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Divorced Muslim Women and their Plight in Rural Areas of Murshidabad

Introduction

Muslim women's rights relating to *talaq*¹ or divorce has got much attention after passing the Triple Talaq Bill by The Parliament, however Indian Constitution has guaranteed equality and freedom from discrimination based on gender or religion, but still there are various practices which are based on heartless conservative culture. As we know, Muslim Personal Laws in India are not codified and are subjected to varied interpretations from *Shariat*². Due to these interpretations, the Muslim women falls in the clutches of certain inhuman practices which deny their basic rights.

The main focus of the study is to depict the present condition of the divorced Muslim women belonging to two *Gram Panchayat*³ namely *Kalmegha* and *Ramchandrapur* in Murshidabad district of West Bengal. There by I try to trace out the operation of the system of divorce and the factors responsible for such practices. The present study is however, empirical, seeking to find out the nature of living condition of Muslim women, their education and their attitude towards age at marriage, divorce, inheritance, polygamy, *mehar*⁴ etc. And also find out the problems of divorced women and how divorced operates, the social-economic causes due to which such practices of divorce persist, and the actual position of Muslim women in the society. This work will also enfold all the grievances women would have as a victim of such injustice

¹ A form of divorce under Islamic law in which the husband repudiates the marriage by saying 'talaq'.

² Islamic law based on the teachings of the Quran and the traditions of the Prophet (Hadith and Sunna).

³ A gram panchayat is the only grassroots-level of panchayati raj formalized local self-governance system in India at the village or small-town.

⁴ This is an Urdu word which means dower.

and also through lights on how their most of the fundamental rights enshrined in the constitution of India been denied. For this study purpose I have selected two *Gram Panchayats* of Murshidabad district where the survey was conducted.

Study area

For this present study two *Gram Panchayats* of *Lalgola* Block of the Murshidabad district has been selected namely *Kalmegha* and *Ramchandrapur*. *Kalmegha* Gram Panchayat includes the following villages: *Bhawanipur, Krishnapur, Hosnabad, Bolorampur, Uttar Latiberpara, Dakshin Latiberpara and Notungram*. 50 respondents were interviewed in *Kalmegha Gram Panchayat* among whom 23 respondents were divorced women, 20 respondents were married housewife and 7 respondents were *Qazi*⁵. *Ramchandrapur Gram panchayat* which includes the following villages: *Jhawona, Narayanpur, Balutungi, Madhupur, Bajupur, Ramona, Radhakantapur and kaiyapara*. Here 50 respondents were interviewed among whom 15 respondents were divorced women, 31 respondents were married housewife and 4 respondents were *Qazi*.

Table No.1

<i>Gram Panchayats and number of respondents</i>			
<i>Gram Panchayat</i>	Respondents		
	Divorced	Married housewife	<i>Qazi</i>
<i>Kalmegha</i>	23	20	7
<i>Ramchandrapur</i>	15	31	4
Total	38	51	11

The main reason behind selecting these two *Gram Panchayats* is that since my objective is to study the present condition of the divorced Muslim women in Murshidabad district of West Bengal, and the variation of the textual and operational models of their plight, it was attempted to select areas which can be treated as representative of the entire Murshidabad population. Now the Bengali population is mainly centered in rural areas, as revealed by the demographic

⁵ *Qazi* is the Arabic word which the magistrate or judge of a Shari‘a court, who also exercises extrajudicial functions.

statistics. About 80 per cent of the total population is living in rural areas in Murshidabad district, it was therefore, sought to focus attention on areas which broadly conformed to the above characteristics, viz rural setting. Both *Kalmegha* and *Ramchandrapur Gram Panchayat* perfectly fitted the requirements, as the area of survey reveals typically rural characteristics. Also I am familiarity with the localities and people prompted me to select these two areas.

The sample

To obtain correct and accuracy data, it is important to make use of proper sampling method. This paper deals with the condition of divorced Muslim women and also the other issues like marriage, divorce, inheritance, polygamy, *meher* etc. which are related with Muslim Personal Law. The opinion of Muslim women about above said issues and also triple *talaq*, women's bill on marriage. So it is important to choose right respondents to collect the data about Muslim women's related issues. To make the sample fairly representative I have categorized the sample into three different categories (see table no.1). To collect fair information for the proper analyses of the fact and scenario, divorced women were interviewed, married housewife and *Qazi* were interviewed. These divorced and married women are exclusive illiterate, literate, *beedi* labour and self-employed Muslim women. For this present study, information was collected from *Qazi*. They are directly related with marriage, divorce cases. They are the main explainer about all the issues of Muslim Personal law, they also legalize all the divorce cases. The total sample of the present study consisted 38 divorced women, 51 married house-wife and 11 *Qazi* from the table no.1.

Tools and Techniques

To obtain detailed and complete data about marriage, divorce, inheritance, polygamy, *meher* and condition of divorced Muslim women, interview schedule was prepared for the respondents. The schedule contained both pre-coded and open-ended questions. Interview were conducted by myself. In a few cases of women where they were not frankly speaking before me, I take a help of my sister. In this way data were collected from the respondents. For divorced cases, notes were taken during the discussions at the time of interview with them.

In the process of data collection, I have faced some practical problems and difficulties. Some divorced women refused to speak about their past marital matters. Some Muslim women were hesitating to talk about their divorce, some women even insisted that they speak only in the presence of their men and therefore their condition had to be accepted. Some married women

were not free to speak because they think that I may asking question about other principles of the holy *Quran*⁶. To tackle these difficulties, I had convinced the respondents that the information collected from them will not be shown to any other individual and their secrecy will be strictly maintained. I tried to assure them that this data will be used for my research purpose.

Educational qualifications of the Respondents

Education level of any society determine the living practices, so education is very important criteria to make any opinion about people to any society. Educational status of all the society has changed, education level of Muslim women also has been changed. This Table analysed the education level of the respondents. It is seen from the data presented in the table number 2 that 10 per cent women are illiterate and 9 per cent of the women respondents can only sign. 20 per cent respondents studied between class 1st to 5th about 29 per cent respondent started in between class 6th to 10th. 16 per cent respondents studied up to high school and only 6 per cent were passed graduation. No respondent I have found who have passed post graduate. 10 per cent respondents were educated from Madrasa education system.

Table No.2

<i>Educational Qualification of the Respondents</i>			
Qualification	Respondents of Kalmegha Gram Panhayat (out of 50)	Responents of Ramchandrapur Gram Panchayat (out of 50)	Total Respondents (%)
Illiterate	6	4	10
Only Sign	1	8	9
1 st to 5 th Class	10	10	20
6 th to 10 th Class	19	10	29
10 th to 12 th Class	7	9	16
Graduation	1	5	6
Post Graduate	0	0	0
Others	6	4	10

Source: Field Survey: Interview taken from 19th March to 10th April.

⁶ The Quran is the central religious text of Islam, which Muslims believe to be a revelation from Allah.

Religious education of the respondents

Muslims give importance to religious or Arabic education rather than modern education. For religious education they go to Madras or Masjid where *Moulvies*⁷ teach them on *Quran* and *Hadiths*⁸. Sometime parents themselves teach religious education to their children. For this study it is important to check the level of religious education. I have categorised the religious education of the respondents into four types namely.

- I. Nil: Those respondents fall in this group who don't have any knowledge about *Quran* and *Hadiths*, they do not know the basic practice of Islam such as *Namaz*, to read *Quran* etc.
- II. Basic: Those who know only basic things such as to practice *Namaz* but don't have any knowledge about *Quran* and *Hadiths*.
- III. Medium: Those respondents belong in this group who have knowledge about the practice of *Namaz* and also can read *Quran* but without understanding it.
- IV. High: Those who have a knowledge how to pray *Namaz* and read *Quran* and understanding the contents of the Holy *Quran* and *Hadiths*.

Table Number 3 presented the data about the religious education of the respondents. It shows that only 19.1 per cent respondents belong to the first category who do not have any knowledge about Islamic culture. In the second category 51.7 per cent respondents fall in this group. 27.0 per cent had medium religious education. Only 2.2 per cent respondents have high religion education in our society. Some respondents acquired religious education in Madrasa and some respondents acquired religious education in their home by their parents themselves and also sometimes by *Maulvie*.

Table No.3

<i>Level of religious education of the respondents</i>			
Level of education	Respondents of Kalmegha Gram Panhayat (out of 43)	Responents of Ramchandrapur Gram Panchayat (out of 46)	Total Respondents %
Nil	8	9	19.1
Basic	25	21	51.7
Medium	10	14	27.0

⁷ A learned teacher of Islamic Law- used this term especially in India as a form of address for a learned Muslim.

⁸ Hadith in Islam refers to the record of the words, actions, and the silent approval of the Islamic Prophet Muhammad.

High	0	2	2.2
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Source: Field Survey: Interview taken from 19th March to 10th April.

Occupation of the respondent

Table Number 4 presented the data about the occupation of the respondents. It is evident from the table that 11 per cent of respondents are self-employed and 26 per cent of respondents have no occupation they are unemployed. A large number of respondents about 52 per cent are engaged with income generating activities like *beedi* rolling, and 11 per cent of respondents belonging with other activities. Not a single respondent connected with agriculture activities. In service sector also no respondents have engaged.

Table No.4

<i>Occupations of The Respondents</i>			
Occupation	Respondents of Kalmegha Gram Panchayat (out of 50)	Respondents of Ramchandrapur Gram Panchayat (out of 50)	Total Respondents (%)
Self-employed	2	9	11
Unemployed	14	12	26
Service	0	0	0
<i>Beedi</i> Labour	30	22	52
Agriculture	0	0	0
Others	4	7	11

Source: Field Survey: Interview taken from 19th March to 10th April

Monthly income of the respondents

Monthly income of the respondents is very low which are presented in the table No.5. It is found that 26 per cent of the respondents have not any monthly income. 42 per cent of the respondent's income are below Rs. 1000. 16 per cent of the respondent's income in between RS. 1001-5000, 8 per cent of the respondent's monthly income in between Rs. 5001-10000, 6 per cent of the respondent's monthly income in between 10,001-15,000, 2 per cent of respondent's monthly income in between 15,001-20,000 and only 1 per cent of respondent monthly income is above Rs. 20,000.

Table No.5

<i>Monthly income of the respondents</i>			
Income (Rs.)	<i>Respondents of Kalmegha Gram Panchayat (out of 50)</i>	<i>Respondents of Ramchandrapur Gram Panchayat (out of 50)</i>	Total Respondents (%)
1-1000	13	28	41
1001-5000	11	5	16
5001-10000	6	2	8
10001-15000	3	3	6
15001-20000	2	0	2
20000 and above	1	0	1
NA	14	12	26

Source; Field Survey: Interview taken from 19th March to 10th April

Opinion about ideal age at marriage of girls

To get the opinion of the respondents about ideal age at marriage of girls, I have asked them to state what should be the ideal age at marriage for girls? I have found no respondent who support marriage of a girl before 18 years. It is significant that the attitude of the respondents absents about the ideal age of marriage of girls. Table number 6 present the data about the ideal age of marriage of girls. Most of the respondents have preferred that the girls should marry after 18 years. 73 per cent respondents were of view that ideal age at marriage of girls in between 18 years to 21 years. 19 per cent respondents think that women should permitted to marry in between 22 to 25 years age. Only a small portion 8 per cent said that girls should marry before 18 years they think that after puberty a girl should marry. It is also noticed that, the impact of *Kanyashree*⁹ and *Rupohre*¹⁰ Project help to grow the consciousness among the girl about the age of marriage.

⁹ Kanyashree is an initiative taken by the Government of West Bengal to improve the life and the status of the girls by helping economically backward families with cash so that families do not arrange the marriage of their girl child before eighteen years because of economic problem.

¹⁰ Rupashree Prakalpa is a West Bengal state government initiative that provides a one-time financial grant of Rs. 25,000 for economically stressed families at the time of their adult daughters' marriages.

It is evident from this study that the attitude of the Muslim towards the age of marriage has changed as a greater proportion of them are in favour of age in between 18 to 21 years of marriage for girls.

Table No.6

<i>Opinion about the Ideal Age at Marriage of Girls</i>			
Age at Marriage	Respondents of Kalmegha Gram Panchayat (out of 50)	Respondents of Ramchandrapr Gram Panchayat (out of 50)	Total Respondents (%)
Before 18 years	5	3	8
18-21 years	38	35	73
22-25 years	7	12	19
25 and above	0	0	0

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Consulting girls before marriage

In past usually in our society all the decisions are taken by our parents, elder male member of the house even marriages also arranged by the elder members of the family. The opinion of girls was not taken before fixing up their marriage. Their decision regarding marriage were not taken. But this study shows that the attitude of a parents is changed towards taking their opinion before arranging their marriage. To observe the views of Muslim parents regarding the necessity of consulting their girls before arranging marriage, I have asked to the married women that before marriage your opinion was taken. The answer given by them are presented in the table number 7. It was observed that a large number respondent answer that their opinion was taken before arranging their marriage by their parents. 88.8 per cent respondents were asked for her opinion on marriage only 11.2 per cent respondents were not asking of their opinion of marriage. Their Parents thought that their decision was right about marriage of their girls so no need to take any opinion of their girls regarding marriage. It is significant that only lower educated girls fall in the second category of respondents where the opinion were not taken.

Table No.7

<i>Consulting girls before fixing up marriage</i>			
Consultee	Respondents of <i>Kalmegha Gram Panchayat</i> (out of 43)	Respondents of <i>Ramchandrapur Gram Panchayat</i> (out of 46)	Total Respondents (%)
Yes	38	41	88.8
No	5	5	11.2

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Reasons of Divorce

A divorce does not take place without any cause between husband and wife; there are always reasons for a divorce to occur. Table Number 9 showing the main reasons for divorce which has been collected through survey of the divorced women. From the data presented in table no.8, it is clear that the reasons for divorce are varied. Domestic violence, family quarrels, fight with husband, dowry harassment that is economic reason, husband's alcoholism are the most common causes of divorce. Seven women (18.4%) from both the *Gram Panchayats* namely *Kalmegha* and *Ramchandrapur* were divorced because of domestic violence. This happened for the reason that, several women living in a joint family and they were not able to do everything independently and also sometimes they were not satisfactory with relationship. This family fights continue happening and complicated relationship which further aggravates matters. Finally, when finding no solution to curb the family fights, husband take the easy way out by divorcing the wife for the satisfaction of the members of the extended family. In some cases, they had a love marriage and the members of the joint family had not like them from the beginning. Twelve women (31.6%) were divorced because of fights with husband on several issues like adjustment, trust, decision making, money problem etc.

Dowry harassment is one of the prominent economic reasons for divorce. Eleven women (28.9%) were divorced for economic reasons that is dowry harassment. In some cases, husband pressurise on her wife to get money from her parents. Sometimes they send their wives to their parent's house with a demand of dowry. When the parents were not able to give or refuse to give the demanded money, their husband divorced their wives. Two women (5.3%) were divorced due to lack of maintenance and they thought that it is better to be separated because of

unemployment and husband sometimes not able to fulfil the demands of wife. Two women (5.3%) were divorce because of their husbands having a relationship with another woman, two women (5.3%) were divorcee because their husband were addicted by alcoholism and two (5.3%) women divorced their husband because they had some sex problems.

Table No.8

<i>Reasons of Divorce of Muslim Women</i>			
Reasons of divorce	Respondents of Kalmegha Gram Panchayat (out of 23)	Respondents of Ramchandrapr Gram Panchayat (out of 15)	Total Respondents (%)
Domestic violence	3	4	18.4
Fights with husband	9	3	31.6
Dowry harassment	8	3	28.9
Lack of maintenance	2	0	5.3
Relations with another women	0	2	5.3
Husband's alcoholism	1	1	5.3
Husband's sex problem	0	2	5.3

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Methods of dissolution of marriage

Muslim marriage can be dissolved in three main ways. First a Muslim man can divorce his wife unilaterally by pronouncing divorce three times without assigning any reason for his action. This form of divorce can be both oral and written. The second method of divorce is *Khula*³. It is applied by women and when she wants to divorce and the husband is unwilling to dissolve marriage Bond. Finally, through the court or community Panchayat to get the marriage dissolved. Table Number 9 showing the various method which has been adopted to dissolve the marriage. In 6 cases 15.8 per cent women were divorce in their absence by their husband, in 12 cases 31.6 per cent women were divorced with their presence. In 11 cases 28.9 per cent women were divorce orally by their husband. In 7 cases 18.5 per cent divorce take place through the letter by *Qazi*, one case 2.6 per cent divorce was obtained through the court and one case 2.6 per cent divorce take place through relatives. In all cases of divorce an attempt was subsequently made to get the divorce validity by a *Maulvie*. Member of both parties

approach the *Maulvie* and narrated the sequence of events leading to the divorce. If the *Maulvie* ruled that the divorce valid one both parties were accepted the verdict.

Table No.9

<i>Methods of Divorce</i>			
Methods	Respondents of <i>Kalmegha Gram Panchayat</i> (out of 23)	Respondents of <i>Ramchandrapur Gram Panchayat</i> (out of 15)	Total Respondents (%)
Absence of wife	2	4	15.8
Presence of wife	6	6	31.6
Orally by husband	10	1	28.9
Letter by <i>Qazi</i>	4	5	18.5
Through Social media	0	0	0
Through relatives	0	1	2.6
Through Court	0	1	2.6

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Payment of *Meher* (Dowry)

Meher is the right of a wife which has been fixed some amount of money on marriage. This provision is made to ensure future economic security of women in case of divorcing her. *Meher* is an amount of money or property that a Muslim man promise to give his wife in return for her consent to marry him. Generally, the *Meher* is expected to be paid before the consummation of marriage but in reality, husband either ask his wife to condom it or differs its payment until future time. Once the divorce is becoming final the divorced women's immediate concern is to ensure economic security. Of the 38 divorce cases only two women received the promised *Meher* after their divorce. Among two women, one received from her former husband without pressurizing him and other one gets it only after putting pressure on him her husband. The remaining women were already received the *meher* which has been fixed before marriage that is called *Nagad meher* and few women forgive their husband to payment the *Meher* because of their poor economic condition after the marriage but before dissolution of marriage. I asked them, why do you not claim for maintenance? most of them replied that they do not want a

hassle in court, some of them replied that their parents did not allow them to file case for claiming maintenance.

Get back of belongings after divorce

Only 13 women out of the 38 divorced women were received their belongings after divorce. Some divorced women get back their belongings such as jewellery, money, furniture etc. without much hassle. Some divorced women secure their belongings which had been given at the time of marriage, by pressurising on their husband through relatives or community *Panchayat* or friends. Large number of divorced women 25 did not received their belongings after divorce. From the data present in table number 10.

Table No.10

<i>Get back of Belongings after Divorce</i>			
Receive	Respondents of <i>Kalmegha Gram Panchayat</i> (out of 23)	Respondents of <i>Ramchandrapur Gram Panchayat</i> (out of 15)	Total Respondents (%)
Yes	5	8	34.2
No	18	7	65.8

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Receiving maintenance after divorce

Divorced Muslim women are traditionally not entitled to any maintenance from their husbands. Even though Muslim personal law entitles her to maintenance during the period of *iddat*, none of the divorced women had received any maintenance during that period. None of them claim for maintenance after divorce, accept one she gets 500 per month till her second marriage. One-woman Shefali Khatun¹¹ file a case in the court for maintenance. The court granted her a monthly maintenance of 500 rupees. However, the husband paid that amount whenever the court put pressure on him till her second marriage.

¹¹ She is the respondent of this survey residing in the village Jhawona of Ramchandrapur Gram Panchayat.

***Nikah halala*¹² and remarriage of divorced women**

Under Islamic law a woman who has been irrevocably divorced, can remarry the same person only after she has been married to some other person first who has to divorce her. Under Islamic law that marriage should be consummated, but in the majority of cases where remarriage to a former husband is contemplated the effort is to find someone who would be willing to divorce her without consummating the marriage. Only one case where divorced women remarried her former husband, she was asked for *Nikah halala* but she refused. Her husband divorces her on anger, but when he realises, he makes mistake and want to remarry his former wife, the *Maulvie* advised to do so to legalize his wife. But his wife refused and remarry her former husband without *Nikah halala* ceremony. Table number 11 showing that, 15 divorced women out of 38 marry again with another man and 23 women still did not marry.

Table No.11

<i>Remarriage of Divorced Women</i>			
Remarriage	Respondents of Kalmegha Gram Panchayat (out of 23)	Respondents of Ramchandrapr Gram Panchayat (out of 15)	Total Respondents (%)
Yes	11	4	39.5
No	12	11	60.5

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Residing of women after divorce

Of the women surveyed 15 divorce women marry again and live with their present husband's house. 19 divorced women 50 per cent had go back to live with their parent's house after divorce. Two women 5.3 per cent whose parents are dead and now they stayed in the homes of some relatives. Two women 5.3 per cent did not go back to their parent's home they stayed in their own house.

Table No.12

<i>Residing of divorced Muslim Women</i>		
Residing	Total Respondent	Percentage of Respondent
Husband' house	15	39.4

¹² A Nikah is the Muslim word for marriage. Halala means legal procedure in Islam.

Parent's house	19	50.0
Relative' house	2	5.3
Shelter home	0	0
Other	2	5.3

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Period and age after marriage when divorce took place

Table number 13 sets out the period of marriage after which divorce took place. From the data presented in table, it is clear that 14 women 36.8 per cent were divorce within one year of their marriage, 18 women 40 7.4 per cent were divorce between 2 to 4 years. Only five women 13.2 per cent were divorce between 5 to 8 years after their marriage, and one woman 2.6 per cent was divorce after 9 years of her marriage. Each time the period of divorce after the marriage married. Sometime divorced occurred within one year, while at other times it come after as long as four years. This comes out clearly if we take the age of the women at the time of divorce into consideration. From the table no 14 of the 38 divorced women 26.5 per cent had been divorce before 18 years. 39.5 per cent divorce when they were between 18 to 20 years of age. 31.6 per cent were divorced when they were between 20 to 25 years and 2.6 per cent had been divorced when they were between 25 to 30 years.

Table No.13

<i>Period of Divorce after Marriage</i>		
Period	Total Respondent	Percentage of Respondent
1 Month to 1Year	14	36.8
2 to 4 Years	18	47.4
5 to 8 Years	5	13.2
9 to 15 Years	1	2.6

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Table No.14

<i>At the Age they Divorced</i>		
Age at divorce	Respondents (out of 38)	(%)
Before 18	10	26.3
18-20	15	39.5

20-25	12	31.6
25-30	1	2.6

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Education of divorced women

Table Number 15 presents the educational level of divorced Muslim women. Whether we look at the educational level of the divorced women, it becomes clear that education is strongly linked to incidence of divorce. More divorce appears to have occurred where the educational level of the wife is low, while incidence of divorce tended to decline substantially as we move up to higher levels of education of the wife. Certainly, the educational level of the wife is crucial. 13.2 per cent divorce women were illiterate and only 2.6 per cent can only sign. 21 per cent divorced women have completed their primary level of education. Whereas 7.4 per cent divorced women have educated up to 6 to 10th class, and 10.5 per cent are educated in between ten to twelve class. Only 5.3 per cent divorced women are graduate.

Table No.15

<i>Educational Qualification of Divorced Women</i>		
Qualification	Respondents (out of 38)	(%)
Illiterate	5	13.2
Only sign	1	2.6
Primary	8	21.0
6 th – 10 th	18	47.4
MP-HS	4	10.5
Graduate	2	5.3

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Opinion about divorce

It is important to describe the approach of the respondents towards provision of divorce, their knowledge about the divorce laws and circumstances of divorce. Table Number 16 showing the attitude towards the provision of divorce. It is observed that 25.8 per cent of them support that there should be a provision of divorce. 74.2 per cent of them were against about the provision of divorce. Those who were against the provision of divorce were further asked to state the reasons for their opposition. The table number presented the reasons why they do not

support the provisions of divorce, they think that it allows men to take advantage of this provision to divorce their innocent, dependant, helpless wife whenever they dissatisfied with their wife. They also are good that this provision only benefits men than women. They also said that if this provision is available only as a last means where the husband and wife cannot live together, then divorce may allow. But in reality, husband misused the provision of divorce. Some respondents think that provision of divorce allow more divorce. In their opinion, if there is no provision of divorce then they will arrange to live together. 0 respondents said that women always live in fear and under the domination of men.

Those who support the provision of divorce were asked why there should be the provision of divorce. They replied that sometimes divorce should be allowed when husband and wife do not want to live together. They also answer the circumstances under which divorce should be allowed. If husband or wife involved with an Islamic practice are involved illegal sexual relations, then divorce may be permitted.

Table No.16

<i>Respondents Attitude towards Provision of Triple Divorce</i>		
Attitude	Respondents (out of 89)	(%)
Should be there	23	25.8
Should not be there	66	74.2

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Reasons for not supporting triple divorce

1. It allows men to take advantage.
2. Only benefit men than women.
3. This provision of divorce allows more divorce
4. It is not an Islamic practice.
5. This is not a good practice; it causes of low status of women in their parent's home as well as in society.

Reasons for supporting triple divorce

1. This provision is mentioned in the *Hadith* according to few respondents.
2. If husband and wife do not want to live together, it is the better way of divorce.

3. If husband or wife involved in Non-Islamic practice.

How many respondents know their right to inheritance mentioned in the *Quran*

Table number 17 present data about the awareness of Muslim women of their rights of inheritance which is mentioned in the *Quran*. A large number of women about 65.2 per cent aware about their rights of inheritance but not about actual share of property which is mentioned in the holy *Quran*. Only 34.8 per cent were not aware at all about their inheritance rights.

Table No.17

<i>Respondents know the Right to inheritance, mentioned in the Quran</i>		
Know	Respondents (out of 89)	(%)
Yes	58	65.2
No	31	34.8

Source: Field Survey; Interview taken from 19th March to 10th April, 2019

Awareness about the Muslim (Protection of Rights on Marriage) Bill,2018

Government has taken an initiative to save women from the practice of triple *talaq* which is injustice to them and also violates their fundamental rights. So, government has introduced a bill which is known as Protection of Rights on Marriage to save Muslim women from the practices of triple *talaq*. But it is a matter of concern that most of the Muslim women in rural areas are not aware about this bill proposed by the government. I have surveyed 89 Muslim women of both divorced and housewives from two Gram Panchayats of Murshidabad district, only 7 women knows about the bill and large number of women do not know about this bill of government.

Opinion of Qazi

I have interviewed of 11 *Qazi* from the two Gram Panchayat to obtain their opinion about triple *talaq* which is prevalent among Muslims society, government approach towards triple *talaq* and government initiative to reform the Muslim Personal Law which is based on *Shariat*. On the issue of triple *talaq* they said that we cannot deny that we do not face the cases of oral *talaq* at all in Muslim society. They said that the tendency of divorced among Muslims have increased in present time comparison to previous time. According to them, most of the oral cases of divorce or triple *talaq* have found among those Muslims who belongs to low income

family, but it is not always with every cases. Most of the *Qazi* whom I interviewed did not see the government initiatives in good look. They said that it is a matter of Muslim Personal Law and government should not interfere with religious matter. But few of them have taken it as a good initiative to save the importance of marriage.

Case Studies: Narratives of Data gathered from Field Survey

Let me present some case studies and then go on to draw some general conclusions regarding the status of divorced Muslim women in the light of data collected as part of this study. Since there were remarkable similarities in many cases discuss 10 case histories.

Case history 1

Rubina Anjum¹³ she is only 21 years old. She was married on 18 years with Saidor just after passing the 12th class. After marriage she took admission in a college and wanted to continue her study but her husband was not favour on her study after marriage. Before fixing up marriage her husband and his family promised her that they will allow to continue her study. On that issue quarrel started with her husband and other members of her martial family. Finally, she came back to her parents' home and decided that after completed graduation she will go back to her husband's house. Since she was residing in her parents' house, during that time her husband did not come to meet his wife and after one year her husband give divorce in her absence. Though she received *Meher*, which was fixed at the time of marriage but did not receive any maintenance from her husband after divorce even she did not claim for this.

Case history 2

Mst. Rinara Khatun¹⁴, age 39 years is separated from her husband. She is graduate and comes from a middle-class family. She was married in 2002, and since she was living with her husband in a joint family. Sometimes her father in law and mother in law talk about dowry but her husband never said. Her father in law and mother in law instead said that her father has not given demanded dowry, if her father wants her to live with her husband, they must pay demanded dowry, otherwise she must return to her parents' house. Since she was living with her parents. She was divorce after 3 years of marriage. Her husband did not give her

¹³ She is the Respondent of this survey residing in the village Bhawanipur of Kalmegha Gram Panchayat.

¹⁴ She is one of the Respondent from Notun Ramana of Ramchandrapur Gram Panchayat.

maintenance after divorce. Rinara wanted to go to her husband but she was helpless. She was doing what her parents told her to do. She did not marry again.

Case history 3

Khatija Khatun¹⁵, 24 years old is a resident of Bhawanipur. She is a *beedi* labour. Her husband divorced her four years after their marriage on her presence. She did not receive her *meher*, which has been fixed on her marriage, even she did not receive any maintenance from her husband. After marriage with her husband she faces the problems of dowry harassment. Her husband and her mother-in-law pressurize her for more dowry. But her family was so poor that they were not able to give more dowry. On that issue family fights with her husband started, finally her husband gives her divorce. She has not been getting back any belongings from her husband house. They refuse to give back at the time of her divorce. She did not receive any maintenance from her husband. Now she is residing with her parents and engaged herself with *beedi* making activities.

Case history 4

Hafija Khatoon¹⁶ 19 years old. She was divorced orally by her husband after one year of their marriage. She did not receive any maintenance from her husband after divorce, though she received her *meher* at the time of marriage which was fixed amount of some money. She is a victim of oral divorce. Her husband does not treat her as a wife after their marriage because she is not pretty well. Face the problems of harassment, torture by her husband. She did not get back any belongings after her divorce. Her family did not pressurise on her husband to return all the belongings which they give as a dowry at the time of marriage because her family take the decision for the divorce to evacuate their daughter from the torture of her husband. Her parents now preparing for remarry of their daughter.

Case history 5

Rojila Bibi¹⁷ resident of *kalmegh Gram Panchayat*, she was married at the age of 16 years. Her husband divorces her after 7 years of their marriage. Her husband torture her and always pressurize for more dowry from her parents. Her husband gives threatened if she could not fulfil his demand for money then he will take a second wife. Once he married another woman

¹⁵ She is one of the Respondent from Bhawanipur of Kalmegha Gram Panchayat.

¹⁶ She is one of the Respondent from Bhawanipur of Kalmegha Gram Panchayat.

¹⁷ She is one of the respondents from Hosnabad of Kalmegha Gram Panchayat.

without her consent. For this very reason she come back to her parents' house. Finally, one day her husband divorced her through the letter of *Qazi* in her absence. She is currently residing in her parents' home. She did not get back any belongings which was given on marriage as a dowry. Even she did not get any maintenance from her husband, though they did not claim for it. She has one girl child and did not marry again. She is facing the financial problems at post divorced period in her parents' house.

Case history 6

Selena Parveen¹⁸ 24 years old. she was divorced after 5 years of their marriage. The reason of dissolution of her marriage was the fights with her husband. Her husband did not allow her to go to her parents' house. Whenever she come to her parents' house without her husband's permission, he started fight with her, because her mother in law complaint him that she took things for her parents. Their marital relationship was not good from the starting. Her husband always insulted her even her parents too. On that very reason of quarrel with his wife, once he divorced her on her presence. Now she is residing in her parents' home and engaged herself with *beedi* making. She gets back all the belongings after divorce. But she did not receive any maintenance from her husband. She did not marry again.

Case history 7

Muslema¹⁹ Khatun she is from Bhawanipur. She was married at the age of 15 years, and divorced took place just after two years of marriage. Muslima Khatun was from a very poor family, her parent's monthly income is less than 5000. Her parents could not give the demanded dowry which was fixed before fixing up their marriage. After one year of marriage her husband sends her to her parents' home with a demand of dowry. But her parents were unable to fulfil the demand of such money. Since she was residing in her parents' house. After one year of her coming to the parents' house, her husband sent the divorce letter through *Qazi*. They were helpless. For this economic reason, Muslema Khatun did not go back to her husband's house. After divorce she did not receive any maintenance from her husband, though she received meher on the date of marriage.

Case history 8

¹⁸ She is one of the respondents from Krishnapur of Kalmegha Gram Pancayat.

¹⁹She is one of the respondents from Bhawanipur of Kalmegha Gram Pancayat.

Nasima Khatun²⁰ was married at the age of 14 years old. She was divorced after 6 years of her marriage. Her husband never accepted as a wife nor behave like husband with her since their marriage. She realised after four to five years of her marriage that her husband doesn't have any approach to her as a wife, because her husband having a relationship with another woman. She said that she is not good looking and attractive that's why her husband make another relationship with a new woman. He gave all the earnings money to her. He was not giving any money to Nasima. One day her husband raised the proposal of getting married to the other women. This led to bitter fights with her husband. He finally divorced her on her presence. She did not get back her all belongings. Her family tried to get these belongings but she can't. She did not receive any maintenance. Through she received some amount of money as a *meher* at the time of marriage. Now she is living with her parents.

Case history 9

Samima Bibi²¹ married at the age of thirteen years. Her husband divorced her two years after their marriage. The reason of divorce was dowry harassment. Her husband and his family pressurising on her parents to fulfil all the demand which was made promised before marriage. Her husband's family fixed one lakh rupees and two carats gold and furniture. Samima Bibi's father was a farmer, so he was not in situation that he can fulfil all the demand of dowry immediately. Her husband said that if her parents do not give all the demanded dowry within few months, he will divorce her. Finally, he divorced her orally two years after her marriage. She did not receive her *mehar* at the time of marriage nor after divorce. She did not receive any maintenance from her husband after divorce. Presently she is married with another man and now residing with her present husband.

Case history 10

Mariom Khatun²² twenty-four years old from *Kalmegha* Gram Panchayat. She was married at the age of fourteen years. She is now self-employed. She was divorced by her husband orally in her presence. The reason of divorce was that she practiced black magic, her mother-in-law blame. She said that one day her husband become ill, her mother-in-law took him to a *kabiraj*, who told them that his wife practiced black magic against him in order to bring him under her control. After returning home both her husband and her mother-in-law started fight with her.

²⁰ She is one of the respondents from Bhawanipur of Kalmegha Gram Pancayat.

²¹ She is one of the respondents from Balarampur of Kalmegha Gram Pancayat.

²² She is one of the respondents from Bhawanipur of Kalmegha Gram Pancayat.

When her father and brother come to enquiry what had happened and to bring about settle, her husband pronounced divorce in their presence. Since she is now residing with her parents, without get back any belongings and maintenance from her husband.

4.5. Summary

From the data provided by these case histories a number of conclusions can be arrived at. The system of divorce impinges directly on the status of Muslim women in general and within the marriage system in particular. When they were divorced their situation was generally pathetic. The divorce devastated them economically and emotionally. Divorce further reduces the status of women in society. The large number of women whom I interviewed come from very poor family or deprived background. Most of them are not high educated or have special skills to be able to lead a comfortable life on their own. Many of them did not get their *meher* and maintenance from their husband. After the divorce they fall back upon their parents and relatives, whether grudgingly or ungrudgingly, take the responsibility of providing for them on their shoulders. It is clear that it is common after divorce daughter would automatically come back to their parents' home and would be taken care of as a member of the family. Divorce creates the social problems for the divorced women. She loses her status and has to depend on semi-skilled or unskilled work for survival.

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