

In case of non- payment of Mehr (promised at the time of marriage) by the Muslim husband on divorcing Muslim wife, the wife can approach Court of Magistrate for payment of Mehr dues



**A Muslim woman married under the Muslim (Sharia) law may seek decree for dissolution of marriage in cases where:**

- ⊙ Whereabouts of husband are not known for 4 years
- ⊙ Husband has neglected/failed to provide maintenance for 2 years
- ⊙ Husband is imprisoned for 7 or more years
- ⊙ Husband has failed to perform marital obligations for no valid reason for 3 years
- ⊙ Husband was impotent at the time of marriage and continues to be so

- ⊙ Husband has been insane for 2 years
- ⊙ Husband is suffering from an incurable form of leprosy or a virulent venereal disease
- ⊙ Wife was married by father/guardian before she was 15 years old and the marriage has yet not been consummated and the wife is under 18 years of age
- ⊙ Husband treats wife with cruelty including:
  - All or any forms of domestic violence
  - Husband associates with women of evil repute
  - Husband leads an infamous life.
  - Husband attempts to force the wife to lead an immoral life
  - Husband disposes of wife's property or prevents her from exercising her rights over it
  - Husband obstructs wife from practicing religion
  - Husband does not treat the wife similar to other wives he has

## MUSLIM MARRIAGE & DIVORCE



National Institute of Public Cooperation  
and Child Development  
5, Siri Institutional Area, Hauz Khas,  
New Delhi 110016



National Institute of Public Cooperation  
and Child Development



## Muslim Marriage

Muslims have their own laws governing marriage and divorce



Muslim marriages have a formal contract of marriage. When the proposal of the bridegroom is accepted by the bride in the presence of a Maulvi, marriage (nikaah) takes place



The marriage contract may be oral or written. When the contract is in writing, it is called Nikaah-Nama



Most maulvis maintain a register where both bride and bridegroom sign or put a thumb impression along with witnesses



A sum of money and or valuable properties, etc. are either given or promised to the bride by the bridegroom. This is called 'Mehr', which is otherwise payable at the time of divorce (talaq). The quantum of mehr is also recorded in the Nikaah Nama and the marriage register



Among 'Shias' the presence of witnesses is not essential at the time of marriage



Among 'Sunnis' witnesses are essential at the time of marriage. These may be 2 males or one male and 2 females



## Maintenance and Divorce among Muslims



If no maintenance is paid to a Muslim woman, she may seek adequate and reasonable maintenance from her husband by making an application to Magistrate under Section 125 Cr.P.C. or Muslim Women (Protection of Rights on Divorce) Act, 1986 for herself and her children