CHAPTER V

EDUCATION AND MUSLIM MARRIAGE

INTRODUCTION:

Family is the basic and smallest social unit in all societies where legitimacy is granted to a male and a female to live together and rear and socialize their offsprings. In order to draw a line of division between promiscuity and family living, all religions have devised the means to regulate marriage practices and norms to establish and perpetuate families. Therefore, the study of family and marriage indicates the normative or prescriptive aspects of the human relationships in a society. But like any other social institution, family and marriage undergo change with the changing time and changing aspirations of the people. Types and forms of marriage change, inter-personal relations in a family changes, and sometimes, the structure of the family undergoes change. Although the spark of change in the family and marriage might come from many possible directions, in this chapter, we shall analyze as to how the Muslim women look at their families and marriage practices at the present context, when these institutions are undergoing change. We shall show what opinion they form about the types and forms of marriage, practice of family planning, role relationship in the family, decision-making in the family and other related issues. Through
this, we shall endeavour to project the changing aspirations of the educated Muslim Women vis-a-vis others regarding marriage and family.

MARRIAGE:

The institution of marriage in Islam is a sacred one. Apart from leading a harmonious life between the husband and wife, there is a question of peace and tranquility in leading a pious married life and happiness in bringing up the children on the righteous path. Marriage not only causes worldly satisfaction and comfort, but also is considered by Islam as a source of bringing about spiritual development of the husband and the wife, and through them the whole family.

Marriage is a very important event in the life of a woman. It is a social and biological necessity. Marriage among Muslims is a contract. Muslim marriage is known by the Arabic word Nikah’. According to the Islamic law, the objective of Nikah is procreation and legitimization of children. The contract depends upon the consent of the parties to marry, which is termed as ijab and qubul i.e. proposal made by and acceptance of the proposal, in the presence and hearing of two male or one male and two female witnesses and settlement of Mehr or dower.

The law provides certain restrictions and prohibitions as far as marriage is concerned. A Muslim male can have four wives
but a woman can not have more than one husband at a time. A man is allowed to marry a Kitabiyah i.e. a Christian but a woman can not marry any other male of any other religion.

MARRIAGE AMONG COUSINS:

Marriage among cousins is commonly practiced in Muslim community. In Islam the word and deed of the Prophet was an ideal. The Prophet was the first to get his daughter married to her paternal uncle's son, Ali. This was followed by all the followers of Islam to select a spouse from their own kin groups. The selection of the spouse is not restricted to one lineage but is bilateral. the Muslims consider it to be obligatory to choose a spouse from among their cousins. The first priority is given to the father's brother's daughter, the second preference is given to the paternal cross-cousin, i.e. father's sister's daughter. Maternal cross-cousin (mother's brother's daughter) is very commonly preferred by many. Parallel cousins from the maternal side also come within the preferential mates.

Apart from the prescribed spouses, the Quran prohibits certain type of marriages. The Quranic verse says:

Forbidden unto you are your mother's and your daughter's, and your sisters and your mother's sisters, and your brother's daughters, and your sister's daughters and your foster mothers, and your foster-sisters, and your mother-in-law, and your step daughters who are under your protection (born) of your women unto whom ye
have gone in (i.e. had sexual intercourse with them) -
but if you have not gone in unto them, then it is no sin
for you (to marry their daughters) - and the wives of
your sons who (spring) from your own lions. And (it is
forbidden unto you) that ye should have two sisters
together except what hath already happened (of that
nature) in the past. Lo! Allah is ever forgiving.
Merciful". (4 : 23).

The above verse bans all such relations and clearly lays
down with whom marriage could not be permitted.

To satisfy the sexual urge which is a biological instinct,
marr iage has been devised as the only socially approved mode of
behaviour. In each type of societies from primitive to the
modern, marriage has been accepted in one form or the other. But
in the modern society with the waning influence of religious and
social values, a change in attitudes towards marriage is ob-
served. Now women are gradually feeling that marriage is not
only the goal in life. The effect of liberal education, the
value attached to the development of personality and the urge for
economic independence are some of the main causes which are
responsible for generating this new outlook. On the other hand
there are many cases of girls who are forced to remain unmarried
inspite of the fact that they can wish to marry, because of lack
of appropriate partner or because of economic reasons. But the
fact that they can afford to live an unmarried life itself proves
that the change has come about both in their subjective attitude
and the objective environment.

NECESSITY OF MARRIAGE:

To enquire about their opinion towards the necessity of the marriage, the 150 educated and 100 uneducated respondents were asked. In the present sample, an overwhelming 96% of the respondents agreed that marriage was essential for every girl. There were only 4% educated respondents who did not agree with this view. 100% of the uneducated respondents were of the opinion that marriage is an absolute necessity.

Various reasons were forwarded for their belief in the essentiality of marriage. 32% of the respondents said that woman could not live without the support of a man. For social security she needs the support of a man. 64% respondents said, it was a healthy relationship with a settled life. She had to marry for fulfilling her motherly instinct in a socially approved way. Thus, who supported the necessity of marriage thought it to be a social necessity and security.

Exploring the reasons against the necessity of marriage, 2% respondents said that marriage limited individual freedom and it caused hindrance in the path of women's progress. 1.2% respondents said that it ruined women's health due to child bearing and increased responsibilities. 0.8% of the respondents were of the view that a woman could lead a better life by remaining independent and could not be looked sub-ordinate to man.
The uneducated women in the sample fully supports the institution of marriage as a very important event in the life of a woman. Wifehood and motherhood make her life complete. The following table 5:1 shows the opinions regarding the necessity of marriage.

**TABLE - 5:1**

**OPINIONS REGARDING THE NECESSITY OF MARRIAGE**

<table>
<thead>
<tr>
<th>Necessity</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Security</td>
<td>80</td>
<td>32.00</td>
</tr>
<tr>
<td>To attain motherhood and lead a settled life</td>
<td>160</td>
<td>64.00</td>
</tr>
<tr>
<td>Hindrance in the path of women's progress</td>
<td>5</td>
<td>2.00</td>
</tr>
<tr>
<td>Ruins women's health</td>
<td>3</td>
<td>1.20</td>
</tr>
<tr>
<td>To lead a better life by remaining independent</td>
<td>2</td>
<td>0.80</td>
</tr>
<tr>
<td>Total</td>
<td>250</td>
<td>100</td>
</tr>
</tbody>
</table>

Although the views expressed by the educated Muslim women regarding the necessity of marriage are varied and sometimes mutually contradictory, the trend is quite distinct. Out of 150 educated women 93.9% of the educated respondents justified the necessity of marriage for various reasons, leaving only 6.7% of the respondents, who are antagonists of marriage. The trend clearly shows that despite a global wave to simplify or sometimes denounce marriage, the educated Muslim women are for the perpetuation of the institution of marriage. However, when 53.4% of
them attribute it as a means of achieving social security, it is very distinct that they feel themselves vulnerable and socially insecure. Education, therefore, has not been able to instill courage and self-confidence in them to feel secure and not dependent on their men.

AGE AT MARRIAGE:

In Islam, no age limit is fixed for marriage. It was often seen that quite young girls may be legally married but a girl is handed over to her husband only after attaining puberty. According to Bevan Jones (1941: 91), it is usual for orthodox Muslims to claim that child marriage though not enjoined in the Quran or the Tradition, is part of the very fabric of Islam. Mohammad Ali (1936: 618) in interpreting the rules of marriage in the Quran points out that Holy Book does speak of an age at marriage which it identifies with the age of majority. Thus, it will be seen that the age of marriage and the age of maturity of intellect are identified with the full age or the age of majority. It is clear that the age at marriage is the age of majority. When a person is capable of exercising his choice in the matter of material liking or disliking. According to Islamic law, majority is attained on puberty and even though she is under fifteen years of age a girl is free to marry after attaining puberty. But in India, after the passing of child Marriage Restraining Act of 1929, it is a punishable offense to promote or to permit the solemnisation of a marriage of bridegroom under 21 years of age and a bride under 18 years of age. In spite of this, early marriage has continued to be widespread among the Muslim community also.
But our sample presents a different picture in this regard.

In the sample 32% of the respondents were married in age group of 18-25 years, 20% were married in the age group of 26-30 years and 2% of the respondents were married in the age group of 31-35 years. The following table 5:2 is indicative of the age at marriage of the sample respondents.

**TABLE - 5: 2**

**Age at Marriage**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below 12 Years</td>
<td>15</td>
<td>7.5</td>
</tr>
<tr>
<td>12 - 14</td>
<td>49</td>
<td>24.5</td>
</tr>
<tr>
<td>15 - 17</td>
<td>28</td>
<td>14.0</td>
</tr>
<tr>
<td>18 - 25</td>
<td>64</td>
<td>32.0</td>
</tr>
<tr>
<td>26 - 30</td>
<td>40</td>
<td>20.0</td>
</tr>
<tr>
<td>31 - 35</td>
<td>4</td>
<td>2.0</td>
</tr>
</tbody>
</table>

| Total       | 200 | 100        |

On the other hand the age at marriage of uneducated women in the sample shows that child marriages still continue in the community. 7.5% of the respondents were married before attaining puberty. 24.5% respondents were married in the age group of 12 to 14 years, 14% of the respondents in the age group of 15 to 17 years and only 8 in number were married in the age group of 18 to 20 years. It is significant to note that among the uneducated women, the practice of early marriage persists to the present day.
inspite of the law against it, where as among the educated respondents child marriages has not been found.

In the present study the age at marriage of respondents' mother was found out. there was a slight change, when compared to the respondents' age at marriage. Out of the 150 educated respondents interviewed, 30.6% of the respondents' mothers were married in age group 15 to 21 years. 67% in the age group of 22 to 25 years and 8.7% of the respondents mothers were married in the age group of 26 to 28 years of age. It has been seen that only after attaining the age of puberty the marriage of the respondents parents was ceremonised. the average age has been seen in the age group 18 - 23 years.

Among the 100 uneducated women 59% of the respondents said the age at marriage of their mothers was between 14 to 16 years but most of them were not sure of it. The rest of the women did not know the exact age of their mother's marriage.

EDUCATION AND ATTITUDE TOWARDS EARLY MARRIAGE:

When asked about their attitude towards early marriage (i.e. marriage before attaining age 18) of Muslim girls, 96.6% of the educated respondents said it was undesirable, where as 3.4% of the respondents said it was desirable. On the other hand, among the uneducated women 78% said it was desirable where as 22% said it was undesirable. It is evident from this that as the educational level of the respondents increases the number of those who are against early marriage also increases. In other words, the higher the educational level the higher the number
against early marriage. Now among the uneducated section also less percentage of women are realizing slowly the evils of early marriages.

To a question, at what age would you like to get your daughter married, 84% of the respondents preferred to get their daughters marriage between 22 to 24 years. Only 16% of the respondents preferred the age 24 to 26 years. On the other hand, the uneducated sections 86% of them preferred the age around 18 years, leaving behind 14%, who preferred the age group 14 to 16 years. There was a believe in these women that if a girl is married in an early age there will be less problem in dowry and choosing a bridegroom. It is difficult to get a life partner if the girl is of higher age.

FORM OF MARRIAGE: MARRIAGE NEGOTIATION:

In Islam, marriage is viewed as an essential normal function of a human individual. The religious texts of Islam make it obligatory for man to get his sisters and daughters married. It is usually said that in a Muslim family right at the time of birth of a girl marriage negotiations commence. The boy's father have to look for a bride and send his offer. This is referred to as rishta. This is either done in writing or orally.

Traditionally, Marriage in India has been arranged by the parents. In the Muslim community also the settlement of marriage has always remained the responsibility of the parents alone, mainly that of the father. According to the Quran though the marriage is arranged by the parents but in arranging a marriage, the women's (bride's) inclinations ought to be considered.
Unhappy marriage was no part of Allah's ordinance, and was not to be held sacred in Islam (Quran V : 37).

But in Muslim community the old customs are still in practice because of the lack of knowledge of the holy texts. Neither the bridegroom nor the bride can think of marriage without the consent and knowledge of their parents. While of late, the male gained some freedom to choose his spouse, in the case of female 'it is to be doubted whether more than a few had any degree of personal independence to the extent of being able to choose husbands for themselves....' (Levy Reuben, 1951 : 93). However, under the present circumstances with the increasing economic independence of women and because of their higher education, there is some change in this practice and they are having a say in this matter. It is believed that the Western democratic ideas of individual independence in the field of marriage and the conception of wife as an equal partner in life have influenced the present day educated youths.

The educated respondents were then asked about the form of marriage. There were 58% respondents whose marriages were arranged by their parents. There were 5.3% respondents whose marriages were settled by their close relatives and the remaining 3.3% were love marriages settled by the respondents themselves, but with the permission of parents.

In the sample, we find that in majority of the cases, the girls' choice was sought only after the family elders have approved and finalized the marriage. This is only a formality which
the parents undertake knowing very well that they would get the answer in a affirmative. When compared to Roy's work in North India the disapproval towards a boy selected by their parents was 14.44% in Delhi and 19.72% in Lucknow which is very significant. This mainly reflects upon the freedom which the women have attained in their thought and action as compared to their mothers and grandmothers who could not even listen to the conversation regarding their own marriages. (Roy 1979: 80).

The role of parents, uncles and relatives in the settlement of marriages is still very crucial and important. Apart from this, Muslim marriage takes place only when both the bride and groom give their consents. This religious right gives woman full freedom to decline to marry a man. Lately, the situation has changed, and one finds that a woman can not be pressurized to marry against her will. This is mainly when a girl is not a liability to her parents, being educated and even gainfully employed. Love marriage is not considered to be good in Muslim community but yet in the study it has been found that a meager 5 respondents have selected their partners according to their own choice. This might be due to co-education or being colleagues at work. In any case, it was possible due to the increase in women's education and their mobility in a wider peer group. In Roy's (1979: 81) work out of the entire sample of 30) women, only 2.68% of the women have had self arranged marriages, i.e., they had selected their own spouses and married them, all of them belong to Delhi. Though co-education and employment have lessened the distance between different sexes, but in general people still prefer arranged marriages.
Among uneducated women all the respondents marriages were settled by their parents. Table 5:3 shows the form of marriage among educated women.

**TABLE - 5:3**

ARRANGEMENT OF MARRIAGES OF EDUCATION WOMEN

<table>
<thead>
<tr>
<th>Form of Marriage</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arranged marriages by parents</td>
<td>87</td>
<td>58.0</td>
</tr>
<tr>
<td>By close relatives</td>
<td>8</td>
<td>5.3</td>
</tr>
<tr>
<td>Love Marriage</td>
<td>5</td>
<td>3.3</td>
</tr>
<tr>
<td>Unmarried</td>
<td>50</td>
<td>33.4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>150</td>
<td>100</td>
</tr>
</tbody>
</table>

**ISLAM AND POLYGNY:**

"Polygyny does not exist only in Savage tribes but also in many civilized nations". (Mutahari 1981 : 324). Leaving aside the pre-Islamic Arabs, the custom existed among the Jews and Iranians. Montesquieu wrote "This law (equality in behaviour towards all wives in polygyny) is also in force in the Maldivian Isles, where they are at liberty to marry three wives". (The spirit of Laws, Vol.1, p.274).

Islam did not initiate polygyny but limited its number, and at the same time laid down stringent conditions for it. Amongst most of the peoples and the communities which accepted Islam,
this practice was customary, and under commandments of Islam they had to comply with the limits and conditions ordained by Islam.

Polygyny and concubinage are the two important questions that arises as far as the practice of Islam is concerned. The feature of the Muslim marriage is polygyny i.e. sanction given to the Muslim males to marry more than one woman. The religious texts allow men to have four wives but on the condition that all the four be equally treated. (Quran 4:129)

According to Roy (1979) many theologians interpret thus Quranic diction as the precondition of imparting equal treatment to all the four wives which is humanly impossible and this to discourage polygyny.

As regards the prescription of polygyny in the Holy Quran, the immediate occasion was the defensive war of Muslims with the Pagans of Arabia at Uhad, when many widows and Orphans were left out and many men died in the war then the following order of polygyny was given:

If ye fear that ye shall not be able to deal justly with the orphans, marry women of your choice, two or three, or four, but if ye fear that ye shall not be able to deal justly (with them), the only one......, that will be more suitable to prevent you from doing injustice. (Q 4 : 3).

Thus justice to Orphan girls on the one hand, and the rights and interests of women whom men intend to marry, on the other, receive primary consideration in Islam.
These cannot be trifled with. Also it is necessary for a man to do equal justice to all his spouses. If he cannot do so, he should marry only one. This also makes it quite unambiguous that justice is the central concept and polygyny cannot be treated as a right or privilege as has unfortunately happened in the present male dominated society. Another important factor to be borne in mind is the contextual revelation of these verses. The commentators agree that these verses were revealed immediately after the Battle of Uhad and were meant to provide guidance to Muslims after that cataclysmic event. In the battle many men were slain and this carnage sharply reduced the number of Muslim males. Many Muslim women were widowed and girls Orphaned. They had to be taken care of, and in the prevalent social context polygyny was the only solution.

This shows that the order contained the essential conditions of doing justice to and equity among women in all worldly matters.

Among the Indian Muslims, polygyny became popular during the period of Muslim rule when the royal families used to have harems and the ruling class enjoyed plurality of wives. This practice must have inspired the commoners to continue with polygyny, mostly as a practice of sex gratification. Although polygyny is still in vogue in many families, there is a gradual decline of the practice among the younger generation. The reaction to this practice vis-a-vis the textual prescription was thought to be most important in judging the attitude of the educated women, and hence, they were interviewed to react to polygyny.

From the present study, only 2 marriages were found to be
polygynous. It has been noted that they belonged to the higher age group. Another noteworthy thing was that the family belonged to the lower income group. This supports the finding of Woodsmall (1960:307) that the decline of polygyny in the younger and middle generation is evident. In the urban lower class polygyny persists in spite of adverse economic conditions. In rural life polygyny is prevalent, as it has always been.

On other hand among the uneducated section of the population polygynous marriages still exists in many families. 20% polygynous marriages were found among the uneducated families.

When the sample of 250 women were asked "what was their opinion about polygyny", 98.4% of the respondents said that they were against it. As a matter of fact only 1.6% respondents were in favour of it and said it is tolerable but not necessary. It may be pointed out that the highest majority of the respondents opinion was not in favour of polygyny. Table 5:4 shows the opinion about polygyny.

<table>
<thead>
<tr>
<th>Opinion</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against Polygyny</td>
<td>246</td>
<td>98.4</td>
</tr>
<tr>
<td>Tolerable but not necessary</td>
<td>4</td>
<td>1.6</td>
</tr>
<tr>
<td>Total</td>
<td>250</td>
<td>100</td>
</tr>
</tbody>
</table>

The sample population was aware of the historical necessity of accepting four wives. They felt that the practice must not be
necessarily repeated again and again, when maintenance of one family was a herculean task. Their education has taught them to differentiate between the real necessity and an urge sanctioned by faith in the matter of polygyny.

CASE STUDY:

Ameena Sultana, aged 22 years is a graduate in Arts. She is a Sunni Muslim living with her parents, three elder brothers and younger sister. She favoured girls education, to become self-sufficient for their future but strictly opposed co-education system as will cause adverse affect on girls. She preferred Mehr as an obligatory system and should be fixed according to the husband's status. According to her reasonable 'dowry is helpful for a new couple'.

She fully supported 'Purdah system' and is not in favour of any change pertaining to Islamic law. In her opinion polygyny should not be abolished and divorce should be permitted because cold and stagnant marriages are much more harmful than divorce. She favored widow re-marriage and opposed strictly to family planning. In her view 'a Muslim should follow the Islamic law'. Though having progressive ideas in some fields but did not want any change in polygyny and in the way of divorce provided in Islam. She said that one should understand why Islam has permitted polygyny and devote and only after knowing this one can understand why there is no need for change in these fields.

When ask 'is polygyny an unhealthy practice', 98.4% of the respondents confirmed it. It created disintegration in the family and sometimes led to family break-up and separation.
man could not do justice to the family. Some of the respondents said that polygyny caused diseases. It affected the physical and mental health of the women. 1.6% of the respondents remained neutral to this question. Table 5:5 shows the reasons of practicing polygyny as an unhealthy practice.

TABLE - 5:5
POLYGYNY AN UNHEALTHY PRACTICE

<table>
<thead>
<tr>
<th>Reason</th>
<th>No.</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disintegration in the family.</td>
<td>147</td>
<td>58.8</td>
</tr>
<tr>
<td>Injustice to the family</td>
<td>53</td>
<td>21.2</td>
</tr>
<tr>
<td>Caused Diseases</td>
<td>10</td>
<td>4.0</td>
</tr>
<tr>
<td>Affects Physical and mental health</td>
<td>36</td>
<td>14.4</td>
</tr>
<tr>
<td>Remained Neutral</td>
<td>4</td>
<td>1.6</td>
</tr>
</tbody>
</table>

Total 250 100

ABOLITION OF POLYGYNY:

Among the educated Muslims Polygyny is steadily decreasing. Syed Ameer Ali (1922 : 232) points out that, "the feeling against polygyny is becoming a strong social, if not a moral conviction and many extraneous circumstances in combination with the growing feeling are tending to root out the custom from among the Indian Mussalmans".

From the present study also an identical conclusion emerges. In the sample when asked 'should polygyny be abolished?' all the respondents answered in affirmative and were against the prac-
tice. On the otherhand the uneducated women in the sample are also realizing the facts. Though in many families Muslim women had husbands with a plurality of wives yet they were of opinion that this practice has lowered their positions and were against it. The reasons for abolition of polygyny were for the betterment of the family, good marital relationship and for economic security of the women.

Unlike their educated counterparts, the uneducated Muslim women today have understood well the evils associated with polygyny and hence a unanimous voice against it. Unlike the educated women, they consider this social practice more rationally and for the greater interest of their families. Even the sample includes unmarried girls, those who are more vociferous in this matter.

CASE STUDY:

Kulsum, a young woman in her early 30s whose husband has married again told the following life story during the interviews:

"I was very young when I was married, only 14 years old. He was my first cousin and was still studying. There was a girl who was studying with him. Later she wanted to marry him. At first he resisted, telling her that he was already married. However, she persisted and he asked my permission to marry her. I asked him in what way I had dissatisfied him and he said it had nothing to do with me but she was persistent and he could not say no. Soon he found another reason. I was childless and he said he wanted children. I did everything, I prayed, went to the doctor and even got a tawiz from a holyman. After 15 long years the
miracle happened and I had a son. Still my husband persisted and I saw there was no way out. There was nothing to do but give him permission to marry again. For a month she came and lived here. The house as you can see is very small. It was very unpleasant despite of all my endeavour to make it as pleasant as possible. She just could not stand it and went to live with her parents. Now he spends sometime with her and sometime with me. Of course, I did not want him to marry again and never in my dreams did I realize the agony I would endure in spite of my capacity for compromise. The institution of polygyny is barbarous and must certainly be changed. It is extremely hard on a woman and is most unfair, especially in this day and age".

Nazia, an unmarried girl expresses: "The whole system must be changed. Some of my relatives have married twice and the poor first wife is in deep distress. Sometimes I think what would happen if I was in that position and I shudder. May God have mercy on us. These things were alright 1300 years ago but times have changed and we must change with them".

On the other hand Jameela Begum one of the uneducated housewives have said, "Certainly there is no harm in polygynous marriages. The argument for polygyny stress the absolute necessity for a woman to have a man's protection. Where would she go otherwise? Take the case of a widow in my far relatives she lives above a workshop and has only a piece of tarpaulin for a roof. With three grown up daughters what can she do? How is she going to protect them for all the men in the neighbourhood. Marriage is the only protection. Their urgent need is to have a roof over their heads, enough to eat and the protection of a
man". Hence there was nothing wrong with polygyny.

SOCIAL AND ECONOMIC IMPLICATIONS:

In the present day society an educated woman is not in favour of polygyny due to many social and economic reasons. Various views were proposed but majority of the answers of the respondents were more or less unidirectional. The respondents said that socially good, stable and harmonious relations could not be established and compatibility between the spouses could not be maintained because of polygyny. Moreover, it effected the life of the children. Sometimes an emotional child became mentally retarded. It was difficult for a woman to move in a society sometimes. Economically the increase in the cost of living made it difficult for a man to maintain more than one family. If the family was big it was difficult to provide food, cloth and shelter apart from other necessities. Thus the economic position of the family weakened to a large extent. Some of the respondents came out with the view that the practice of polygyny lowered the position of women in the family as well as in the society.

From the present study the fact emerges that there is a growing feeling to root out the custom of polygyny among the women, both educated and uneducated. Women were always against this institution of polygyny from the past but the fact remains that they never came out openly abolishing it. At present the educated section of the population are coming forward to say in this matter where as among the uneducated less percentage are coming out though all are against the practice.

The truth is polygyny is in no sense an essential or special
institutions of Islam as is thought by many people. Polygyny is not even encouraged by Islam. In fact Islam recommended monogamy as the most equitable form of marriage system, and has put down on its statute-book fa wahidatan i.e "then marry only one". (Q Al-Nisa, Ver.3).

**DOWRY SYSTEM:**

Dowry system has turned the sacrament of marriage into a sacrilege and even in the Anti dowry Act, 1961 remained mostly on the statute for want of social acceptance. (Kar, 1954:523). The amount of dowry depends on the social and economic position of the family and the education of the bridegroom but not the bride, whatever, may be the social relevance of it or its bad effects, it is a resource which the female partners contribute to the family of procreation. (Ross, 1967: 263).

In India, the Muslim community is as much engulfed by the dowry system as the other communities. However, it may be pointed out that Islam never mentions about the dowry system. Although, dowry was never a great consideration in Muslim marriage it has become increasingly so in the last few decades. Finding a husband for a daughter is made more difficult by the need to pay a dowry to the bridegroom. Now-a-days, giving dowry has become essential which includes modern electronic gadgets, vehicles, jewelry as well as a sum of money. The actual cost of the dowry to a parent depends on the social and economic position of the family and the education of the bridegroom. For some families the marriage of a boy has become a vastly profitable business. According to "Brijbhushan (1980:46) in one village in Andhra Pradesh, boys are married in consideration for vast sums
of money and goods. It has become quite a business for them to marry a girl, confiscate her dowry, divorce her and marry again.

In some families of the Muslims dowry has become a means of exhibition of one's richness and satisfaction of the sense of ego. The competition among the parents of girls to give more luxuries and dowry has become more tough. Those parents possessing more wealth win the battle and the poor are defeated in the search for a good match in spite of beauty and virtues of their daughters.

To a question 'do you prefer an obligatory dowry system out of 150 educated women 84.7 percent of the educated respondents answered in negative while 12.7 percent respondents said in affirmative, only 2.6 percent were neutral in this matter. It has been found out from the study as educational level increases women who consider dowry as undesirable also increases. In other words the more the women who are against dowry system. But at the same time it has also been found out respondents though educated have favoured the dowry system as an accepted custom of society and did not oppose to it. The following table 5:6 shows the views on dowry:
### TABLE - 5: 6

**VIEWS ON DOWRY**

<table>
<thead>
<tr>
<th>OBLIGATIONS</th>
<th>NO.</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>99</td>
<td>39.6</td>
</tr>
<tr>
<td>No</td>
<td>147</td>
<td>58.8</td>
</tr>
<tr>
<td>Cannot say</td>
<td>4</td>
<td>1.6</td>
</tr>
</tbody>
</table>

| Total       | 250 | 100        |

On the other hand among the uneducated women they feel dowry compulsory and the reason is the more the dowry given to the daughter the good will be the treatment of mother-in-law and husband. In very few families only a few 20 percent against this custom. Though all come from the poor families, yet they try to give the best lending the loans from the Pathans and Sahukars and pay the interest life long.

### POSITIVE AND NEGATIVE ASPECTS OF DOWRY:

Education has a positive effect in making women feel that dowry system is an evil and as such undesirable where as on the other hand it gives a comfortable life for some. Therefore dowry evokes both positive and negative responses.

When asked what are the positive and negative aspects of dowry, the respondents came out with the similar answers. 39.6 percent of the respondents who favoured dowry because the bride would have a good status and position in the family, would be
given special consideration in all the household matters. The 58.8 percent respondents who gave the negative aspects said that the custom of dowry degraded the position of women in society and led to many dreadful consequences. Not giving dowry for them was a symbol of future miseries.

The economic position of the family weakens due to the demand of dowry as the parents cannot afford. Either they have to sell their property if available or they have to borrow money on a high rate of interest. Another troublesome fact is that the girls are interrogated by their in-laws and sometimes they are even harassed by their husbands for the dowry. One more negative aspect is burning alive by their in-laws. So we find here as the positive aspects are favoured negative aspects are dreadful. The remaining 2.6 percent did not respond the question.

Dowry system has become a common practice among the Muslims, so that inspite of the fact that the girl is educated enough the parents have to give dowry for her marriage in one form or the other.

When a girl is educated, naturally her parents will look for an educated groom for her and in the Muslim community the number of educated men is comparatively less. In that case the demand on the educated groom will be high and consequently also the amount of dowry. This agrees with Hoojas (1969:25) finding that among these communities, the value of the boy in the marriage market enhances with the advances in his education. The table 5:7 shows the positive and negative aspects of dowry.
TABLE - 5 : 7

POSITIVE AND NEGATIVE ASPECTS OF DOWRY

<table>
<thead>
<tr>
<th>ASPECTS</th>
<th>NO.</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good status in the family with special consideration</td>
<td>99</td>
<td>39.6</td>
</tr>
<tr>
<td>Degraded position/symbol of future miseries</td>
<td>147</td>
<td>58.8</td>
</tr>
<tr>
<td>Cannot say</td>
<td>4</td>
<td>1.6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>250</td>
<td>100</td>
</tr>
</tbody>
</table>

REACTION TO THE DEMAND OF DOWRY:

Investigating into the nature of reaction about the dowry at the time of respondents marriage out of hundred educated married women 29 percent of the respondents had actually opposed the giving of dowry in their marriages. Some of them had gone to the extent of suggesting their parents to break the engagements but their parents had not accepted their proposal. 19 percent of the respondents were of the view that their parents gave them dowry according to their family status. As it was an accepted custom of the society so they did not react to it and instead were obliged to the parents for they were living a happy married life. 45 percent said that there was no demand for dowry but all the necessary things were given accordingly. 7 Percent of the respondents said that they could not express their opinion in these matters at it was not considered proper in their community.

Thus we find here even the educated women find it difficult to revolt against the established system of dowry. They have accepted it as an essential part of their marriage settlement and
find it difficult to break it. The following table 5:8 shows the reactions again the demand of dowry among the educated sample.

**TABLE 5:8**

**REACTIONS OF DOWRY AMONG EDUCATED WOMEN**

<table>
<thead>
<tr>
<th>REACTIONS</th>
<th>NO.</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opposed strongly</td>
<td>29</td>
<td>29</td>
</tr>
<tr>
<td>Did not oppose</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>No demand of dowry</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>Could not express their opinion</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>----------------------------</td>
<td>-----</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>

When asked the respondents whether dowry system should be abolished or not, 87.4 percent of the respondents said dowry system should be prohibited while 12.6 percent of the respondents said it is desirable.

So far as dowry is concerned though majority of the respondents opposed it but yet had been given dowry in one form or the other. It can be concluded that there is no high correlation between education and denunciation of dowry. Educated women feel helpless, as dowry has ultimately become a status symbol. There groaning to do way with yields no positive results. Hence their ideology is buried under the ruthlessness of the reality, and hence, when they become mothers, they cannot but succumb to the practice of the payment of dowry for their daughters.
CASE STUDY:

In the study the following two case studies were chosen with regard to dowry. Sara a thirty year old woman has narrated the real life situation she had undergone when her parents thought of marrying her off. She was a post-graduate and her father was an Engineer in the Railway department. When the question of dowry came up she vehemently protested the idea. But it was the pressure from her parents and relatives that she had to comply with the transaction of dowry. Her parents were not thinking in terms of their position and prestige alone but also her would be husband and in-laws position too. It is after a long search that they could find a professional match having higher income and status. She felt that dahej (dowry) is a status symbol and transaction of higher quanta of dowry means higher standing in the present society.

Uzra twenty eight years is from a middle class family when her father was retiring from service he felt he could find a bridegroom of his choice from his community. Uzra was studying in a university and suddenly wedding bells has rang for her. She agreed to marry the match selected by her parents. She has seen how difficult it is to find a better match in these days. She has also seen the love marriages of some of her friends belonging to well-to-do families which ended in separation. According to her the cultural scarcity of match could be minimised by the affluent people with the allurement of dowry. It is this tendency that is encouraging the dowry-based marriage in the urban society. It is the trend of metropolitan city and she had to compromise with the prevailing forces in the marriage market.
She felt that it is the affluent sections who set the trend of dowry based marriage and others are forced to emulate them otherwise, they feel, they may be disobeying the traditional social religious dictum of getting the daughters married at an appropriate age or parents may fail to find better bridegroom in the midst of scarcity and uncertain situation.

CONCEPT OF MEHR IN ISLAM:

Mehr or dower money is an essential part of Islamic marriage. A Nikah cannot be solemnised without Mehr. Mehr should be fixed before the solemnisation of marriage and it is the exclusive prerogative of the woman or the bride to determine the amount. Mehr belongs to the wife alone. Neither her father nor her husband can claim it. She can spend it the way she likes. The Quran does not use the Urdu word Mehr, but Arabic word Sadugatun which is derived from Saduga, which means truthfulness, earnestness and gift given as an act of virtue.

According to Islam the bridegroom must pay to the bride some amount as a token of his love, truthfulness and affection. Another word used for dower in the Quran is Nihlah, which is derived from Nihl, which means honey. Nihlah, according to Raghib, is something given without any expectation in return i.e. purely out of love, something sweet yielded by the honeybee without any expectation in return. Similarly, Mehr is what is given purely for love, not for any return. Thus the concept of Mehr was greatly refined by the Quran.
The Quran repeatedly exhorts men to give Mehr to the women they intend to marry. It says "And give women their dowers as a gift spontaneous, but if they of themselves be pleased to give you a portion there of, consume it with enjoyment and pleasure". (Quran 4:4). Thus the Mehr should be a free gift and the husband can enjoy it only if the wife permits it, not otherwise.

Mehr or Dower:

The Mehr has become an integral part of the Muslim marriage and is even mentioned in the Nikahnama, the certificate which the couple receive at the time of marriage. It is of two kinds mu'ajjal - immediate - and muwajjal - deferred. The former is to be paid at the time of marriage or before its consummation and the later at any time on demand. It is also described as the sum of money or immovable property which the husband gives to his bride at the time of marriage and which the wife is entitled to receive from husband in consideration to the marriage. This is known as 'Prompt' dower. This important aspect of Muslim marriage the payment of Mehr is in indispensable thing without which no marriage is legally or socially recognised. As far as the Muslim community is concerned, Mehr is considered to be the fundamental right of a woman.

There is another practice known as 'deferred dower' which is a settlement for the wife as a token of respect for her. Even if no sum is actually mentioned in the marriage, ceremony, the wife has a right to 'proper' dower fixed by the court, which she can claim even after her husband's death. She is entitled to claim her dower from his estate and it is treated as an unpaid
debt which must be paid before the heirs get their shares. Dower can be an affective instrument in providing a women financial security after her husband passed away. This implies that the widow is the only heir whose share can be increased at the time of executing the will.

According to Roy (1979 : 82-83) the amount of money fixed for Mehr varies from 1 1/4 surkh dinar to any amount. 1 1/4 surkh dinar is the Sharai Mehr or the Mehr which is adjudged as the ideal amount fixed by the Prophet. The families which are religiously oriented, like that of Kazi and Maulana always fix a SharaiMehr. In other cases the amount of Mehr fixed is according to the girls family status.

In India Mehr had become and continues to remain inextricably mixed up, with family prestige, the desire of the girls parents to assert their right and to squeeze the maximum benefit out of the boys family. The more financially sound and highly connected family, the more is the amount of Mehr. In many cases, bargaining takes place over the amount of Mehr. This results often in severe unpleasantness between the two parties and sometimes cancellation of the marriage. The girls parents always desire to fix a large amount which ought to be beyond the means of the groom, so that their daughter will not have any threat of divorce from her husband later in life.

**Mehr - A Social Purpose:**

In the present study when asked the respondents is Mehr obligatory' all the respondents answered in affirmative and said
that Mehr serves a social purpose and is a healthy practice. In the past the dower money was enjoyed either by the father or by husband. When it was resolved that nothing was to be given over to the father of the girl, and that of the husband had no right to exploit her and derive any economic benefit from her and that women was economically independent as far as rights were concerned. (Mutahari: 1981: 195). The same fact has emerged from the study that the educated respondents had come to know about the custom of Mehr. All the respondent preferred a 'prompt' dower rather than 'deferred'. The respondents felt that dower money should be fixed according to the man's capacity. They also felt that it is generally supposed that the main object of Mehr is to offer protection to the wife against the arbitrary powers of the husband in exercising the right of divorce. Mehr money is a good security for the women in case of any difficulties in her marital life. More so, the women is entitled to her Mehr after her husbands death. On the whole the account gives a bright picture of womens financial asset. In reality one finds that very few women avail of this money. The study made by Roy (1979:83) shows that 30.24 percent women has freed their husbands from paying dower money. Whereas when compared to our study from educated section none of the respondents had freed their husbands though for most of them he amount of Mehr had not been paid in cash.

In the sample of uneducated women more than 75 percent of them do not want to claim Mehr money demanding nor they are sure of getting the amount when needed. Apart from this, it is said
that a man should complete all his worldly duties in order to look forward to a peaceful death. Hence, many wives free their husbands of the Mehr money in the life itself. This kind of practice has been seen in the uneducated section of the population.

On the whole it may be concluded that the educated women want their right according to the law. The present social awareness has already arrived in these women. Today she feels that Mehr can be an effective instrument providing financial security.

DIVORCE OR TALAQ

The etymology of the word talaq used for divorce in the Quran literally means untying a knot, being released from a convenient. It is a derivative of itlag, which means sending away or untying the knot of marriage. The latter is a technical meaning used during Jahilliya period (Imam Hajar al – Asqalani, 1982 : 312).

The root idea of the term talaq actually means getting free from a bond or being set loose. The Quran deals with the law of divorce with great elaboration which indicates that it tries to overhaul the pre-Islamic usages.

PROCEDURE OF DIVORCE WITH REFERENCE TO THE QURAN, HADITH AND SUNNAH:

According to the precept of the Prophet divorce is condemned as the most reprehensible of all things permitted. There is nothing more displeasing to God than divorce. The right absolve a marriage is given to the husband as well as the wife (2:228).
The Quran emphasizes that divorce should not be a hasty impulsive act but should be finalised only after a period of waiting during which time the couple is counseled, given a chance to rethink on the decision. They would either reconcile or separate after iddah. (Q.P.899).

Islam has not made a fetish of the institution of marriage in the sense that Allah has not asked the husband and the wife to be tied together irrespective of the fact whether they can live together happily with the code of conduct as ordained by Allah or are in continuous conflict with each other. But Islam has taken enough precaution that all possible steps should be taken to find out whether the quarrel or the fear of separation between the parties is real only spurious, because divorce is after all an act which is not displeasing to Allah. Our Prophet said that of all things permitted by law, divorce is the most hateful in the sight of God.

The Holy Quran has laid down various steps that can be taken to ensure whether the desire for separation is real or not. Allah has first laid down an excellent plan of arbitration in a dispute between husband and wife if they fear a breach by appointing two arbiters - One from each side to find out a solution to the differences without much publicity on moral things or going to the court of law when he says:

If Ye fear a breach between them twain appoint two arbiters, one from his family and the other from hers; if they wish for peace, God will cause their reconciliation: the God hathful knowledge, as is
acquainted with all things. (S 4:35).

The Quranic way of obtaining divorce is described in the chapter 2 of the Quran. It says: A divorce is only permissible twice, after that, the parties should either hold together on equitable terms, or separate with kindness. It is not lawful for you, (men), to take back nay of your gifts from your gifts (from your wives), ...(S 2:229).

It is further ordained that two divorces during the period of waiting if the husband wishes to take his wife back then it is necessary that he should take her back on equitable terms without any intention of causing any injury to the wife; and if he decides to set her free then it should be done with kindness without taking any undue advantage from her. Say the Quran:

When Ye divorce women, and they fulfill the term of their (iddah), i.e (a period of three months to ensure whether the dissolved marriages results in an issue thereafter) either take them back on equitable terms or set them free on equitable terms but do not take them back to injure them, (or) to take undue advantage: if any one does that he wrongs his own soul. (S 2:231)

The Quran has enjoined upon the Muslims to make a gift according to their capacity which may enable the divorced woman to lead her life with a reasonable standard of living which is called 'mataum-bil-maruf' in Arabia language. The translation of Allama Yusuf Ali of the relevant verse in the Holy Quran says:
For divorced women maintenance (should be) provided on a reasonable (scale). This is a duty on the righteous. (S 2:241)

After divorce a man cannot get back any portion of the dower that has already been paid nor can he withhold payment if it has not been paid. Even in the case of unconsummated marriages, wives must be adequately compensated. 1m10

Oh ! You who believe, when you marry the believing women, then divorce them before you touch them, you have in their case no term which you should reckon; so make some provision for them and send them forth a goodly sending (43:49).

Payment should be with the man's capacity to pay, for "Allah does not impose upon any soul a duty, but to the extent of its ability" (2:286).

Islam has also enjoined upon the Muslims apart from efforts of finding out a solution at various stages before the final third divorce is given reconciliation and waiting period after each divorce. Thus, we see that maximum provision has been made in the Quran for the divorce so that she does not suffer, as far as possible, physically; since emotional suffering cannot always be avoided. But unfortunately the Muslim Personal Law about divorce was enacted in India by those who really did not know what the tenets of Islam as laid down in the Holy Quran Were. It is very unfortunate that there is a wide gap between the ideal and the practice.

The procedure for the dissolution of marriage is different for men and women. Husbands use 'talag, wives make recourse to khula. Dissolution by mutual consent is Mubarat and a marriage
which can be dissolved in court is known as Faskh.

**TALAQ:**

Talaq is a procedure initiated by the husband. There are three forms of talaq, i) Ahsan, ii) Hasan and iii) Bidah.

The Ahsan form of talaq is known as *talaq-i-sunnah* which is effected in accordance with the rules laid down in the traditions from Prophet Muhammad. In this talaq the repudiation does not take place at a single sitting nor can it take place during menstruation. *Iddah* is observed during the period following menstruation that is *tuhr* or the purity period. Two arbitrators from both side are appointed to bring about reconciliation. During the *iddah* period the marriage is not dissolved. If reconciliation takes place, and the husband and wife have intercourse, the marriage is saved and no *nikah* is needed. In Ahsan talaq even after the third pronouncement of talaq, after the *iddah* period the marriage is revocable. The man can marry his divorced wife. This practice is in accordance with the teaching of Quran and according to Sunna rules.

The Hasan form of talaq is not commonly accepted as talaq-i-Ahsan. In the Hasan form, the husband is required to pronounce the formula three times, in succession, at the interval of a month, during the *tuhr* of the wife. When the talaq is pronounced third time talaq becomes irreversible.

Talaq-i-Bidah is a form of divorce which is severely criticized since it goes against the rules laid down by the Quran. In this form of talaq the husband unilaterally, without the consent or knowledge of the wife, pronounces talaq. Talaq is pronounced
once or three times simultaneously whether the wife is in the state of *tuhr* or not. This form of divorce was clearly not approved by the Prophet.

**KHULA: (Woman's right to divorce)**  
Islam is probably the first religion in the world who have recognised such a right to woman. It is called *Khula* which literally means to disown or to repudiate. It has been referred to in the Quran in the following words "then If you fear that they cannot keep within the limits of Allah, there is no blame on them for what she gives up to become free thereby". (4:229).

In the pre-Islamic Arabia, a woman had no right to ask for her marriage to be dissolved. The Quran, was the first to allow women the privilege of seeking divorce earlier denied by the primitive society of the Arabs. When *Khula* is sought by a woman, her husband is given compensation to release her from the marriage tie. *Khula* is irrevocable. There are indications that wives have enjoyed the right to Khula even when their husbands did not agree to it. According to Islam, separation by *Khula* is not the worst form of divorce since great importance is placed on the happiness of the couple living together merely to keep up the facade of marriage.

It should be noted that the wife's right to *Khula* is absolute and no one can prevent her from exercising it. The case of Jamilah, the wife of Thabit Ibn Qais, reported by numerous authorities, goes to prove this. She was quite dissatisfied with her marriage though there was no quarrel between husband and wife. She plainly stated to the Prophet that she did not find
any fault with her husband on account of his morals or his religion: it was just that she hated him. The Prophet allowed divorce provided she returned to her husband the Orchard which he had made over to her as her Mehr (Muhammad Ali Holy Quran 1973: 98:301).

THE MUSLIM DIVORCE LAW IN INDIA:

The existing divorce laws in India are:

01. The Dissolution of Muslim Marriages Act VIII of 1939
02. The Muslim Sharia Application Act 1939
03. Various customs and usages indicated by the Sharia which are not wholly divine and uniform.

A woman married under Muslim law can obtain a decree for the dissolution of her marriage on any of the following grounds:

a) That the whereabouts of the husband have not been known for a period of four years,

b) That the husband has neglected or has failed to provide for her maintenance for a period of two years,

c) That the husband has been sentenced to imprisonment for a period of seven years or upwards,

d) The husband has failed to perform without reasonable cause his marital obligations for a period of three years,

e) The husband being impotent at the time of marriage and continuing to be so,

f) The husband's insanity for at least two years or his suffering from leprosy or some virulent venereal disease,

g) The exercise of the right of 'repudiation' of marriage by the wife,
h) The husband treats her with cruelty,
i) Or any other ground which is recognised as valid for the dissolution of marriage under Muslim Law.

In the entire sample when questions asked about divorce the respondents answered in Yes or No. Some did not respond to the question. Only a few of them answered in brief.

A question when asked 'should divorce be permitted and who should have the free choice' 87.3 percent of the respondents said that divorce should not be permitted and if at all both should have free choice to divorce while 12.7 percent respondents did not answer the question.

In the present study 15.3 percent of the respondents had in their family women who were divorced. While 84.7 percent don't have any. When asked the reason for the divorce only four women gave the data and rest of them did not respond. In two cases the women did not have children. The third case was (for want of more dowry) the amount of dowry promised at the time of marriage was not given and hence the women was divorced. The last case is of a woman who had to divorce her husband due to his infidelity. In this case the woman demanded her Mehar worth Rs.75,000/-. The husband was not willing to give the dower money. The divorce case went to the court and ultimately the woman won her case. The court granter her Mehr money. This woman being educated could face the situation with courage and determination.

In the modern time many women in the Muslim community awareness has been found. When asked 'can women divorce and challenge to it'. Though majority of the respondents know that according to the law the women can also divorce but to challenge the di-
orce only 50.6 percent of them agreed. The influence of education in their attitude towards this is significant.

On the other hand among the uneducated section of the population not all the answers were same as the educated. This section of the women also felt that divorce should not be permitted. For these women challenging and accepting a divorce is too far according to these women (80 percent) they would rather die than to obtain divorce. In their family it has been considered the ultimate disgrace to have a divorced daughter. Once married, a woman considered, and even now considers, herself irrevocably tied to one man until she dies or is widowed. And even in the latter case, although not only does Islam allow widow remarriage but enjoins it on the girls relatives, she remains unmarried and dependent on either her own or her brother's family, if not monetarily at least for security.

One of the illiterate woman Maryam Bi said "What will I benefit from a divorce?" demanded a middle aged woman whose husband had not visited her for years, now atleast I am known as his wife and have izzat eventhough I am living with my own family. And of course, there is always the chance that some day he may come back to me. I do not think women gain in any way from divorce being made easy for them.

' Divorce is no benefit to a woman' asserted Sara a young uneducated woman. No matter what happens the fault for whatever has gone always remains the woman's. Everyone feels that if she had done something or behaved in a particular way her husband would never have left her.
CASE STUDY:

"Ours mothers and grand mothers and great grand mothers suffered and even died from bad treatment and neglect but I am not willing to live the same way", said Shaheen an educated middle aged housewife, 'I think it is about time that the ulema and men who call themselves guardians of the interests of Muslims looked around at their own homes and those of their relatives and did something about it. I want my daughter to grow up to be more free and to be a follower of Islam as it originally was and not as it has become distorted out of shape now'. She further says the whole thinking on the subject has to change before divorce can become acceptable. Women are in no case helpless and repressed and even if they would like they can take legal action. So in no case an educated woman feels less rights in Islam for woman.

IMPACTS OF DIVORCE:

In the present study 87.3 percent of the respondents both educated and uneducated said that divorce is disastrous. It brings misfortunes to the family. It is an abiding source of uneasiness and lowers the women's position. It effects the mental health of the children and brings bad impact on the children. The other 12.7 percent remain silent.

The role of women has differed from society to society and from time to time. Her role in various walks of life is described as allround progress. If her position is lowered or degraded it effects the whole family. Apart from this divorce has social and economic impacts more. In the society the divorce
is looked degraded. She cannot have the freedom to move, she cannot take active participation in social work and thus her social status is affected. Financially also the status of family weakens. If the woman is not employed the economic position also gets effected and in such a position it is difficult to maintain the family. On the whole the major factor which affects the status of women is the practice of divorce.

Under Muslim Personal Law, divorce can be given by the husband to his wife and where as on the other hand the wife can give Khula to her husband. The Quran deals with both kinds of divorce. When asked a question about 'abolishing / continuing divorce' 87.3 percent of the respondents favoured of abolishing divorce while the rest remain silent.

Many sociologists and anthropologists have done studies in different aspects linking them with education. They have studied about tribal, scheduled castes, women etc., and concluded that social change occurred among these people through education (Roy, 1979), Chandra (1989); Singh K.P.(1982); Pandey P.N (1988). Education has become an effective instrument for women to come out of old customs and traditions, to make their children educated and to come out from the drudgery of poverty (Menon (1981); Afshar, H (1989) Kashyap, (1976)).

In the present study also education has been a key factor in changing the attitude of educated Muslim women and the awareness of discarding the divorce is bound to give greater confidence. Thus education has become a powerful tool in Muslim society.

WIDOW'S RIGHTS AND MAINTENANCE IN ISLAM:

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Under Islam the women are entitled to a share of the property from the husbands or kinsmen. Even after the husbands' death, the wife should not be removed from the house. She should be allowed to stay there at least for a year. The Quran says "And those of you who die and leave wives behind should make a bequest in favour of their wives of maintenance for a year without turning them out. Then if they themselves go away, there is no blame on you for what they do lawful deeds concerning themselves" (Q 2 : 240)

MAINTENANCE OF THE WIFE:

The Quran puts the entire burden of maintenance of the wife on the husband whatever her own wealth and income. Even if the husband is poor and she is wealthy, the husband has to give her maintenance according to his capacity. There are different verses on maintenance of the wife in the Holy Book. Thus it says: "Let him who has abundance spend out of his abundance, and whoever has his means of subsistence straightened to him, let him spend out of which Allah has given him. Allah lays not any on any soul a burden beyond that which he has given it. Allah brings about ease after difficulty". (65:7) Thus a man who has abundant means must spend abundantly on his wife and if his means are scarce he should spend accordingly but he must maintain his wife.

Islam permits widow remarriage but the condition is after a period of iddah which is four months and ten days. It was quite possible that the husband's relatives would pressurise the widow to leave her husband's house after iddah and seek another hand.
That is why the Quran exhorts the husband to make a special bequest before his death for retaining her in the house for atleast a year and for her maintenance and all other benefits in addition to her usual inheritance as a wife from a husband's property, her portion being one-eight. It would be seen that special care was taken to protect (widows) right.

WIDOW'S STATUS:

The status of women in Indian Society is a much debated subject. There are points of view put forth defending or condemning the position occupied by or imposed upon women. The values and norms, which survive, have a meaning for and a relevance to life. Tradition is a customary way of life relevant to the living conditions. Religious faith has its roots in this tradition. What the people believe and what they practice in actual situation is entirely different. The status of women, has to be understood with reference to the conditions of life. The status of married women is different from that of unmarried women. And again when compared the status of a widow, it is quite different.

In the sample selected for the study 43.2 percent of the respondents said that the social status of widows is tolerable whereas 52 percent respondents said that it is miserable while 4.8 percent responds said that they could not say. The social status is seen in terms whether she enjoys the same freedom and the same dignity and honour as that of married or unmarried woman, in the family and in the society. The table 5:9 gives the status of widow women.
TABLE - 5:9

WIDOWS' STATUS

<table>
<thead>
<tr>
<th>SOCIAL STATUS</th>
<th>NO.</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tolerable</td>
<td>108</td>
<td>43.2</td>
</tr>
<tr>
<td>Miserable</td>
<td>130</td>
<td>52.0</td>
</tr>
<tr>
<td>Cannot say</td>
<td>12</td>
<td>4.8</td>
</tr>
<tr>
<td>Total</td>
<td>250</td>
<td>100</td>
</tr>
</tbody>
</table>

On the other hand according to the uneducated section of the sample interviewed more than three fourth of the respondents said that the social status of widows was miserable.

With regard to the widow's stay in the sample 80 percent of the respondents said they were allowed to stay with their in-laws if they wished, whereas 20 percent of the respondents could not decide about it. On the other hand the uneducated women felt that widows were not allowed to stay with their in-laws if they wished. If once a woman becomes widow there is no place for her she becomes a victim for the family. 13 percent of the illiterate women said that if the family permits she will prefer to stay. With regard to preference for living with their parents, 80 percent of the respondents preferred to stay with their parents rather than with the in-laws, whereas 20 percent respondents said that it was not necessary that the widows should stay with their parents, if their in-laws were good and if they did not find any problem there. Some even said that those who had self respect did not stay with their parents place and pre-
ferred to live with their children and in-laws. So educated women feel that parents will be a good support for the widows rather than in-laws.

On the other hand the uneducated women think that it is good for a woman and her family to stay with her children in husband's family, rather than going to parents house. Sometimes the position of the widow will be more degraded in her parents home. If once a woman is married the position will not be the same as before.

**WIDOW REMARRIAGE:**

In the past, social prejudice was thrown upon the widows and it was considered a sin for her to remarry, be it in any community. According to Brijbhushan (1980:10) the treatment of widow in Hindu family is deplorable. She shaved her head, wore worse clothes, ate sparingly and spent her whole life doing penance for her sins while being taunted as a demoness who had swallowed her own happiness. There was, naturally, no question of remarriage or trying to start a new life.

It did not take Muslims too many years to adopt similar condition for their own women. Muslim women, from being on a footing of equality with men, became reduced to a state of servitude. Her natural rights were deprived. Widow remarriage became discouraged. Social reformers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Syed Ahmad Shahid (the 19th Century Politico-religious figure) were moved by the pitiable condition of the widows and abolished the age old practice of prohibiting widow remarriage, thus leading a normal life. In spite of the legal
provisions the situation of widow remarriage has not practically altered, as the public still adhere to the traditional views. In the Muslim community, the Quran and the convention both favour widow remarriage. According to Islam, if a young girl is widowed, it is the responsibility of the widow's parents to arrange her marriage, just like the marriage of a virgin daughter. But, in practice, it is not so "The law permitting widows to remarry was too clear to be overlooked; yet until recent times, such marriages were effectively prevented, specially among upper classes, by the cultivation of the sentiment that widowhood being the will of God, it was reprehensible for the widow and a disgrace for the family that she should marry again". (The Gazetteer of India, 1965:477).

In the present sample opinions were sought on the problem of widow remarriage. Out of the 150 educated sample studied 80 percent of the respondents said that widows can remarry. 20 percent of the respondents showed their indifference to this issue and said that love and affection for children very much required to them to remain in their husbands family. They however, opined that if the widow is issueless, she could remarry.

Those respondents who favoured widow remarriage mentioned the specific condition that the widow had to wait for a period of four months ten days from the death of her husband. If she was pregnant, she had to wait until she delivered the child. This was strictly according to the law for the respondents.

They were also of the view that it would afford better opportunities for the care of their own children. Obviously, the presence of living children is a great problem as they are ill-
treated and considered to be ill-fated. It is perhaps for this that remarriage of widows having children has been advocated. The respondents felt that the widows youth, her economic dependence and the moral danger were the special considerations to make widow remarriage acceptable.

On the other hand when asked the uneducated women about 'Widow remarriage', they strongly condemned it. They were of the opinion that widow should not take a second marriage. They were of the opinion that if at all she gets married her status and position will be decreased. Though she is not looked good among the family member yet they preferred to stay there without getting married. They preferred to die rather than to be get married. It can be thus concluded that the influence of education of the respondents on their attitude towards widow remarriage is significant where as on the other hand side the uneducated women does not feel remarriage good.

WIDOWS PARTICIPATION:

A widows true status can be judged by comparison to an ordinary woman who participate and have freedom in everyday activities. Freedom here includes freedom of movement, of association, of dress and of economic pursuits. The honour or dignity she enjoys may be in the domestic sphere, among the extended family or kin members in the neighborhood and as well as in society.

In the sample of 150 educated women studied 62 percent of the respondents answered in affirmative of widows participation in everyday activities like other women. 24.7 percent of the respondents said that widows were not allowed to participate in
all the activities except a few. While 13.3 percent of the respondents had little knowledge about it so did not respond clearly. Table 5:10 gives the views of educated respondents

TABLE - 5:10

WIDOWS PARTICIPATION

<table>
<thead>
<tr>
<th>PARTICIPATION</th>
<th>NO.</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>93</td>
<td>62</td>
</tr>
<tr>
<td>No</td>
<td>37</td>
<td>24.7</td>
</tr>
<tr>
<td>Cannot say</td>
<td>20</td>
<td>13.3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>150</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

On the other hand side the uneducated women in their families were very conservative about widow's participation in everyday activities. They were of the opinion that if some auspicious work is to be performed in no way even the shadow of a widow is to be seen. Every work goes wrong if the face of widow is seen. Overall she was treated as a misfortune in the family. This aspect concludes that due to lack of education among these women rigid norms are still followed.

RIGHTS OVER PROPERTY:

The greatest service Islam did for women was to create their right to inheritance. When that right was first introduced in Medina the people objected vehemently, for women did not contribute to the wealth of a tribe or went to the battle.
Islam introduced shares for wife, daughter, mother, sister and grandmother. The wife is entitled to inheritance after the death of the husband. The verses II:240 and 241 are the general verses for the maintenance of the divorced wives and widows. Since the widow has carved the right to inheritance (IV:12) and dower besides residence for the waiting period, the Verse 240 is generally considered abrogated.

When asked, "should widow claim the rights over property of their husband"? All the respondents in the sample answered in affirmative. On the other hand side the uneducated women also feels the same. They were of the view that when a widow stays in his husbands family naturally the property will be of the wife and children. Here the attitude of these women are similarly to those of educated women. But the difference is educated women know the share of widow i.e 1/8 share of the family property where as these uneducated are not aware of this. But not all educated women know the exact share in the property.

On the whole it can be concluded that education has definitely contributed some change in the situation of educated women. Women are becoming aware of asserting the rights in some spheres, like widow remarriage, and participation in social and public life. Increase in the literacy of women will lead to many social and economic changes.