were disallowed widow remarriage, child marriage was rampant, and women were denied rights in property. When the reforms for Hindu women took off it put the Muslim leadership under pressure to introduce the same for Muslim women and hence the passage of the Shariah Application Act, 1937 and Dissolution of Muslim Marriage Act, 1939.<sup>8</sup>

By independence and as a result of partition the community was reduced to extreme poverty and destitution divest of its

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7 Dalrymple William, *The Last Mughal – The Fall of a Dynasty, Delhi, 1857*, Alfred A. Knopf, Random House, 2006

8 Safia Niaz, Noorjehan, *Evolution And Effectiveness Of The Community-Based Structures In The Muslim Community In Providing Legal Aid To The Distressed Women In Mumbai*, Mumbai, 2013 [to be published]

previous power and glory. Post independence too, the leadership of the community, the clergy who supported the Congress during the independence struggle, committed their support provided it did not interfere in the Muslim personal law and other institutions. With partition of the country the Muslim middle class migrated to Pakistan. Those who remained behind turned out to be self-seeking leaders who did not take any concrete measures to improve the conditions of the community least of all the personal law. The Muslim community came to be governed by innumerable secular laws but it continues to resist even Quranically approved changes in the Shariat. The State policy is non-interference in matters of Shariat even though the Muslim women have suffered due to its non-implementation. Thus the most important and most politicized and most neglected has been the legal reforms for women.<sup>9</sup>

Traditionally the state agencies and the political parties have displayed a mindset about the clergy being the true and sole representatives of the Muslim community. Certain vested interest groups have planted themselves to occupy this thin but extremely significant space. Needless to say these groups are not only male but also patriarchal to the core. This is highly problematic as any matter pertaining to justice within family is appropriated by agents of this arbitrary arrangement. As a result, the progressive and gender just aspects of the religion are forced out of sight. Any matter pertaining to Muslim personal law becomes the sole and arbitrary privilege of a few to decide. There is no attention on the spirit of justice and fairness that embodies the teachings of the Holy Quran ! This situation must change.

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9 *Ibid*

Indian Muslims are a diverse community comprising various sections of society. Only one section cannot continue to speak for all. And this section cannot forever exclude women. Interpretations furthering justice and fairness need to be popularized. These principles need recognition from both the government and the so-called community leaders.

### **Existing Shariat Laws in India**

It is important to briefly dwell upon a few aspects concerning Shariat in Indian context. When it is said in a manner of speaking that Indian Muslims are governed by Shariat in matters of personal laws what does it actually mean. Indian Muslims do not have codified Shariat laws that adequately address all aspects concerning marriage and family matters. Experience shows that the existing legal framework is far from adequate when it comes to upholding rights of women granted by the Holy Quran.

Islam's textual sources (the Qur'an and Sunna, the practice of the Prophet) are the source of Muslim ethical values and norms. They have been articulated, since the beginning, mainly by Muslim scholars. Central to these values, and to the philosophy of law in Islam, is justice, which the classical jurists endeavoured to translate into legal rulings. But the rulings that have come down to us rest on pre-modern conceptions of justice, gender and rights, which entitled individuals to different rights on the basis of faith, status and gender. These rulings continue to be regarded as the established interpretations of the Shari'a. In the course of the 20th century they came to be confronted by modern conceptions of justice and rights, and the ideals of universal human rights, equality and personal freedom. In this encounter some Muslims came to see these rulings as unjust

and discriminatory and the textual sources on which they were justified as hypocritical, or at best contradictory<sup>10</sup>.

This is true in the Indian context where the Muslim women's quest for justice is viewed with scepticism or even hostility. By recognizing only the conservative religious voice the democratic state has failed in enabling fair representation for all sections of population including women. The conservative sections are unaware and unconcerned about the issues of Muslim women and therefore, they cannot continue speaking for them. Further, Muslim women and girls are facing several challenges of safety, security, survival and dignity in modern times. They are gradually learning to cope with these challenges. The solution cannot be that of confining them to homes for their own safety and well-being. They have aspirations like any other sections of citizenry and it is binding for both the government and the community to recognize and support their concerns. Muslim women cannot forever live with the threat of instant oral unilateral divorce, or meager *mehr* [dower] or polygamy or halala or post-divorce economic uncertainty. These must be resolved by evolving a just and fair legal framework based on the principles of the Holy Quran.

The British government enacted the Shariat Application Act [SAA], 1937 which was an attempt at applying Shariat law and not customary laws to the Muslim community. The Act states that the Muslim community will be governed by the Shariat and not customary laws. The Muslim women at least by law had the right to divorce, right to remarry after divorce or widowhood, had right over property. But her legal rights were eroded by customary practices. Hence a need was felt

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10 Ziba Mir Hosseini, 'How to Challenge Patriarchal Ethics of Muslim Legal Tradition', *Open Democracy*, May 2013

for legislative changes. This passage of SAA would in some way restore her legal rights. This law was welcomed by Muslim women and other political leadership of the community at the time as it served to unify the community under one law.

While it gave rights to Muslim women, it also took away by a mischievous amendment by Mohammed Ali Jinnah. The Act mentioned that the Muslims will be governed by the Shariat 'notwithstanding custom, usage and law'. Which means whatever may be the customs, usage and law, the Shariat will apply. Jinnah amended the Act by removing the word 'law'. In other words, Shariat will not apply if there is a prior law existing. This amendment was made to excuse some trading communities who had legislated that women will not inherit from their property. If the SAA would have been passed without the amendment then these communities would also have been forced to let their women inherit. Jinnah pandered to the demand of the trading class and harmed the cause of Muslim women after initially supporting the bill. He later sought amendment which was implemented thus making women's rights subservient to the men<sup>11</sup>.

This Act simply states that Indian Muslims will be governed by Shariat, full stop. It does not specify anything any further. It does not list the various contents of the Muslim personal law. It merely states that Muslims will be governed by their Muslim personal law. This doesn't help anyone, leave alone women. In practice followers of different schools of thought continue to apply their own varied understanding and interpretation of the Shariat. There are, therefore many conflicting views on several significant issues especially those

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11 Lateef Shahida, *Muslim Women In India Political and Private Realities: 1890 – 1980s*, Kali for Women, New Delhi, 1990

concerning divorce. The irony is that each view claims to be based on their respective interpretation of the Shariat. And the practice of unilateral oral divorce continues. One cannot see much advantage of the SAA, 1937 except for the fact that it tried to bring the Muslim community under one law. The fact that different sects and communities are left to interpret and apply their own rules keeps the question of gender justice hanging as the interpretations continue to be patriarchal in a male-dominated set-up. It brings home the fact that Muslims in India have not made a serious attempt to codify diverse practices of the different schools of thought. Several Muslim countries have codified their laws and tried to ensure justice to women. Several socio-religious communities in India including minorities have codified personal laws as per their religious texts, but the Muslim community continues to lag behind.

The Dissolution of Muslim Marriage Act (DMMA) was passed in 1939 and it gave a Muslim woman the right to seek dissolution of her marriage on nine specified grounds. This is the only legislation enacted by the British, which introduced a substantive codification of the divorce law. The Muslim personal law as practiced in the early 20th century did not offer any ground on which a woman could dissolve her marriage. The right to divorce was absolutely in the hands of men and they exercised it at their own will. There was no legal means by which a woman could free herself from a bad marriage. To remedy this situation, there were instances of women converting to other religion<sup>12</sup>. Since marriage of a Muslim and a non-*Kitabiya* [*Kitabiya* are those on whom a

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12 Safia Niaz, *Evolution And Effectiveness Of The Community-Based Structures In The Muslim Community In Providing Legal Aid To The Distressed Women In Mumbai*, Mumbai, 2013 [to be published]

book has been revealed] is not legal according to Muslim personal law, a marriage, where the woman converted, became invalid. The DMMA was thus passed, not because men who made laws were sensitive to the needs of women but because Muslim leaders feared conversion of 'their' women to other religions. This Act was uniformly applicable to all Muslim women of all sects. It shows that despite the diversity of sect and practice, a uniform codification is possible if the political will exists within the community.

However, the Act though benefited women was indeed piecemeal. It only lays down the grounds on which women can seek divorce. It does not lay down any procedure or a time frame within which she can get a divorce. The man can divorce his wife without assigning any reason and even in her absence. He may or may not approach the court or any authority to seek divorce. The Act does not question or restrict the man's unbridled right to oral triple divorce. It deals only with divorce and not with related matters such as maintenance, custody of children, payment of *mehr* etc. For these matters, the woman has to file separate cases under other laws, sometimes in other courts. This law is a welcome measure but it needs more elaboration and matters under its purview. Our findings clearly indicate that it has not stopped Muslim women from being divorced unilaterally and instantly.

The Shah Bano Case is one of the most significant lawsuits in the history of Indian judicial system. The case pioneered the Muslim women's fight for justice over right to claim alimony.

The Shah Bano case was one such instance that went beyond the rulings of the All India Muslim Personal Law Board that

enjoys the authority to judge over disputes concerning marriage, gifts, inheritance, adoption and such. Though the procedure of Muslim divorce differs from one Islamic sect to another, in practice the husband can terminate a marriage by declaring 'Talaq' three times to his wife in the presence of witnesses. The marriages are being dissolved even without the consent of the wife or at times even without the presence of witnesses.

Shah Bano, a sixty two year old woman was given 'talaq' by following the procedures of the conventional Muslim personal law. After she was given divorce she had no means to support her children and moved to the court to claim the alimony from her husband. It took seven years for the case to reach the Supreme Court, which on several hearings ruled in her favour. Under Section 125 of the Criminal Procedure Code the court announced that Shah Bano be provided maintenance by her ex-husband with an upper limit of Rs 500 a month. This very decision of Supreme Court instigated a political uproar across the country. The minority community threatened to start agitations. The Congress government, being conscious about the imminent elections succumbed to the pressure of orthodoxy. The Muslim Women (Protection of Rights on Divorce) Act 1986 was passed with the 2/3rd majority by the Parliament. According to the Act the husband is liable to pay the alimony during the time of iddat or for the span of three months after the divorce. In case the divorced woman has no close relatives to look after her or she is incapable in paying her own maintenance, the magistrate has the right to order the State of Waqf Board to take up the responsibility of providing support to the woman and her children.

Clause A in Section 3 (1) of the Act, says that a woman can claim "a reasonable and fair provision and maintenance to be made

and paid to her within the iddat period by her former husband.” Though the Act came under intense criticism, as for instance the BJP opined it to be an act of ‘appeasement’, the inclusion of the phrase ‘a reasonable and fair provision and maintenance to be made’ in the Act does give enough space for the Muslim women to fight for a hefty sum of money after the divorce.<sup>13</sup>

In 1986, following the controversy in the Shahbano case, the Muslim leadership in India held that Criminal Procedure Code 125 amounted to interference in their religious matters. The government of the day under Prime Minister Rajiv Gandhi buckled under pressure from so-called Muslim leaders who demanded disqualification of the High Court order providing Shah Bano, a Muslim woman a meagre maintenance amount under the provision of the Criminal Procedure Code 125. The Parliament instead enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986. This Act was passed to neutralize the High Court judgment asking Shah Bano’s husband to provide maintenance to her and to appease the orthodox Muslim religious leadership of the day.

The Act shifts the responsibility of maintenance from the husband to the relatives and the *Wakf* Board. The husband knows that if he does not provide maintenance, he could still control and harass his divorced wife to beg at different places for maintenance. The husband takes responsibility for the children till they are 2 years of age. After that the responsibility falls on the wife to claim maintenance. In order to claim further maintenance from the husband she has to again approach the civil court. This negates the legal right of the child to be maintained by her/his father and absolves the

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13 <http://www.indidivorce.com/shahbano-case.html>

father of responsibility beyond a certain period. The provisions of the Act are patently violative of the fundamental rights to equality, equal protection of laws and non-discrimination on the ground of religion, as guaranteed by the Indian Constitution to all citizens. Since then there has been no effort either by the State or by the community to revive the process of gender-just reforms in Muslim personal law.

## **Current Initiatives of Muslim Women**

The three laws stated above exist in India in the name of Muslim personal law. But as is evident, these are highly inadequate in enabling justice for women in the matters of marriage and family. There is no codified law that covers all aspects of family and marriage matters. Consequently Shariat courts by different names are run across different states as per subjective understanding of Shariat and the Holy Quran. In a male dominated world women continue to be barred from approaching these. As a result most of these courts tend to dispense justice in a one-sided manner and most often in the absence of the wife and her relatives.

Besides, the Muslim law being followed by these bodies is not homogenous and its provisions vary according to the different sects and sub-sects. Further it is an amalgamation of customary law and practices, statutory law and interpretations of the verses of the Holy Quran. So while a Muslim woman is required to go to the court to seek divorce a Muslim man is not required to do so, he can pronounce divorce thrice and terminate the marriage contract instantly and unilaterally. The presence of wife or witnesses is not required. While gender-just reforms within Parsi and Christian matrimonial laws are affected with the initiative of

the community and support from the State, it is a stark reality that there exists no political will to bring about reforms in Muslim personal law that would benefit the women.

In Muslim society there are multiple implementing agencies that dispense justice. There exist Shariat courts, *Qazis*, *Muftis* [religious clerics], *jamaats* [sect arbitration councils] that also take in cases of family dispute. These bodies are readily accessible and have closer contacts with the community unlike the secular court structures, which are expensive, inaccessible and time consuming. Though accessible they are dominated by men who arbitrate and settle disputes, which more often than not go against the interest of the women. These individuals and institutions have adopted patriarchal, conservative and anti-women interpretations of the religious texts. In some cases there is little recognition of the Indian Constitution and the values of justice and equality. These courts are mostly approached by men as most of these places may not be women friendly. However, Muslim women do approach Shariat courts regularly with the help of male relatives if not directly. Experiences at the ground show that women also approach family courts and other localized State run legal structures but the time and money required to pursue the case is beyond the reach of most women. Poor economic condition and lack of sustained resources necessary to approach legal mechanism prevents them from going to court.

As is evident in the narrative above that the Muslim family law is piecemeal and disjointed with no effort from the community or the state to make it comprehensive. There is also no monitoring or review of male dominated extra judicial bodies for dispensing justice. As a result Muslim women are left with no choice but to suffer the injustices done to her.

There is no law and there is no place to seek justice. She forever struggles with issues of gender justice on the one hand and popular interpretations of religious tenets on the other. The time is never right for a Muslim woman to raise her concerns. Her questions are always subsumed under the larger interest of the community. It is hoped that with increasing awareness and mobilisation of Muslim women, she will be able to speak and make her voice heard by the people in power.

The BMMA's efforts in the last eight years have been to create a mechanism for gender justice in marriage and family that has not existed ever in the country. It has been an effort to reclaim those spaces where a Muslim woman feels and believes that she will get justice. It has been an effort to fill in this legal vacuum within the community which does not think about its women. It has been an effort to lay claim on the Constitutional and Quranic rights which have eluded Muslim women for many decades now. The formulation of the draft Muslim family law and the establishment of the *Auraton ki Shariat Adalat* are attempts which convey that Muslim women want to lead themselves and address their own issues through a constructive plan of action. Instead of crying and cribbing and constantly demanding from an insensitive community and an equally insensitive state, Muslim women have sought to be creative and enterprising, constructive and positive and thus have created spaces and structures to support themselves.

## ***Chapter 2***

### **SOCIO-ECONOMIC-EDUCATIONAL STATUS OF MUSLIM WOMEN**

The present study is another constructive tool which Muslim women through BMMA have utilised to convey their complete disgust and dissatisfaction with the discriminatory law. The key objective of the study was to give voice to an ordinary and marginalised Muslim woman to share her views about Muslim family law. What should be the age of marriage, should a Muslim man be allowed to marry more than once, should adoption be legalised, what about the meagre *mehr* amounts, should oral divorce be banned, who should get the custody of children – these and many such questions were posed to 4710 Muslim women across Maharashtra, Gujarat, Madhya Pradesh, Jharkhand, Odisha, West Bengal, Karnataka, Tamil Nadu, Bihar and Rajasthan. The purpose was also to assess the legal status of Muslim women in the matters of age of marriage, consent, divorce procedures, custody of children etc.

The BMMA has drafted and made public a Quran-compliant Muslim family law. This study provides empirical data to support its demand for a codified law. It strengthens the demand for a gender just Muslim family law.

The objectives of the study are:

- To study the conditions of Muslim women pertaining to issues of family law.
- To ascertain their views on Muslim family law.
- To develop evidence in support of codification of Muslim family law.

This study was done with 4710 Muslim women from the 10 states of Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Madhya Pradesh, Odisha, Rajasthan, Tamilnadu and West Bengal. A detailed interview schedule<sup>14</sup> was prepared and the data was collected by community based activists who were trained to collect data. The data was collected from July to December 2013. A sample of an average of 470 women per state was done over the period of six months. The women are from the poor strata of the community and are above the age of 18.

The answers to key questions provided by the women are eye opening. It establishes that the women spoken to are aware of their rights. It also shows that Muslim women are ready for reforms and are pressing for it. They are tired of being ill-treated by their own community. They want justice and they want the government to play an important role in enabling them to obtain justice.

### **Status of Muslim Women**

Although the key questions in our study have been around family law matters we tried to capture briefly the current socio-economic status of Muslim women. While there is a trend of Muslim young women educating themselves, this is not reflected in their participation in work force. Muslim women, thus we see are not able to take up gainful employment. Out of the 4710 respondents in this study it was observed that an overwhelming number, 78.7% of the women are home makers whereas only 7.9% work in the organised sector and the remaining 12.4% work in the unorganised sector. Muslim women are still far away from formal employment.

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14 Please see Annexures 5 and 6 for full copy of the questionnaire.

The annual income of 73.1% of the families is below Rs.50,000 out of which for 39.1 % families the income is below Rs.35,000. 18.3 % of the families have an annual income between Rs.50,000 to Rs 1 lac and only 8.6%, i.e., 407 families have an annual income over Rs 1 lac. This reinforces the findings of the Sachar report that the community continues to remain poor.

15.5% of the 4710 women surveyed were married below the age of 15 years, 39.8% were married between the ages of 15-18 years. If these figures are combined a good 55.3% have married before the age of 18. Only 10.6% got married over the age of 21 years which when combined with above figures shows that a big chunk is getting married and perhaps starting a family at a time when women from other communities are busy preparing for their graduation. This perhaps provides insights into the reasons behind poverty and deprivation of the community. One of the encouraging trends is that in spite of early marriage, 47.3% of the women surveyed have 1 or 2 children. Only 7.1% women have more than 6 children. 20.7% women have 3 children and same percent of women have 4-6 children.

This study brings out the fact that 53.2% of the surveyed women have faced domestic violence which explains their low social status. Overwhelming 82% women said they did not have any property in their name. 83.9% women confirmed that their current residence is not in their name.

## **Age**

All the women interviewed for the survey were above the age of 18. 74% of the women interviewed are between the age of 25-45 years, of which 37.9 %, i.e., 1785 were between the age

of 25-35 years and 36.1 %, i.e., 1702 of the woman are in the age group of 35-45 years. Only 17.4%, i.e., 819 are between the age of 18-25 years and 8.6% i.e. 404 are above 45 years.

## **Profession**

Our study shows that Muslim women are not encouraged to be economically independent. As per our data 78.7% of the women are home makers whereas only 7.9% work in the organised sector and the remaining 12.7% work in the unorganised sector.

## **Annual Income of family**

The annual income of 73.1% of the families is below Rs.50,000 of which 39.1%, i.e., 1842 families is below Rs.35,000. 18.3 % of the families have an annual income between Rs.50,000 to Rs 1 lac and only 8.6%, i.e, 407 families have an annual income over Rs 1 lac.

## **Sect**

87.6% or 4126 women surveyed belong to the Sunni sect whereas only 4.1%, i.e., 195 women belong to the Shia sect. The remaining 8.3%, i.e., 389 women were not aware of which sect they belonged to.

## **Caste**

45.8% i.e. 2156 of the women surveyed belong to the high caste followed by 26.2%, i.e., 1235 belonging to the OBC – Other Backward Caste and 5.2% i.e. 245 women belong to the Dalit and backward caste. 22.8% of women do not know which caste they belong to.

## **Jurisprudence**

55.5%, i.e., 2614 women interviewed fall under the Sunni Jamaat, followed by the Barelvi which is 10%, i.e., 473 women. Deobandi, Wahabi and Ahle-Hadees are at 5.4%, 4.1% and 4.4% respectively. 20.5%, i.e., 967 of the total surveyed women do not know under which jurisprudence they fall.

## **Marital Status**

0.9% i.e 44, women are single in the study whereas an overwhelming 76.8%, i.e., 3619 of the total surveyed women are married. 11.1%, i.e. 525 are divorced, 9.1% i.e 428 women are widows and 2% or 94 women are deserted.

## **Number of children**

The Study reveals that 47.3% of women surveyed have 1 to 2 children. Only a small percent of 4.2%, i.e., 233 women have more than 6 children.

## **Adopted children**

The study reveals that only 2.8% of the women have adopted a child whereas 90.1%, i.e., 4243 women have not adopted any children.

## **Domestic violence faced**

This study brings out the fact that 53.2%, i.e., 2505 women have faced domestic violence vis-a-vis 46.8% of the women who say that they have not experienced domestic violence in their lives. Those who have faced domestic violence state that the first place where they go to complain is the family. The second recourse for most women is the police and the

third being an NGO or a social organization followed by the court. It is interesting to note that only 1.4% women go the *darul qaza* or a *qazi*. Muslim women show tremendous confidence in the NGOs which for them is more accessible and informal. In spite of the negative perception about the police, Muslim women go to the police for filing their complaints against domestic violence.

A very interesting finding is that hardly 211 out of 4710 women surveyed have heard about the AIMPLB. An overwhelming 95.5%, i.e., 4499 women have not heard of the All India Muslim Personal Law Board.

This data reveals that a body which thinks of itself as a representative body of the Muslims is not known to a vast majority of the community.

## ***Chapter 3***

### **MARRIAGE, DIVORCE AND PROPERTY**

#### **Consent and Age of Marriage**

The hallmark of a Muslim marriage, made popular by media, is the word 'Qubul Hai'. Without an active, unambiguous and express consent of the girl and the boy a marriage cannot be solemnised. Free consent is an integral part of the Muslim marriage. But consent is also linked to many factors, age of marriage being one of them. How free is the free consent if the girl is married at the age of 15? Is she mature enough to understand the meaning of a married life? Does she know what she is getting into?

Our data shows that consent before marriage was sought from 62.3%, i.e., 2933 women. A significant 36.8%, i.e., 1733 women did not have any say in choosing their life partner. So while a substantial number said that their consent was sought it would be interesting to link it to the data on age of marriage where a significant 55.3% were married before the age of 18. One can well imagine the nature of this consent at an age where the girl is a minor. This calls for a deeper debate on the meaning of attainment of puberty and maturity.

The data from the survey shows that 15.5% or 729 women were married below the age of 15 years, 39.8% i.e., 1874 of the women were married between the age of 15-18 years. 2063 girls are thus married before the age of 18. There is a good 43.5%, i.e., 2049 of the women married after the age of 18 years of which 32.9% i.e., 1549 got married between the age of 18-21 years and only 10.6%, i.e., 500 women got married over the age of 21 years.

A sure sign of what young Muslim women want is reflected in our findings which state that an overwhelming 75.5%, i.e., 3555 women feel that the age of marriage for girls should be above 18 years of age. Out of which 19.7%, i.e., 929 women feel that the age of marriage should be 21 years and above.

The survey bring out that an overwhelming 88.3%, i.e., 4160 women agree that the age of marriage for boys should be above 21 years. Of these 57.2%, i.e., feel that the age of marriage should be above 21 years and 31.1%, i.e., 1464 say the marriage age should be over 25 years.

### ***Nikahnama***

Having a *nikahnama* and a stipulated *mehr* amount are considered to be the hallmarks of Islamic family law. A document where a woman can stipulate conditions prior to marriage is indeed a provision which a woman if aware and confident can use to ensure her safety and security. She can enter into a relationship as an equal with power to negotiate and strengthen herself in marital life. This holds true for *mehr* which is meant for her to gain financial strength as she enters into a new agreement and a new phase of life.

It is well known that marriage in Islam is a contract, an agreement between two adults who decide to spend their lives together. Each is entitled to express their conditions of this agreement which is a formal contract. This contract is considered as solemn as any other contract and cannot be dissolved at anyone's whims or convenience. It is inked on a document called the *nikahnama*. The *nikahnama* is also quoted as an advantage over a Hindu marriage and the Muslim marriage is incomplete without it. A documentary evidence of the contract is created at the time of marriage itself which contains basic information

about the parties, the *mehr* amount, signatures of witnesses, signatures of both parties and the *qazi* who solemnizes the marriage. Although all conditions should be stated clearly in this document it normally does not happen and a *nikahnama* is reduced to a basic informative document.

Our study reveals that more than 47% of Muslim women do not have a *nikahnama*. Out of the 2219 respondents who say that they don't have their *nikahnama*, a big number of 1185 women, more than 50% respondents, say that they don't know the whereabouts of their *nikahnama*. They have no idea where the *nikahnama* is, or whether it was made at all. Women and their families are not aware of the importance of such an important document and hence this negligence in protecting and preserving it. 835 respondents out of 2219 say that the *nikahnama* was made but they don't have a copy as it was not given to them. It is no saving grace that only a small number of 205 women say that the *nikahnama* was not made at all.

It is evident that signing a *nikahnama* has been turned into a mere formality whereas in fact it is an important legal document. This document guides not just the married life but also guides the decisions of the parties in the event of a dispute. But the study reveals that more than 75% of women have not even read the *nikahnama* before signing it. An important legal provision gone waste!

### ***Mehr***

Our study reveals that yet another empowering provision of the Islamic family law has been reduced to a meaningless ritual in our country! A Muslim woman is legally entitled to receive a handsome amount of *mehr* at the time of her marriage. It is a consideration for the marriage and is also supposed to add to her financial security. Contrary to the

spirit of this provision our data reveals utter dilution of *mehr*! More than 40% of the respondents say that they have received less than Rs. 1000 as *mehr*. Of which a big chunk have received Rs. 786 as *mehr*! How then can *mehr* be an empowering provision if it is only symbolic? A mere 458 respondents received *mehr* above Rs. 50,000. If the *mehr* amounts are so low not many would want the bride to write it off. 69% of women have reported that they were not asked to write off their *mehr* amount.

More tragic than the above is the fact that close to 65% of respondents say they are happy with the *mehr* that they have received. Women themselves are not aware about the empowering provisions of their own law. It is unfortunate that a historical provision for affirmative action towards women's economic security is being diluted in this manner. Another piece of evidence that the empowering provision has been wasted is when 44% of respondents say that they have not received the *mehr* at all. When *mehr* is a consideration for marriage, how can that marriage be solemnised without the provision! Although the amounts have been very low more than 47% have said that they have received the *mehr* at the time of *nikah*.

*Mehr* can be in any form. It could be in the form of cash, property, jewellery etc. In modern times it could also be in the form of shares, bonds, cheques and demand drafts. Cash continues to be the preferred form in which *mehr* is given. It appears that these low amounts make giving it in cash the most convenient. Close to 40% of respondents have received *mehr* in cash and only about 13% have received *mehr* in the form of jewellery.

*Mehr* is meant for the safety and security of the woman, but

woman herself cannot decide what the amount should be. It is meant to be her exclusive property but she has no say in the value of the *mehr* amount. A minuscule 2.3% respondents have had a say in deciding the amount of *mehr*. It is either her parents for 29.4% or the groom's parents for 21.1% who decide the amount. The amounts are kept low irrespective of which set of parents decide it. The grooms' parents for obvious reasons would want to give a small amount. And the bride's parents would not ask for more lest it hampers the prospects of their daughter. Very interestingly, an equal number 21.8% of relatives also exercise their say in deciding the *mehr* amount. Again interestingly, although a small number, 9.1% *qazis* have had the privilege to decide the *mehr* amount! Whereas 7.6% don't even know who decided the amount. So all but the woman herself are the ones who decide the *mehr* amount! On the other hand, although as per the Holy Quranic injunctions there should not be any demand for dowry, the practice seems to be quite prevalent. Dowry was demanded from 39.8% or 1873 women.

30.1%, i.e., 1417 women were asked to write off the *mehr*. This practice again indicates that women do not get their due *mehr*. At the time of *nikah* the *mehr* amount is only announced and written down in the *nikahnama* but is actually not paid. It is not paid because it is intended by groom's parents not to pay. Soon after she is asked to condone and forget about the *mehr*. If the woman becomes a widow then she is asked to condone the *mehr* amount before the husband is taken for burial. It has now become a standard practice to give the *mehr* at the time of divorce, that too if the divorce is given by man. If she demands divorce then even at the time of divorce the woman has to forego it. It is another matter that the *mehr* amounts are not high enough to matter to her. But nonetheless *mehr* is

the right of woman to be given to her at the time of marriage. The marriage cannot be said to be completed without the payment of *mehr*.

While this study on the one hand assesses the current practise regarding *mehr*, it also focuses on what are the aspirations of the women. An overwhelming 85.7% of Muslim women want their *mehr* to be paid at the time of marriage. It shows that given an opportunity and a say the Muslim woman will take actions which are beneficial to her. All along Muslim men have safeguarded their own interests whereas the women have been denied the opportunity!

Deciding the *mehr* amount is an unregulated affair in india. There is no method by which the amount can be arrived at. As already seen a large number of women have received Rs. 786 as *mehr*. How did anybody arrive at this amount? There is no logic except that this number represents *bismillah irrahman nirahim*. Can this be the method by which one arrives at the *mehr* amount? Women have reported getting Rs. 1000 to Rs. 10,000 as *mehr* without any idea about how this amount was arrived at. We also saw that even *qazis* and relatives have decided the amount without any logic or method. On being asked women have, very intelligently said that it should be based on the income of the husband. A good 81.4% have said that the *mehr* amount should be based on the groom's income or salary or property. If a man is part of the larger family business then the amount of *mehr* should be based on his share of the income. More than 83% of respondents want the man to first determine his share of income in the joint family business and then the bride could fix the *mehr* amount depending on it. It can be deduced based on this that the women want the groom's annual income to be the basis for deciding the *mehr* amount.

Our study asked a question about the *mehr* amount with the intention of validating this principle. Close to 84% of the respondents have agreed that the minimum *mehr* amount should be equivalent to the annual income of the groom. This provision will not only take care of his capacity to pay but also ensure a good lumpsum amount to the bride. And this is only the minimum amount proposed in our draft law. There can be no bar on the upper limit but there should be some basis to assist a woman to decide her own *mehr* amount.

Also to ensure accountability and pinning down the husband to pay the amount 49.8% women have also suggested that if the groom does not pay the stipulated amount he should pay double the amount as penalty. A substantial 27.5% are very sure that he should be put behind bars as it is a breach of agreement. Another big number or 22.7% want some kind of penalty to be imposed for not paying the stipulated *mehr* amount. It goes to show that Muslim women are not willing to let go of their rights and want the law to be responsive to their needs. If a man breaks the agreement there must be some legal way for him to pay for his breach. He cannot be let off scot free. It is important to note that Muslim women have time and again expressed their faith in the state and want an active engagement with the state to resolve their issues.

## Polygamy

No issue is more controversial than the issue of polygamy within the Islamic law. It is the most discussed, debated and even, protected provision. BMMA's experience after the release of draft Muslim Family Law shows that the clause on polygamy led to discussions the most. It was also the cause of much discussion in the feminist circles. Some have gone to the extent of supporting polygamy as this would entitle

“all” wives for maintenance; the lament being that a Hindu second ‘wife’ cannot claim any rights as polygamy is illegal in Hindu law. Some religious groups and Muslim men say that polygamy is a right given to them by God. It is a privilege which a Muslim man enjoys and nobody can take it away from him, they say.

Our study threw up a completely different picture. An overwhelming 4320 women i.e. 91.7% have given their verdict against polygamy saying that a Muslim man should not be allowed to have another wife in the subsistence of the first marriage. On being probed further 72.9%, i.e. 3434 women think that polygamy should not be allowed irrespective of the consent from the first wife. 2959 women think that polygamy should not be allowed irrespective if the first wife’s illness and 2983 women do not agree that polygamy should be allowed irrespective of the first wife’s inability to conceive. 2949 women disagree that the husband’s second marriage be allowed even with widows. On being asked if men should be allowed multiple marriages to balance out the sex ratio, 83.4%, i.e., 3929 women do not agree that the husband should be given the permission for second marriage irrespective of the ratio of women to men. In all four instances of the researchers playing the devil’s advocate, on an average more than 3000 women of the 4710 respondents do not want their husband to enter into a second marriage while the first marriage is intact.

An analysis of the reasons why polygamy was permitted in the first place would show that it was permitted in the given specific socio-political incidents of men dying in large numbers during conflicts and battles. It was specifically after the Battle of Uhud that the particular verse on polygamy was revealed so that war widows and orphans are not abandoned without any social

security and also to balance out the skewed sex ratio in the event of men being lost to war. Also men have very conveniently ignored this particular verse from the Holy Quran which expressly says that even if it is your ardent desire it is not possible to treat your wives on an equal footing [4:3, 4:129]. So the stated ideal in the Holy Quran is monogamy because only then bliss, happiness and tranquillity can prevail in a marital relationship and verse 30:21 explicitly states that.

## **Divorce**

The Study has brought out the major injustice faced by Indian Muslim women through decades in the form of oral unilateral divorce or triple talaq. Of the 525 women divorced 65.9%, i.e., 346 women were divorced orally 7.6% ,i.e. 40 women were sent letter of divorce by their husbands, 3.4%, i.e., 18 women were divorced on phone, 0.2%, i.e., 1 via SMS, 0.6%, i.e., 3 on email and 22.3%, i.e., 117 through other methods. In all 78% or 408 out of 525 women were divorced unilaterally.

117 women have been divorced before their first marriage anniversary and 115 women have been divorced between the first and third year of their marriage. So collectively 232 (44%) out of 525 have been divorced before the third year of marriage. More than the wife it is the husband who had wanted the divorce to happen. Out of the 525 respondents who were divorced, 312 (59%) divorces were demanded by the husband. Out of the 525 divorced women only 116 received compensation from the husband at the time of divorce. A big chunk of women (78%) were left high and dry without any compensation.

Of the 525 women 220 (41.9%) women were divorced in the family home, 21%, i.e., 110 women were divorced in the court

which corresponds with the 117 who were not orally and unilaterally divorced. 8.8%, i.e., 46 women were divorced in the darul qaza, 13.0% i.e., 68 women received divorce through the Jamaat, for 7.2%, i.e., 38 women divorce procedure was settled by the Panchayat, 3.6%, i.e., 19 women through NGO's and in 4.6%, i.e., 24 cases the divorce was given in other places.

The above data clearly shows that oral divorce is the easiest method of divorce by men who themselves wanted divorce. Most divorces, 41.9% have been settled within the family. Collectively 8.8%, 13%, 7.2%, 3.6% or 32.6% divorces in all, have been settled in forums like jamaat, darul qaza, panchayat and NGOs. Largely barring NGOs other forums are extremely patriarchal who do not give any opportunity for women to speak her side of the story.

Women are very clear about what needs to be done about divorce procedures. This is in all probability because women have suffered immensely because of the way they have been divorced and left high and dry. Very unambiguously 92.1% respondents have called for a legal ban on the practise of oral unilateral triple divorce. As a punishment for the same a big number 51.4% want the man to be put behind bars for unilaterally divorcing his wife. 36.2% want the husband to pay compensation to the wife if he has unilaterally divorced her. A small percentage 12.5% wants him to be fined.

Women have also expressed their anger with the *qazis* who support men in their instant divorce. 88.5% i.e. 4168 women opine that the *qazi* who sends the notice of unilateral divorce should be punished.

A very high 93% want to make arbitration compulsory before

a divorce is granted. 56.6% women want this arbitration process to be a three month long process which is mentioned also in the Holy Quran. 20.7% and 15.7% want the arbitration to last for one month and 6 months respectively. If we combine all these figures a big 93% want the arbitration to last up to 6 months. Muslim women have completely rejected the method of instant divorce and want arbitration to be the mandatory process before divorce takes place.

Although a large majority were not victims of *halala*, it is a practise which is observed given that 76 women had to do *halala*. This practise has been justified in the name of religion although the Holy Quran says nothing even close to what is being done to women. The Holy Quran implies that in the natural course of time and circumstance if a divorced woman wants to go back to her former husband she can do it even if she has remarried. She can do this after she has obtained a divorce from the second husband. The implication is that it is not wrong if after the second marriage and divorce, a woman wants to go back to her former, first husband. But the Muslim community has turned this provision into a horrendous practise where a divorced woman is forced to consummate a second *nikah* just so that she can go back to her former husband.

The Study indicates that three fourth of the women surveyed which is 75.1%, i.e., 3537 women do not think that the woman should forego her *mehr* if she is demanding *khula*. Again the practise is that if the demand for divorce comes from the woman herself, she is made to forego her *mehr*. This is an injustice because a woman by and large demands divorce because she is troubled by her husband so much that she cannot bear to take it. The husband in turn keeps troubling

her so much but refuses to divorce her. It is unfair that the reasons for divorce lie with the husband but the price is paid by the wife.

The study indicates that 88.3%, i.e., 4159 women agree that the legal method of divorce should be Talaaq-e-Ahsan. This method is mentioned in the Holy Quran and allows the wife and husband to negotiate and reconcile. Reconciliation is an important process so much so that there are verses asking both parties to attempt reconciliation before any decision of divorce is taken. A gap of three months is recommended before divorce is finalised. This method does away with all arbitrariness that one sees in divorces that happen in the community.

### **Custody of Children and Adoption**

The study reinforces the known fact that after divorce woman retains the custody of children. Out of the total 525 women who are divorced, 324 women have retained the custody of their children.

For future too, respondents have very clearly indicated that they would want to retain the custody of the children. Almost 89% of women want their children to remain with them. The Study clearly brings forth the view that 95.6% women think that if the custody of the child/children is with the mother then she should claim maintenance from their ex-husband.

The Study clearly brings out the fact that 92.7%, i.e., 4368 women agree that while deciding the custody of the child, the consent and well being of the child be taken into consideration.

Although adoption is not uncommon in the community, surprisingly 75.7% women were not aware of the fact that a

Muslim couple cannot legally adopt a child. Almost the same number 78.9% were not aware of the reasons for adoption not being legal in Islam. Slightly less but a good number 66.2% are not aware that an adopted child cannot become a natural heir to one's property.

But what is very significant is that a big number 83.3% want adoption to be made legal which includes the notion that the adopted child should be treated as a natural heir to the property. Close to 80% want their adopted child to inherit their property.

## **Maintenance**

Almost 50% women have reported that they have been receiving financial support and maintenance from their husband during their marital life. But 27% have reported that they have not received any maintenance from their husband.

Of those who have been receiving maintenance 31% feel that they have been receiving sufficient maintenance and close to 19% feel that what they have been receiving is not sufficient. All those who feel that the maintenance is not sufficient, work for money. A smaller number, 159 and 173 are dependent on either their in-laws or are dependent on their own parents for survival.

With divorce the dependence on parents increases further. 246 out of 525 i.e. 46.9% divorced women reported that they had to start supporting themselves and an equal number, 250 (47.6%) reported that they began to get dependent on their parents. Very minuscule received support from their ex-husbands or their in-laws. These figures also coincide with the figures for maintenance of children. 244 out of 525 (47%) women support their children and 242 (46%) parents of the

women support their children. In a slightly significant change one sees 32 ex-husbands providing maintenance for their children.

Collectively close to 95% of divorced women do not get any financial support from their former husband. Neither for themselves nor for their children. If we see these figures along with the figures of age of divorce it indicates that a big chunk (44%) are divorced within 3 years of marriage, saddled with 1-2 children (55.3%), probably are around the age of 18-21 years (43.5%) with no hopes of maintenance 95%.

### **Property Ownership by Woman**

Though not surprising, 82% of the respondents do not have any property in their name. This coincides well with the overall perception that the community is economically extremely marginalised. If the community is poor, how can its women be rich? Ownership of property is one of the important indicators of economic empowerment and the figures show for themselves that Muslim women are far from owning any property over which they have an exclusive right.

It is also interesting to note that out of the rest 850 of women who own property, a large number, 520 women, have got their share of the property from their husband and a minuscule 78 have been able to earn it by themselves. Without education, vocational training and consequent livelihood opportunities it is almost impossible that women are in a position to gather any property on their own. And out of the 850 women, 240 have received property from their parents. This could possibly point towards negligence on the part of the parents to not pass on any property to their daughters. Aligning very well with the notion of being asset-less, close

to 84% of the respondents do not have their current residence in their name.

This has vast implications on the status of women in society. If a large number of women are without property and specifically without a home of their own, it implies that they are dependent on their husband for their residence and consequent security. If she has nowhere to go and if the parents also are not supportive or are poor, then she has no choice but to put up with the violence and abuse inflicted by the husband.

Out of the 850 who own property a significant 373 have property worth less than Rs. 5 lac. 2.9%, i.e., 136 women own property worth Rs 5 to 10 lac, 1.8%, i.e., 83 women posses property worth Rs 10 to 20 lac, 1.5%, i.e., 70 women own property worth Rs 20 to 40 lac and 4%, i.e., 188 women own property whose worth is above Rs 40 lac. So out of the entire lot which owns property a large majority own property of a low value.

## Chapter 4

### **CODIFICATION OF MUSLIM FAMILY LAW**

In the history of independent India, this is probably the first time that Muslim women's views on codification have been sought in a scientific manner. Through the study it was revealed that a significant number of women are not aware of the meaning and understanding of the process of legal codification. An equal number also have no idea that Muslim personal law in other countries has undergone codification or not. They did not know that laws have to go through a particular process in order to be made applicable. This means that civil society groups must spend more resources in educating women on the process of law making and how important it is to participate in this process as an important stakeholder. Women are the primary stakeholders of the Muslim personal law. Their lives get affected adversely on so many counts owing to the absence of a codified law. Besides, women have never been allowed any space in the realm of legal understanding leave alone reform of personal laws.

Hence it is important to include women's voices and concerns in any legal framework by documenting their opinions pertaining to the existing legal practices. The study reveals that a large percentage of women, 44.6%, are not aware that the Muslim law in India is not codified. An equally significant number says that they are not aware of any codification process in other Islamic countries. A relatively small number 25.3% are aware that codification of Muslim law in India has not been done and hence much of the problems faced by them. 35.2% respondents are aware that Muslim law in other countries has been codified which though appears a small percentage is significant conveying

that poor muslim women are aware about the status of family laws in other countries. Much more awareness about law making in general and Muslim personal law making in particular must be undertaken

Although a large number were not familiar with the process of law making, on making an inquiry a large number 83.3% felt that codification is the answer to their legal justice issues. It means that a large number of women have faith in democracy and the Constitutional processes of law making. They believe that a good law will go a long way in ameliorating their legal status. This view is complimented by another figure where close to 89% of respondents want the government to intervene to codify the Muslim family law. These findings also reveal that Muslim women look up to the state for not just supporting but taking an active interest in codifying the Muslim family law. This stands in sharp contrast to how the state has taken more interest in codifying laws for other communities and neglected the needs of Muslim women. The state must now respond to the demands of Muslim women who have been calling for its support and active intervention to resolve the legal discrimination faced by them.

The Muslim women have not forgotten the religious leaders. They have high expectations from them as well. The least that they want them to do is to support Muslim women's demand for codification. A very high 86.7% want religious leaders to take onus and responsibility and support Muslim women. A very high 86.6% also want legal experts and scholars also to support Muslim women's demand for justice.

A significant 86.2% say that the out of court justice delivery

mechanisms must continue to function in the community and must in fact implement a gender just codified law so that Muslim women benefit from it. The fact remains that these systems are now extremely patriarchal and have in fact become systems of injustice and oppression. And yet in spite of their negative role Muslim women want them to exist and play a positive role and become avenues of justice for all. And these bodies should not be left alone but made accountable. They must be monitored and supervised by the state so that they do not go against the values of justice and equality. Close to 90% of respondents want the darul qazas and individual *qazis* to come under the scanner of the state so that they follow the codified law and ensure that women get justice. 88.5% of respondents want the courts and the darul qazas to work in a manner complimenting each other and build up strong linkages with each other.

Muslim women want an active participation of state structures and darul qazas. Both must work together as complimentary bodies with the sole objective to ensure justice and fair play of law. In India a woman from any community today first approaches her family then the community and then the state to get justice. The state structures, needless to say, are unapproachable, expensive, formal and unfriendly places. Even the most educated get lost in the quagmire of lengthy and tedious processes which one cannot navigate without a paid lawyer. The poorest of the women cannot even think of approaching the courts. Even though she knows that she will not be heard she goes to the local *qaziat* to address her problem. The local *qaziat* may be accessible and informal but that space does not guarantee justice. Hence in a very practical way Muslim women have suggested that the strengths of both the structures must be combined so that they could benefit from it.

In a significant way and giving a momentous push to the women's Shariat court, 95.4% of respondents want Muslim women to take a lead in providing legal aid to fellow Muslim women. This response also vindicates the need felt by BMMA to start *Aurton ki Shariat Adalat* in July 2013. The experience of dealing with patriarchal male dominated religious structures has not at all been positive for women. These bodies have supported the Muslim male with unwarranted privileges and turned the Islamic law against the women. Muslim men have got unprecedented support from male-run darul qazas for issuing unilateral divorce, for making the women do halala, for forcefully taking away the custody of children from the mother, for allowing men to remarry at will, for allowing underage marriages. Muslim women have not been heard in these courts and hence the overwhelming need felt by them to get space where they can be heard and supported. Justice is a fundamental and basic need of every human being and that need of women seems to be getting fulfilled in the Shariat courts run by Muslim women.

## **Chapter 5**

### **ISLAMIC FEMINISM-A GLOBAL MOVEMENT**

#### **Process in India**

In 2007 BMMA took the initiative in drafting a Quran-based Muslim personal law upholding the principles of gender justice enshrined in the Holy Quran. Prior to this a National Consultation was held in Mumbai in December 2006 to seek Muslim women's views on codification of Muslim law. The Consultation was attended by close to 400 Muslim women from different states like UP, Gujarat, Madhya Pradesh, Chhattisgarh, West Bengal, Rajasthan Karnataka etc. The delegates from different states deliberated on the discriminatory aspects of the Muslim law as practiced in India. In the two-day conference Muslim women took up each aspect of Muslim law and discussions were undertaken on the anomalies and distortions and how they were all deviations from the Quranic injunctions. The conference also deliberated about what women want their law to be like. What are the interpretations the Muslim women find just and fair and which ones are clear misinterpretations by patriarchal elements? What should be the process of divorce; how much *mehr* should a woman get? Should we continue suffering oral divorce? These and many such aspects of Muslim law were discussed. The Conference resolved that the Muslim law as it exists currently is discriminatory and it is time that it is codified and the conference took on the responsibility to work out a draft of an ideal Muslim personal law.

In the following years, leaders of BMMA carried out innumerable consultations with a cross section of society to

feed into the law that was being prepared. Muslim women attended these consultations in large numbers across the states of Maharashtra, Chattishgarh, UP, Madhya Pradesh, Odisha, Gujrat, Delhi, Tamil nadu etc. Apart from women themselves, lawyers, activists, scholars, academics were invited to these consultations. Thereafter regional consultations were held in these states again to discuss the draft law with lawyers and academicians. Muslim women enthusiastically participated in these regional consultations and gave their views about an ideal Muslim personal law. After a long journey of hundreds of consultations with multiple stakeholders, multiple times, the first draft was arrived at.

## **A Summary of Consultations**

BMMA and Centre for Study for Society and Secularism [CSSS] had organized a two-day workshop on 'Codification of Muslim Personal Law' in Indian Social Institute, New Delhi on 4th and 5th February 2012. The objective of the workshop was to firm up the draft of the codified law. The consultations were guided by Dr. Asghar Ali Engineer, Dr. Zeenat Shaukat Ali, Dr. Tahir Mehmood, Justice Akbar Ali, Justice Shamsuddin, Prof. Afzal Wani, Javed Anand, Zakia Soman and Noorjehan Safia Niaz.

The gathering gave their unanimous support to the process of codification. The activists and academicians felt that it is high time that the Muslim family law is codified to ensure legal rights to the Muslim women. While Quranic injunctions have ensured these rights to women, the same does not get reflected in the law. There is a wide gap between what is ordained and what is available to the Muslim women. It is through a codified law that we will be able to bridge this gap.

For many years now the issue of reforms of personal law has remained problem centric. It is now time to take the discussion towards working out solutions, one of which is codification. For many years now the Muslim clergy have taken upon themselves the responsibility of guarding the Muslim law and as a result the Muslim women have suffered untold misery. It is now time for the enlightened members of the Muslim community to take on the onus of reforms and change.

The gathering agreed that the codified law must ensure that the age of marriage of the Muslim girl is 18 and the boy is 21. It also called for compulsory registration of marriage with the state authorities. The *mehr* amount of the bride should be 100% of the annual income of the groom. This is to ensure that there is some method by which one can arrive at the amount of *mehr*, which many a times is nothing more than Rs. 786/. There was complete agreement on a complete ban on unilateral oral divorce. Instead the talaak-e-Ahsan method of divorce must be codified which would be the uniform method of divorce for both man and the woman. Divorce by mutual consent [mubarah] must also be included in the codified law. Mother and father both should be declared as natural guardians of the child while deciding its custody. The 'best interest of the child' should be the guiding principle while deciding custody of the children. The participants reiterated that monogamy is the stated ideal in Islam. Hence polygamy must be made restrictive and conditional so that it becomes almost impossible for a Muslim man to contract another marriage in the subsistence of the first. There was also a counter argument that since the sex ratio is not in favour of women and those special conditions which supported polygamy 1400 years back do not exist now and

since there are clear quranic injunctions supporting monogamy, why should polygamy not be made illegal completely?

On 7th April 2012, BMMA and Muslims for Secular Democracy [MSD] organized a one-day consultation on codification of Muslim family law at the SNDT Women's University in Mumbai. The consultation was part of the campaign initiated by BMMA to codify the Muslim law. The consultations were guided by Dr. Zeenat Shaukat Ali, Adv. Kirti Singh, Zakia Soman, Noorjehan Safia Niaz and Javed Anand. More than 100 women and men participated. Organizations like Stree Mukti Sanghatana, SNEHA, Navnirman Samaj Vikas Kendra, Muslim Samanway Samiti, Wisdom Foundation, Hukook-e-Niswan Sanghatana, Mahila Shakti Mandal, Samjhauta Mahila Mandal, Sahyog Mandal, BMMA District leaders from Nasik, Sholapur and Pune, AIDWA, Jagruti Kendra, Hamraaz Legal Cell, Research Centre for Women's Studies-SNDT Women's University, Centre for Study of Social Exclusion and Inclusive Policy-SNDT Women's University, Action Aid, Don Bosco, NEEDs and Vikas Adhyayan Kendra participated in the meeting. Adv. Nirmala Sawant Prabhavalkar, member of National Commission for Women and former Mayor and Chairperson of State Commission for Women attended this consultation as a member of the women's movement and extended her support to the process.

The participants agreed that the age of marriage should be 18 and 21 years respectively for the Muslim girl and boy. Some members wanted the age of marriage to be 21 or 18 years for both. The justification for considering not just physical maturity for marriage but also emotional and mental comes from the quranic verse which says that a person can

inherit property on attainment of maturity. The person must be mature enough to be able to manage his or her property. Based on the principle of *qiyas* which implies that one can use one law of a particular situation to support laws in another situation if mental maturity is required to manage property, is it not required to enter into a marital contract? On the issue of polygamy which was not without its fair share of arguments, many justified a ban on polygamy by saying that we are in peaceful times and the sex ratio is also not in favour of women. Polygamy was relevant at the time when battle of Uhud was fought and many women had become orphans and widows. To provide support to such women, men were asked to marry widows and orphans. But men today are marrying women of very young age with audacity as if it is their right. Those who had a conservative outlook were not in favour of arriving at any method by which the amount of *mehr* can be fixed. Many agreed to the *mehr* to be 100% of the man's annual income. Some suggested 75% of his income. A few suggested 2/3 of his annual income. The gathering agreed that it is the responsibility of the husband to maintain the wife and manage the household expenses, even if the wife has an independent source of income. The gathering also agreed that even if the wife has an independent source of income it is the responsibility of the husband to provide for her personal expenses. The gathering agreed that Ahsan and mubarah form of divorce as mentioned in the Quran should be the method of divorce for both man and woman.

While deciding inheritance the participants felt that the value of the domestic work done by women must be counted in economic terms. A woman gives up her work outside, loses out on income and promotions, and sacrifices her career and

economic independence for the family. Whatever a man earns in the married life is also because of the sacrifice and the unpaid, unrecognized contribution of his wife. And this contribution must be acknowledged by sharing the marital property equally.

In December 2012, more than 150 Muslim women from across the country gathered in Mumbai to discuss the draft prepared. The consultation was facilitated by Noorjehan Safia Niaz, Zakia Soman and Safia Akhtar. Many good suggestions were given by women which were later incorporated in the draft. Since these women were poor and marginalized and were victims of a discriminatory law, their suggestions added a lot of depth to the draft.

Around the same time in December 2012 a public hearing was held in Mumbai where more than 500 Muslim women and men gave a call for putting a complete ban on the practice of oral/unilateral divorce. The meeting titled *Jiski Kahaani Uski Zubaani* gave opportunity to women to demand a ban on the practice of oral divorce. 5720 signatures and endorsements had been collected at the time from individuals who want an end the system of one-sided divorce. 99 civil society groups, organizations and networks from different parts of the country supported BMMA's demand for ending oral/unilateral divorce. 10 Muslim women from Maharashtra, Gujrat, Tamil Nadu, Madhya Pradesh, Uttar Pradesh, Karnataka, Odisha, West Bengal, Rajasthan, and Bihar who are victims of oral/unilateral divorce narrated the manner in which their husband's gave them divorce unilaterally. Apart from these women who presented their cases more than 25 women from amongst the audience spontaneously shared their own stories of the callous way in which their marriages were terminated by their husbands in an arbitrary manner.

The panel consisted of Zakia Soman from Ahmedabad, Nishat Husein from Rajasthan, Khatoon Shaikh from Mumbai and Safia Akhtar from Madhya Pradesh. The public hearing was facilitated by Noorjehan Safia Niaz.

The following resolutions were passed at the end of the Convention:

- Oral/Unilateral divorce to be banned with immediate effect
- Complaints against errant Qazis and Muftis be filed with the Police/Minorities Commission Arbitration should be made mandatory
- Talaak-Ahsan method of divorce must be the accepted form of divorce for man and woman Muslim family law must be codified

In Mumbai a meeting was held on 13 September 2012 in collaboration with the Centre for Study of Social Exclusion and Inclusive Policies, SNDT Women's University. Invitations were sent out to 48 maulanas, muftis and qazis, 5 of whom attended this meeting. The objective of the programme was to initiate a dialogue between *Kazi/Mufti* and Muslim women in order to find solutions on their legal problems, to let the *Kazi/Mufti* know that Muslim women have immense grievances against them and that they should evolve some system by which they could rein in those qazis who oppress women, to let such *Kazi/Mufti* know that their pronouncements are against the spirit of the Quran and to know their views on codification of Muslim family law. The panelists were Dr. Asghar Ali Engineer, Mr. Javed Anand, Mufti Muzaffar Alam, Mufti Abdul Rehman, Maulana Waqar Ahmed, Maulana Mufidul Islam, Maulana Muzaffar Alam, Mr. Nabi Idrisi and Mr. Maqbool Alam.

The litigants suggested that the decisions by the qazis or the court should be taken after consulting both the wife and the husband. The suggestions were that husband must support his wife and the children. He cannot be allowed to remarry during the subsistence of one marriage. Oral divorce should not be allowed. Arbitration is mandatory. Because of easy divorce man can remarry easily in which he is fully supported by the qazi. Unilateral oral divorce must be abolished. Men should not have the right to pronounce divorce at all. This right should be with the court. All rights mentioned in the Quran must be translated in a law so that women can access it. Women must get a bigger *mehr* amount so that the husband is discouraged from initiating divorce. All Muslim marriages must be registered.

Besides these meetings BMMA state units undertook regular meetings, consultations, marches of the issue of gender justice in MPL in which thousands of women and some men participated. All 11 states of BMMA held dharnas/rallies to protest against the practice of oral divorce.

In 2010 workshops on codification of Muslim personal law were held in Delhi, Jaipur, Patna and Bangalore. More than 400 women in these cities gave their views on an ideal Muslim personal law. In November 2010, a consultative meeting was held with the lawyers in Bhopal to discuss the process of codification with them. 27 lawyers attended this meeting and endorsed BMMA's stand to press for codification of Muslim personal law. They also gave suggestions to the draft law being prepared by the BMMA.

In 2011 consultation meetings with lawyers were held in UP, Karnataka, Orissa and Tamil Nadu. In Karnataka the meeting was organized in collaboration with Muslim Lawyers Association. More than 25 lawyers attended the meeting. Similarly in Chennai the consultation was organized in

collaboration with Women Lawyers' Association in which more than 100 women lawyers attended the meeting. This meeting was chaired by Justice Akbar Ali of the Chennai High Court.

In Orissa and UP the BMMA unit took the initiative independently to call the lawyers for the consultation. In all the four meetings, the overall response of the lawyers was positive. Most of them welcomed the idea of codification and even gave valuable suggestions to the draft. Issues like age of marriage, polygamy method of divorce, iddat, *mehr*, arbitration process were discussed in great details.

Consultation meeting with lawyers was held in Bihar and Jharkhand with the help of recently set up BMMA units in both these states. In Jharkhand the meeting was co-organised by BMMA and Shrishty organization. In both the consultations the lawyers extended their support to the process of codification of Muslim personal law. Many gave their suggestions to the draft and also gave their names to be in the drafting committee.

On 7th March 2012, a consultation was held with lawyers in Kolkata. It was organized by Nari-o-Shishu Kalyan Kendra, which is the supporting organization of BMMA in West Bengal. 7 practicing lawyers from Kolkata High Court gave valuable suggestions to the draft.

A Consultation was held with lawyers in Chennai on 30 and 31 March 2013 to discuss the draft MPL. Mr. Faiz Rehman, Adv. Zafarullah Khan, Adv. Jawad, Mr. Salim participated in the discussion. The draft was discussed in details. Many suggestions were given and were incorporated in the draft.

Apart from consultations the draft was sent to Adv. Zafarullah Khan, Adv. Saeed Uraisee, Adv. Pouruchisti Wadia, Adv.

Mihir Desai Adv. Kirti Singh, Adv. Arvind and Adv. Mini Mathew. Adv. Bader Sayeed gave many suggestions to the draft and was also present at the time of releasing the draft in Chennai subsequently.

On 16th April, 2013 a discussion on 'Codification of Muslim Family Law' took place in Puri, Odisha. The meeting was arranged by Sauhard Manch to educate its members about various personal laws. Zakia Soman gave an overview of the development of the Muslim family law in India. Noorjehan SN shared the draft prepared by BMMA. Many suggestions were given and they were incorporated in the draft. A small discussion also took place over the current codified laws existing for the Muslim community and how they are being used by practitioners for helping Muslim women get justice and how it is difficult to interpret existing laws which are ambiguous and depend on the interpretation of the practitioner.

In a public meeting in Ahmedabad in December 2013, the salient features of the draft was shared with about 500 Muslim women who endorsed the draft and resolved to work together for its implementation. Another meeting was held in Patna on 11th and 12th December 2013 to discuss the provisions of the draft. A training workshop was also held to discuss the rights of Muslim women and call for a demand for codification of Muslim family law. A similar meeting was held women in Hyderabad with the help from My Choices organization. More than 60 Muslim women attended the meeting and gave their suggestions on the draft law.

### **Provisions of BMMA's Draft Muslim Family Law**

Finally, on 18<sup>th</sup> June 2014 BMMA released its first draft of codified law [16] in the media in Mumbai followed by other

major cities. This Quran-compliant draft provides solutions to a wide range of personal law issues that afflict the Muslim women today<sup>15</sup>. Some of the salient features of the draft are given below:

The conditions relating to solemnization of a Muslim marriage include payment of *mehr* and unambiguous consent to marriage by both the parties. The conditions also include the age of marriage to be 18 and 21 years for the girl and the boy respectively. The draft nullifies marriage within the prohibited degrees as well. And the pertinent provision which has been brought up in most discussions is the one linked to polygamy. The draft prohibits a man to marry another woman in the subsistence of his first marriage. It proposes polygamy to be made illegal.

The draft also throws light on the procedure for the solemnization of marriage. The parties have to approach a registered qazi and give a letter of application 30 days prior to the solemnization of marriage. The actual procedure includes the *ijaab* [proposal] and *qubool* [acceptance] in one single sitting. This is followed by the filling up of the elaborate *nikahnama*<sup>16</sup> which contains basic details and signatures of the bride, groom and the witnesses.

The draft also outlines the responsibilities of the qazi including ensuring the conditions mentioned above before solemnization of marriage. The qazi must also demand authentic proofs pertaining to the date of birth and the place of residence of the parties. The qazi must fill up the *nikahnama* which is to be signed by Qazi, the contracting parties and two witnesses and must also maintain proper record of marriage

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15 For a full copy see Annexure 3

16 For a copy of Nikahnaama, see Annexure 4

and give duly certified true copies of the *nikahnama* to both parties.

The minimum *mehr* as mentioned in the draft should not be less than the groom's one full annual income. It can be given either in cash/gold/kind. In case it is difficult to fix *mehr* in this manner then it can be fixed based on the minimum wages of that location and on the basis of the profession pursued by the groom. The *mehr* must be prompt which means it has to be given to the bride at the time of the marriage. The draft does not give the benefit of delayed payment to the groom. The *mehr* is the wife's exclusive property and it is illegal to force, compel or emotionally pressurize her to forego or return the *mehr* amount.

Registration of the *nikah* is compulsory and it is the responsibility of the parties to ensure that their marriages are registered with the relevant state bodies.

The draft makes a distinction between regular and invalid marriage. A marriage is deemed irregular if two adult witnesses are not present at the time of *nikah* or if the marriage has been solemnized during the period of iddat or if the marriage has been solemnized without the qazi or if the marriage is not registered as mentioned and if the amount of *mehr* as specified is not paid. The said irregular marriage can be regularized within one year of the solemnization of marriage. The rights of women and children are not affected if the marriage is not regularized.

A marriage solemnized under this Act is invalid if the consent of either party has been obtained by force, coercion, undue influence or fraud. A marriage is invalid if the bride and groom are within the prohibited degrees and if the bride and groom have not completed 18 and 21 years of age respectively.

The second marriage is invalid if the husband has entered into this marital contract in the subsistence of the first marriage.

Apart from recognizing and accepting the provisions of the Dissolution of the Muslim Marriage Act of 1939, the draft recognizes three forms of separation between the husband and wife. They are khula [demand for divorce by wife], talaak [demand for divorce from husband] and mubarah [divorce by mutual consent]. Irrespective of who raises the demand for divorce the method of divorce would be the Talaak-e-Ahsan method which is a divorce over a period of three months with intermittent attempts at reconciliation by the parties and their families. The draft deems invalid any other method of divorce.

The practice of halala is an offence. Halala is a practice where a divorced woman has to undergo a marriage to another man if she or her previous husband or both want to come back together in matrimony. Halala is not only unQuranic but also has been used as one more means to make a woman lead an undignified life.

Any children borne out of either irregular or void marriage are deemed legitimate as per this draft.

Maintenance as per this draft includes food, clothing, residence, educational, medical and personal expenses. It is the legal responsibility of the husband to provide the above even if the wife has an independent source of income. During arbitration maintenance will be the responsibility of the husband. If custody of child is with mother then the responsibility of maintenance of the child is with the husband. Procedure for obtaining maintenance during subsistence of marriage is as per Section 126 of the CrPC, 1908. Maintenance

after divorce is governed by the Muslim Women (Protection of Rights on Divorce) Act, 1986.

Both the mother and the father are considered natural guardians of the child. At the time of 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 or herself. After the age of 14 the other parent can apply for custody of the child to an Arbitrator. The consent of the child will be sought by the Arbitrators. The parent who has lost the custody gets fair visitation rights. If the child is not able to take decision then the Arbitrators will take decision based on the best interest of the child. In the situation of widowhood the mother continues to be the natural guardian of the children. The Arbitrators can take decision about custody based on guidelines which include the quality of upbringing till date and the physical and emotional safety of the child. The custody of the child is not necessarily lost if either parent converts his/her religion or if either parent remarries.

The Arbitrator is a registered welfare agency which is also registered under this Act and which has at least 50% women members, preferably Muslim women and which has an impeccable record of social and legal justice. The draft lays down the duties and responsibilities of the Arbitrators as well.

## **Conclusion**

*I understand 'feminism' in the widest sense: it includes a general concern with women's issues, an awareness that women suffer discrimination at work, in the home and in society because of their gender, and action aimed at improving their lives and changing the situation. There is also an epistemological side to feminism; it is a*

*knowledge project, in the sense that it sheds light on how we know what we know about women, family and religious tradition, including laws and practices that take their legitimacy from religion; this knowledge enables us to challenge, from within, the patriarchy that is institutionalized in a legal tradition<sup>17</sup>.*

It is for the first time in the history of independent India that an organized body of Muslim women undertook a mammoth task of drafting a Muslim personal law by reaching out and consulting a large number of Muslim women and other stakeholders thus indicating the Indian Muslim women's knowledge project as so succinctly put by Prof. Ziba Mir Hosseini above.

The release of the draft is only the beginning of a long drawn struggle. On the one hand, there are the patriarchal forces in the community who stone-wall any mention of gender justice leave alone rights of women. Women have been denied entry into the arena of legal traditions and laws although they are the sections who are the most affected by it. On the other hand there is talk about a uniform civil code by the proponents of the Hindu right. Under the circumstances the Muslim women's movement has its role etched out. It is perhaps the beginning of a long drawn struggle with the conservative patriarchal forces within and outside the community for a gender just and fair world order. The struggle would also test the commitment of a secular state to the situation and rights of one of the most marginalized sections of Indian society. So far, all evidence suggests that the Indian state has placated the regressive patriarchal forces at the cost of the well-being of the muslim woman. But both the Holy Quran as well as the Constitution of India enable the muslim woman with clearly supporting principles and

17 Ziba Mir Hosseini, Feminist voices in Islam: promise and potential, Open Democracy 19 November 2012

equal rights. As our struggle for equality advances it would also be flagging off a liberal, progressive and just Islam which is antithesis to the deeply patriarchal, unjust and undemocratic versions made popular so far in India!

Muslims today are going through very difficult times. There is Islamophobia on the one hand and an increasingly dangerous and violent set of Muslim groups on the other. Both sides are bent on destroying the Muslim community based on their own understanding of Islam. But this phase also gives the community an opportunity to rebuild and rejuvenate itself and break free from familiar shackles which have only marginalized and maligned them. Beginning of equality and justice for muslim women in family law can go a long way in this direction.

Indian Muslims are fortunate to be citizens in a nation state which is deeply rooted in secular, democratic and liberal values. The Indian Constitution upholds justice and equality for all irrespective of gender, caste or religion. It provides several safeguards to protect lives and liberty of all as well as right to religious freedom for all and specially minorities. Indian Muslims need to move towards ensuring, protecting and promoting this democratic political space now. Here it is important to highlight that Muslim women have almost taken a lead in contemporary times to optimize this Constitutionally guaranteed political space by organizing and mobilizing themselves across the country. Demanding implementation of Sachar Committee report, drafting and making public a women-just and Quran compliant Muslim family law, forming Women's Shariah Courts, aligning with state structures for entitlements and benefits, fighting for a secure and fear-free social and political life, striving for communal harmony and respect for diversity are some of

the very momentous and significant socio-political actions of Indian Muslim women. These initiatives of Muslim women need to be supported and complimented by other social organizations as well as individuals from the community so that all can lead a life of dignity and security. It cannot be that the community demands equality and democracy for itself from the state but does not allow the same for the women within the community. Democracy within is the crying need of the time.

Also within the Islamic framework there is a strong need to appreciate and distinguish between the normative and contextual writings. There are many verses of the Holy Quran which have a normative, immutable and prescriptive appeal. They point towards universal values of justice, equality, wisdom and compassion which must permeate life of each and every human being for all times to come. On the other hand there are the contextual and descriptive verses which were relevant for those times and for that particular society. As a principle new age Muslim women and men must root for the universal principles and base their laws and their way of life on those. In other words, a humanistic understanding of the Quran will ensure that as Muslims we are able to ensure justice within and live in peace with other communities and the world at large.

Allah is a universal power which as per the *Tawhidic* understanding permeates all beings, living and non-living. This universal power is *rahman* and *rahim*, merciful and beneficent and is embedded in the Islamic notion of *Taqwa* or moral/ethical notions<sup>18</sup>. It is very heartening and

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18 Ed. Ziba Mir-Hosseini, Mulki Al-Sharmani and Jana Rumminger, '*Men in Charge? Rethinking Authority In Muslim Legal Tradition*', Oneworld Publications, 2015.

encouraging to note that across the Muslim societies Muslim women are embracing these very Islamic and universal ideas of *Tawhid* and *Taqwa* which encourages us to love all as creations of one God and live and let live everyone in peace and tranquillity. Emboldened by the conceptualization of God as merciful and just, Muslim women are now seeking justice and equality within families and are reclaiming their right to read the Holy Quran and arrive at their meanings based on their own lived realities. In the last couple of decades we have had Islamic feminist scholars like Amina Wadud, Fatima Mernissi, Riffat Hassan, Ziba Mir Hosseini and many others who have taken up the challenge of rereading, retranslating and reinterpreting the Holy Quran from a feminist perspective. And what has emerged is a vast amount of literature which debunks many misgivings and misunderstandings about Islam and women's rights. What has been liberating and empowering is the assurance that the Quran wants justice for all humans so that life can be led peacefully and in tranquility and in complete harmony with everything around us. So '.... problem is not with the text but with the context and the ways in which text is used to sustain patriarchal and authoritarian structures'.<sup>19</sup>

With the Muslim women's religious leadership, a completely humanistic and enabling version of Islam is emerging. Women are no longer just recipients of knowledge and objects to be studied but are now agents of knowledge creation including religious knowledge. Islamic laws and understanding of Islam itself has been the domain of men for many centuries now. Extremely patriarchal interpretations and even translations have created a hierarchy in women-men relationships. Superiority of men over women is God-

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19 *ibid*

ordained and hence cannot be challenged at all. This understanding closes all doors of negotiations within the familial relationships. Contemporary Muslim women have inadvertently opened the doors of *ijtihaad* by creating knowledge from their own perspectives and their own lived realities which are largely experiences of injustice and inequality. In other words there is a move towards 'democratization of the production of religious knowledge'<sup>20</sup>. Women are no longer dependent on men to know what God wants from them. They no longer have to accept what men have been telling them. They no longer have to believe that God has created them as inferior to men. They now read, translate, interpret and explain to the world that their God is just, loving and merciful and has created them on par with men.

As Muslim women gain strength and voice there is hope for the community as well, for women's voices will be voices of peace, harmony, justice and equality. There can be no empowered community without empowered women!

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20 *ibid*

## **SUMMARY OF THE STUDY FINDINGS**

The annual income of 73.1% of the families is below Rs.50,000

55.3% have married before the age of 18.

47.3% of the women surveyed have 1 or 2 children

53.2% of the surveyed women have faced domestic violence

78.7% of the women are home makers

95.5%, i.e., 4499 women have not heard of the All India Muslim Personal Law Board.

### **Age of marriage**

75.5% women want age of marriage to be above 18 years for girls

88.3% women want age of marriage to be above 21 years for boys

### ***Mehr***

85.7% want *mehr* to be given at the time of marriage

83.9% want his annual income to be the *mehr* amount

75.1% do not want woman to forego her *mehr* if she is giving khula

### **Polygamy**

91.7% do not want their husbands to marry another woman in the subsistence of first marriage

## **Divorce**

- 92.1% want a total ban on oral/unilateral divorce
- 88.3% want talaak-e-Ahsan to be the method of divorce
- 93% want arbitration process to be mandatory before divorce
- 72.3% want the arbitration process to be between 3 to 6 months
- 88.5% want the qazi to be punished who sends notice of oral divorce

## **Custody and adoption of children**

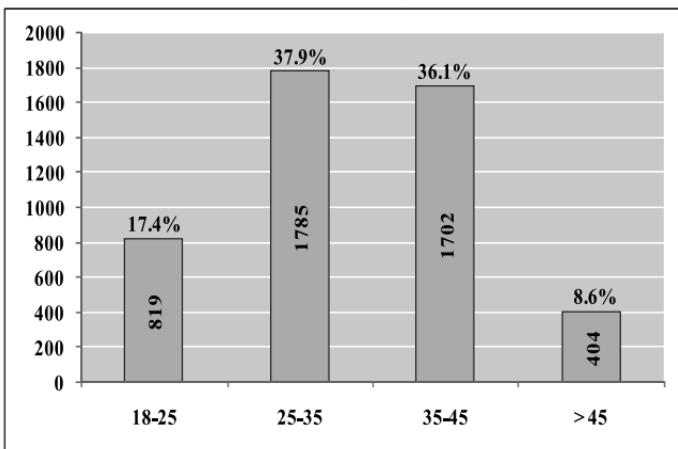
- 88.9% want women to retain the custody of children after divorce
- 95.6% want ex-husband to pay for children's maintenance even if she holds their custody
- 92.7% want consent and well being of the child to be the deciding factor for custody
- 79.8% want the adopted child to be treated as a natural heir to the property

## **Codification and Darul Qazas**

- 83.3% believe that codification of Muslim family law will help Muslim women get justice
- 87.9% feel that the activities of the darul qazas should be monitored by the state
- 95.4% want Muslim women to provide legal aid

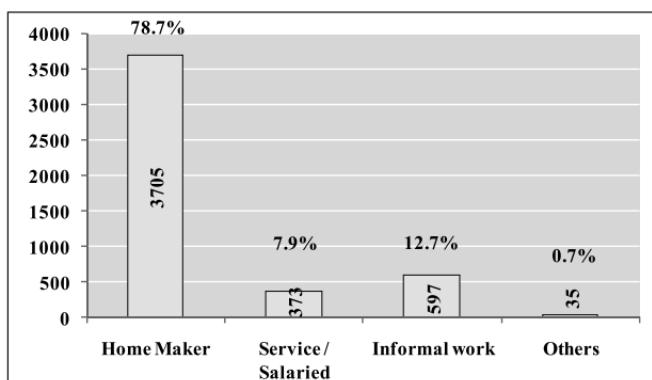
## Annexe 1 - Full Survey

Figure 1: Age



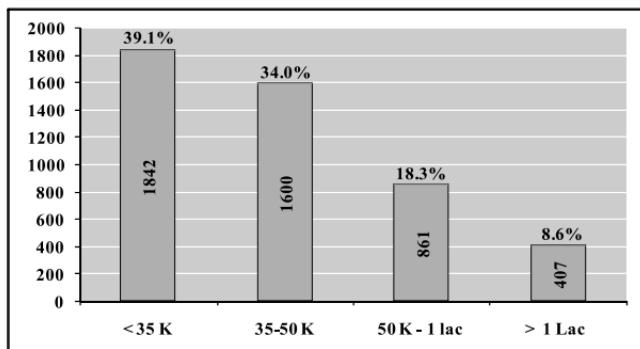
All the women interviewed for the Study were above the age of 18. It can be observed in the Figure 1 that almost 74% of the woman interviewed are between the age of 25-45 years, of which 37.9 % i.e. 1785 were between the age of 25-35 and 36.1 % i.e. 1702 of the woman are in the age group of 35-45 years. Only 17.4% i.e. 819 are between the age of 18-25 and 8.6% i.e. 404 are above 45 years.

Figure 2: Profession



The Study shows that Muslim women are not encouraged to be economically independent. As can be observed in the Figure 2 78.7% of the women are home makers whereas only 7.9% work in the organised sector and the remaining 12.7% work in the unorganised sector.

**Figure 3: Annual Income of family**



The Annual Income of 73.1% of the families is below Rs.50,000 of which 39.1%, i.e., 1842 families is below Rs.35,000. 18.3 % of the families have an annual income between Rs.50,000 to Rs 1 lac and only 8.6%, i.e, 407 families have an annual income over Rs 1 lac.

**Table 1: Which sect do you belong to?**

	Frequency	Percent	Cumulative Percent
1. Shia	195	4.1	4.1
2. Sunni	4126	87.6	91.7
3. Don't Know	389	8.3	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

87.6% or 4126 women surveyed belong to the Sunni Sect whereas only 4.1%, i.e., 195 women belong to the Shia sect. The remaining 8.3%, i.e., 389 women were not aware of which sect they belonged to.

**Table 2: Which caste do you belong to?**

	Frequency	Percent	Cumulative Percent
1. Sayyed, Khan, Pathan High Caste/Ashraf/Mughal	2156	45.8	45.8
2. Ansari,Mansuri, Baagban -	1235	26.2	72.0
3. Dalit [Backward Caste]	245	5.2	77.2
4. Don't know	1074	22.8	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

45.8% or 2156 of the women surveyed belong to the high caste followed by 26.2%, i.e., 1235 belonging to the OBC – Other Backward Caste and 5.2% i.e. 245 families belong to the Dalit and backward class. There are 22.8% of theses who do not know which caste they belong to.

**Table 3: Jurisprudence**

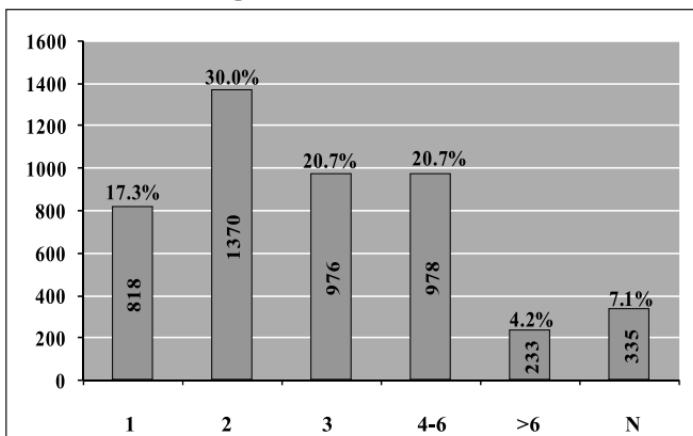
	Frequency	Percent	Cumulative Percent
1. Barelvi	473	10.0	10.0
2. Deobandi	254	5.4	15.4
3. Wahabi	194	4.1	19.6
4. Sunni Jamaat	2614	55.5	75.1
5. Ahle-Hadees	208	4.4	79.5
6. Don't Know	967	20.5	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

It can be observed from the Table 3 above that 55.5%, i.e., 2614 women interviewed fall under the Sunni Jamaat, followed by the Barelvi which is 10%, i.e., 473 women. Deobandi, Wahabi and Ahle-Hadees are at 5.4%, 4.1% and 4.4% respectively. 20.5%, i.e., 967 of the total surveyed women do not know under which jurisprudence they fall.

**Table 4: Marital Status**

	Frequency	Percent	Cumulative Percent
1. Deserted	94	2.0	2.0
2. Married	3619	76.8	78.8
3. Single	44	.9	79.8
4. Talaq	525	11.1	90.9
5. Widow	428	9.1	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

The table above illustrates that only 0.9%, i.e 44 women are single whereas an overwhelming 76.8%, i.e., 3619 of the total surveyed women are married. 11.1%, i.e. 525 are divorced, 9.1% ,i.e., 428 women are widows and 2% or 94 women are deserted.

**Figure 4: No. of children**

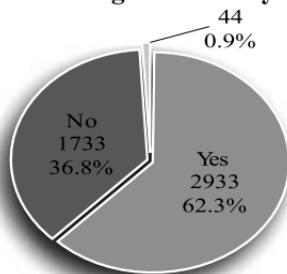
The Study reveals that 47.3% of women surveyed have 1 to 2 children. Only a small percent of 4.2%, i.e., 233 women have more than 6 children.

**Table 5: Do you have any adopted children?**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
1. Yes	132	2.8	2.8
2. No	4243	90.1	92.9
3. NA	335	7.1	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

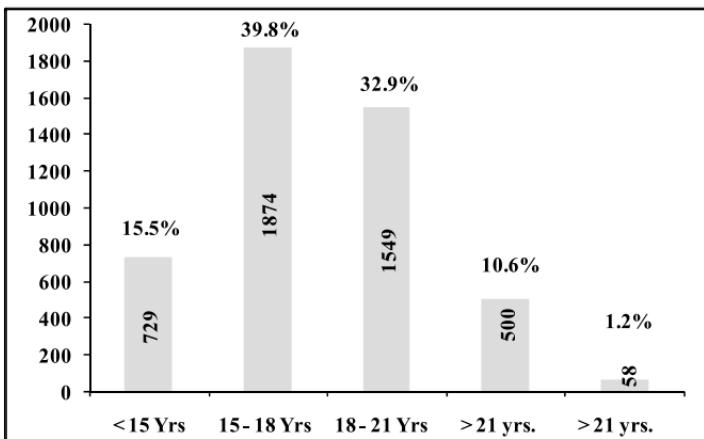
The Study reveals that only 2.8% of the women have adopted a child whereas 90.1%, i.e., 4243 women have not adopted any children. 7.1% i.e. 335 women do not have children.

**Figure 5: Was your consent taken before marriage?**



The Figure 5 reveals that consent before marriage was sought from 62.3%, i.e., 2933 women. A significant 36.8%, i.e., 1733 women did not have any say in choosing their life partner. 0.9%, i.e, 44 women are single women hence fall in the not applicable group.

**Figure 6: What was your age at the time of your marriage?**



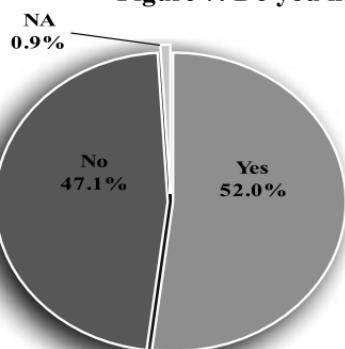
As per the Shariat law the age of marriage is when the girl attains puberty, hence it is observed that 15.5% or 729 women were married below the age of 15 years, 39.8% i.e., 1874 of the women were married between the age of 15-18 years. 32.9% i.e., 1549 got married between the age of 18-21 years and only 10.6%, i.e., 500 women got married over the age of 21 years.

**Table 6: Was there a demand for dowry?**

	Frequency	Percent	Cumulative Percent
1. Yes	1873	39.8	39.8
2. No	2793	59.3	99.1
3. NA	44	.9	100.0
<b>Tota</b>	<b>4710</b>	<b>100.0</b>	

Although as per the Quranic injunctions there should not be any demand for dowry, the practice seems to be quite prevalent. The table above shows that 59.3%, i.e., 2793 of the women did not have to face the problem of dowry. Dowry was demanded from a huge 39.8% or 1873 women. 0.9%, i.e., 44 women are single and fall in the not applicable group.

**Figure 7: Do you have your nikahnama ?**



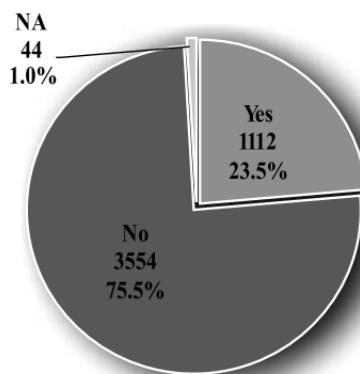
Of the total 4710 women surveyed 47.1% or 2219 women do not have their nikahnama. 52%, i.e., 2447 women have their nikahnama. 0.9% i.e. 44 women are single women hence fall in the not applicable group.

**Table 7: Why no *nikahnama* ?**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
1. It was not made	205	4.4	4.4
2. It was made but not given to you	835	17.7	22.1
3. Don't know where	1185	25.2	47.2
4. NA	248	52.8	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

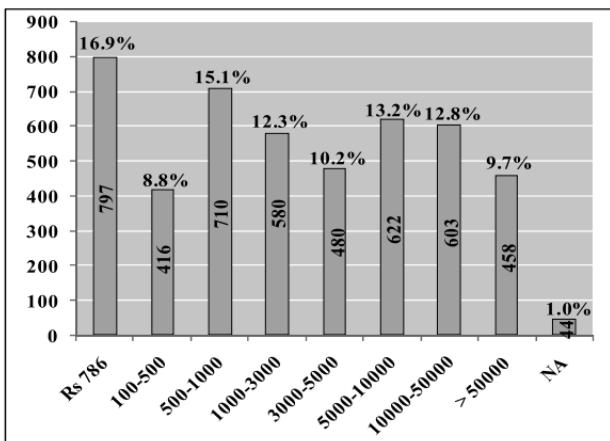
Of the total 2219 women who do not have the *nikahnama* 25.2%, i.e., 1185 do not know where the *nikahnama* is followed by 17.7% of the women who did not receive a copy of the *nikahnama* and yet another 4.4% of the women who said that the *nikahnama* was not made at all.

**Figure 8: Did you read the *nikahnama* before signing it?**



Of the 4710 women surveyed 75.5%, i.e., 3554 of the women said that they did not read the *nikahnama* before signing it whereas only 23.5%, i.e., 1112 women claimed that they read the *nikahnama* before signing it. 1.0% or 44 women are single women hence fall in the not applicable group.

**Figure 9: How much *mehr* did you get?**



Of the 4710 women surveyed 40.8%, i.e., 1923 of the women received a *mehr* of less than Rs.1000 of which 16.9%, i.e., 797 women got *mehr* of Rs.786/. 15.1%, i.e. 710 women's *mehr* ranged between Rs. 500-1000. 12.8%, i.e., 603 women received a *mehr* between Rs.10000-50000.

**Table 8: Are you satisfied with the amount of *mehr* received?**

	Frequency	Percent	Cumulative Percent
1. Yes	3048	64.7	64.7
2. No	1618	34.4	99.1
3. NA	44	.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

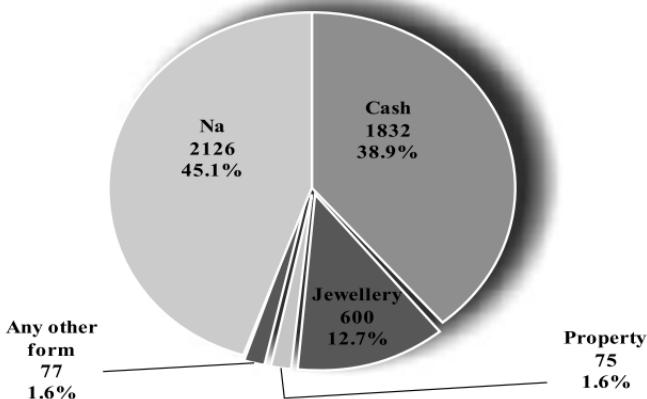
The Study showed that 64.7%, i.e., 3048 of the women were satisfied with the *mehr* received by them, whereas 34.4%, i.e., 1618 of the women were not satisfied with the *mehr* they received. 0.9% or 44 women are single women hence fall in the not applicable group.

**Table 9: When did you receive your *mehr*?**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumu %</b>
1. At the time of <i>nikah</i>	2253	47.8	47.8
2. At the time of divorce	273	5.8	53.6
3. At the time of widowhood	58	1.2	54.9
4. Did not receive at all	2082	44.2	99.1
5. NA	44	.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

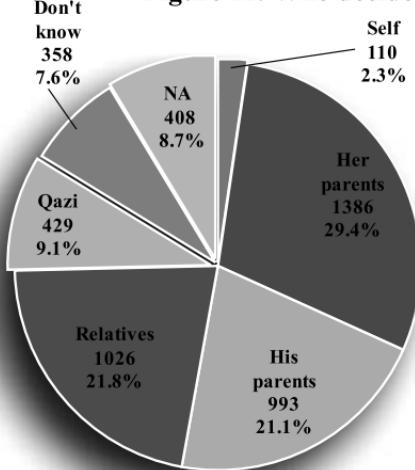
47.8%, i.e., 2253 of the women received their *mehr* at the time of the *nikah*. 44.2 %, i.e., 2082 women did not receive their *mehr* till the date of the Study. The remaining 5.8 %, i.e., 273 received it at the time of divorce and 1.2% received it at the time of widowhood. 0.9% i.e. 44 women are single women hence fall in the not applicable group.

**Figure 10: In what form was the *mehr* received?**



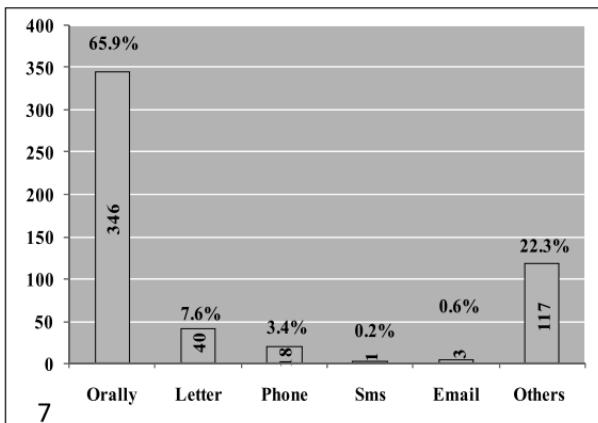
38.9%, i.e., 1832 of the women, received *mehr* in the form of cash whereas 12.7 %, i.e., 600 women received their *mehr* in the form of jewellery and 1.6%, i.e., 75 women had received *mehr* in the form of property and 77 women had received their meher in other forms. 44 single women and 2082 women who did not receive their *mehr* at all both fall in the not applicable group.

**Figure 11: Who decided the *mehr* amount?**



The pie graph table clearly states that the *mehr* amount is decided either by the bride's parents which is 29.4%, the groom parents which is 21.1% or the relatives which is 21.8%. Only 2.3%, i.e., 110 women decided the *mehr* amount themselves. 9.1%, i.e., 429 women's *mehr* was decided by the Qazi. 408 women fall into the not applicable group.

**Figure 12: Methods of Divorce**



Of the 525 women divorced 65.9%, i.e., 346 women were divorced orally, 7.6%, i.e. 40 women were sent letter of divorce by their husband, 3.4%, i.e., 18 women were divorced on phone, 0.2%, i.e., 1 on SMS, 0.6%, i.e., 3 on email and 22.3%, i.e., 117 through other methods.

**Table 10: Were you asked to write off your *mehr* [*mehr maaf*]**

	Frequency	Percent	Cumulative Percent
1. Yes	1417	30.1	30.1
2. No	3249	69.0	99.1
3. NA	44	.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

69%, i.e., 3249 of the women were not asked to write off the *mehr* amount and 30.1%, i.e., 1417 were asked to write off the *mehr*. 0.9%, i.e., 44 women are single women hence fall in the not applicable group.

**Table 11: After how many years of marriage were you divorced?**

	Frequency	Percent	Cumulative Percent
1. Before the first anniversary	117	2.5	2.5
2. Between 1-3 year of marriage	115	2.4	4.9
3. Between 3-4 year of marriage	102	2.2	7.1
4. After 5 years of marriage	97	2.1	9.2
5. After 10 years of marriage	66	1.4	10.6
6. After 15 years of marriage	10	.2	10.8
7. After 20 years of marriage	18	.4	11.1
8. NA	4185	88.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

Out of 525 divorcees 22% happened before the first anniversary of marriage. 22% divorces happened between the first and the third year of marriage. 19% between third and fifth year of marriage. Cumulatively 63.6% of women were divorced before the 5th anniversary of their marriage.

**Table 12: Who wanted divorce?**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
1. Self	147	3.1	3.1
2. Husband	312	6.6	9.7
3. In-laws	37	.8	10.5
4. Your	20	.4	11.0
5. Any other	9	.2	11.1
6. NA	4185	88.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

Only 3.1%, i.e., 147 women wanted divorce as against 6.6%, i.e., 312 husbands who wanted divorce. 1.4% divorces took place on account of the In-laws, parents or some other members of the family. In other words, out of 525 divorcees more than 59% divorces were wanted by men.

**Table 13: Did you get any compensation at the time of divorce?**

	<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
1. Yes	116	2.5	2.5
2. No	409	8.7	11.1
3. NA	4185	88.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

8.7%, i.e., 409 women did not receive any compensation at the time of divorce. 2.5%, i.e. 116 women received some sort of compensation at the time of divorce. Similarly out of 525, 78% i.e. 409 women did not get any compensation at the time of divorce.

**Table 14: How was your divorce done?**

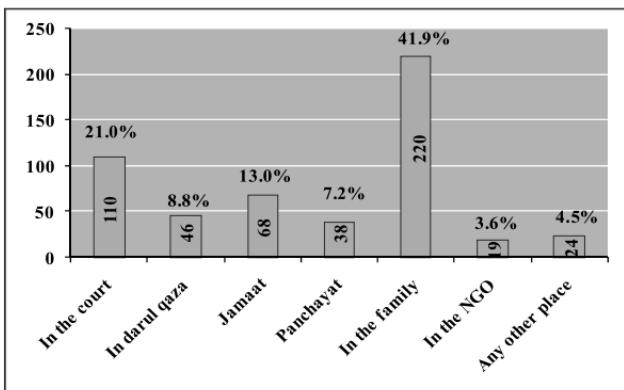
		<b>Frequency</b>	<b>Percent</b>
1	Orally	346	7.3
2	By letter	40	.8
3	By phone	18	.4
4	By sms	1	.0
5	By email	3	.1
6	Any other	117	2.5
7	Not applicable	4185	88.9
	<b>Total</b>	<b>4710</b>	<b>100.0</b>

Out of the 525 women divorced 408 i.e. nearly 78% were divorced unilaterally by the husband through letter, phone, email, sms and largely orally.

**Table 15: Where did the divorce take place?**

		<b>Frequency</b>	<b>Percent</b>	<b>Cumulative Percent</b>
1.	In the court	110	2.3	2.3
2.	In darul qaza	46	1.0	3.3
3.	Jamaat	68	1.4	4.8
4.	Panchayat	38	.8	5.6
5.	In family	220	4.7	10.2
6.	In the NGO	19	.4	10.6
7.	Any other	24	.5	11.1
8.	NA	4185	88.9	100.0
	<b>Total</b>	<b>4710</b>	<b>100.0</b>	

**Figure 13:**



Of the 525 women divorced 41.9% women were divorced in the family home, 21%, i.e., 110 women were divorced in the court, 8.8%, i.e., 46 women were divorced in the darul qaza, 13.0% , i.e., 68 women received divorce through the Jamat, for 7.2%, i.e., 38 women divorce procedure was settled by the Panchayat, 3.6%, i.e., 19 women through NGO's and in 4.5%, i.e., 24 cases the divorce was given in other places.

**Table 16: Are you a victim of halala?**

	Frequency	Percent	Cumulative Percent
1. Yes	76	1.6	1.6
2. No	449	9.5	11.1
3. NA	4185	88.9	100.0
<b>Tota</b>	<b>4710</b>	<b>100.0</b>	

9.5%, i.e., 449 women were not a victim of halala whereas 1.6%, i.e., 76 women were victims of halala. 88.9%,i.e.,4185 of the women fall in the not applicable group of which 3619 are married, 44 are single, 94 are deserted and 428 are widowed.

**Table 17: Does your husband support you financially during your marriage?**

	Frequency	Percent	Cumulative Percent
1. Yes	2352	49.9	49.9
2. No	1267	26.9	76.8
3. NA	1091	23.2	
Total	4710	100.0	100.0

49.9%, i.e., 2351 women are financially supported by their husbands whereas 26.9%, i.e., 1267 women were not financially supported by their husbands. 23.2%, i.e. 1091 of the women fall in the not applicable group of which 525 are divorced, 44 are single, 94 are deserted and 428 are widowed.

**Table 18: Is the maintenance sufficient?**

	Frequency	Percent	Cumulative Percent
1. Yes	1466	31.1	31.1
2. No	886	18.8	49.9
3. NA	2358	50.1	
Total	4710	100.0	100.0

31.1%, i.e., 1466 women feel that the maintenance amount provided by their husband is sufficient whereas 18.8%, i.e., 885 feel the financial support provided by their husband is not sufficient. Not applicable is 50.1%, i.e., 2358 which includes 1267 women whose husbands do not financially support them, 525 divorced women, 44 single women, 94 women deserted by their husbands and 428 widows.

**Table 19: If not sufficient, then,**

	<b>Freq</b>	<b>%</b>	<b>Cumul %</b>
1. Do you work for money	515	10.9	10.9
2. Supported by your in-laws	159	3.4	14.3
3. Supported by your parents	173	3.7	18.0
4. Do you survive on charity	39	0.8	18.8
5. NA	3824	81.2	
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

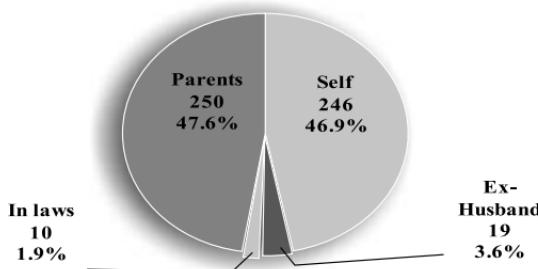
Of the 886 women 10.9%, i.e., 515 women work for money, 3.4%, i.e., 159 women are supported by the in-laws, 3.7%, i.e., 173 women are supported by the parents, 0.8%, i.e., 39 women survive on charity.

**Table 20: If divorced, what is the source of your maintenance?**

	Frequency	Percent	Cumulative Percent
1. Self	246	5.2	5.2
2. Ex- Husband	19	.4	5.6
3. In laws	10	.2	5.8
4. Parents	250	5.3	11.1
5. Others	0	0	11.1
6. NA	4185	88.9	100.0
Total	4710	100.0	

5.2%, i.e., 246 women and 5.3%, i.e., 250 women respectively are supported by self and parents after the divorce. Only 0.6%, i.e., 29 women are supported either by her ex-husband or in-laws. 11.1%, i.e., 525 women are divorced in our sample. This question is not applicable to 88.9%, i.e., 4185 women.

**Figure 14**



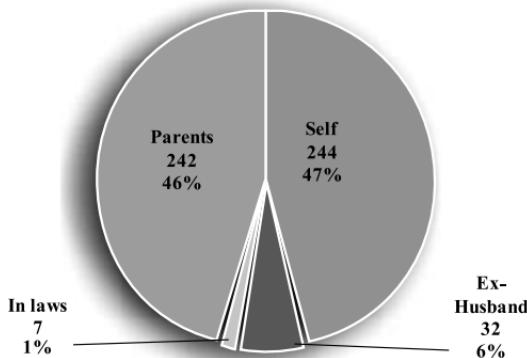
Of the 525 women divorced 47.6%, i.e., 250 women were supported by their parents, 46.9%, i.e., 246 women worked to support themselves, 3.6%, i.e., 19 women were supported by their ex husbands and 1.9% were supported by the in-laws.

**Table 21: If divorced, who has the custody of the children?**

	Frequency	Percent	Cumulative Percent
1. Self	324	6.9	6.9
2. Husband	38	.8	7.7
3. In laws	9	.2	7.9
4. Parents	154	3.3	11.1
5. NA	4185	88.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

Of the total sample of 4710, 6.9%, i.e., 324 women have the custody of the children, 3.3%, i.e., in 154 cases parents have the custody of the children and only 1% of children's custody is with the husband and in-laws. 11.1%, i.e., 525 women are divorced in our sample. This question is not applicable for 88.9%, i.e., 4185 women.

**Figure 15 : If divorced who maintains the children?**



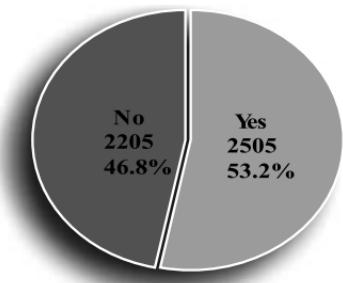
Of the 525 divorced women 46%, i.e., 242 women's parents provided maintenance for the children, 47%, i.e., 244 women worked to support their children, 6%, i.e., 32 women received maintenance for the children from their ex-husbands and 1%, i.e. 7 women were paid maintenance for children by the in-laws.

**Table 22: What is the source of your income if you are a widow?**

	Frequency	Percent	Cumulative Percent
1. Self	254	5.4	5.4
2. In laws	17	.4	5.8
3. Parents	58	1.2	7.0
4. Any Other	99	2.1	9.1
5. NA	4282	90.9	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

5.4%, i.e., 254 widowed women work to earn a living. 1.2%, i.e., in 58 instances parents support their daughters if they are widows; 2.1%, i.e., 99 women are supported by other sources - friends, relatives, social organization etc. For only 0.4%, i.e., 17 women in-laws provide the maintenance of the woman and her children. 9.1%, i.e., 428 women are widows in our sample and hence this question is not applicable for 90.9% i.e. 4282 women.

**Figure 16: Have you faced domestic violence in your life?**



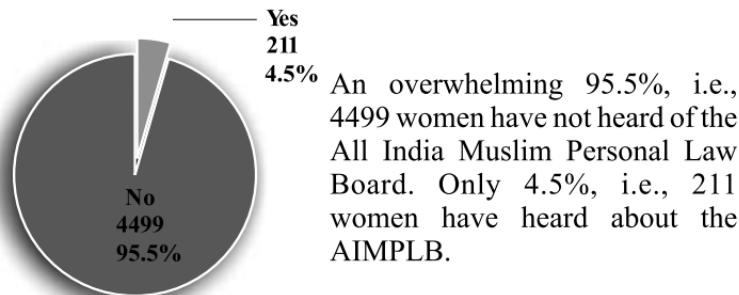
This Study brings out the fact that 53.2%, i.e., 2505 women have faced domestic violence vis-a-vis 46.8% of the women say that they have not experienced domestic violence in their lives.

**Table 23: Where do you go if you have to complain about domestic harassment/violence?**

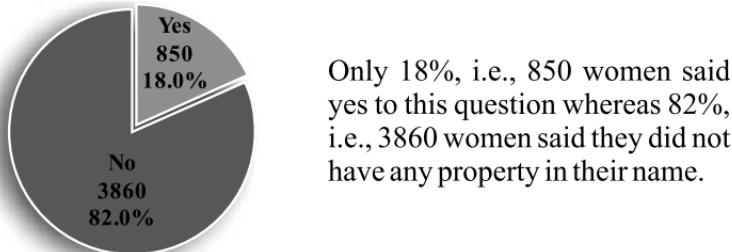
	Frequency	Percent	Cumulative Percent
1. Police	1142	24.2	24.2
2. Qazi/darul	65	1.4	25.6
3. Family	2105	44.7	70.3
4. NGO	727	15.4	85.8
5. Court	293	6.2	92.0
6. Any other	29	.6	92.6
7. NA	349	7.4	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

The Study reveals that women complain about domestic harassment and violence first to the family members which accounts for 44.7%, i.e., 2105 women. 24.2%, i.e., 1142 of the women approach the police station, 15.4%, i.e., 727 go to the NGO's, 6.2%, i.e., 293 women went to the court, while only 1.4%, i.e., 65 women approached the Qazi through Darul Qaza. Only 7.4%, i.e., 349 women fall in the not applicable category.

**Figure 17: Have you heard of AIMPLB (All India Muslim Personal Law Board)**



**Figure 18: Do you have any property in your name?**



**Table 24: If yes, then what is the source of the property?**

	Frequency	Percent	Cumulative Percent
1. Self-earned	78	1.7	1.7
2. By parents	240	5.1	6.8
3. By husband	520	11.0	17.8
4. Any other	12	.3	18.0
5. NA	3860	82.0	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

The Study reveals that only 1.7% women have earned the property which is in their name whereas 11%, i.e., 520 and 5.1%, i.e., 240 women have property on account of their

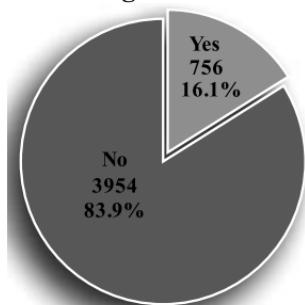
husband and parents. 0.3% received it from other sources. 82%, i.e., 3860 women do not have any property in their name hence fall in the not applicable category.

**Table 25: What is the value of that property?**

	Frequency	Percent	Cumulative Percent
1. Less than 1 lakh	178	3.8	3.8
2. Between 1 lakh to 5	195	4.1	7.9
3. Between 5 lakh to 10	136	2.9	10.8
4. Between 10 lakh - 20	83	1.8	12.6
5. Between 20 lakh - 40	70	1.5	14.1
6. Above 40 lakh	188	4.0	18.0
7. Not applicable.	3860	82.0	100.0
<b>Total</b>	<b>4710</b>	<b>100.0</b>	

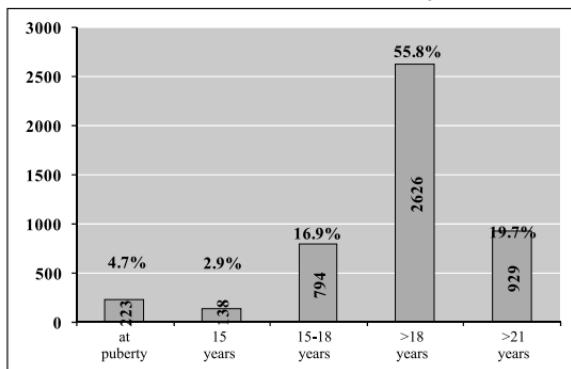
82%, i.e., 3860 women do not have any property in their name hence fall in the not applicable category. 3.8%, i.e., 178 women have property worth less than Rs 1 lakh. 4.1%, i.e., 195 women have property worth between Rs 1 to 5 lakh, 2.9%, i.e., 136 women own property worth Rs 5 to 10 lakh, 1.8%, i.e., 83 women posses property worth Rs 10 to 20 lakh, 1.5%, i.e., 70 women own property worth Rs 20 to 40 lakh and 4%, i.e., 188 women own property whose worth is above Rs 40 lakh.

**Figure 19: Is the current residence in your name?**



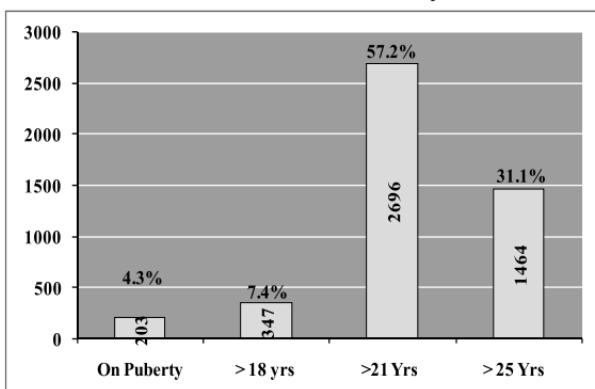
83.9%, i.e., 3954 women have confirmed that the current residence is not in their name. 16.1% i.e., 756 women have said that the current residence is in their name.

**Figure 20: What should be the age of marriage of girls in the Muslim community?**



The Study reveals that an overwhelming 75.5%, i.e., 3555 [2626+929] women feel that the age of marriage for girls should be above 18 years of age. 19.7%, i.e., 929 women feel that the age of marriage should be 21 years and above and 55.8%, i.e., 2626 say the marriage age should be over 18 years. Only 2.9%, i.e., 138 women say that marriage should be at the age of 15 years and 4.7%, i.e., 223 women even today think the marriage age should be on attaining puberty.

**Figure 21: What should be the age of marriage of boys in the Muslim community?**



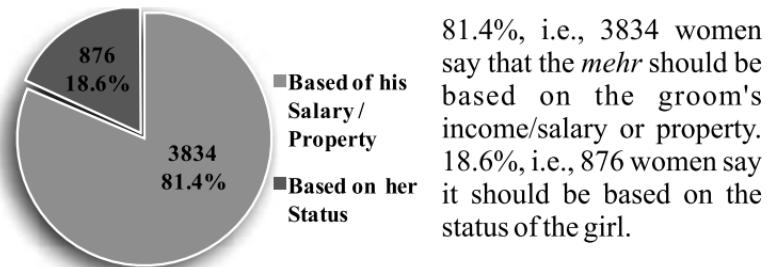
88.3 % respondents say that the age of marriage for boys should be above 21 years, of which 31.1 want it to be above 25 years.

**Table 26: When should the bride get the *mehr*?**

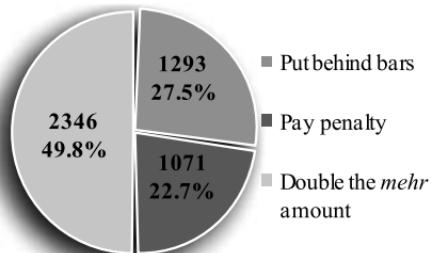
	Frequ	%	Cumul %
1. At the time of <i>nikah</i>	4035	85.7	85.7
2. During the subsistence of marriage	579	12.3	98.0
3. At the time of divorce	71	1.5	99.5
4. At the time of her widowhood	25	.5	100.0
Total	4710	100.0	

The Study reveals that 85.7%, i.e., 4035 women agree that *mehr* should be given at the time of *nikah*, 12.3%, i.e., 579 women agree that *mehr* can be given any time during the subsistence of marriage. 1.5%, i.e., 71 women feel *mehr* should be given at the time of divorce and 0.5%, i.e., 25 women think *mehr* should be received at widowhood.

**Figure 22: How do we arrive at the *mehr* amount?**

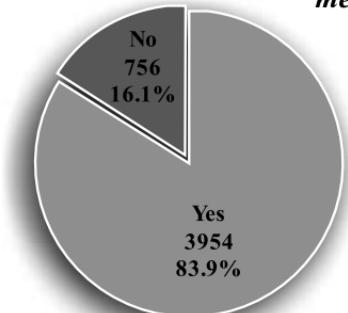


**Figure 23: What should be done if she does not get the *mehr* at the stipulated time?**



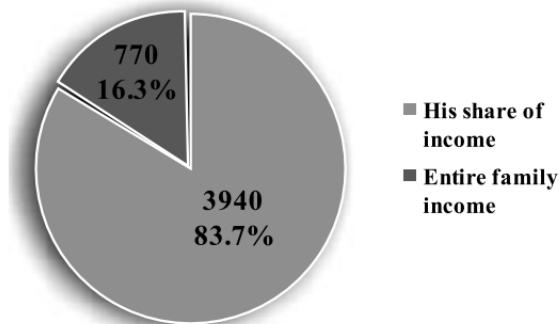
The Study indicates that 72.5%, i.e., 3417 women agree that if she does not receive the *mehr* within the stipulated time then it should be given double the amount or the husband should pay a penalty. 49.8%, i.e., ask for doubling the *mehr* and 22.7%, i.e., 1071 feel he should pay penalty.

**Figure 24: Is the groom's one annual income a fair *mehr* amount?**



The Study indicates that 83.9%, i.e., 3954 women agree that the minimum *mehr* amount should be the groom's one annual income. 16.1%, i.e., 756 women disagree for the *mehr* amount to be the groom's one annual income.

**Figure 25: How can we fix the *mehr* income if the groom is part of the family business or is a farmer?**



The Study reveals that 83.7%, i.e., 3940 women think that the *mehr* amount should be calculated as per the groom's share of the income in the family business. 16.3%, i.e., 770 women feel that *mehr* should be calculated based on the income of the entire family.

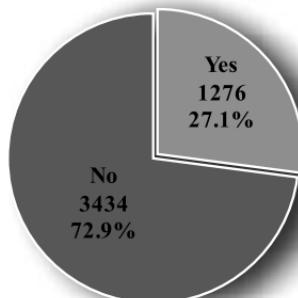
**Table 27: Should a Muslim man be allowed to remarry during the subsistence of his first marriage?**

	Frequency	Percent	Valid Percent	Cumulative Percent
1. Yes	390	8.3	8.3	8.3
2. No	4320	91.7	91.7	100.0
Total	4710	100.0	100.0	

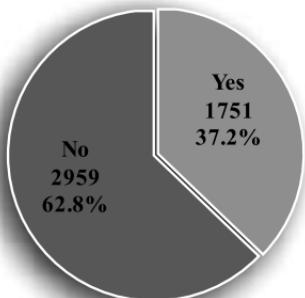
The Study indicates that an overwhelming 91.7%, i.e., 4320 women agree that a man should not be allowed to remarry during the subsistence of his first marriage. Only 8.3% women agree that the men should be allowed to remarry during the subsistence of his first marriage.

**Figure 26: Should polygamy be allowed after due consent from his first wife?**

The Study indicates that 72.9%, i.e., 3434 women think that polygamy should not be allowed irrespective of the consent from the first wife. 27.1%, i.e., 1276 women think polygamy should be allowed after due consent from first wife.



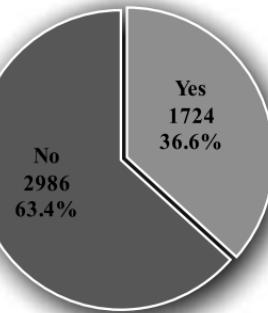
**Figure 27: Should polygamy be allowed if the first wife is terminally ill?**



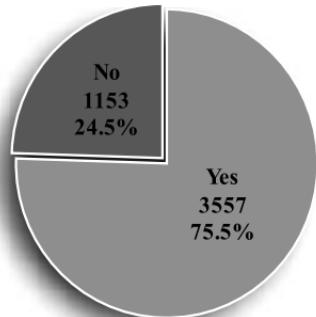
The Study reveals that 62.8%, i.e., 2959 women think that polygamy should not be allowed irrespective of the first wife's illness. 37.2%, i.e., 1751 women think polygamy should be allowed if the first wife is terminally ill.

**Figure 28: Should polygamy be allowed if the first wife is not able to conceive?**

The Study very clearly brings out the fact that 63.4%, i.e., 2983 women do not agree that polygamy should be allowed irrespective of the first wife's inability to conceive. 36.6%, i.e., 1724 women think polygamy should be allowed if the first wife is not able to conceive.



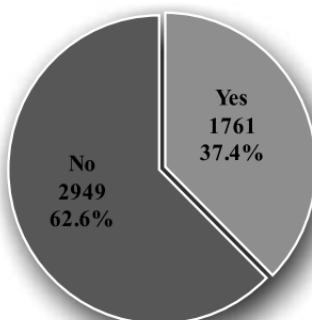
**Figure 29: Should the husband take the permission of the court before second marriage?**



The Study reveals that 75.5%, i.e., 3557 women do not want their husband to go in for a second marriage and want to bar him through court procedure. They felt that the husband should go to the court and take the permission of the court before second marriage.

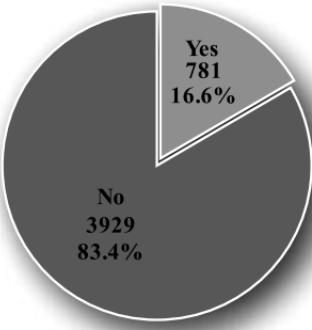
**Figure 30: Should the husband's second marriage be allowed only with widows?**

The Study indicates that 62.6%, i.e., 2949 women disagree that the husband's second marriage be allowed even with widows. 37.4%, i.e., 1761 women think the husband should be given consent for a second marriage if he is marrying a widow.

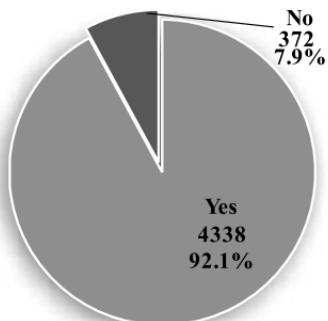


**Figure 31: Should the permission for second marriage be given only if the population of women is more than men?**

The Study brings out clearly that 83.4%, i.e., 3929 women do not agree that the husband should be given the permission for second marriage irrespective of the ratio of women to men.

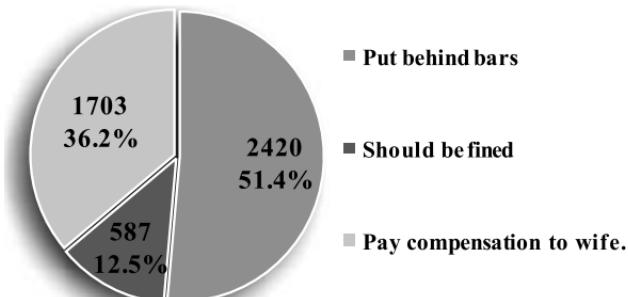


**Figure 32: Should there be a legal ban on the practice of oral unilateral triple divorce?**



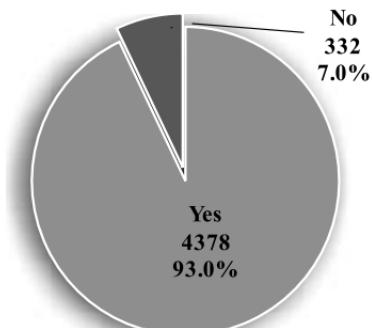
It is an amazing response that clearly brings out the fact that 92.1%, i.e., 4338 women agree to the fact that there should be a legal ban on the practice of oral unilateral triple divorce.

**Figure 33: What should be the punishment for man who unilaterally divorces his wife?**



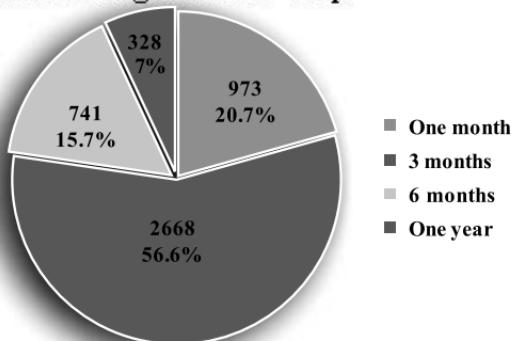
The Study indicates that 51.4%, i.e., 2420 women think that the punishment for a man who unilaterally divorces his wife is imprisonment; 36.2%, i.e., 1703 women think that the husband should be made to pay compensation to the wife and only 12.5% think that he should be fined.

**Figure 34: Should process of arbitration be made mandatory before divorce is finalized?**



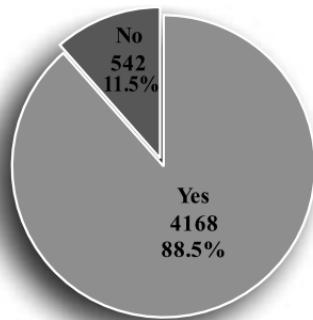
The Study brings out that 93%, i.e., 4378 women agree that the arbitration process should be made mandatory before divorce is granted.

**Figure 35: How long should be the process of arbitration?**



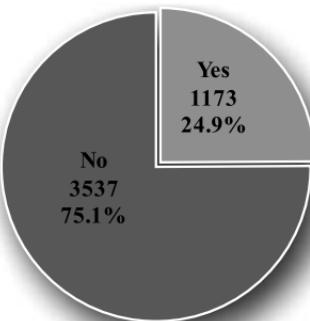
The Study clearly brings out that 56.6%, i.e., 2668 women think that the arbitration process should be for 3 months as mentioned in the Quran, 20.7%, i.e., 973 and 15.7%, i.e., 741 women say that the arbitration process should be for 1 month and 6 months respectively.  $56.6\% + 15.7\% = 72.3\%$  want arbitration process to be between 3 to 6 months. Only 7%, i.e., 328 feel the arbitration process should be for 1 year.

**Figure 36: Should the qazi who sends the notice of unilateral divorce be punished?**



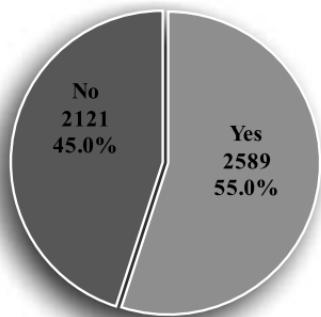
The Study brings out the fact that 88.5%, i.e., 4168 women agree that the qazi who sends the notice of unilateral divorce should be punished.

**Figure 37: Should the woman forego her *mehr* if she is demanding khula?**



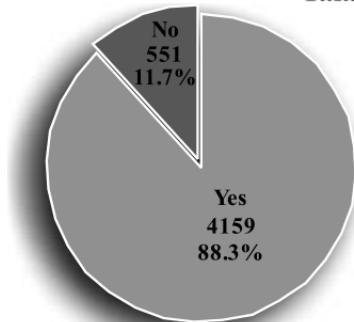
The Study indicates that three fourth of the women surveyed which is 75.1%, i.e., 3537 women do not think that the woman should forego her *mehr* if she is demanding khula.

**Figure 38: Should Talaaq-e-Tafweez be made mandatory?**



The Study brings out that 55%, i.e., 2589 women think that Talaaq-e-Tafweez should be made mandatory. 45% or 2121 women do not agree.

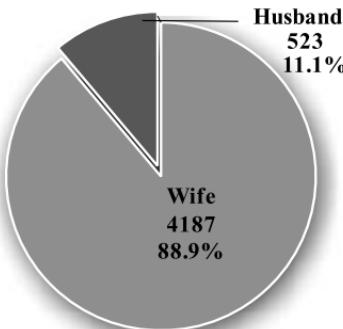
**Figure 39: Should the legal method of divorce be Talaaq-e-Ahsan?**



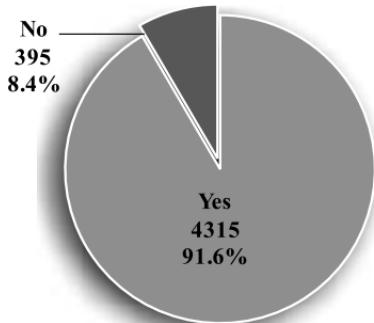
The Study indicates that 88.3%, i.e., 4159 women agree that the legal method of divorce should be Talaaq-e-Ahsan.

**Figure 40: In the event of divorce who should retain the custody of the child/children?**

The Study clearly bring out that 88.9%, i.e., 4187 women agree that in the event of divorce the wife should retain the custody of the child/children.

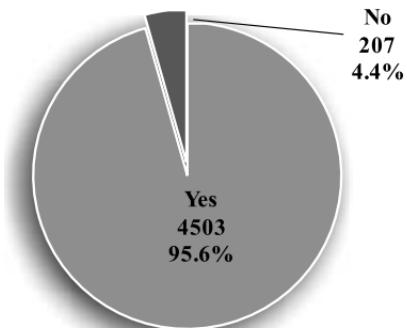


**Figure 41: Should the custody of the female child be with the mother till she reaches puberty?**



The Study reveals that 91.6%, i.e., 4315 women agree that the custody of the female child should be with the mother till she reaches puberty.

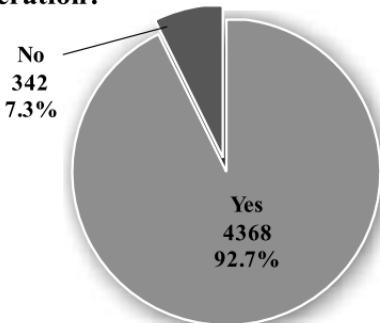
**Figure 42: If the custody of the child/children is with the mother, should she claim maintenance from the ex husband?**



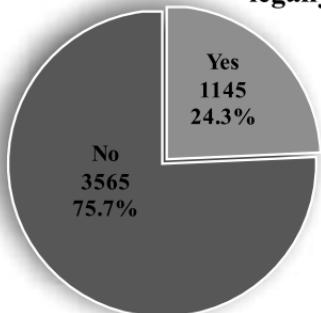
The Study clearly brings forth the fact that 95.6%, i.e., 4503 women think that if the custody of the child/children is with the mother then she should claim maintenance from their ex-husband.

**Figure 43: While deciding the custody of the child should the consent and well being of the child be taken into consideration?**

The Study clearly brings out the fact that 92.7%, i.e., 4368 women agree that while deciding the custody of the child, the consent and well being of the child be taken into consideration.

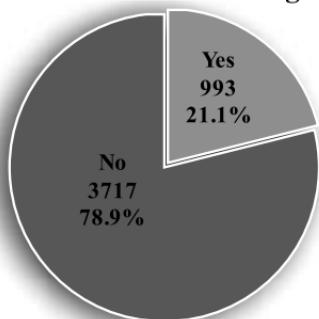


**Figure 44: Are you aware that a Muslim couple cannot legally adopt a child?**



The Study reveals that 75.7%, i.e., 3565 women were not aware of the fact that a Muslim couple cannot legally adopt a child.

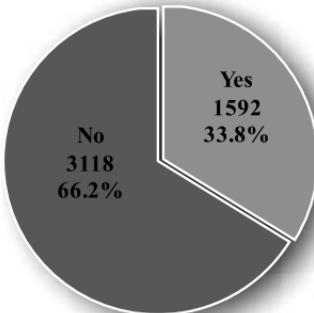
**Figure 45: Are you aware of the reasons for adoption not being legal in Islam?**



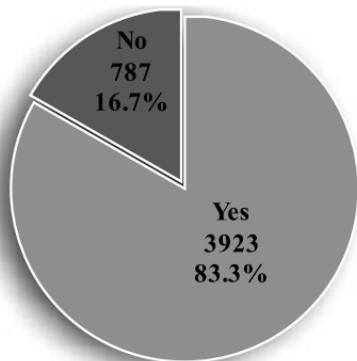
The Study reveals that 78.9%, i.e., 3717 women are not aware of the reason why a Muslim couple cannot legally adopt a child in Islam.

**Figure 46: Are you aware that even if you adopt a child, it cannot legally become a natural heir to your property?**

The Study brings out the fact that 66.2%, i.e., 3118 women are not that even if one adopts a child, it cannot legally become a natural heir to one's property.

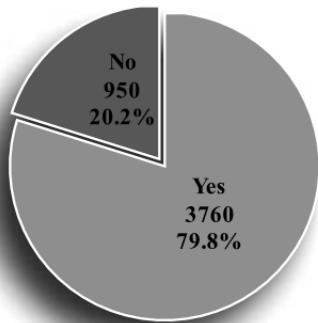


**Figure 47: Do you think adoption should be made legal?**



The Study reveals that 83.3%, i.e., 3923 women think that adoption should be made legal.

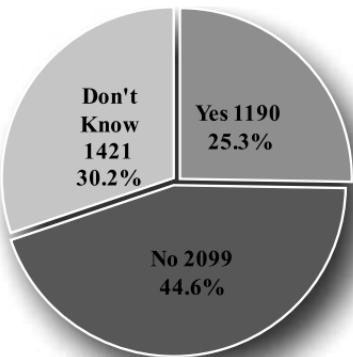
**Figure 48: Do you think that an adopted child should be treated as a natural heir to your property?**



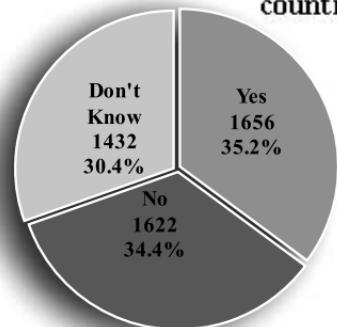
The Study reveals that 79.8%, i.e., 3760 women think that an adopted child should be treated as a natural heir to one's property.

**Figure 49: Are you aware that MPL in India is not codified?**

The Study reveals that only 25.3%, i.e., 1190 women are aware that the Muslim Personal Law is not codified in India. 44.6%, i.e., 2099 women's response was that they are not aware and 30.2%, i.e., 1421 said they don't know.

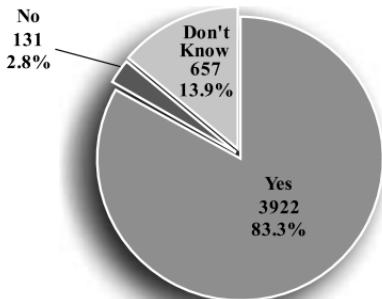


**Figure 50: Are you aware that MPL in other Islamic countries is codified?**



The Study reveals that only 35.2%, i.e., 1656 women are aware that the Muslim Personal Law in other Islamic countries is codified. 34.4%, i.e. 1622 women's response was they are not aware and 30.4%, i.e., 1432 said that they don't know.

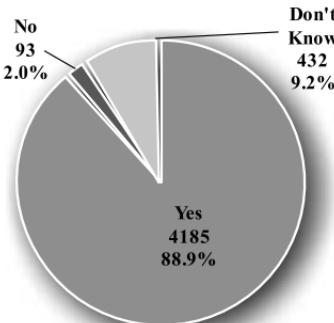
**Figure 51: Will codification help Muslim women to get justice?**



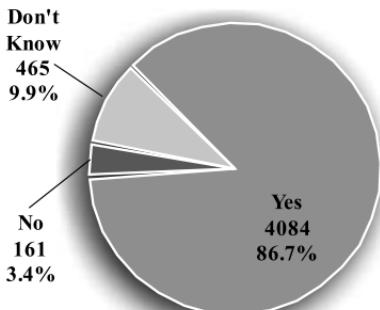
The Study reveals that 83.3%, i.e., 3911 women think that codification will help Muslim women get justice. Only 2.8%, i.e., 131 women did not agree whereas 13.9%, i.e., 657 said they didn't know.

**Figure 52: Should the government help the community to codify its laws?**

The Study very clearly brings out the fact that 88.9%, i.e., 4185 women agree that the government should help the community to codify its laws. Only 2%, i.e., 93 women did not agree whereas 9.2%, i.e., 432 do not have a say in this matter.

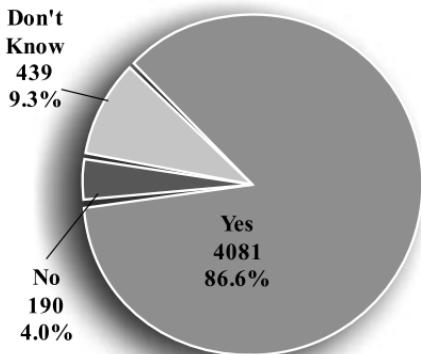


**Figure 53: Should the religious leaders support Muslim women's demand for codification?**



The Study very clearly brings out the fact that 86.7%, i.e., 4084 women agree that the religious leaders should support Muslim women's demand for codification. Only 3.4%, i.e., 161 women did not agree whereas 9.9%, i.e., 465 said they don't know.

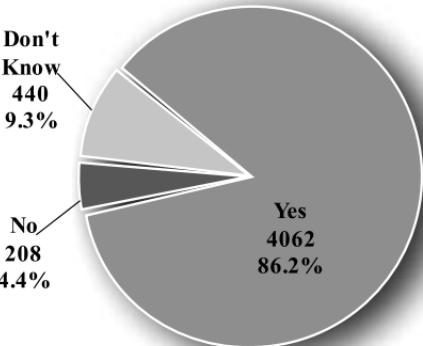
**Figure 54: Should the legal experts and scholars support Muslim women's demand for codification?**



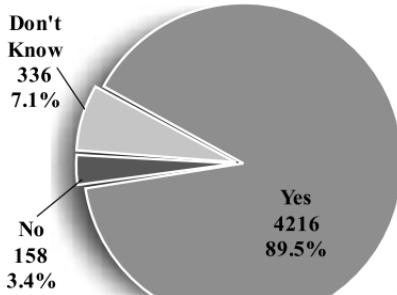
The Study very clearly brings out the fact that 86.6%, i.e., 4081 women agree that the legal experts and scholars should support Muslim women's demand for codification. Only 4%, i.e., 190 women did not agree whereas 9.3%, i.e., 439 have no say on this matter.

**Figure 55: Should the qazi, darul qaza implement the codified law?**

The Study very clearly brings out the fact that 86.2%, i.e., 4062 women agree that the Qazi and Darul qaza should implement the codified law. Only 4.4%, i.e., 208 women did not agree whereas 9.3%, i.e., 440 had no say in this matter.

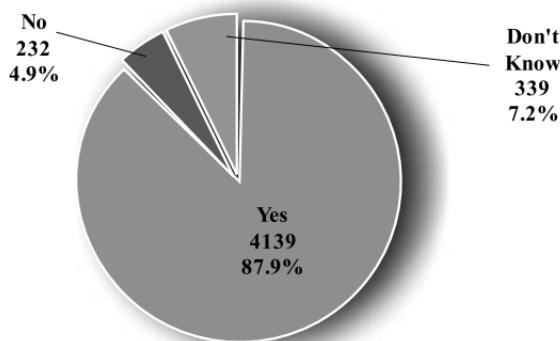


**Figure 56: Should Darul Qaza/ Qazis come under the scanner of the government?**



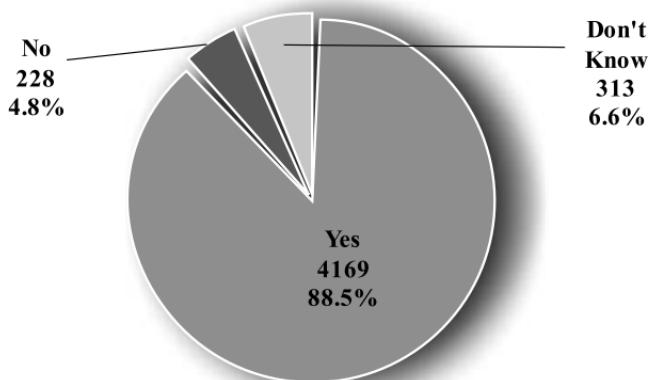
The Study very clearly brings out the fact that 89.5%, i.e., 4216 women think that the Qazi, Darul qaza should come under the scanner of the government. Only 3.4%, i.e., 158 women do not agree whereas 7.1%, i.e., 336 have no say in this matter.

**Figure 57: Should their actions on legal aid be regulated by the government?**



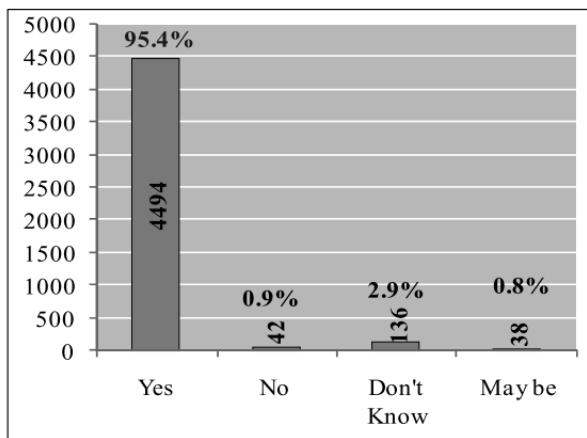
The Study very clearly brings out the fact that 87.9%, i.e., 4139 women agree that the Qazi, Darul qaza's actions on legal aid should be regulated by the government. Only 4.9%, i.e., 232 women do not agree whereas 7.2%, i.e., 339 have no say in this matter.

**Figure 58: Should there be a partnership between the court and the qazis?**



The Study very clearly brings out the fact that 88.5%, i.e., 4169 women agree that there should be a partnership between the court and the Qazis. Only 4.8%, i.e., 228 women do not agree whereas 6.6%, i.e., 313 have no say in this matter.

**Figure 59: Should Muslim women provide legal aid to other Muslim women**



The Study very clearly brings out the fact that an overwhelming 95.4%, i.e., 4494 women agree that Muslim women should be allowed to provide legal aid to other Muslim women who are in need. Only 2.9%, i.e., 136 women do not agree whereas 0.8%, i.e., 38 have no say in this matter.

## Crossstabs

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## Annexe 2 - Draft Frequency

### Marital Status: \* State Crosstabulation

		Bihar	Gujrat	Jhar	Karn	Mah	MP	Odisha	Raj	TN	WB
Marital Status:	1 Married	326	601	154	348	338	304	447	311	423	367
	2 Divorced	59	99	15	13	82	39	19	96	7	96
	3 Widowed:	42	54	17	64	26	71	25	46	52	31
	4 Unmarried	0	15	6	7	3	7	2	1	2	1
	5 Deserted	6	13	3	12	5	8	4	11	16	16
Total		433	782	195	444	454	429	497	465	500	511
											4710

As per your List Shows

		Bihar	Gujrat	Jhar	Karn	Mah	MP	Odisha	Raj	TN	WB	Total
Marital Status:	Married	373	681	176	431	375	386	480	362	499	410	4173
	Divorced	51	91	13	10	72	36	15	101	0	93	482
Total		424	772	189	441	447	422	495	463	499	503	4655

## Frequency Tables

### State

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Bihar	433	9.2	9.2	9.2
Gujrat	782	16.6	16.6	25.8
Jharkhand	195	4.1	4.1	29.9
Karnataka	444	9.4	9.4	39.4
Maharashtra	454	9.6	9.6	49.0
MP	429	9.1	9.1	58.1
Odisha	497	10.6	10.6	68.7
Rajasthan	465	9.9	9.9	78.5
Tamilnadu	500	10.6	10.6	89.2
West Bengal	511	10.8	10.8	
Total	4710	100.0	100.0	100.0

### Marriage

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	880	18.7	18.7	18.7
Married	3383	71.8	71.8	90.5
Talak	447	9.5	9.5	
Total	4710	100.0	100.0	100.0

### Q2 Age

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 18 - 25	796	16.9	17.0	17.0
2 25 -35	1785	37.9	38.1	55.1
3 35 -45	1702	36.1	36.3	91.4
4 >45	404	8.6	8.6	
Total	4687	99.5	100.0	100.0
Missing System	23	.5		
Total	4710	100.0		

### Q3 Profession

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid 1 Home maker	3705	78.7	80.6	80.6
2 Service/salaried	322	6.8	7.0	87.6
3 Informal worker	537	11.4	11.7	99.2
4	35	.7	.8	100.0
Total	4599	97.6	100.0	
System	111	2.4		
Total	4710	100.0		

### Q4 Annual Income [family]:

		Freq.	%	Valid %	Cumul. %
Valid	1 Below Rs. 35000	1770	37.6	38.8	38.8
	2 Between 35000 - 50000	1529	32.5	33.5	72.2
	3 Between 50000 - 1 lakh	861	18.3	18.9	91.1
	4 Above 1 lakh	407	8.6	8.9	100.0
	Total	4567	97.0	100.0	
Missing	System	143	3.0		
Total		4710	100.0		

### Q5 Sect:

		Freq.	%	Valid %	Cumulative %
Valid	1 Shia	123	2.6	2.7	2.7
	2 Sunni	4014	85.2	87.1	89.7
	3 Don't know	367	7.8	8.0	97.7
	4	106	2.3	2.3	100.0
	Total	4610	97.9	100.0	
Missing	System	100	2.1		
Total		4710	100.0		

**Q6 Caste:**

		Freq.	%	Valid %	Cumul. %
Valid	1 Syed, Khan, Pathan - high caste/Ashraf/Mughal	2030	43.1	48.3	48.3
	2 Ansari, Mansuri, Baagban - OBC	1109	23.5	26.4	74.7
	3 Dalit [BC]	118	2.5	2.8	77.5
	4 Don't know	947	20.1	22.5	100.0
	Total	4204	89.3	100.0	
Missing	System	506	10.7		
Total		4710	100.0		

**Q7 Jurisprudence:**

		Freq.	%	Valid %	Cumul. %
Valid	1 Barelvī	459	9.7	9.9	9.9
	2 Deobandi	240	5.1	5.2	15.1
	3 Wahabi	180	3.8	3.9	19.0
	4 Sunni Jamaat	2600	55.2	56.2	75.2
	5 Ahle-Hadees	194	4.1	4.2	79.4
	6 Don't Know	952	20.2	20.6	100.0
	Total	4625	98.2	100.0	
Missing	System	85	1.8		
Total		4710	100.0		

**Q8 Marital Status:**

		Freq.	%	Valid %	Cumul. %
Valid	1 Married:	3619	76.8	76.8	76.8
	2 Divorced	525	11.1	11.1	88.0
	3 Widowed:	428	9.1	9.1	97.1
	4 Unmarried	44	.9	.9	98.0
	5 Deserted	94	2.0	2.0	100.0
	Total	4710	100.0	100.0	

**Q9 No. of children:**

		Freq.	%	Valid %	Cumul. %
Valid	1 One	791	16.8	17.3	17.3
	2 Two	1343	28.5	29.4	46.7
	3 Three	949	20.1	20.7	67.4
	4 Between 3 & 6	951	20.2	20.8	88.2
	5 More than 6	205	4.4	4.5	92.7
	6 NA	335	7.1	7.3	100.0
	Total	4574	97.1	100.0	
Missing	System	136	2.9		
Total		4710	100.0		

**Q10 Is any of your child an adopted child?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	132	2.8	2.9	2.9
	2 No	4369	92.8	95.5	98.4
	3 NA	75	1.6	1.6	100.0
	Total	4576	97.2	100.0	
	Missing	System	134	2.8	
Total		4710	100.0		

**Q11 Was your consent taken before marriage?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	2896	61.5	62.3	62.3
	2 No	1697	36.0	36.5	98.8
	3 NA	57	1.2	1.2	100.0
	Total	4650	98.7	100.0	
	Missing	System	60	1.3	
Total		4710	100.0		

**Q12 What was your age at the time of your marriage?**

		Freq.	%	Valid %	Cumul. %
Valid	1 15 years and below	711	15.1	15.3	15.3
	2 Between 15 - 18 years	1855	39.4	40.0	55.4
	3 Between 18 - 21	1544	32.8	33.3	88.7
	4 21 years and above	482	10.2	10.4	99.1
	5 NA	43	.9	.9	100.0
	Total	4635	98.4	100.0	
Missing	System	75	1.6		
Total		4710	100.0		

**Q13 Was there a demand for dowry?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1788	38.0	38.8	38.8
	2 No	2753	58.5	59.7	98.4
	3 NA	73	1.5	1.6	100.0
	Total	4614	98.0	100.0	
	System	96	2.0		
	Total	4710	100.0		
Missing					

**Q14 Do you have your nikaahnama?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	2352	49.9	50.6	50.6
	2 No	2123	45.1	45.7	96.3
	3 NA	174	3.7	3.7	100.0
	Total	4649	98.7	100.0	
	System	61	1.3		
	Total	4710	100.0		
Missing					

**Q15 If no, then,**

		Freq.	%	Valid %	Cumul. %
Valid	1 It was not made	192	4.1	5.3	5.3
	2 It was made but not given to you	835	17.7	22.9	28.2
	3 Don't know where it is	1070	22.7	29.4	57.6
	4 NA	1543	32.8	42.4	100.0
	Total	3640	77.3		
Missing	System	1070	22.7		
Total		4710	100.0		

**Q16 Did you read the nikaahnama before signing it?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	975	20.7	21.6	21.6
	2 No	3041	64.6	67.4	89.0
	3 NA	495	10.5	11.0	100.0
	Total	4511	95.8	100.0	
	Missing	System	199	4.2	
Total		4710	100.0		

**Q17 How much mehr have you got?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Rs. 786/-	728	15.5	16.3	16.3
	2 Between Rs. 100 - Rs. 500	362	7.7	8.1	24.3
	3 Between Rs. 500 - Rs.1000	656	13.9	14.6	39.0
	4 Between Rs. 1000 - Rs.3000	526	11.2	11.7	50.7
	5 Between Rs. 3000 - Rs. 5000	426	9.0	9.5	60.3
	6 Between Rs. 5000 - Rs. 10000	568	12.1	12.7	72.9
	7 Between Rs. 10,000 - Rs. 50,000/-	549	11.7	12.3	85.2
	8 Rs. 50,000 and above	404	8.6	9.0	94.2
	9 NA	259	5.5	5.8	100.0
	Total	4478	95.1	100.0	
Missing	System	232	4.9		
	Total	4710	100.0		

**Q18 Are you satisfied with the amount  
of mehr that you have received?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	2610	55.4	57.4	57.4
	2 No	1398	29.7	30.8	88.2
	3 NA	537	11.4	11.8	100.0
	Total	4545	96.5	100.0	
Missing	System	165	3.5		
	Total	4710	100.0		

**Q19 When did you receive your mehr?**

		Freq.	%	Valid %	Cumul. %
Valid	1 At the time of nikaah	1957	41.5	42.8	42.8
	2 At the time of divorce	201	4.3	4.4	47.2
	3 At the time of widowhood	49	1.0	1.1	48.3
	4 Did not receive at all	1371	29.1	30.0	78.3
	5 NA	613	13.0	13.4	91.7
	6	377	8.0	8.3	100.0
Total		4568	97.0	100.0	
Missing	System	142	3.0		
Total		4710	100.0		

**Q20 What was the form of mehr?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Cash/cheque	1691	35.9	40.1	40.1
	2 Jewelry	569	12.1	13.5	53.7
	3 Property	69	1.5	1.6	55.3
	4 Any other form	71	1.5	1.7	57.0
	5 NA	1631	34.6	38.7	95.7
	6	181	3.8	4.3	100.0
Total		4212	89.4	100.0	
Missing	System	498	10.6		
Total		4710	100.0		

**Q21 Who decided the mehr amount?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self	110	2.3	2.4	2.4
	2 Her parents	1297	27.5	28.0	30.4
	3 His parents	902	19.2	19.5	49.9
	4 Relatives	1015	21.5	21.9	71.8
	5 Qazi	426	9.0	9.2	81.0
	6 Don't know	358	7.6	7.7	88.8
	7 NA	326	6.9	7.0	95.8
	23	162	3.4	3.5	99.3
	24	8	.2	.2	99.5
	34	7	.1	.2	99.6
	35	6	.1	.1	99.8
	234	9	.2	.2	100.0
	345	2	.0	.0	100.0
	Total	4628	98.3	100.0	
Missing	System	82	1.7		
	Total	4710	100.0		

**Q22 Were you asked to write off your mehr [mehr maaf]**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	913	19.4	20.8	20.8
	2 No	2746	58.3	62.5	83.2
	3 NA	737	15.6	16.8	100.0
	Total	4396	93.3	100.0	
Missing	System	314	6.7		
	Total	4710	100.0		

**Q23 How many times have you been married?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Once	4082	86.7	88.4	88.4
	2 Twice	195	4.1	4.2	92.6
	3 Thrice	17	.4	.4	93.0
	4 More than thrice	18	.4	.4	93.4
	5 NA	307	6.5	6.6	100.0
	Total	4619	98.1	100.0	
Missing	System	91	1.9		
Total		4710	100.0		

**Q24 After how many years of marriage were you divorced?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Before the first anniversary	118	2.5	20.5	20.5
	2 Between 1st & 3rd year of marriage	127	2.7	22.1	42.6
	3 Between 3rd & 5th year of marriage	107	2.3	18.6	61.2
	4 After 5 years of marriage	102	2.2	17.7	79.0
	5 After 10 years of marriage	72	1.5	12.5	91.5
	6 After 15 years of marriage	37	.8	6.4	97.9
	7 After 20 years of marriage	12	.3	2.1	100.0
	Total	575	12.2	100.0	
Missing	System	4135	87.8		
Total		4710	100.0		

**Q25 Who wanted divorce?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self	151	3.2	26.2	26.2
	2 Husband	321	6.8	55.7	81.9
	3 In-laws	29	.6	5.0	87.0
	4 Your parents	20	.4	3.5	90.5
	5 Any other	10	.2	1.7	92.2
	6 NA	15	.3	2.6	94.8
	12	8	.2	1.4	96.2
	23	22	.5	3.8	100.0
	Total	576	12.2	100.0	
	Missing System	4134	87.8		
Total		4710	100.0		

**Q26 Did you get any compensation at the time of divorce?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	101	2.1	17.7	17.7
	2 No	440	9.3	77.1	94.7
	3 NA	29	.6	5.1	99.8
	4	1	.0	.2	100.0
	Total	571	12.1	100.0	
	Missing System	4139	87.9		
	Total	4710	100.0		

**Q27 How was your divorce done?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Orally	370	7.9	66.1	66.1
	2 By letter	39	.8	7.0	73.0
	3 By phone	15	.3	2.7	75.7
	4 By sms	1	.0	.2	75.9
	5 By email	4	.1	.7	76.6
	6 By any other method	131	2.8	23.4	100.0
	Total	560	11.9	100.0	
Missing	System	4150	88.1		
Total		4710	100.0		

**Q28 Where were you divorced?**

		Freq.	%	Valid %	Cumul. %
Valid	1 In the court	110	2.3	19.1	19.1
	2 In darul qaza	47	1.0	8.2	27.3
	3 Jamaat	71	1.5	12.3	39.6
	4 Panchayat	37	.8	6.4	46.0
	5 In the family	239	5.1	41.5	87.5
	6 In the NGO	19	.4	3.3	90.8
	7 Any other place	26	.6	4.5	95.3
	8 NA	27	.6	4.7	100.0
Missing	Total	576	12.2	100.0	
	System	4134	87.8		
Total		4710	100.0		

**Q29 Are you a victim of halala?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	68	1.4	12.7	12.7
	2 No	401	8.5	75.0	87.7
	3 NA	66	1.4	12.3	100.0
	Total	535	11.4		
Missing	System	4175	88.6		
Total		4710	100.0		

**Q30 Does your husband support you financially during your marriage?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	2544	54.0	57.9	57.9
	2 No	1460	31.0	33.2	91.1
	3 NA	393	8.3	8.9	100.0
	Total	4397	93.4	100.0	
Missing	System	313	6.6		
Total		4710	100.0		

**Q32 If not sufficient, then,**

		Freq.	%	Valid %	Cumul. %
Valid	1 Do you work for money	901	19.1	26.6	26.6
	2 Are you supported by your in-laws	164	3.5	4.8	31.4
	3 Are you supported by your parents	248	5.3	7.3	38.7
	4 Do you survive on charity	35	.7	1.0	39.8
	5 NA	1895	40.2	55.9	95.6
	6	108	2.3	3.2	98.8
	13	40	.8	1.2	100.0
Total		3391	72.0	100.0	
Missing	System	1319	28.0		
Total		4710	100.0		

**Q33 What is the source of your maintenance IF divorced?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self	299	6.3	10.3	10.3
	2 Ex- Husband	25	.5	.9	11.1
	3 In laws	12	.3	.4	11.6
	4 Parents	289	6.1	9.9	21.5
	5 Any other	52	1.1	1.8	23.3
	6 NA	2209	46.9	76.0	99.2
	14	22	.5	.8	100.0
Total		2908	61.7	100.0	
Missin	System	1802	38.3		
Total		4710	100.0		

**Q34 Who has the custody of the children IF divorced?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self	390	8.3	13.6	13.6
	2 Husband	48	1.0	1.7	15.3
	3 In laws	11	.2	.4	15.7
	4 Parents	193	4.1	6.8	22.5
	5 NA	2216	47.0	77.5	100.0
	Total	2858	60.7	100.0	
Missing	System	1852	39.3		
		4710	100.0		

**Q35 Who maintains the children IF divorced?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self	413	8.8	14.7	14.7
	2 Husband	47	1.0	1.7	16.4
	3 In laws	17	.4	.6	17.0
	4 Parents	2316	49.2	82.7	99.7
	5 NA	8	.2	.3	100.0
	Total	2801	59.5	100.0	
Missing	System	1909	40.5		
		4710	100.0		

**Q36 What is the source of your income if you are a widow**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self	254	5.4	8.9	8.9
	2 In laws	17	.4	.6	9.5
	3 Parents	58	1.2	2.0	11.5
	4 Any other	151	3.2	5.3	16.8
	5 NA	2378	50.5	83.2	100.0
	Total	2858	60.7	100.0	
Missing	System	1852	39.3		
		4710	100.0		

**Q38 Where do you go if you have to complain about domestic harassment/violence?**

		Freq.	%	Valid %	Cumul.%
Valid	1 Police	976	20.7	21.7	21.7
	2 Qazi/darul qaza	48	1.0	1.1	22.8
	3 Family	1859	39.5	41.4	64.2
	4 NGO	555	11.8	12.4	76.6
	5 Court	202	4.3	4.5	81.1
	6 Any other	28	.6	.6	81.7
	7 NA	348	7.4	7.8	89.5
	8	112	2.4	2.5	92.0
	9	4	.1	.1	92.1
	13	46	1.0	1.0	93.1
	14	70	1.5	1.6	94.7
	15	38	.8	.8	95.5
	17	1	.0	.0	95.5
	23	9	.2	.2	95.7
	24	7	.1	.2	95.9
	25	4	.1	.1	96.0
	33	1	.0	.0	96.0
	34	58	1.2	1.3	97.3
	35	7	.1	.2	97.4
	36	1	.0	.0	97.5
	45	15	.3	.3	97.8
	68	1	.0	.0	97.8
	123	1	.0	.0	97.8
	124	1	.0	.0	97.9
	125	1	.0	.0	97.9
	134	12	.3	.3	98.2
	135	58	1.2	1.3	99.4
	145	16	.3	.4	99.8
	156	1	.0	.0	99.8
	234	1	.0	.0	99.8
	345	1	.0	.0	99.9
	1234	1	.0	.0	99.9
	1245	1	.0	.0	99.9
	1345	4	.1	.1	100.0
	Total	4488	95.3	100.0	
Missing	System	222	4.7		
	Total	4710	100.0		

**Q37 Have you faced domestic violence in your life?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	2430	51.6	52.4	52.4
	2 No	2205	46.8	47.6	
	Total	4635	98.4	100.0	
Missing	System	75	1.6		
		4710	100.0		

**Q39 Have you heard off?AIMPLB**

		Freq.	%	Valid %	Cumul. %
Valid	1	211	4.5	100.0	100.0
	AIMPLB				
Missing	System	4499	95.5		
Total		4710	100.0		

**Q40 Do you have any property in your name?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	816	17.3	17.8	17.8
	2 No	3760	79.8	82.2	
	Total	4576	97.2	100.0	
Missing	System	134	2.8		
		4710	100.0		

**Q41 If yes, then who gave you that property?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Self-earned	69	1.5	2.0	2.0
	2 By parents	240	5.1	7.1	9.1
	3 By husband	520	11.0	15.4	24.5
	4 Any other source	12	.3	.4	24.9
	5 NA	2416	51.3	71.4	96.3
	6	125	2.7	3.7	100.0
	Total	3382	71.8	100.0	
Missing	System	1328	28.2		
Total		4710	100.0		

**Q42 What is the value of that property?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Less than 1 lakh	242	5.1	20.7	20.7
	2 Between 1 lakh to 5 lakh	269	5.7	23.0	43.8
	3 Between 5 lakh to 10 lakh	187	4.0	16.0	59.8
	4 Between 10 lakh to 20 lakh	114	2.4	9.8	69.5
	5 Between 20 lakh to 40 lakh	96	2.0	8.2	77.7
	6 Above 40 lakh	260	5.5	22.3	100.0
	Total	1168	24.8	100.0	
Missing	System	3542	75.2		
Total		4710	100.0		

**Q43 Is the current residence in your name?**

		Freq.	%	Valid%	Cumul%
Valid	1 Yes	556	11.8	13.7	13.7
	2 No	3513	74.6	86.3	100.0
	Total	4069	86.4	100.0	
Missing	System	641	13.6		
		4710	100.0		

**Q44 What should be the age of marriage of girls in the Muslim community?**

		Freq.	%	Valid %	Cumul.%
Valid	1 On puberty	223	4.7	4.8	4.8
	2 At 15 years	138	2.9	3.0	7.8
	3 Between 15 & 18 years	794	16.9	17.1	24.8
	4 18 years & above	2626	55.8	56.4	81.2
	5 21 years & above	873	18.5	18.8	100.0
	Total	4654	98.8	100.0	
Missing	System	56	1.2		
		4710	100.0		

**Q45 What should be the age of marriage of boys in the Muslim community?**

		Freq.	%	Valid%	Cumul%
Valid	1 On puberty	203	4.3	4.4	4.4
	2 18 years & above	347	7.4	7.5	11.9
	3 21 years & above	2696	57.2	58.1	70.0
	4 25 years & above	1391	29.5	30.0	100.0
	Total	4637	98.5	100.0	
	Missing	System	73	1.5	
	Total	4710	100.0		

**Q46 When should she get the mehr?**

		Freq.	%	Valid %	Cumul. %
Valid	1 At the time of nikaah	3970	84.3	85.5	85.5
	2 Any time during the subsistence of marriage	579	12.3	12.5	97.9
	3 At the time of divorce	71	1.5	1.5	99.5
	4 At the time of her widowhood	25	.5	.5	100.0
	Total	4645	98.6	100.0	
	Missing	System	65	1.4	
	Total	4710	100.0		

**Q47 How do we arrive at the mehr amount?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Should be based on his income through salary or property	3684	78.2	85.1	85.1
	2 Should be based on the status of the girl	643	13.7	14.9	100.0
	Total	4327	91.9	100.0	
Missing	System	383	8.1		
Total		4710	100.0		

**Q48 What should be done if she does not get the mehr at the stipulated time?**

		Freq.	%	Valid %	Cumul. %
Valid	1 He should be put behind bars	1059	22.5	23.7	23.7
	2 He should pay penalty	886	18.8	19.8	43.5
	3 He should give double the mehr amount	1928	40.9	43.2	86.7
	4	571	12.1	12.8	99.5
	13	23	.5	.5	100.0
	Total	4467	94.8	100.0	
Missing	System	243	5.2		
Total		4710	100.0		

**Q49 Can the mehr amount be the groom's one annual income?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3854	81.8	85.9	85.9
	2 No	632	13.4	14.1	100.0
	Total	4486	95.2	100.0	
Missing	System	224	4.8		
Total		4710	100.0		

**Q50 How can we fix the mehr income if the groom is part of the family business or is a farmer?**

		Freq.	%	Valid %	Cumul. %
Valid	1 By calculating his share of the income	3740	79.4	85.9	85.9
	2 By calculating the income of the entire family	613	13.0	14.1	100.0
	Total	4353	92.4	100.0	
Missing	System	357	7.6		
Total		4710	100.0		

**Q51 Should a Muslim man be allowed to remarry during the subsistence of his first marriage?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	342	7.3	7.4	7.4
	2 No	4269	90.6	92.6	100.0
	Total	4611	97.9	100.0	
Missing	System	99	2.1		
Total		4710	100.0		

**Q52 Under no circumstances should polygamy be legally allowed?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1588	33.7	34.6	34.6
	2 No	3007	63.8	65.4	100.0
	Total	4595	97.6	100.0	
Missing	System	115	2.4		
Total		4710	100.0		

**Q53 Should polygamy be allowed after due consent from his first wife?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1257	26.7	27.4	27.4
	2 No	3334	70.8	72.6	100.0
	Total	4591	97.5	100.0	
Missing	System	119	2.5		
	Total	4710	100.0		

**Q54 Should polygamy be allowed if the first wife is terminally ill?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1728	36.7	37.7	37.7
	2 No	2859	60.7	62.3	100.0
	Total	4587	97.4	100.0	
Missing	System	123	2.6		
	Total	4710	100.0		

**Q55 Should polygamy be allowed if the first wife is not able to conceive?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1682	35.7	36.8	36.8
	2 No	2886	61.3	63.2	100.0
	Total	4568	97.0	100.0	
Missing	System	142	3.0		
	Total	4710	100.0		

**Q56 Should a woman be allowed to remarry during the subsistence of her first marriage?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	648	13.8	14.2	14.2
	2 No	3903	82.9	85.8	100.0
	Total	4551	96.6	100.0	
Missing	System	159	3.4		
	Total	4710	100.0		

**Q57 Should the husband take the permission of the court before second marriage?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3457	73.4	76.4	76.4
	2 No	1067	22.7	23.6	
	Total	4524	96.1	100.0	
Missing	System	186	3.9		
	Total	4710	100.0		

**Q58 Should the husband's second marriage be allowed only with widows?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1713	36.4	38.0	38.0
	2 No	2799	59.4	62.0	
	Total	4512	95.8	100.0	
Missing	System	198	4.2		
	Total	4710	100.0		

**Q59 Should the permission for second marriage be given only if the population of women is more than men?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	681	14.5	15.2	15.2
	2 No	3812	80.9	84.8	
	Total	4493	95.4	100.0	
Missing	System	217	4.6		
	Total	4710	100.0		

**Q60 Should there be a legal ban on the practice of oral unilateral triple divorce?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4238	90.0	93.6	93.6
	2 No	288	6.1	6.4	
	Total	4526	96.1	100.0	
Missing	System	184	3.9		
	Total	4710	100.0		

**Q61 What should be the punishment for man who unilaterally divorces his wife?**

		Freq.	%	Valid %	Cumul. %
Valid	1 He should be put behind bars	2320	49.3	51.6	51.6
	2 He should be fined	584	12.4	13.0	64.6
	3 He should be made to pay compensation to the wife	1579	33.5	35.1	99.7
	12	3	.1	.1	99.8
	13	11	.2	.2	100.0
	Total	4497	95.5	100.0	
Missing	System	213	4.5		
Total		4710	100.0		

**Q62 Should be process of arbitration be mandatory before divorce is finalized?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4178	88.7	95.4	95.4
	2 No	202	4.3	4.6	100.0
	Total	4380	93.0	100.0	
Missing	System	330	7.0		
Total		4710	100.0		

**Q63 How long should be process of arbitration?**

		Freq.	%	Valid %	Cumul. %
Valid	1 One month	973	20.7	22.1	22.1
	2 3 months	2468	52.4	56.0	78.1
	3 6 months	637	13.5	14.5	92.6
	4 One year	328	7.0	7.4	100.0
	Total	4406	93.5	100.0	
Missing	System	304	6.5		
Total		4710	100.0		

**Q64 Should the qazi who sends the notice of unilateral divorce be punished?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3968	84.2	90.2	90.2
	2 No	432	9.2	9.8	100.0
	Total	4400	93.4	100.0	
Missing	System	310	6.6		
	Total	4710	100.0		

**Q65 Should the women forego her mehr if she is demanding khula?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1121	23.8	25.4	25.4
	2 No	3287	69.8	74.6	100.0
	Total	4408	93.6	100.0	
Missing	System	302	6.4		
	Total	4710	100.0		

**Q66 Should talaak-e-Tafweez be made mandatory?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	2589	55.0	62.3	62.3
	2 No	1566	33.2	37.7	100.0
	Total	4155	88.2	100.0	
Missing	System	555	11.8		
	Total	4710	100.0		

**Q67 Should the legal method of divorce be talaak-e-Ahsan?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3859	81.9	93.3	93.3
	2 No	279	5.9	6.7	100.0
	Total	4138	87.9	100.0	
Missing	System	572	12.1		
	Total	4710	100.0		

**Q68 In the event of divorce who should retain the custody of the child/children?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4051	86.0	89.1	89.1
	2 No	497	10.6	10.9	
	Total	4548	96.6	100.0	
Missing	System	162	3.4		
	Total	4710	100.0		

**Q69 Should the custody of the male child be with the mother till he is 7 years of age?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4218	89.6	93.0	93.0
	2 No	318	6.8	7.0	
	Total	4536	96.3	100.0	
Missing	System	174	3.7		
	Total	4710	100.0		

**Q70 Should the custody of the female child be with the mother till she reaches puberty?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4215	89.5	92.8	92.8
	2 No	328	7.0	7.2	
	Total	4543	96.5	100.0	
Missing	System	167	3.5		
	Total	4710	100.0		

**Q71 If the custody of the child/children is with the mother, should she claim maintenance from the ex-husband?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4403	93.5	97.1	97.1
	2 No	133	2.8	2.9	100.0
	Total	4536	96.3	100.0	
Missing	System	174	3.7		
	Total	4710	100.0		

**Q72 While deciding the custody of the child should the consent and well being of the child be taken into consideration?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4268	90.6	94.1	94.1
	2 No	267	5.7	5.9	100.0
	Total	4535	96.3	100.0	
Missing	System	175	3.7		
	Total	4710	100.0		

**Q73 Are you aware that a Muslim couple cannot legally adopt a child?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1085	23.0	23.8	23.8
	2 No	3465	73.6	76.2	100.0
	Total	4550	96.6	100.0	
Missing	System	160	3.4		
	Total	4710	100.0		

**Q74 Are you aware of the reasons for adoption not being legal in Islam?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	905	19.2	20.0	20.0
	2 No	3617	76.8	80.0	100.0
	Total	4522	96.0	100.0	
Missing	System	188	4.0		
	Total	4710	100.0		

**Q75 Are you aware that even if you adopt a child, it cannot legally become a natural heir to your property?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1540	32.7	33.8	33.8
	2 No	3018	64.1	66.2	100.0
	Total	4558	96.8	100.0	
Missing	System	152	3.2		
	Total	4710	100.0		

**Q76 Do you think adoption should be made legal?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3823	81.2	84.2	84.2
	2 No	720	15.3	15.8	100.0
	Total	4543	96.5	100.0	
Missing	System	167	3.5		
	Total	4710	100.0		

**Q77 Do you think that an adopted child should be treated as a natural heir to your property?**

		Freq.	%	Valid %	Cumul%
Valid	1 Yes	3610	76.6	80.3	80.3
	2 No	883	18.7	19.7	100.0
	Total	4493	95.4	100.0	
Missing	System	217	4.6		
	Total	4710	100.0		

**Q78 Are you aware that MPL in India is not codified?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1154	24.5	25.3	25.3
	2 No	2029	43.1	44.4	69.6
	3 NA	1387	29.4	30.4	100.0
	Total	4570	97.0	100.0	
Missing	System	140	3.0		
Total		4710	100.0		

**Q79 Are you aware that MPL in other Islamic countries is codified?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	1613	34.2	35.2	35.2
	2 No	1576	33.5	34.4	69.6
	3 NA	1393	29.6	30.4	100.0
	Total	4582	97.3	100.0	
Missing	System	128	2.7		
Total		4710	100.0		

**Q80 Will codification help Muslim women to get justice?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3833	81.4	83.1	83.1
	2 No	129	2.7	2.8	85.9
	3 NA	651	13.8	14.1	100.0
	Total	4613	97.9	100.0	
Missing	System	97	2.1		
Total		4710	100.0		

**Q81 Should the government help the community to codify its laws?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4100	87.0	89.0	89.0
	2 No	89	1.9	1.9	90.9
	3 NA	420	8.9	9.1	100.0
	Total	4609	97.9	100.0	
Missing	System	101	2.1		
Total		4710	100.0		

**Q82 Should the religious leaders support Muslim women's demand for codification?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3993	84.8	86.8	86.8
	2 No	158	3.4	3.4	90.2
	3 NA	450	9.6	9.8	100.0
	Total	4601	97.7	100.0	
Missing	System	109	2.3		
Total		4710	100.0		

**Q83 Should the legal experts and scholars support Muslim women's demand for codification?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3997	84.9	86.6	86.6
	2 No	188	4.0	4.1	90.6
	3 NA	432	9.2	9.4	100.0
	Total	4617	98.0	100.0	
Missing	System	93	2.0		
Total		4710	100.0		

**Q84 Should the qazi, darul qaza implement the codified law?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	3952	83.9	86.3	86.3
	2 No	199	4.2	4.3	90.6
	3 NA	431	9.2	9.4	100.0
	Total	4582	97.3	100.0	
Missing	System	128	2.7		
Total		4710	100.0		

**Q85 Should they come under the scanner of the government?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4116	87.4	89.6	89.6
	2 No	150	3.2	3.3	92.9
	3 NA	328	7.0	7.1	100.0
	Total	4594	97.5	100.0	
Missing	System	116	2.5		
Total		4710	100.0		

**Q86 Should their actions on legal aid be regulated by the government?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4032	85.6	87.9	87.9
	2 No	223	4.7	4.9	92.8
	3 NA	330	7.0	7.2	100.0
	Total	4585	97.3	100.0	
Missing	System	125	2.7		
Total		4710	100.0		

**Q87 Should there be a partnership between the court and the qazis?**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4056	86.1	88.6	88.6
	2 No	218	4.6	4.8	93.4
	3 NA	303	6.4	6.6	100.0
	Total	4577	97.2	100.0	
Missing	System	133	2.8		
Total		4710	100.0		

**Q88 Should Muslim women provide legal aid to another Muslim women**

		Freq.	%	Valid %	Cumul. %
Valid	1 Yes	4415	93.7	95.3	95.3
	2 No	42	.9	.9	96.2
	3 NA	136	2.9	2.9	99.2
	4 May be	38	.8	.8	100.0
Total		4631	98.3	100.0	
Missing	System	79	1.7		
Total		4710	100.0		

### Annexe 3

## 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.

- i. This period is three menstrual courses after the date of divorce, if she is subject to menstruation
- ii. It is three lunar months after her divorce, if she is not subject to menstruation
- iii. This period of waiting is 4 months and ten days after the date of death of the husband
- iv. 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 [Mithaql]:**

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.

**I] 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, Prohibition 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 I(3)g and as specified u/s II(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 I(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 I(3)m of this Act and the qazi as defined u/s I(3)k of this Act.

- e) Nikaahnama as specified u/s I(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 II (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.
- d) The qazi shall maintain a proper record of the marriage

and give duly certified true copies of the nikahnama to both the parties.

- e) A qazi as defined u/s I(3)k can act as an Arbitrator if it is also registered under this Act as an Arbitrator
- f) 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 II (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;

- a) Death certificate if the spouse of the party has died
- b) Divorce papers if the party has been divorced
- c) 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:
  - i. 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.
  - ii. 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.
  - iii. Approaching a qazi as defined u/s I(3)k and resolumnise the marriage with a fresh nikhanama
  - iv. The parties themselves should take their filled up nikhanama along with an affidavit and register it with the authority specified u/s II(5).
  - v. 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**

2. **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:
  - (i) That the whereabouts of the husband have not been known for a period of four years;
  - (ii) That the husband has neglected or has failed to provide for her maintenance for a period of two years;
  - (iii) That the husband has been sentenced to imprisonment for a period of seven years or upwards;
  - (iv) That the husband has failed to perform, without reasonable cause, his marital obligations for a period of three years;

- (v) That the husband was impotent at the time of the marriage and continues to be so;
- (vi) That the husband has been insane for a period of two years or is suffering from leprosy or a virulent venereal disease;
- (vii) That the husband treats her with cruelty that is to say
  - (a) Habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment, or
  - (b) Associates with women of evil repute or leads an infamous life, or
  - (c) Attempts to force her to lead an immoral life, or
  - (d) Disposes of her property or prevents her exercising her legal rights over it, or
  - (e) Obstructs her in the observance of her religious profession or practice, or

## **V1. DIVORCE**

- 1) The Act recognizes 3 forms of separation between husband and wife:
  - a) Demand for divorce by wife [Khula]
  - b) Demand for divorce by husband [Talaak]
  - c) Divorce by mutual consent [Mubarah]
- 2) 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 I(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 I(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 1/3<sup>rd</sup> of the value of the property. There is no mention of 1/3<sup>rd</sup> 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 offsprings 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.

## DEGREE OF PROHIBITED RELATIONSHIP

### Part I

#### On grounds of Consanguinity

1. Mother and all female ascendants
2. Daughter and all female descendants, how low soever
3. Sister and all female descendants, how low soever
4. Brothers' daughter, how low soever
5. father's sister (but not her daughter or any other descendants)
6. mother's sister (but not her daughter or any to other descendants)

(Sisters full, consanguine or uterine by valid or invalid marriage or adulterous connections are forbidden)

#### On grounds of Affinity

1. Mother-in law how high soever
2. Wives' daughter, how low soever
3. Son's wife how low so ever
4. Step mother or any other woman with whom the father or any other ancestor has had a physical relationship

### PART II

#### On grounds of Consanguinity

1. Father and all male descendants
2. Son and all male descendants how low soever

3. Brother and all male descendants, how low soever
4. Brothers' son, how low so ever
5. Father's brother (but not his son or any other descendants);
6. Mother's brother (but not his son or any other descendants);

(Brothers full, consanguine or uterine by valid or invalid marriage or adulterous connections are forbidden)

### **On grounds of Affinity**

1. Father-in law how high so ever
2. Husbands' son, how low so ever
3. Daughter's husband how low so ever
4. Step father or any other man with whom the mother or any other ancestor has had a physical relationship

## **TALAAQ-AHSAN METHOD**

Whether the demand for divorce emanates from the husband or the wife, the method of divorce will be the one laid down in the Quran which is as follows:

### **STEP 1**

As a first step, when there is a marital discord, the husband/wife will reason out with each other through discussions.

### **STEP 2**

If differences persist, then as a next step, the parties are asked to sexually distance themselves from each other in the hope that this temporary physical separation may encourage them to unite.

### **STEP 3**

And if even this fails, they will once again discuss the seriousness of the situation and try to bring about reconciliation.

### **STEP 4**

If the dispute still remains unresolved, as a fourth step, the parties to the dispute must place their matter before two arbiters nominated by the family, one from the family of each spouse, for resolution.

It is only after the failure of the aforementioned four attempts at reconciliation that the first talaq is to be declared by the party initiating the divorce in the presence of two witnesses and the arbitrators. This declaration of divorce is to be followed by a waiting period called the *iddah*. Not more than two divorces can be pronounced within this period, the duration of which is three monthly courses

For women who have attained menopause or suffer from

amenorrhea the period of *iddah* is three months, and in the case of pregnant women it is till the termination of pregnancy

And if the parties are unable to unite during *iddah*, the final irrevocable talaq can be pronounced by the party which initiated the divorce proceedings, but only after the expiry of the *iddah*. Once the final talaq has been invoked the marital bond is severed and the parties cease to be of any relation to each other.

However, even after *iddah* has lapsed, the contending parties have a chance to reunite by recontracting the marriage, provided the final talaq has not been declared.

In other words, after the expiry of *iddah*, the parties are given the options of remarriage or permanent separation.

All decisions taken before the witnesses and arbitrators must be recorded. The final divorce at the end of *iddah* must also be recorded in a Talaaknama by the arbitrators.

The rights of the women on divorce must be safeguarded by the arbitrators and must be mentioned in the talaaknama.

Original copies of the same must be provided to both the parties.

#### **NOTE:**

- The pronouncement of final talaak should be during the period of tuhr
- The four steps mentioned above signify restitution of conjugal rights
- The parties can also approach the Indian courts directly for the dissolution of their marriage

Annexe 4

**NIKAHNAMA AND IKRARNAMA**  
**Draft prepared by Bharatiya Muslim Mahila Andolan**

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 : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Martial status (single, widower, married, divorcee) : \_\_\_\_\_

2. Name of the bridegroom (Full Name) \_\_\_\_\_

\_\_\_\_\_

Date of birth : \_\_\_\_\_

Address : \_\_\_\_\_

\_\_\_\_\_

Martial 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 :  
\_\_\_\_\_  
\_\_\_\_\_

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15. Permanent address of Bridegroom's family :

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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.

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 : \_\_\_\_\_

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- Income per month : \_\_\_\_\_
- Particulars of property (self acquired and share in inherited property)

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#### **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 Nikaahnames have been prepared and given to the bridegroom, bride and the Marriage Solemnizer**

## **IQRARNAMA**

### **CONSENT**

The bride and the groom shall give their express and unambiguous consent for the marriage contract to become valid. This consent must have been obtained without undue influence, coercion and fraud.

### **AGE**

The age of the bride shall be 18 years and that of the groom 21 years.

### **MEHR:**

Mehr is one annual income of the groom.

Since mehr is the right of the bride at the time of nikaah, the amount has to be paid at the time of the solemnization of the nikaah. The groom has agreed to pay the mentioned amount at the time of nikaah.

The bridegroom undertakes through this Nikaahnama that he or his relatives or any one on his behalf, shall not in any manner apply any physical, social, emotional, psychological, or economic pressure on the bride to forego the Mehr or to decrease the Mehr amount.

Mehr is non-refundable and non-negotiable and shall be the absolute property of the bride and under her exclusive control and power.

### **POLYGAMY**

The husband shall not be entitled to and shall not enter into a second marriage during the subsistence of this first marriage as monogamy is the stated ideal in the Quran.

The bride and the bridegroom may insert any other provision provided it does not violate the provisions of this Nikaahnama.

## **PROHIBITED DEGREES**

The bride and the groom are not within the degrees of prohibited relationship

## **REGISTRATION:**

The said solemnised marriage must be registered under the relevant state Act.

## **DISPUTE:**

The bride and bridegroom agree that in case of marital discord neither party has the right to terminate the marriage unilaterally.

The husband shall not resort to, under any circumstances, unilateral oral triple divorce in one sitting. The right to divorce is shared equally by both the bride and the groom in keeping with the spirit of justice in Islam.

If matrimonial discord occurs, then the parties shall approach the Arbitrators. No dissolution shall take place while the arbitration process is ongoing and until it is finally concluded.

In the event of divorce initiated by either party the husband shall be bound to comply with the following financial rights of the wife.

- Mehr (if not paid)
- Gifts received by her at the time of and during the subsistence of the marriage.
- Right to reside in the matrimonial home.

- Equal share of all property acquired during subsistence of the marriage.
- A reasonable and fair provision (mattaa) for the future sustenance

Either party can go to the court directly to settle their dispute.

**The bride and bridegroom undertake to follow these terms and conditions and respect each other from this day on.**

Annexe 5

## ENGLISH QUESTIONNAIRE

### Views of Muslim Women on the Issues of MUSLIM PERSONAL LAW

Urban \_\_\_\_\_

Rural \_\_\_\_\_

#### A. PERSONAL INFORMATION

1. Name: \_\_\_\_\_

2. Age

- a. 18 – 25
- b. 25 -35
- c. 35 -45

3. Profession

- a. Home maker
- b. Service/salaried
- c. Informal worker [business, domestic work, worker on farm/factory]

4. Annual Income [family]:

- a. Below Rs. 35000
- b. Between 35000 – 50000
- c. Between 50000 – 1 lakh
- d. Above 1 lakh

5. Sect:

- a. Shia

- b. Sunni
- c. Don't know

**6. Caste:**

- a. Syed, Khan, Pathan – high caste/Ashraf/Mughal
- b. Ansari, Mansuri, Baagban - OBC
- c. Dalit [BC]
- d. Don't know

**7. Jurisprudence:**

- a. Barelvi
- b. Deobandi
- c. Wahabi
- d. Sunni Jamaat
- e. Ahle-Hadees
- f. Don't Know

**8. Marital Status:**

- a. Married: \_\_\_\_\_
- b. Divorced: \_\_\_\_\_
- c. Widowed: \_\_\_\_\_
- d. Unmarried: \_\_\_\_\_
- e. Deserted: \_\_\_\_\_

**9. No. of children:**

- a. One

- b. Two
- c. Three
- d. Between 3 and 6
- e. More than 6
- f. NA

**10. Is any of your child an adopted child?**

- a. Yes
- b. No
- c. NA

**B. MARRIAGE:**

**1. Was your consent taken before marriage?**

- a. Yes
- b. No
- c. NA

**2. What was your age at the time of your marriage?**

- a. 15 years and below
- b. Between 15 – 18 years
- c. Between 18 – 21
- d. 21 years and above
- e. NA

**3. Was there a demand for dowry?**

- a. Yes

- b. No
- c. NA

**4. Do you have your nikaahnama?**

- a. Yes
- b. No
- c. NA

**5. If no, then,**

- a. It was not made
- b. It was made but not given to you
- c. Don't know where it is
- d. NA

**6. Did you read the nikaahnama before signing it?**

- a. Yes
- b. No
- c. NA

**7. How much mehr have you got?**

- a. Rs. 786/-
- b. Between Rs. 100 – Rs. 500
- c. Between Rs. 500 – Rs. 1000
- d. Between Rs. 1000 – Rs. 3000
- e. Between Rs. 3000 – Rs. 5000
- f. Between Rs. 5000 – Rs. 10000

- g. Between Rs. 10,000 – Rs. 50,000/-
- h. Rs. 50,000 and above
- i. NA

**8. Are you satisfied with the amount of mehr that you have received?**

- a. Yes
- b. No
- c. NA

**9. When did you receive your mehr?**

- a. At the time of nikaah
- b. At the time of divorce
- c. At the time of widowhood
- d. Did not receive at all
- e. NA

**10. What was the form of mehr?**

- a. Cash/cheque
- b. Jewelry
- c. Property
- d. Any other form
- e. NA

**11. Who decided the mehr amount?**

- a. Self

- b. Her parents
- c. His parents
- d. Relatives
- e. Qazi
- f. Don't know
- g. NA

**12. Were you asked to write off your mehr [mehr maaf]**

- a. Yes
- b. No

**13. How many times have you been married?**

- a. Once
- b. Twice
- c. Thrice
- d. More than thrice
- e. NA

**C. DIVORCE:**

**1. After how many years of marriage were you divorced?**

- a. Before the first anniversary
- b. Between first and third year of marriage
- c. Between third and fifth year of marriage
- d. After 5 years of marriage
- e. After 10 years of marriage

- f. After 15 years of marriage
- g. After 20 years of marriage
- h. NA

**2. Who wanted divorce?**

- a. Self
- b. Husband
- c. In-laws
- d. Your parents
- e. Any other
- f. NA

**3. Did you get any compensation at the time of divorce?**

- a. Yes
- b. No
- c. NA

**4. How was your divorce done?**

- a. Orally
- b. By letter
- c. By phone
- d. By sms
- e. By email
- f. By any other method

**5. Where were you divorced?**

- g. In the court
- h. In darul qaza
- i. Jamaat
- j. Panchayat
- k. In the family
- l. In the NGO
- m. Any other place
- n. NA

**6. Are you a victim of halala?**

- a. Yes
- b. No
- c. NA

**D. MAINTENANCE**

**1. Does your husband support you financially during your marriage?**

- a. Yes
- b. No.
- c. NA

**2. Is the maintenance sufficient?**

- a. Yes
- b. No
- c. NA

**3. If not sufficient, then,**

- a. Do you work for money?
- b. Are you supported by your in-laws?
- c. Are you supported by your parents?
- d. Do you survive on charity?
- e. NA

**4. What is the source of your maintenance IF divorced?**

- a. Self
- b. Ex- Husband
- c. In laws
- d. Parents
- e. Any other
- f. NA

**5. Who has the custody of the children IF divorced?**

- a. Self
- b. Husband
- c. In laws
- d. Parents
- e. NA

**6. Who maintains the children IF divorced?**

- a. Self
- b. Husband

- c. In laws
- d. Parents
- e. NA

**7. What is the source of your income if you are a widow?**

- a. Self
- b. In laws
- c. Parents
- d. Any other
- e. NA

**E. DOMESTIC VIOLENCE**

**1. Have you faced domestic violence in your life?**

- a. Yes
- b. No

**2. Where do you go if you have to complain about domestic harassment/violence?**

- a. Police
- b. Qazi/darul qaza
- c. Family
- d. NGO
- e. Court
- f. Any other
- g. NA

**3. Have you heard off?**

- a. AIMPLB

**F. INHERITANCE**

**1. Do you have any property in your name?**

- a. Yes
- b. No

**2. If yes, then who gave you that property?**

- a. Self-earned
- b. By parents
- c. By husband
- d. Any other source
- e. NA

**3. What is the value of that property?**

- a. Less than 1 lakh
- b. Between 1 lakh to 5 lakh
- c. Between 5 lakh to 10 lakh
- d. Between 10 lakh – 20 lakh
- e. Between 20 lakh – 40 lakh
- f. Above 40 lakh

**4. Is the current residence in your name?**

- a. Yes
- b. No

2. To ascertain the views of Muslim women on the issues related to **mehr, age of marriage, marriage, divorce, maintenance, custody of children, adoption and inheritance**

Age of marriage:

**What should be the age of marriage of girls in the Muslim community?**

- a. On puberty
- b. At 15 years
- c. Between 15 and 18 years
- d. 18 years and above
- e. 21 years and above

**What should be the age of marriage of boys in the Muslim community?**

- a. On puberty
- b. 18 years and above
- c. 21 years and above
- d. 25 years and above

Mehr:

**When should she get the mehr?**

- a. At the time of nikaah
- b. Any time during the subsistence of marriage
- c. At the time of divorce

- d. At the time of her widowhood

**How do we arrive at the mehr amount?**

- a. Should be based on his income through salary or property
- b. Should be based on the status of the girl

**What should be done if she does not get the mehr at the stipulated time?**

- a. He should be put behind bars
- b. He should pay penalty
- c. He should give double the mehr amount

**Can the mehr amount be the groom's one annual income?**

- a. Yes
- b. No.

**How can we fix the mehr income if the groom is part of the family business or is a farmer?**

- a. By calculating his share of the income
- b. By calculating the income of the entire family

Polygamy:

**Should a Muslim man be allowed to marry during the subsistence of his first marriage?**

- a. Yes
- b. No

**Under ~~no~~ or circumstances should polygamy be legally allowed?**

a. Yes

b. No

**Should polygamy be allowed after due consent from his first wife?**

a. Yes

b. No

**Should polygamy be allowed if the first wife is terminally ill?**

a. Yes

b. No

**Should polygamy be allowed if the first wife is not able to conceive?**

a. Yes

b. No

**Should a woman be allowed to remarry during the subsistence of her first marriage?**

a. Yes

b. No

**Should the husband take the permission of the court before second marriage?**

a. Yes

b. No

**Should the husband's second marriage be allowed only with widows?**

a. Yes

b. No

**Should the permission for second marriage be given only if the population of women is more than men?**

a. Yes

b. No

**Divorce:**

**Should there be a legal ban on the practice of oral unilateral triple divorce?**

a. Yes

b. No

**What should be the punishment for man who unilaterally divorces his wife?**

a. He should be put behind bars

b. He should be fined

c. He should be made to pay compensation to the wife

**Should the process of arbitration be made mandatory before divorce is finalized?**

a. Yes

b. No

**How long should be process of arbitration?**

a. One month

b. 3 months

c. 6 months

d. One year

**Should the qazi who sends the notice of unilateral divorce be punished?**

a. Yes

b. No

**Should the women forego her mehr if she is demanding khula?**

a. Yes

b. No

**Should talaak-e-Tafweez be made mandatory?**

a. Yes

b. No

**Should the legal method of divorce be talaak-e-Ahsan?**

a. Yes

b. No

**Custody:**

**In the event of divorce who should retain the custody of the child/children?**

- a. Wife
- b. Husband

**Should the custody of the male child be with the mother till he is 7 years of age?**

- a. Yes
- b. No

**Should the custody of the female child be with the mother till she reaches puberty?**

- a. Yes
- b. No

**If the custody of the child/children is with the mother, should she claim maintenance from the ex-husband?**

- a. Yes
- b. No

**While deciding the custody of the child should the consent and well being of the child be taken into consideration?**

- a. Yes
- b. No

**Adoption:**

**Are you aware that a Muslim couple cannot legally adopt a child?**

- a. Yes
- b. No

**Are you aware of the reasons for adoption not being legal in Islam?**

- a. Yes
- b. No

**Are you aware that even if you adopt a child, it cannot legally become a natural heir to your property?**

- a. Yes
- b. No

**Do you think adoption should be made legal?**

- a. Yes
- b. No

**Do you think that an adopted child should be treated as a natural heir to your property?**

- a. Yes
- b. No

**3. Views on Codification of MPL:**

**Are you aware that MPL in India is not codified?**

- a. Yes
- b. No
- c. Don't know

**Are you aware that MPL in other Islamic countries is codified?**

- a. Yes
- b. No
- c. Don't know

**Will codification help Muslim women to get justice?**

- a. Yes
- b. No
- c. Don't know

**Should the government help the community to codify its laws?**

- a. Yes
- b. No
- c. Don't know

**Should the religious leaders support Muslim women's demand for codification?**

- a. Yes
- b. No

c. Don't know

**Should the legal experts and scholars support Muslim women's demand for codification?**

a. Yes

b. No

c. Don't know

**Should the qazi, darul qaza implement the codified law?**

a. Yes

b. No

c. Don't know

**Should they come under the scanner of the government?**

a. Yes

b. No

c. Don't know

**Should their actions on legal aid be regulated by the government?**

a. Yes

b. No

c. Don't know

**Should there be a partnership between the court and the qazis?**

- a. Yes
- b. No
- c. Don't know

**Should Muslim women provide legal aid to another Muslim women**

- a. Yes
- b. No
- c. Don't know
- d. May be

Annexe 5  
**HINDI QUESTIONNAIRE**

**मुस्लिम पारिवारिक कानून के बारे में  
मुस्लिम महिलाओं का नज़रिया**

शहर .....

गाँव .....

**१. निजी जानकारी**

१. नाम .....

२. उम

अ) १८-२५ .....

ब) २५-३५ .....

क) ३५-४५ .....

ड)

३. पेशा

अ) गृहिणी

ब) नौकरी/पगारी

क) अनौपचारिक कामगार (धंदा, घरेलू काम, खेत में/  
कारखाने में काम) .....

४. सालाना आमदनी (पूरे परिवार की)

अ) ३५,००० से कम .....

ब) ३५,००० से ५०,००० .....

क) ५०,००० से १,००,००० .....

ड) १ लाख से ज्यादा .....

५. पंथ (संप्रदाय)

अ) शिया .....

ब) सुन्नी .....

क) मालूम नहीं .....

ड) .....

६. जाति

अ) सर्वद, खान, पठान - ऊंची जाति/अश्रफ/मुघल

ब) अन्सारी, मन्सुरी, बागबान - ओबीसी

क) दलित (बीसी) .....

ड) मालूम नहीं .....

७. कौन से कानून के तहत (न्यायशास्त्र)

अ) बरेलवी .....

ब) देओबंदी .....

क) वाहाबी .....

ड) सुन्नी जमात .....

इ) एहले-हवीस .....

फ) मालूम नहीं .....

८. वैवाहिक स्थिती (शादी के बारे में जानकारी)

अ) शादीशुदा .....

ब) तलाकशुदा .....

क) बेवा .....

ड) कुंवारी .....

इ) परित्यक्ता (छोड़ी गई) .....

ड) .....

९. बच्चों की तादाद

अ) १ .....

ब) २ .....

क) ३ .....

ड) ३ से ६ .....

इ) ६ सेव्यादा .....

फ) लागू नहीं .....

१०. क्या आपका कोई बच्चा गोद लिया हुआ है?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) .....

### १.२ शादी - ब्याह

११. शादी से पहले आपकी मंजुरी ली गई थी?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) .....

१२. शादी के वक्त आपकी उम्र कितनी थी?

अ) १५ साल और उससे कम .....

ब) १५-१८ सालके बीच .....

क) १८-२१ साल के बीच .....

ड) २१ साल से ज्यादा .....

इ) लागू नहीं .....

इ) .....

१३. दहेज की माँग की गई थी?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) .....

१४. आपके पास आपका निक्राहनामा है?

अ) हाँ .....  
ब) नहीं .....  
क) लागू नहीं .....  
ड) .....

१५. अगर नहीं है, तो

अ) वह बनाया नहीं गया था .....  
ब) बनाया था पर आपको दिया नहीं .....  
क) कहाँ है मालूम नहीं .....  
ड) लागू नहीं .....

१६. क्या दस्तखत करने से पहले आपने उसे पढ़ा था?

अ) हाँ .....  
ब) नहीं .....  
क) लागू नहीं .....  
ड) .....

१७. आपको कितना मेहर मिला?

अ) रु. ७८६/- .....  
ब) रु. १००-५०० के बीच .....  
क) रु. ५००-१००० के बीच .....  
ड) रु. १०००-२००० के बीच .....  
इ) रु. ३०००-५००० के बीच .....  
फ) रु. ५०००-१०,००० के बीच .....  
ग) रु. १०,०००-५०,००० के बीच .....  
ह) रु. ५०,००० से ज्यादा .....  
ज) लागू नहीं .....  
झ) .....

१८. आपको मिली हुई मेहेर की रकम से क्या आप खुश हैं?

अ) हाँ .....  
ब) नहीं .....  
क) लागू नहीं .....  
ड) .....  
.....

१९. आपको मेहेर कब मिली?

अ) निकाह के वक्त .....  
ब) तलाक के वक्त .....  
क) बेवापन के वक्त .....  
ड) कभी मिला ही नहीं .....  
इ) लागू नहीं .....  
फ) .....  
.....

२०. मेहेर किस तरह दिया गया?

अ) नगद/चेक से .....  
ब) ज़ेवरात .....  
क) ज्ञायदाद .....  
ड) किसी दूसरी तरह से .....  
इ) लागू नहीं .....  
फ) .....  
.....

२१. मेहेर की रकम किसने तय की?

अ) खुद .....  
ब) पति के माँ-बाप ने .....  
क) पति के माँ-बाप ने .....  
ड) रिश्तेदारों ने .....  
इ) काजी ने .....  
.....

फ ) मालूम नहीं .....

ग ) लागू नहीं .....

ह ) .....

२२. क्या मेहर माफ़ करने के लिए आपसे कहा गया था?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) .....

२३. आपकी शादी कितनी बार हुई है?

अ) एक बार .....

ब) दो बार .....

क) तीन बार .....

ड) तीन से ज्यादा बार .....

इ) लागू नहीं .....

फ ) .....

### १. ३ तलाक़

२४. शादी के कितने साल बाद आपको तलाक़ दी गई?

अ) पहली सालगिरह से पहले .....

ब) शादी के पहले और तीसरे साल के बीच

क) शादी के तीसरे और पाँचवे साल के बीच

ड) शादी के ५ साल बाद .....

इ) शादी के १० साल बाद .....

फ ) शादी के १५ साल बाद .....

ग) शादी के २० साल बाद .....

ह) लागू नहीं .....

२५. तलाक कौन चाहता था?

- अ) खुद .....
- ब) पति .....
- क) सास-ससुर .....
- ड) आपके माता-पिता .....
- इ) कोई और .....
- फ) लागू नहीं .....

२६. तलाक के वक्त कोई मुआवजा मिला था?

- अ) हाँ .....
- ब) नहीं .....
- क) लागू नहीं .....
- ड) .....

२७. तलाक कैसे हुई था?

- अ) जुबानी .....
- ब) खत से .....
- क) फोन से .....
- ड) एस एम एस से .....
- इ) ई मेल से .....
- फ) किसी और तरीके से .....

२८. तलाक कहाँ हुई थी?

- अ) अदालत में .....
- ब) दरूल क़ाज़ा में .....
- क) जमात .....
- ड) पंचायत .....
- इ) परिवार में .....

फ ) एनजीओ में .....

ज ) किसी और जगह .....

ह ) लागू नहीं .....

२९. क्या आप हलाला की पीड़ित है?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) १. ४ परवरिश (देखभाल, निर्वाह) खच ॥

३०. क्या पति शावी में आपका खर्चा उठाते हैं?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) .....

३१. क्या रकम काफ़ी है?

अ) हाँ .....

ब) नहीं .....

क) लागू नहीं .....

ड) .....

३२. अगर काफ़ी नहीं है तो

अ) क्या आप पैसे के लिए काम करती हैं?

ब) क्या आपके सास-ससुर आपको सहारा देते हैं?

क) क्या आपके माता-पिता आपको सहारा देते हैं?

ड) क्या आप खैरात (परोपकार) पर जीती हो?

इ) लागू नहीं .....

फ) .....

३३. तलाकशुदा है तो देखभाल का खर्चा कहाँ से आता है?

- अ) खुद .....
- ब) पहला पति .....
- क) सास-ससुर .....
- ड) माता-पिता .....
- इ) दूसरा कोई .....
- फ) लागू नहीं .....

३४. तलाकशुदा है तो बच्चों का ताबा किसके पास है?

- अ) खुद .....
- ब) पति .....
- क) सास-ससुर .....
- ड) माता-पिता .....
- इ) लागू नहीं .....
- फ) .....

३५. तलाकशुदा है तो बच्चों की देखभाल कौन करता है?

- अ) खुद .....
- ब) पति .....
- क) सास-ससुर .....
- ड) लागू नहीं .....

३६. बेवा है तो आमदनी कहाँ से होती है?

- अ) खुद .....
- ब) सास-ससुर .....
- क) माता-पिता .....
- ड) दूसरा कोई .....
- इ) लागू नहीं .....
- फ) .....

### १.५ घरेलू हिंसा

३७. क्या आपने घरेलू हिंसा का सामना किया है?

अ) हाँ .....  
ब) नहीं

३८. अगर आपको घरेलू हिंसा के बारे में शिकायत करनी है तो कहाँ जाओगे?

अ) पुलिस .....  
ब) काज़ी/दस्तल काज़ी .....  
क) परिवार .....  
ड) एनजीओ .....  
इ) अदालत .....  
फ) कहीं और .....  
ग) लागू नहीं .....  
ह) .....

३९. क्या आपने इसके बारे में सुना है?

अ) ए आई एम पी एल बी - ऑल इंडिया मुस्लिम पर्सनल लॉ बोर्ड

### १.६ विरासत

४०. क्या आपके नाम पर कोई जायदाद है?

अ) हाँ .....  
ब) नहीं .....

४१. अगर है तो वह जायदाद आपको किसने दी?

अ) खुद की कमाई .....  
ब) माता-पिता से .....  
क) पति से .....

ड) किसी और से .....  
इ) लागू नहीं .....  
फ) .....

४२. उस जायदाद की कीमत कितनी है?

अ) १ लाखसे कम .....  
ब) १ से ५ लाख तक .....  
क) ५ से १० लाख तक .....  
ड) १० से २० लाख तक .....  
इ) २० से ४० लाख तक .....  
फ) ४० लाखसे ज्यादा .....

४३. क्या हाल का घर आपके नाम पर है?

अ) हाँ .....  
ब) नहीं .....

२. मेहर, शादी की उम्र, शादी, तलाक, देखभाल का खर्चा, बच्चों का ताबा, गोद में लेना और विरासत इनके बारे में मुस्लिम महिलाओं का नज़रिया मालूम करने के लिए-

### २.१ शादी की उम्र:

४४. मुस्लिम समुदाय में लड़कियों की शादी की उम्र कितनी होनी चाहिए?

अ) जवानी आने पर .....  
ब) १५ सालहोने पर .....  
क) १५ से १८ साल के बीच .....  
ड) १८ साल से ज्यादा .....  
इ) २१ साल से ज्यादा .....  
फ) .....

४५. मुस्लिम समुदाय में लड़कों की शादी की उम्र कितनी होनी चाहिए?

- अ) जवानी आने पर .....
- ब) १८ साल से ज्यादा .....
- क) २१ साल से ज्यादा .....
- ड) २५ साल से ज्यादा .....

#### २.२ मेहर:

४६. मेहर कब मिलनी चाहिए?

- अ) निकाह के वक्त .....
- ब) शादी के चलते कभी भी .....
- क) तलाक के वक्त .....
- ड) बेवा होने के वक्त .....

४७. मेहर की रकम कैसे तय होनी चाहिए?

- अ) पति के पगार या जायदाद से उसकी आमदनी से
- ब) लड़की के समाज में दर्जा से

४८. तय किए गए वक्त पर मेहर की रकम ना मिलने पर क्या करना चाहिए?

- अ) पति को सलाकों के पीछे कर देना चाहिए
- ब) पति ने जुर्माना देना चाहिए .....
- क) उसने मेहर की रकम दुगनी देनी चाहिए
- ड) .....

४९. क्या मेहर की रकम दूल्हे की सालाना आमदनी जितनी होनी चाहिए?

- अ) हाँ .....
- ब) नहीं .....

५०. अगर दूल्हा उसके परिवार के धंदे का हिस्सा है या किसान है तो मेहर कैसे तय करनी चाहिए?

अ) आमदनी के उसके हिस्से के हिसाब से

ब) पूरे परिवार की आमदनी के हिसाब से

### २.३ बहुपत्नित्व (एक से ज्यादा शादी)

५१. पहली शादी के चलते क्या मुस्लिम पुरुष को और शादी करने की इजाजत देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५२. क्या किसी भी हालत में एक से ज्यादा शादी को कानून से इजाजत नहीं देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५३. क्या पहली पत्नि की इजाजत से एक से ज्यादा शादी को इजाजत देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५४. क्या पहली पत्नि की जानलेवा बिमारी पर एक से ज्यादा शादी को इजाजत देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५५. अगर पहली पत्नि गर्भ धारण (बच्चा पैदा) करने के लिए नाकाबिल होने पर एक से ज्यादा शादी को इजाजत देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५६. क्या पहली शादी के चलते महिला को एक से ज्यादा शादी को इजाजत देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५७. क्या दूसरी शादी से पहले पुरुष को अदालत से इजाजत लेनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५८. क्या पति की दूसरी शादी सिर्फ बेवाओं के साथ करने की इजाजत देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

५९. क्या पति को दूसरी शादी की इजाजत सिर्फ महिलाओं की तादाद पुरुषों से ज्यादा होने पर ही देनी चाहिए?

अ) हाँ .....

ब) नहीं .....

## २.४ तलाकः

६०. क्या एकतर्फ़ा ज़ुबानी त्रिवार तलाक़ पर कानूनी पाबंदी लगानी चाहिए?

अ) हाँ .....

ब) नहीं .....

६१. पत्नि को एकतर्फ़ा तलाक़ देनेवाले पुरुष को कौनसी सज़ा देनी चाहिए?

अ) उसे जेल भेजना चाहिए .....

ब) उसने जुर्माना देना चाहिए .....

क) उसने पत्नि को मुआवजा देना चाहिए  
ड) .....

६२. क्या तलाक से पहले सालिसी (मध्यस्थी/पंचायत) जरूरी/लाज्जमी करनी चाहिए?  
अ) हाँ ..  
ब) नहीं ..

६३. सालिसी (मध्यस्थी/पंचायत) का दौर कितना होना चाहिए?  
अ) १ महीना ..  
ब) ३ महीने ..  
क) ६ महीने ..  
ड) १ साल ..

६४. क्या एकतर्फा तलाक की सूचना (नोटीस) देनेवाले क्राज़ी को सज्जा देनी चाहिए?  
अ) हाँ ..  
ब) नहीं ..

६५. अगर महिला खुला चाहती हो तो क्या उसने मेहर छोड़ देना चाहिए?  
अ) हाँ ..  
ब) नहीं ..

६६. क्या तलाक-ए-तफवीज़ को लाज्जमी करना चाहिए?  
अ) हाँ ..  
ब) नहीं ..

६७. क्या तलाक का कानूनी तरीका तलाक-ए-एहसान होना चाहिए?  
अ) हाँ ..  
ब) नहीं ..

## २.५ ताबा (बच्चों का) :

६८. तलाक होने पर बच्चा/बच्चों का ताबा किसने रखना चाहिए  
अ) पत्नि .....  
ब) पति .....

६९. क्या बेटा ७ साल का होने तक उसका ताबा माँ के पास होना चाहिए?  
अ) हाँ .....  
ब) नहीं .....

७०. क्या बेटी जवान होने तक उसका ताबा माँ के पास होना चाहिए?  
अ) हाँ .....  
ब) नहीं .....

७१. अगर बच्चा/बच्चे माँ के ताबे में हैं तो क्या उसने पहले पति के पास देखभाल का खर्चा माँगना चाहिए?  
अ) हाँ .....  
ब) नहीं .....

७२. बच्चे के ताबे के बारे में फैसला करते वक्त क्या उस बच्चे की इजाजत लेनी चाहिए?  
अ) हाँ .....  
ब) नहीं .....

## २.६ गोद लेना :

७३. क्या आपको मालूम है कि मुस्लिम जोड़ा (पति-पत्नि) किसी बच्चे को गोद नहीं ले सकते?  
अ) हाँ .....  
ब) नहीं .....

74. क्या आपको मालूम है कि इस्लाम में गोद लेने के लिए इज़ाज़त क्यों नहीं है?

अ) हाँ .....

ब) नहीं .....

75. क्या आपको मालूम है कि आप अगर किसी बच्चे को गोद लेते भी हैं तो वह आपकी जायदाद का कुदरती वारिस नहीं हो सकता?

अ) हाँ .....

ब) नहीं .....

76. क्या आपको लगता है कि गोद लेना कानूनन बनाना चाहिए?

अ) हाँ .....

ब) नहीं .....

77. क्या आपको लगता है कि गोद लिया हुआ बच्चा आपकी जायदाद का कुदरती वारिस समझना चाहिए?

अ) हाँ .....

ब) नहीं .....

## २.७ मुस्लिम पारिवारिक कानून

(एमपीएल - मुस्लिम पर्सनल लॉ) को कलम में ढालने पर नज़रिया :

78. क्या आपको मालूम है कि भारत में मुस्लिम पारिवारिक कानून कलमों में नहीं ढाला गया है?

अ) हाँ .....

ब) नहीं .....

क) मालूम नहीं .....

ड) .....

७९. क्या आपको मालूम है कि इस्लामी मुल्कों में मुस्लिम पारिवारिक कानून कलमों में ढाला गया है?

अ) हाँ .....

ब) नहीं .....

क) मालूम नहीं .....

ड) .....

८०. क्या मुस्लिम पारिवारिक कानून को कलमों में ढालने से महिलाओं को इन्साफ मिलेगा ?

अ) हाँ .....

ब) नहीं .....

क) मालूम नहीं .....

ड) .....

८१. क्या पारिवारिक कानून को कलमों में ढालने के लिए सरकारने मुस्लिम कौम की मदद करनी चाहिए ?

अ) हाँ .....

ब) नहीं .....

क) मालूम नहीं .....

ड) .....

८२. क्या पारिवारिक कानून को कलमों में ढालने की महिलाओं की माँग को मज़हबी नेताओं ने मदद करनी चाहिए ?

अ) हाँ .....

ब) नहीं .....

क) मालूम नहीं .....

ड) .....

८३. क्या पारिवारिक कानून को कलमों में ढालने की महिलाओं की माँग को कानून में माहिर और आलिमों ने मदद करनी चाहिए?

अ) हाँ .....  
ब) नहीं .....  
क) मालूम नहीं .....  
ड) .....

८४. क्या कलमों में ढाले गए कानून पर क़ाज़ी और दारुल क़ज़ा ने अमल करना चाहिए?

अ) हाँ .....  
ब) नहीं .....  
क) मालूम नहीं .....  
ड) .....

८५. क्या मुस्लिम पारिवारिक कानून को सरकार की देखरेख में लाना चाहिए?

अ) हाँ .....  
ब) नहीं .....  
क) मालूम नहीं .....  
ड) .....

८६. क्या क़ाज़ीयों के कानूनी मदद देने के काम पर सरकार ने नियंत्रण रखना चाहिए?

अ) हाँ .....  
ब) नहीं .....  
क) मालूम नहीं .....  
ड) .....

८७. क्या क्रांति और अदालत के बीच साझेदारी होनी चाहिए?

- अ) हाँ .....
- ब) नहीं .....
- क) मालूम नहीं .....
- ड) .....

८८. क्या मुस्लिम महिलाओं ने दूसरी मुस्लिम महिलाओं को कानूनी मदद देनी चाहिए ?

- अ) हाँ .....
- ब) नहीं .....
- क) मालूम नहीं .....
- ड) शायद हाँ .....

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