

# **DIVORCE UNDER MUSLIM LAW**

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## **ABSTRACT**

In this paper we are going to talk about the major trends and specific categorization among marriages and kinds of divorces set to have been adopted in our country. We as a citizen of India has a democratic and liberal sect of notion to present ourselves in our society of in a specific community, we have all the general rights to live our life freely or to have a right decide for us what is wrong or correct for the beneficial mirror. All these aspects include many things and one is marriage and the marriage is somewhere deeply linked and end to a point called dissolution point or in legal terminology known as DIVORCE.

According to the national bureau of economic research<sup>1</sup> it is mentioned that the marriage rates have also been falling and the rate of divorce is increasing. One of the basic reasons is the present mindset and notion to see a particular relation through a different angel. The societal review is somewhere different it covers the longevity or gap between the individual who ultimately result separation. Majorly it could be about any mental, physical, economical perspective of a particular person to see the idea. If we compare it with foreign culture specially the European countries you will notice that the concept of divorce is quite common in those areas, they see it as a behaviour of compatibility and matching the vibes if they are not compatible with other, they just get themselves separate and create an infinite and broad apprehension of living life. But in Asian country like India, Pakistan, it is something out of mind, there was no idea of process of this creation in general but in laws it is somewhere embedded. In ancient times the togetherness of two individual or their bond was said unbreakable till death and after life also. In Hindu community the concept is called SEVEN LIFE concept where the bride and groom tale 7 vows keeping the holy pyre as the witness, they are called married in front of their families and around sacred fire lit for the purpose amidst the Vedic mantras. But according to Muslims there was a marriage loop hole which is called separation, the law does not bound individual for unnatural circumstances. It is mentioned in Muslim law, the nature of Muslim marriage is nothing but a contract and a contract can be repudiated<sup>2</sup>. We can analyse that the defining character of a marriage in changing, the new trends are evolving, the productivity of a marriage is changing, the modal of a family is finding ways to survive. We in this paper are going to interpret and analyse those relative and important point and cover all the underrated images to be seen. We are going to talk about visual and psychological agenda of od 21<sup>st</sup> century people and their perspective to marriages and divorce along or side by side through evaluation and critical demography of mind of a particular individual or group as well.

Psychologist says it is the changing age profile or husband and wife also a point of dissolution for example in the matter or fertility.

## **Introduction**

The union of the two individuals are called very sacred in a cultural sense even it is about the Hindu marriage or Muslim marriages. In the holy book of Muslims “QURAN” it is clearly mentioned that the husband and wife are the two important element of a family and a happy life after. Some written sources tell us that initially the no marriages are contracted to be dissolved, no such situation have arrived in front of people but by the passage of time some unnatural and unjust circumstances had evolved which creates distress between the society and violate the rights of individual especially countered by women. The idea

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evolves because by seeing cruelty increasing in society. For instance, in past times if a woman give birth to a daughter again and again it become curse for her as her in laws put pressure on her for son and behave abnormal with her sometimes it affects the physical and mental health of a women by some uncertain cruelty.

Under Islamic law the divorce may take place by the act of parties themselves or by a decree of the court of the. Muslim law works and according to the SHARIAT<sup>3</sup>. The word Sharia literally means “the road to the watering place or the path to the followed”<sup>3</sup>. Quran, Hadith, Sunna, Ijma and Qiyas from the body of Muslim common law known as Sharia. It is used to denote the whole Muslim religious law. It embraces in its orbit all human acts. “It is not in modern sense, but contains an infallible guide to ethics”<sup>4</sup>.

Divorce generally called Talaq is an Arabic word which means untie or separate. Basically, the right of talaq is in the hand of husband, they can repudiate their marriage and set her wife free from marriage, when a man decided not to live with her spouse and break the contract the procedure is called Talaq. As in Muslim law Sharia give women equal rights to establish themselves and give a place to put their opinion as well, with this when a woman has initiated and wanted to separate with her husband due to any reason the law give permission to her to get divorce with her husband this kind of separation is known as KHULA. We can say that in Muslim Schools, whether it is Sunni, Shia, Hanafi, Hanbali etc there methods of doing such kind of practice can be varied because they have some different kind of rules and regulation which might differ from each other.

We in this sect mention ever particular information about the categorization, kind, nature of divorce in the light of Muslim law and Sharia. It is a very broad and wide concepts includes classification, redemption, repudiation, injurious assimilation, mutual release, charges of adultery, effect of apostasy on marriage, revocation, legal consequences, maintenance.

## **ACKNOWLEDGMENT**

PRESENTATION INSPIRATION AND MOTIVATION HAVE ALWAYS PLAYED A KEY ROLE IN THE SUCCESS OF ANY VENTURE.

I EXPRESS MY SINCERE THANKS TO DR. PROF. NAZISH FATIMA WHO PAID A LOT OF ATTAINITION AND GAVE PROPER GUIDANCE TO COMPELETE THIS ASSINGMENT. HER VALUABLE AND KIND SUPERVISION GIVE ME THROUGH OUT THE COURSE WHICH SHAPED THE PRESENT WORK AS ITS SHOWN.

I AM IMMENSELY OBLIGED TO MY FRIENDS FOR THEIR ELEVATING INSPIRATION, ENCOURAGEMENT IN THE COMPLETITION OF MY PROJECT.

LAST BUT NOT LEAST, MY PARENTS ARE ALSO AN IMPORTANT INSPIRATION FOR ME. SO WITH DUE RESPECT, I EXPRESS MY GRATITUDES TO THEM.

## **CLASSIFICATION AND MEANING**

Divorce (Talaq) is commonly defined as repudiation of marriage by the husband which is a sense of separation in all aspects. It is obvious that both the parties (husband and wife) who is under a matrimonial

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contract so that they both have the same right to dissolve or repudiate the contract by the specific process. By the side husband it is generally known as Talaq, and by the side of wife it is known as KHULA, Both the parties have options for this.

The dissolution of marriage is also happened when the wife or husband died then the contract of marriage is automatically end, a husband can marry immediately or by the time whenever he wants but there is some obligation for wife that she can only marry after a certain period of time (4 months and 10 days approx.) after that she can marry according to her will this proper period of time is certainly known as IDDAT. This evolution was not the part of rule but due to some uncertain situation it developed itself for the purpose of welfare. The reason behind this was what if the women is pregnant and her husband died? What if people accused her for illegitimacy of the child? All these questions have no answer but the society knows the mentality of its people this is why the system of IDDAT come into force.

another process of repudiation of marriage is by judicial decree under the Dissolution of Muslim Marriage Act, 1939.

The process of Talaq is used arbitrarily by many husbands, it is said that under Muslim law Talaq is the mere arbitrary act of a Muslim husband if he is doing it by his own pleasure of some sort of impulsion, anger, or out of habitual assimilation with or without any valid reason of doing so and so. According to the law it is important for a person be in his senses if he is going to give divorce to his wife. The divorce became void if the person is not sound or not attain majority. Minor is under the eye of his guardian so he cannot do so.

Law has made itself very clear that talaq pronounced under intoxication will not take any effect for instance if a man is drunk and for the crisp of his anger, he gave her wife talaq that immediate action is not recognised under the Muslim law. These laws are also applicable upon all the schools whether it is SUNNI OR SHAFEI or other they all acknowledge this law a valid and reasonable law.

### CLASSIFICATION

<b>BY DEATH OF A PARTY TO THE MARRIAGE.</b>	<b>BY DIVORCE</b>
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<b>BY HUSBAND---- (TALAQ), (ILA), (ZIHAR)</b>
<b>BY WIFE ----- TALAQ-E-TAFWIZ</b>
<b>BY MUTUAL CONCENT---- (KHULA), (MUBARAT)</b>
<b>BY JUDICIAL PROCESS---- (LIAN), (FASK)</b>

### KINDS OF TALAQ

<b>TALAQ-UL-SUNNAT</b>	<b>TALAQ-UL-BIDDAT</b>
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<b>AHSAN</b>	<b>HASAN</b>	<b>WRITTEN DIVORCE</b>	<b>ORAL DIVORCE, TRIPPLE TALAQ</b>
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## MODES OF DIVORCE

As I mentioned above in the table there are different modes of talaq which is specific and also generalized according to the capacity. We will now explain all the modes one by one to make this concept very clear. But before this it is very much important to understand the essential condition of a valid talaq, situation of capacity is top most priority one should be sound minded and attain puberty it is very necessary to give a reason why he is pronouncing and giving her wife divorce, if a husband is lunatic then talaq pronounced by his consider a valid talaq. The guardian cannot pronounce talaq on behalf of a minor if a minor wants to do so then he should have wait for her majority. The second condition is free consent, if a husband pronounces talaq under compulsion, undue influence, fraud, intoxication is invalid and cannot sufficient for divorce (SHIA LAW, SUNNI LAW, SHAFEI LAW) but it is opposite in Hanafi school, if a person has pronounced it the thing is done and one cannot renounce it anyway. If all the valid essential condition has fulfilled it is considered as a valid talaq if it does not it become void and insufficient.

1. **ILA** - Beside talaq Muslim husband can repudiate his marriage by ILA, where a husband took an oath not to have sexual intercourse with his wife for four months. After the experience of the time the marriage dissolve irrevocable ultimately but if a husband cannot complete the period of four month the talaq cannot processed further and the marriage is still there and the ILA got cancelled and marriage does not dissolve.

In *BIBI REHANA V. IQTIDAR-UDDIN* after marriage ceremony the husband was not agree with the marriage and did not want to marry but by family pressure he did so, then he vow in front of her wife that he will never have any kind of sexual intercourse in future with her wife, and repeat the same thing in front of her relatives after that the court refused to accept the version of her husband and said, the husband has failed to establish that there had been a divorce in the ILA form.

2. **ZIHAR** – In this mode a husband compares his wife with his prohibited relation for instance his mother or his wife. If a husband says from today my wife is like my mother or my sister after this kind of comparative state the husband cannot cohabit and into any sexual intercourse with his wife for the period of four month. After the period is complete the wife may go the court for judicial remedy and ask for divorce. If a husband wants to revoke ZIHAR he must perform some rituals according to the rules and regulation written in his school. For example, in Shia law ZIHAR must be performed in front of at least two witnesses.

3. **TALAQ-E-TAFWIZ** – It is also known as delegated divorce the power of delegation is known as TAFWIZ. It basically means to makes someone the owner of an act. Under this mode Muslim law give rights to women to divorce their husband without going to the court. In this form a husband give delegation and right to divorce to her wife this mode gave a wife a choice and authority to divorce herself or leaving the matter to her own to handle and gave her an option to do whatever she likes according to her own will and capacity.

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In *MOHD. KHAN V. MST SHAHMALI* there was pre-nuptial agreement according to which the defendant agreed to live in the plaintiff's parental house and if he would leave the house, he would pay certain specific sum to the plaintiff in default of which the condition would operate as divorce. It was held that the condition was not unconscionable and opposes to public policy, violation of such term would operate as divorce between the husband and wife.

4. **KHULA** – It is a kind of conditional divorce in which the wife has liberty to purchase her freedom from her husband. If a women decided not to live with her husband and don't want to share her life with her husband, she can go with the solution of KHULA where she pays certain amount of consideration in return of which her husband would release her from the marital ties.

In *MOONSHI AND MUBARAT V. LATEEFUTOONNISSA* the wife put allegation on her husband for the recovery of his DAYNMOHAR of 26 thousand which was payable to her in the event of dissolution of marriage. The court held that if the husband proposed talaq he is liable to return all the good which is given to him by her wife and her family but if wife do so he is not liable for the same.

5. **MUBARAT** – This is also a consent full method like KHULA. Both the husband a wife with their consent decided not to live with each other and get separated as soon as possible and want to dissolve the marriage but there are some conditions to full fill, the husband and wife one of them can through the offer, the other person needs to accept the related proposal, once it is acceptable it becomes irremediable, for wife IDDAT period is mandatory before the divorce.

6. **LIAN** – It applies where if a husband leaves false charges of adultery on his wife, then this will consider as an amount of character assassination of a women, in this situation the law gave all the right to a woman to get divorce to her husband. This method will only work if the charges against his wife proves false if in case all the charges are proven right and she hurts the sentiment of her husband by the virtue of her act then she cannot ask for divorce on the ground of LIAN but by other method. In *NURJAHAN BIBI V. MOHD. KAZIM ALI* case it was said that the doctrine of LIAN has not become obsolete. A Muslim wife can bring a suit for divorce against her husband on the ground that her husband has charged her with adultery falsely.

7. **FASK** – It is a dissolution of Islamic marriage commence in a court on the application of wife. This kind of divorce is available if the husband and wife mutually do not give consent on the same, and if the husband refuse to give talaq it is prohibited for a husband to unreasonably refuse to grant talaq to his wife so, FASAK is the option for wife to seek divorce in such circumstances.

Now, we came on the point which describe kinds of talaq are as follows:

8. **TALAQ-UL-SUNNAT** – Is considered and accordance with the tradition and dictates of Prophet Mohammad. It further divided into two parts (AHSAN AND HASAN) it consists of a single pronouncement of divorce made in the period in TUHR which is the purity between the two menstruations, or at the time if the wife is free from menstruation or in the absence of any kind of sexual intercourse between the husband and wife during the period if IDDA. But it is only applicable in oral form and does

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not allow itself as written form. The main loop hole in this system is it is not applicable when the wife has passed the age of her menstruation period or both the husband and wife have been away from each other for too long the main advantage of this is the divorce can be revoked at any time before the period of IDDAT. The husband and wife can cohabit again with each other after the revocation. And resumption of sexual intercourse between the husband and wife can also revoke the divorce.

9. **TALAQ-UL-BIDDAT** – It is the most disapproved mode of talaq and evolve in the 2<sup>nd</sup> century of Islamic era. It is the irregular mode of talaq introduced by OMMWYAD people to escape from the strictness of Islam. It starts with the triple declaration of talaq or once is also enough. it is traced in Hanafi Schools mostly. Sunni school cannot recognize it and though they see it as a sin full act. Although Shia and Maliki do not recognize it as well. The single pronouncement made during a TUHR clearly indicating an intention irrevocable to dissolve the marriage for instance, “I DIVORCE THEE IRREVOCABLY”.

After the decision of supreme court in SHAYERA BANO V. UNION OF INDIA CASE it was said that, a Muslim male cannot divorce her wife by the way of TALAQ-UL-BIDDAT but the only way to divorce the wife will be strictly according to the QURAN.

### **TRIPPLE DIVORCE**

It is a kind of divorce which is usually practiced in Islam in a wide range, it was seen that whoever is impulsive or on a minor mistake of her wife the husband frankly pronounced three times as normal. The man need not a proper reason for the divorce and wife need not to present at the time of pronouncing of talaq. It was demanded by many Muslim wives to ban this immoral practice from the system as they knocked the door of court to seek justice because Muslim Law did not provide any remedy against it as it was sin full written but still no evidence to revoke this illegitimate practice from the system. Banning of this system was demanded for a very long time.

A woman from Uttarakhand, name SHAYERA BANO, who suffered from mental and physical torture by her husband and her marital family for not fulfilling of dowry was granted instant talaq by her husband through a letter, ending their 14 years marriage. Her husband also denied to take the custody of her two children also. SHAYERA BANO challenged this practice before the court on the ground that the said practice was unjust and immoral who lead to discriminatory against dignity of a women.

After seeing all the major aspects and facts of the case the supreme court said found the said practice of divorce to be manifestly arbitrary, in the sense that the marital ties cannot be broken like this without any base or ground. Supreme court held that the triple talaq is the violation of article 14 of the constitution as it is the violation of right to equality and a man and a woman both are equal in the eye of law and any discrimination against anybody is unjust. Supreme court judgement vindicated the position taken by the government that triple talaq is against the constitutional morality, dignity of woman and also against the gender equality under the constitution of India.

After the judgement of supreme court, it was found that the practice is still in society because there was no law to punish those who continued the triple talaq and provide legal remedy for the victims of such practice, a need has arisen to make law for proper implication of rules and regulations strictly. The commitment of the government, led by prime minister to give gender dignity and equality and to give

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immediate effect to the verdict of the supreme court the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was promulgated on the 19<sup>th</sup> September, 2018 and two more Ordinances were promulgated thereafter.

Lok Sabha passed the Muslim Women (Protection of Right on Marriage) Bill, 2019 on 25<sup>th</sup> July, 2019<sup>5</sup> and the Rajya Sabha too passed it on 30<sup>th</sup> July, 2019. It provides for imprisonment for the husband who practiced instant triple talaq<sup>6</sup>. Muslim women, upon whom talaq was pronounced also granted custody of children and subsistence allowance to be paid by the husband. Muslim women now have a legal protection against the whimsical and irrational pronouncement of triple talaq.

Abolishment of triple talaq has contributed to women empowerment and has given them dignity in the society. The government has strengthened “self-reliance, self-respect, and self-confidence” of the Muslim Women of the country and protected their constitutional, fundamental and protected their constitutional, fundamental, and democratic rights by bringing the law against the triple talaq. The triple talaq cases have dropped by 82% within one year of passing of the act.

Muslim women rights days was observed across the country on 1<sup>st</sup> august 2021 to celebrate the enactment of the law against triple talaq<sup>7</sup>.

It commands neither the sanction of Holy Quran nor prophet approves this but at the time Umar who was the second Caliph permitted it on certain situation. It was found that people misuse this the three settings of divorce at a time *TALAQ, TALAQ, TALAQ*, so that for the benefit of Islamic provisions HAZRAT UAMAR approved and declared that this kind of divorce can be valid and also gave religious sanction to it. But by the time changes, the societal demands are also changes and their situations of seeing everything turns a different angle but the law does not change and remain the same till now

In *AHMAD GIRI V. MST. MEGH* the court observed that the triple talaq is the most prevalent form of obtaining divorce in India. Any changes in the respect cannot be brought about by judicial interpretation. If there is a general desire among the Muslims to revert to the purity of Islam, how such changes in present state of Muslim Law can be brought out.

In *RUKIA KHATUN'S* case the division bench stated that the correct law of talaq as ordained by Holy Quran is that the talaq must be for reasonable cause; and that, it must be preceded by an attempt of reconciliation between the husband and the wife by two arbiters. Talaq to be effective must be pronounced.



# AMU professor accused of WhatsApp triple talaq

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Agra: Two months after the Supreme Court ruling against instant triple talaq, Yasmeen Khalid, the wife of Alligarh Muslim University professor Khalid Bin Yusuf Khan, has alleged that she has become a victim of it and threatened to commit suicide in front of the vice-chancellor's house along with her kids if "justice is not done" to her.

Yasmeen told TOI on Saturday that Khan, who is professor and chairman at the department of Sanskrit in AMU

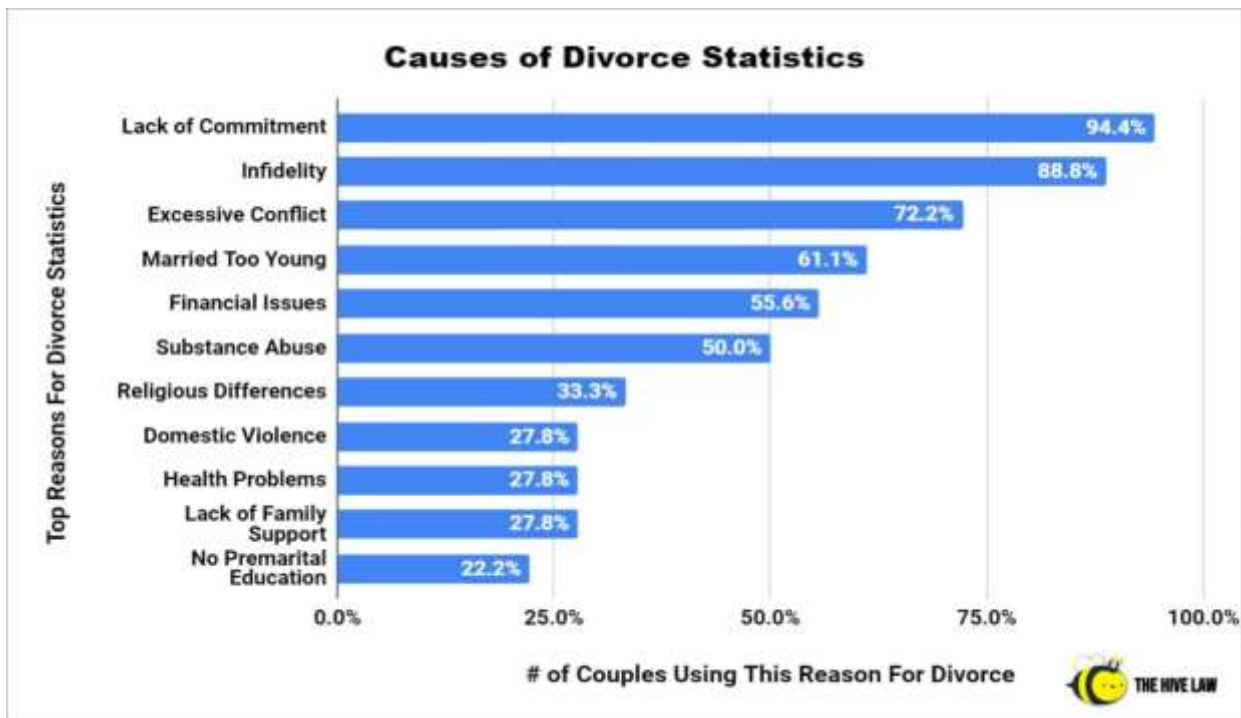
and has been with the university for 27 years, "wrongly" gave her talaq first on WhatsApp and then as a text message. She said she will have no choice but to kill herself along with her three children in front of VC Tariq Mansoor's house if she doesn't get justice by December 11.

"He (Khan) turned me out of the house and I have been running from pillar to post to get justice. But no one has helped me so far. However, with the help of police I did manage to get access to my house on Friday evening."

Khan denied the allega-

tions. He said, "I had not only given her talaq on WhatsApp and SMS but had also verbally told her in front of two other people and adhered to the time duration as per Sharia."

Claiming to be the real victim in this case, Khan said, "To the contrary she has been harassing me for the last two decades. She had hidden various facts from me before our marriage. I later got to know that she was not even a graduate, unlike what she had claimed. I will give her the third talaq, too, on a proper date, and no one can stop me. I don't care what she does."



## MAINTANANCE OF DIVORCE UNDER MUSLIM LAW

The basic definition of maintenance is a financial support provide for a person’s living expenses or all kind of basic expenditure. In Arabic maintenance is called NAFQAH which means “what a person spends over his family”. In legal sense, maintenance signifies and includes three things:

1. FOOD
2. CLOTHING
3. LODGING

Under Muslim law a divorced women in entitled to be maintained by her husband only at the period of IDDAT after that a husband is not bound to give any kind of maintenance for living of her divorced wife this is because it is observed after the given time there were not any connection linked between the man and women they were not called as husband and wife so there is no duty of that man to maintain a women who he had divorced and who is not a part of her life anymore. If the divorced is not communicated to the wife, she is still entitled to maintenance till the communication has been done and it is in her knowledge about so and so situation. The Muslim authorities also lay down the fact that if the divorce is pronounced because of wife's apostacy or some cause of criminal nature or extra engagement in outer relation she is not entitled to maintenance even during the period of IDDAT.

But according to the Maintenance of a Divorce Women under Section 125, CRPC- it is clearly mentioned that the term wife includes a divorce wife. If a woman is divorced by her husband, she is still his wife until and unless she got married with someone else.

In IPC if any person having sufficient means neglects or refuses to maintain his wife, children, and parents, a magistrate of the first class may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child, father or mother, at such monthly rate as a magistrate thinks fit, and to pay the same to such person as the magistrate may from time to time direct<sup>8</sup>: In *ZOHRA KHATOON V. MOHD IBRAHIM*<sup>9</sup>, the supreme court has held that the word wife in section 125 of CRPC includes a woman who has obtained a decree for dissolution of her marriage under any of the provision of the dissolution of marriage act,1939.

*MAINTENANCE OF A DIVORCE MUSLIM WOMEN AFTER SHAH BANO CASE IN SHAH BANO V. MOHAMMAD AHMED KHAN*. The five Judges bench of the supreme court held that a Muslim husband sufficient means must provide maintenance to his divorced wife who is unable to maintain herself. Such a wife is entitled to maintenance even if she refuses to live with the Muslim husband because he has contracted another Marriage within the limit of four wives allowed to him by Quran.

If the husband neglected or refuses to maintain his wife without any lawful causes, the wife may sue him for maintenance either under the Muslim Law or under section 125, 126 of the CRPC,1973.

### **CUSTODY OF A CHILD OR GUARDIANSHIP**

Child custody is a term used in family law courts to define legal guardianship of a child under the age of 18. During divorce or marriage annulment proceedings, the issue of child custody often because a matter for the court to determine. In most of the cases, both parents continue to share legal child custody but one

parent gain physical child custody. Family law courts generally base decision on the best interests of the child or children, not always on the best arguments of each parent.

In general, courts tend to award physical child custody to the parent who demonstrates the most financial security, adequate parenting skills and the least disruption for the child. Both parents continue to share legal child custody until majority. Legal custody means that either parents can make decision which affect the welfare of the child, such as medical treatments, religious practices and insurance claim. Physical child custody means that one parent is held primarily responsibility for the child housing, educational needs for the food etc.

The first and foremost right to have the custody of children belongs to the mother and she cannot be deprived of her right so long as she is not found guilty of misconduct. Mother has the right of custody so long as she is not disqualified. This right is known as right of HIZANAT and it can be enforced against the father and any other person. The mother's right was solely recognized in the interest of the children and in no sense, it is an absolute right.

**SON** - Among the Hanafi, it is an established rule that mother's right over her son termination on the letter's completing the age of 7 years. The Shia hold the view that the mother is entitled to the custody of her son till he is weaned. Among the MALIKIS the mothers right of HIZANAT over her son continues till the child has attained the age of puberty. The rule among the SHAFI and HANBALI remains the same.

**DAUGHTER** - Among the Hanafi the mother is entitled to the custody of her daughter till the age of puberty and among the MALIKI, SHAFI, HANBALI, the mothers right of custody over her daughters continued till they are married. Under the ITHNA ASHRI law the mother is entitled to the custody of her daughter till they attain the age of 7. The mother has the right of custody of her children up to the ages specified in each school, irrespective of the fact whether the child is legitimate or not. Mother cannot surrender her right to any person including her husband, the father of the child.

Under Hanafi law, an illegitimate child is entitled to maintenance from its mother, but not from its father. But under ITHNA ASHRI school of SHIA law, the illegitimate child cannot claim maintenance either from the father or from the mother.

**DIFFERENCE BETWEEN SUNNI ANS SHIA LAW REGARDING MAINTANANCE OF CHILD.**

SHIA LAW	SUNNI LAW
<p><b>1. CHILDREN ARE TO PROVIDE MAINTENANCE TO THEIR PARENTS WHETHER THEY ARE CAPABLE OF EARNING OR NOT</b></p>	<ul style="list-style-type: none"> <li>• <b>IF PARENTS ARE CAPABLE OF EARNING CHILDREN ARE RELIEVED FROM THE DUTY OF PROVIDING MAINTENANCE TO THEM</b></li> </ul>

- **A SUNNI IS UNDER AN OBLIGATION TO MAINTAIN HIS COLLATERALS IF HE HIMSELF IS IN EASY CIRCUMSTANCES AND THE RELATION CLAMINING TO BE MAINTAINED HAS NO OTHER MEANS OF MAINTENANCE.**

- **A SHIA IS NOT UNDER ANY OBLIGATION TO MAINTAIN COLLATERALS.**

### **SUGGESTION AND CONCLUSION**

In the patriarchal society, men are considered always higher than the women and women are considered inferior to man by many aspects like mental, physical and biological sense. Although in our orthodox society man has every right and remedy over anything, but the women are deprived from those right which are very essential for the development of human being specially those who are ultimately weak in some instance. Women are not given their basic rights to live freely and live their own life without any hesitation. Talaq is something which considered as mere arbitrary act of a husband towards her wife. Some husbands repudiate his marriage just for the sake of pleasure and marry other women out of pleasure, Islam does not prohibit multiple marriages. According to prophet and Holy Quran Islam allows a man to marry four times and have four wives at a time, on the contrary it strictly prohibited the concept of talaq it is considered as an extremely sinful act.

Man can divorce their spouse easily whereas women face many problems such as legal matter and well as social matter. If a man leaves a woman, it will ultimately lead to the accusation to a woman that it will her fault that her husband left her on the other her if a woman did so, then also it considered as her fault. A woman faces financial although lack of support from society and family as well, she faces a lot of criticism in this system and stand for herself for her rights from their husbands.

However, this trend is challenging now and women are also provided equal opportunity and equal rights to divorce her husband according to her own will and benefit. Under Muslim Law there and also in general there are some specific and special procedure for divorce that one can follow and avail benefits from this. Woman can also speak for herself if she does not want to live with her husband and if she faces difficulty in her marital life to continue with her husband, she can get divorce by the procedural law either Muslim Law or either by the judicial process. Law now turns more liberal in this sense, now women can file for maintenance of her expenses and her children living expenses from her husband either on monthly basis or at one time. Thirty percent of the husband's income goes to her wife and children as maintenance. The law now established many provisions for Women, such as Protection of Marriage act, Protection of a Women in Divorce, child legal custody act, ant many more for the benefit and to improve female problems. All these laws are made for the purpose of welfare and for the establishment of women empowerment so that women can also speak for themselves and stand again any wrong commit against her. Woman now more aware for their protection against any cruelty and misbehave even it is by her husband or her family.

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