

Maintenance of Muslim Women in Comparison to other Personal and Secular laws in India

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Abstract

There are various laws in India governing maintenance based on religion of a woman. However, maintenance for Muslim women in India has always remained a question. As per the Muslim personal law of India, there are multiple factors in which women can claim maintenance. This article studies the maintenance of Muslim women as per law with that of other religions. It also contains a comprehensive study about the Legislation regarding Hindu Marriage Act, Muslim Women (Protection of Rights on Divorce) Act, 1986, Section 125 of Code of Criminal Procedure etc., about the process of calculation of Maintenance, a legal duty on how a wife is to be maintain and limitation for providing maintenance and the Principles and Judicial Judgement for the maintenance of women.

Key Words: Maintenance, Marriage, Divorce, Hindu Law, Muslim Law, India

Paper Type: Comparative Study

I. Introduction:

Maintenance means taking care of the other person by giving them the source by which they can fulfil their basic needs and requirements, and one can live their life with dignity. In simple terms, it means to fulfil the basic needs of people i.e., food, clothing, shelter, education, health facility etc of the other spouse or children. It's a social responsibility of the Husband to look after his wife and children which is an outcome of his marriage. Under Hindu law husband is liable to pay or take care of his judicially separated or divorced wife so that she can live her life with dignity. Maintenance of wife includes Food, clothing, even a sperate place to live, medical and maternity expenses² under Muslim law.

Maintenance is a right recognised under different laws in India. It can be claim by every woman and each law of Maintenance is different from the other. It can be claimed by child, wife, aged parents, divorced wife in order to live a healthy life.

A. Personal and Secular Laws in India governing Maintenance:

- In Hindu religion a woman can ask Maintenance under Hindu Marriage Act, 1955 and Hindu Adoption and Maintenance Act, 1956.
- The Muslim women can ask for Maintenance under Muslim Women (Protection of Rights on Divorce) Act, 1986
- The Parsi Women can ask for Maintenance under Parsi Marriage and Divorce Act and Christian Women under Divorce Act.
- Maintenance under Code of Criminal Procedure 1973.
- Maintenance under Protection of women from Domestic violence Act, 2005.
- The Maintenance and Welfare of Parents and Senior citizens Act, 2007.

These are the personal laws for women in order to claim Maintenance.

Under Hindu law, Maintenance can be claimed either at the Interim stage, ie, during the pendency of proceedings or case, or the Final

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² Tahir Mahmood and Saif Mahmood; 'Introduction to Muslim law', P. 151, Para 3 (Reprint 2014, Universal Law Publishing).

stage of the matter under Hindu Marriage Act. As per the Hindu Law two types of Maintenance can be claimed by the wife under Hindu Marriage Act, 1955.

- i. *Interim Maintenance*³ : It is payable to the claimant from the date when the petition has been filed in the court till the date of dismissal of the suit or passing of the order for the claim. The Interim maintenance is provided to meet the immediate needs of the petitioner. It also includes the litigation fees that have to be paid by the respondent to the petitioner.
- ii. *Permanent Maintenance*⁴ : It is to be paid by the Husband when the judicial proceedings for their dissolution of marriage or final decree has been passed. It is simply the amount that have to be paid after the dissolution of marriage. This is a one-time settlement where the husband mutually agrees to pay the amount to the wife.

B. Hindu Adoption and Maintenance Act 1956:

Hinduism is one of the oldest historical mythological religion. It follows various strict rules and regulations as per the Hindu mythology. Among many other rule marriage is consider to be one of the pious activity. After marriage wife becomes a sole responsibility of her husband. According to the Hindu Adoption and Maintenance Act, the wife is to be maintained by her husband for her entire life. It is also said that a widowed wife is to be maintained by her father-in-law.⁵

Under Section 18 of Hindu Adoption and Maintenance Act, 1956, a wife can stay separately from her husband without affecting her rights to claim Maintenance. Under the Section 18(a)⁶ of Hindu Adoption and Maintenance Act wife is to be maintained by her husband for lifetime that is she will be maintained by her husband until she dies. Under Section 18 of the Act a wife can live separately from her husband without cancelling her right to claim Maintenance. The circumstances under which the wife can live separately are:

- When husband is guilty of desertion.

³ See, Section 24 of Hindu Marriage Act. 1955, (India).

⁴ See, Section 25 of Hindu Marriage Act, 1955, (India).

⁵ See, Section 19 of Hindu Adoption and Maintenance Act, 1956, (India).

- Husband has treated the wife cruelly.
- When the husband is suffering from leprosy.
- When the husband has an extra wife.
- When he keeps a concubine.
- When converted to any other religion and
- Other cause which justifies living separately.

But there are two causes on the basis of which the husband can deny from giving the Maintenance to the wife are:

- When she is found to be unchaste and,
- When she converts to other religion.

C. Maintenance under Criminal Procedure Code, 1973:

Section 125 (1)(a)⁷ states that, if a husband who have enough means intentionally neglects his wife and children to maintain them then, the wife can claim for Maintenance. This is a secular law which is available to both Muslim and Hindu women.

D. Calculation of Maintenance under Hindu Laws:

Maintenance in Hindu law is being calculated very systematically. The amount that has to be paid as a maintenance depends upon different factors. The courts rely on provision of Section 23 of Hindu Marriage Act, 1956 while asserting the total Maintenance that the husband needs to pay to his wife. The factors laid down by the provision in order to fix the Maintenance are:

- To see the social status of the spouse.
- If the wife is living separately with a justified reason.
- The overall income and property of wife
- The total property of the husband and his earning from that, and to find if he has any other source of income
- If the wife has an actual claim for Maintenance.
- To see the total number of other members dependent on her husband and their expenses, and the personal expenses of husband.

⁶ See, Section 18(a) of Hindu Adoption and Maintenance Act, 1956, (India).

⁷ See, Section 125(1)(a) of Criminal Procedure Code, 1973, (India).

II. Legal Duty to Maintain One's Wife under Islamic Law:

The first ever relation which began in the history of Islam was the relation of Husband and wife in the name of Adam (A.S) and Hawwa (A.S). It is considered as the purest relation. It is even known that women in Islam have a very high position no matter what relation she holds.

“When a women is a daughter, she is a source of Jannah for her father

When a women is mother, she holds the Jannah beneath her feat

When a women is a wife, she completes half of her husband's Imaan.”

A woman as a wife becomes the total responsibility of the husband to be maintained. It was established and authorize from Holy Quran as the sunnah of Prophet (Pbuh), it is based on the logic and Ijma of the Fuqaha.

The Holy Quran states that,

“Let the man of means spend according to his means; and the man whose resources are restricted, let him spend according to what Allah has given him”⁸

“Allah put no burden on any person beyond what He has given him...”⁹

In another verse, the Quran states to the effect.

“Men are the protectors and maintainers of women because Allah has given the men more strength than that of women and because they support them from their means. Therefore, the righteous women are devoutly obedient and guard in the husband's absence what Allah would have them guard.”¹⁰

The above-mentioned verses declares that the husband is responsible to maintain and look after his wife as per his capability and financial standing.

The Quran further states to the effect; “Let the women live (in 'iddah) in the same style as she lives, according to your means; Annoy them not so as to restrict them. And if they carry (life in

their wombs), then spend (your substance) on them until they deliver their burden...”¹¹

III. Limitation for providing Maintenance:

According to Muslim law a wife can claim or ask for Maintenance only after divorce or when she comes to know that she has been pronounced talaq by her husband. The widow under Muslim law is entitled to get Maintenance only till her period of Iddat.

The holy Quran says in Surah Al-Baqarah Chapter No. II Ayat 241 that the Maintenance to muslim women shall be given to her only during the period of her Iddat. The remarriage of divorce women would terminate the obligation of her former husband. The Quran speaks about the time period for Maintenance that is to be given to the wife in Surah Al- Talaq.

After the iddat period the parents or the earning son's or the relatives of the women who will inherit the property from her after her death or the Bayt-al-mal which is the state treasury, should take the responsibility for maintaining her. The period of iddat varies in Islam only at one condition as mentioned in the holy Quran. The period of Iddat is Three months for a woman who has been pronounced Talaq whereas it varies to 4 months and 10 days in the case of women whose husband is dead. It is clearly mentioned in Islam that a woman cannot be considered as divorce if she was pronounced with the word talaq at the time when she was pregnant till the time the child is born.

As per Muslim laws there are four different types of Schools which have their different opinion for Maintenance:

- **Hanfi School:** *It says that a woman is entitled to Maintenance when she has been pronounced talaq thrice by her husband, in fact she is pregnant.*
- **Maliki School:** *This School of Muslim law states that if the wife is not pregnant she will not be able to claim or get Maintenance but she will get the right to have residence only and in case the wife is pregnant she will be entitled to get full Maintenance. Under Maliki school the maintenance given to pregnant women is actually a maintenance intended for the child in*

⁸ See, Al-Quran, Surah Al-talaq; verse 65:7.

⁹ See, Al- Quran, Surah Al-Baqarah; verse 2:233.

¹⁰ See, Al- Quran Surah Al-Nisa; verse 4:34.

¹¹ See, Al-Quran, Surah Al-talaq; verse 65:6.

the womb who is yet to be born, it is not for the divorced wife.

- **Shafi and Hanbali schools:** *These Schools of Muslim law states that if the women is not pregnant she won't be entitled for any maintenance and if she is pregnant then she will be entitled to claim and get maintenance. But the Shafi school of Muslim law gives one condition for the maintenance which is, if the women leaves the house where she is performing Iddat without any need, her maintenance will be ceased because of that.*

A wife who unlawfully refuses herself to stay with her husband may lose her right to Maintenance¹². There is an exception to this rule is that it cannot be applied on a woman who leaves her husband due to legal reasons. For example: where the wife has been withdrawn from her husband's society due to non-payment of prompt dower or cruelty by Husband, etc. in these cases the wife is entitled to have separate Maintenance.

A wife who cannot cohabit with the husband due to her illness does not lose her right to Maintenance¹³

The Shafei School makes a provision for the past maintenance payment of wife in case of default by husband, but the Hanafi School of Sunni law does not approve that. In the case of *Cherummel Abdulla vs Poovvalora Katheesa*¹⁴ the question before the Court was that, whether a Mohammedan wife is entitled to past Maintenance from her husband?, "According to the Shafei School, the wife is entitled to past maintenance though there may be no agreement in respect thereof.", "Shafi says that the maintenance in all circumstances to be considered as a debt upon the husband in conformity with his tenet that it is not a gratuity but a return, wherefore it cannot drop like demands of the former description."

"Under Shia and Shafei Law the wife is entitled to maintenance notwithstanding that she has allowed it to get into arrears without having

*had the amount fixed by the Court, or by agreement with the husband."*¹⁵

*"Under Hanafi Law arrears of maintenance are not recoverable unless fixed by the Court or by agreement between the husband and wife; nor even after they have been so fixed, in case of divorce or death of either party; provided that arrears may be recovered if the Court has decreed maintenance, but not fixed its amount."*¹⁶

From these authorities on Mohammedan Law, it is fairly clear that a Shafei wife is entitled to recover arrears, of Maintenance from her husband.

*"Order for Maintenance"*¹⁷. - *If the husband neglects or refuses to maintain his wife without any lawful cause, the wife may sue him for Maintenance, but she is not entitled to a decree for past Maintenance, unless the claim is based on a specific agreement. Or she may apply for an order of Maintenance under the provisions of the Code of Criminal Procedure, 1908, Section 488¹⁸, in which case the Court may order the husband to make a monthly allowance in the whole for her Maintenance which should not exceed more than five hundred rupees."*

Hindu Law Pre-Independence:

It is seen that Marriage under Hindu law in the Shastras has always been found to be a sacrament, religious and pious obligation. This relation between the spouses i.e Husband and wife has been established through the proper rituals and customs. During earlier age, the wife had no rights to dissolve her marriage even after the death of her husband and she could live as a part of her husband family as long as she is alive. Manu stated that under Hindu sacraments the knot of the marriage that has been tied even by force or fraud is indissoluble one in nature and it can't be repudiate it shall be consider as a valid marriage. So there was no dissolution for marriage during that time. This was the reason that there was no evidence of divorce

¹² Tahir Mahmood and Saif Mahmood; 'Introduction to Muslim law', P. 151, Para 4 (Reprint 2014, Universal Law Publishing).

¹³ ibid P.4.

¹⁴ *Cherummel Abdulla vs Poovvalora Katheesa*, (AIR 1984 Ker 94).

¹⁵ Tyabji on, 'Mohammedan Law', Page 324, para 307 (Facsimile Publisher).

¹⁶ ibid.

¹⁷ Mulla's on 'Mohammedan Law', page 300 18th Ed. LexisNexis, (Publisher: Elsevier India).

¹⁸ See, Section 488 of Code of Criminal Procedure, 1908, (India).

during the Mugal and British period among the Hindus.

The origin of divorce in India was traced after the independence only. The Court that was established by the Britishers in India permitted maintenance only in some cases to wife and a separate residence for her and later the wife got her right to claim maintenance from her husband under the Hindu Married Women's Right to Separate Maintenance and Residence Act, 1946.

Infact Section 10¹⁹ of Hindu Marriage Act, 1955 provides the provision for judicial separation. It tells about that when due to some personal difficulties or because of any reason it is not possible for the husband and wife to stay together, the spouses can obtain a decree of judicial separation from the court under the given section. During Judicial separation the marital life between the husband and wife is suspended by the court and they are not allowed to marry anyone else.

V. Comparative analysis of legislative framework of Maintenance law in India:

A. Hindu Law:

Hindu law talks about Maintenance in the Section 24²⁰ and 25²¹ of Hindu Marriage Act and Section 18 of Hindu Adoption and Maintenance Act. It is said that after marriage it becomes the sole responsibility of the husband to maintain his wife, and there is even an obligation put forwarded by the law over a man and Hindu law to maintain his wife even if she gets Judicially separated or divorce.

As per the provision put forwarded by Section 18²² of the statute the wife can claim maintenance from her husband for her entire life. The provision has given around seven conditions according to which the women can claim maintenance from her husband. Apart from those 7 conditions there are 2 conditions that are mentioned in the

provision which can be used by the husband to deny the Maintenance (i) If the husband can be able to prove that the wife is unchaste and (ii) if the wife is found to be converted to any other religion her right to claim Maintenance will be ceased.

B. Muslim Law:

In Muslim law the Muslim males has been consider as superior to women in certain facts. It has been believe under Muslim law that man are born to take care of his family where a women cannot. Therefore, under the Muslim law the wife has been granted with an absolute right of maintenance and there husband has been bound to take care of there respective wives.

In Muslim law the wives don't lose her right of maintenance just because she refused to stay with her husband on legal grounds or if because of her illness her marriage has not been consummated.

Prior to leading case of, *Mohd Ahmed Khan v. Shah Bano Begum*²³, "A Muslim women who has been divorced at the age of 68yrs having 5 childrens filed a petition in supreme court and asked for the maintenance under Section 125 of Cr.P.C. Prior to this case muslim women are only able to claim for maintenace according to SHARIA law and husband is liable to maintain there divorced wife till the the period of her iddat. But Supreme court in this case includes Muslim women also under section 125 of crpc and the right to claim maintenance under section 125 of crpc has been provided to Muslim women till there life time."

Section 125²⁴ of the Cr.P.C also covers Maintenance for Muslim Women. Section 125 of the Cr.P.C is secular in nature and its does not affect the personal laws of Hindu, Muslim and vice-versa if any Muslim women's seeks the maintenance under Section 125 of Cr.P.C she is allowed to do so

¹⁹ See, Section 10 of Hindu Marriage Act, 1955, (India).

²⁰ See, Section 24 of Hindu Marriage Act, 1955, (India).

²¹ See, Section 25 of Hindu Marriage Act, 1955, (India).

²² See, Section 18 of Hindu Adoption and Maintenance Act, 1956 (India).

²³ *Mohd Ahmed Khan v. Shah Bano Begum*, (AIR 1985 SC 945).

²⁴ See, Section 125 of Code of Criminal Procedure (Cr.P.C), 1973, (India).

irrespective of her right for maintenance allowed under her personal law.

As a result of this the Indian Govt has enacted a law for Muslim women i.e Muslim Women (Protection of Rights on Divorce) Act, 1986, to safeguard their rights and to please Muslim community.

C. Muslim Women (Protection of Rights on Divorce) Act, 1986:

The Muslim women Act came into being just after the Judgment of Shah Bano²⁵ case. The Indian government did so for the Muslim community to safeguard the rights of Muslim women. This Act states that a Muslim women can get a maintenance from her husband till the period of her iddat and not after that. If a woman is not found to be financially strong or independent to maintain herself after the period of her Iddat she become the responsibility of her relatives who are considered to be shareholder in her property after her demise. The Muslim Women Act gives another option to the women that if she has no one to look after her or maintain her then in such case the State Waqf Board will take the responsibility to maintain her. Apart from that the Muslim women also has an option to use the Section 125 of the Cr.P.C, 1973 for claiming maintenance for herself or child.

In Danial latifi vs. Union of India²⁶, The constitutional validity of the Muslim Women Act, 1986 has been challenged under this case, that it is against the Article 14 and 21 of the Indian Constitution and the maintenance should be given to muslim women beyond the iddat period and this act should be declared as unconstitutional.

Supreme Court upholding the validity of the act, decided as follows: -

“Muslim Husband is liable to pay maintenance which might be extended beyond the Iddat Period in terms of Section 3(1)(a) and also make reasonable and fair provisions for divorced wife for her future.”²⁷

²⁵ Mohd Ahmed Khan v. Shah Bano Begum, (AIR 1985 SC 945).

²⁶ Danial latifi vs. Union of India, (AIR 2001 SC 3958).

“If divorced Muslim women who has not remarried and who is not able to maintain herself after Iddat period can proceed under Section (4) of the act, which says that she should be maintained by relatives in proportion of her property which her relatives inherit after her death.”²⁸

“If relatives are not able to maintain her, Magistrate may direct the State Wakf Board stabilize under the act to pay such Maintenance.”²⁹

“Article 14,15 and 21 of Constitution of India is not offended by the provision of the act.”³⁰

D. Maintenance under Muslim Law compared with Hindu law:

In Islam “Meher” is the obligation, right, and property of Muslim women. A Muslim husband has to agree a present or gift with the prospective wife before marriage. This present is known as Meher in Islam. The reason is that if a girl has nothing, she becomes a bride form the property of her own. Meher can be in the form of money, jewellery or some land. It is symbolized as the sign of Love and affection. This concept of Meher is only found in Muslim community and not in any other religion. Meher cannot only be in the form of money, it can be any valuable thing. The amount of money, jewellery, property that has been given as Meher exclusively lies under the possession of women. The Muslim personal law says that the award of meher given to the Muslim wife is her property right and guarantees her with her equal marital status. Thus, a married Muslim women who had been ever destitute of status of marriage have the property in the form of meher which are entirely entrusted in her property rights.

VI. ‘Nafqah’ under Muslim law:

Maintenance is the right of the wife and responsibility of the Husband. It is the first priority of the husband to maintain his wife, the children and parents. Under Muslim law Maintenance is termed as “NAFAQA” which is derived from an Arabic word, rooted from

²⁷ibid.

²⁸ibid.

²⁹ ibid

³⁰ ibid.

“infaq”, it includes food, clothing and lodging. Muslim law says for the Maintenance of a wife only after the divorce, it imposes the liability to maintain the divorce wife only for the period of iddat and not after that. In Islam a man is consider as the pillar of the family who earns the living to maintain his family. Nafaqah is the Islamic legal term as the financial support given by the husband to his wife during marriage and for a time period after divorce.

Muslim jurist has given various similar explanation for the word Nafaqah:

- a. *Hanfi Jurist, “it defines nafaqah as food, clothing and accommodation”*
- b. *Hanbali Jurist, “it defines nafaqah as the sufficient materials required for maintaining a family along with food, clothing and accommodation and their supplement”*
- c. *Shafi Jurist, “has defined nafaqah differently, which includes whatever is eaten as food, clothing, cleaning tools, house appliances like cooking utensils, accommodation and a maid in the case if the wife has ever used the service of a maid before marriage”*

In Mulsim law a women has absolute right of Maintenance. As per Muslim law maintenance to a women can only be denied at these stages:

1. *Until the girl obtains puberty*
2. *If the women have abandoned Conjugal right without any valid reason*
3. *If the women found to be disobeying the reasonable command of her husband*
4. *If she absconded with someone else.*

The social and economic condition of the husband is kept into consideration while deciding the quantum of Maintenance. The school of Muslim law says that the wife can ask for the any of past Maintenance on the basis of the separate agreement that was promised to her by her husband. In general, such separate agreement are an assurance to wife for her regular pocket allowance termed as Kharch-i-pandan. A women can get her Maintenance also in the case when the court has ordered for it but remain unpaid.

When we compare this with other law there is Section 125³¹ of Cr.P.C, Section 18³² Hindu Adoption and Maintenance Act, 1956 and Section 24³³ & 25³⁴ of Hindu Marriage Act, 1955 talks about the Maintenance for wife, child, illegitimate child and infirm parents which has been adopted after the passing of this legislation in 1955 onwards prior to that no such concept of Maintenance was traced under Hindu law.

In Islamic law of Inheritance, the persons age, sex, or order of birth or marital position does not contain a hindrance to Inheritance in Muslims. When we compare to Hindu law women has got the position of Karta after the amendment in the Hindu Succession (Amendment) Act, 2005.

In Islamic law, Rights of inheritance rest on the basis of two principal’s (i) marriage and (ii) blood relationship with the decedent. According to Islam women is an equal part of family and so she is integrated in the Islamic law of Inheritance.

When a girl is born in Muslim family, she owns her right of Inheritance as an Islamic law. At the time of marriage, her right of Inheritance remains the same. After the marriage she also gets the share in the property of her Husband. If the husband of the women is found to be dead or she has been pronounced talaq than she is maintained only till the period of her iddat. As after that she becomes the responsibility of her parental family as her right of Inheritance and she is maintained by them.

The mother of the decedent is also one of the connections who are specific in the Quran. “If the decedent dies and is survived by only one sibling, if any, the decedents mothers share is one-third of the estate. If the decedent in this case is survived by two or more siblings, the mothers share is one-sixth”. “The Quran dispense of the decedents father is also one-sixth, but changes in some cases. Therefore, a mother share of the decedent’s estate can be equal to the fathers, this means that in this case

³¹ See, Section 125 of Code of Criminal Procedure (Cr.P.C), 1973, (India).

³² See, Section 18 of Hindu Adoption and Maintenance Act, 1956, (India).

³³ See, Section 24 of Hindu Marriage Act, 1956, (India).

³⁴ See, Section 25 of Hindu Marriage Act, 1956, (India).

*a female family member gets equal share of a male relatives share.*³⁵

*“The female inheritors mentioned above are those who have an explicit share as said in the VII. Quran. Women’s right of Inheritance varies depending on her relation to the deceased person. In some case a female in the family inherits less than a male inherits. In other cases, a female might inherit as same as that of a male. And in other cases, she might inherit more than that of a male.”*³⁶

There is an exception in one case where a female gets larger part of the deceased property. If the deceased is found to have no children, the women is entitled to receive one fourth of her husband property. Whereas in other case if the women have children or grandchildren, she has the right to get one eighth of the husband’s property. If the deceased is found to have more than one wife, the share of the property may decrease to one sixth to each.

The position of women as a wife comes at the very first place as mentioned in the Holy Quran. So, a woman being a wife plays a very essential role in the life of a man. This is the reason the Holy Quran (as mentioned) awards the wife with a share of one-fourth of the Husband property when she has no children whereas it increases to one-eighth of the husband property where they are found to have children of grandchildren.

In Islamic law man generally gets a good share of the deceased property. As it is seen that man is the moderator of the family, so he gets much of the property as he has to look after the family after his father death. For example, it become the responsibility of the son to look after his mother, sister and to fulfil their basic necessities and give them a healthy life with a proper education to his sisters.

After the marriage of a girl, it is not necessary for her to spend her own money for oneself. She becomes the responsibility of her husband, and he is accountable to fulfil her needs. Generally, men are considered to be the responsible member of the family to look after the other family members and to fulfil their needs. Putting light to all other religion, Islam is found

to be the only religion which includes the female members of the family in the deceased property.

Conclusion

During the study of this paper, I found that women in Islam have a very high position and they play a very important role being in any relation. There is a saying that every individual is equal in the eyes of ALLAH (Subhanahutallah). So, the religion Islam does not create differentiation between men and women in fact Islam honours both men and women with different position. There is no discrimination found between men and women may it be in the case of education, marriage, Inheritance etc. Islam issues many laws in order to uplift the status of the women in the society and to protect her by giving an honoured and respectful life.

Women has got a various right according to the Muslim Personal law. She has the right to put forward her views in marriage, the view or choice of a women is a very much importance for her marriage. A women has been given a very high status even after her marriage. And she is considered a very important and responsible member of society. It is seen clearly that Muslims women’s are maintained by their husband under the provision of many laws,

Islam has made a drastic change in the status of women by giving her the right of Inheritance as mentioned in the Holy Quran. This is the only religion where a women is consider to be a part of the property as a right of Inheritance be it more, less or equal as that of male which depends as per different cases studied above in the paper.

³⁵ ‘Rights of Muslim women an analysis under personal law’,by Ritika Sahu, Available at <<http://www.legalserviceindia.com/legal/article->

234-rights-of-muslim-women-an-analysis-under-personal-law.html > accessed 22 Feb 2021.

³⁶ *ibid.*