

Maintenance of Wife under Muslim Law in Bangladesh and India: A Comparative Study



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LETTER OF APPROVAL

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Dear Sir,

It's a great pleasure for me to submit Maintenance of Wife under Muslim Law in Bangladesh and India: A Comparative Study. While preparing this research Monograph Paper I have attempted my dimension best to keep up the required Standard. I trust that this research monograph will satisfy your desire.

I hereby do solemnly declare that the work presented in dissertation has been carried out by me and has not been previously submitted to any other institution. The work I have presented does not breach any copyright.

I, along these lines, supplicate and Hope that you would be sufficiently benevolent to this exploration paper for advancement.

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I am also grateful to my entire classmates of master's in legal research Studies.

DEDICATION

I want to dedicate this research paper to My beloved Parents.

Who have all their care, attention, love, sacrifice and blessings for us in our entire life.

DECLARATION

This is certifying that the research monograph “Maintenance of Wife under Muslim Law in Bangladesh and India: A Comparative Study” has been done by Fatema Akter (Id No 191-38-321) in partial fulfillment of the requirement for the degree of LLM program from Daffodil International University. This research monograph has been carried out successfully under my supervision.

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ABSTRACT

This article discusses and analyzes the introducing of maintenance under Muslim law which refers the right to maintenance of a wife, provides mechanism to recover maintenance, focus the laws regarding maintenance and its applicability in Bangladesh and India. The principle of maintenance includes the basic requirement of a person for survival. Maintenance is the sum which a husband is under a commitment to make to his wife either amid the subsistence of the marriage or upon detachment or separation, in specific situations. Muslim law binds the husband to give proper maintenance to his wife. In Bangladesh and India there are some provisions of law relating to maintenance which has not its actual applicability in the court of both countries, for this reason many maintenance seeker women get deprive from their rights. The aim of this research is to compare the laws relating to maintenance in Bangladesh and India and find out the problems which arises from disputes of maintenance in the court of law in Bangladesh and India and give some recommendation to resolve the problems.

Abbreviations

- AIR : All India Report
- CPC : Code of Civil Procedure, 1908
- Crpc : Code of Criminal Procedure, 1973
- DLR : Dhaka Law Report
- FLO : The Family Law Ordinance, 1985
- HCD : The High Court Division
- MFLO : Muslim Family Law Ordinance, 1961
- SC : The Supreme Court

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Chapter 1

Introduction

1.1 Introduction

Muslim Family Law is a significant piece of Islamic Law which depends on the Holy Quran and Sunnah. The Muslim nations around the globe by and large observe the piece of Islamic Law. In Muslim Law there are numerous rights set for the ladies, one of them is Maintenance. Support of spouse is a privilege of wife guaranteed by her significant other. There are national and worldwide laws viewing Maintenance as Muslim Family Law Ordinance, 1961, Dissolution of Muslim Marriages Act, 1939. In Bangladesh the majority of the individuals are Muslims and the state sets a few standards and arrangements with respect to support through different Statutes and Laws, then again in India where the greater part of the individuals are not Muslims it sets additionally a few arrangements in regards to Maintenance of Muslims. Presently the inquiry is, what amount these two arrangements of arrangements can guarantee the ladies' privilege with respect to support in the worry nation and the amount they are comparable or unique?

1.2. Background of the study:

The standard of support incorporates the essential prerequisite of an individual for endurance and incorporates courtesies like nourishment, dress, sanctuary, training and different necessities of life. This is impliedly allude the Maintenance of wife by her husband. There is agreement among all Muslims that marriage is one of the causes that make Maintenance wajib. The Holy Qur'an has unequivocally referenced the wife's Maintenance in the accompanying stanza: "Men are the defender and maintainer of ladies, since ALLAH has given the one more (quality), than the other, and in light of the fact that they bolster them from their methods." The reason for the obligation of support is marriage. Under the Shariah, a spouse can't be constrained to cook and join her garments; the husband needs to furnish her with a hireling for that work. The wife is will undoubtedly furnish her with a different house or a different part of a house with a different passageway or exit. On the off chance that the wife dwells at her parent's home for a legitimate explanation, her privilege of

Maintenance isn't influenced. It is required with respect to the spouse to keep up his significant other, carry on with her on fair terms and take appropriate consideration of the wife. In the event that he has more than onewife, he ought to give support to every one of them and treat them fair, ought not segregate between them in giving Maintenance and ought not favor one against the other.

1.3. Statement of the Problem:

This research incorporates the territories of data required to gather and break down in regards to the issues with respect to Maintenance of spouse under Muslim Law. Maintenance is a basic piece of Muslim Family Law. The greater part of the nations whatever Muslim nation or non-Muslim nation (where Muslim individuals are in next to no segment) sets some arrangement with respect to support. This exploration is going to analyze the arrangements of Maintenance of a Muslim nation like Bangladesh and a non-Muslim nation like India. This exploration has been made to see if there are any arrangements with respect to Maintenance and if there is any arrangement, to dissect the arrangements so as to examine whether it is suitable or not contrasting with another nation's arrangements.

The issue under the examination is whether the arrangements are sufficient to take care of the considerable number of issues emerge from Maintenance under Muslim Law which nations arrangements are increasingly compelling to set standards for support of wife.

1.4. Significance of the study:

Maintenance is a basic piece of Muslim Family Law. The majority of the nations whatever Muslim nation or non-Muslim nation (where Muslim individuals are in almost no part) sets some arrangement with respect to Maintenance. This examination is going to think about the arrangements of support of a Muslim nation like Bangladesh and a non-Muslim nation like India. The ladies being the accomplice of man throughout everyday life, assumes a crucial job in raising family particularly to maintenance social request. This fundamental inclusion of ladies gives her the privilege of upkeep from her significant other. Spouse is under a legitimate, social and good commitment to Maintenance his significant other. Barely there is any law including the individual law which don't accommodate such support. Nearly in each general public the commitment of spouse to keep up the wife emerges out of the jural relationship of marriage. The men used to satisfy the errand of being "providers" and the ladies invested heavily in their jobs

as "home-creators". Curiously enough Islam, which isn't only a religion and progressively a code of life, through Quranic section endorses comparable jobs:" Men are responsible for ladies by [right of] what Allah has given one over the other and what they spend [for maintenance] from their riches. So exemplary ladies are ardently loyal, guarding in [the husband's] nonappearance what Allah would have them protect.

1.5. Research Question:

- What are the importance of Maintenance under Shariah Law?
- What are the provisions of law applicable in Bangladesh and India relating to Maintenance?
- Is there any problem regarding maintenance that has been come through cases in Bangladesh and India?

1.6. Research Methodology:

It is hard to finish an examination without complete any strategies. The ideal result of the examination depends to a great extent on the embracing of the best possible strategies identified with the points in the field of the best possible examination. Research can be made by following royal or investigative technique. This exploration depends on the essential and auxiliary sources with respect to the Maintenance of wife under Muslim Law. The essential source incorporates a few arrangements of the Holy Quran, resolutions and understandings on the related national and worldwide enactments. The auxiliary source incorporates the important distributed and unpublished materials, for example, books, diaries; online data or the web, papers, magazine and so forth., concentrating on ladies rights on support by means of Muslim law.

1.7.Objectives of the Research:

The main objective of the research is to claim and advance the effective application of the concept of Maintenance and show the comparison of legal provision of Maintenance between two neighboring country like Bangladesh and India.

The other objectives of the research is:

- To analyze women rights under Muslim Law in Bangladesh and India
- To analyze wives rights of maintenance under Muslim Law

- To examine husbands obligation regarding maintenance
- To analyze the Laws in Bangladesh and India regarding maintenance
- To highlight the problems that has been come through different cases in Bangladesh and India
- To identify the mechanism to recover maintenance
- To make a comparison of Bangladeshi and Indian Laws regarding maintenance of wife
- To suggest some probable recommendation regarding the provisions of maintenance

1.8. Conceptual Understanding:

The idea of Maintenance in Muslim law was acquainted with offer help to those individuals who are not skilled to look after themselves. Support essentially should incorporate an arrangement for home. Support is given with the goal that the woman can live in the way, pretty much, to which she was acclimated. The idea of support must, in this manner, incorporate arrangement for nourishment and dress and so forth and consider the fundamental need of a rooftop over the head. Support of spouse for her 'sustenance' doesn't mean creature presence however connotes driving life likewise as she would have lived in the place of her significant other. Spouse is compelled by a solemn obligation to empower his significant other to live with poise as indicated by their economic wellbeing.

1.9. Conclusion:

By excellence of legal proclamations and different advances, privileges of Muslim ladies has been reestablished yet it will become productive just when under lying believing are changed, the Muslim ladies ought to liberate themselves instructively, monetarily and socially for their prosperity just and afterward they can comprehend their privileges and worth and from there on the social up of the entire network is conceivable. We ought to consistently recall that mother is the main instructor and coach of his kid. No general public at any point lived in harmony until their ladies people find a sense of contentment. This exploration is about the support of spouse under Muslim Law in Bangladesh and India and keeping in mind that taking a shot at this some missing has been seen which require as fathom to guarantee wife's spot on maintenance appropriately. This examination features the advantages of Muslim wife with respect to maintenance which is given by the nations.

CHAPTER 2

An Overview on Maintenance

2.1. Concept of Maintenance

Maintenance originates from the Latin articulation *manu tenere* significance actually "hold in the hand." Maintenance in Muslim individual law is known as Nafaq. Nafaqah is the Islamic legitimate term for the budgetary help a spouse must accommodate his better half. In an Islamic marriage, the spouse is dependable to pay for his significant other's lodging, nourishment and apparel. Muslim law forces every single budgetary commitment therefore to a marriage on spouse. A spouse, anyway rich she is nevertheless she isn't bound by any lawful commitment to hold up under the family drifts including her own needs.

2.1.1 Meaning of Maintenance

Maintenance implies and incorporates each one of those things which are important to help of life, for example, nourishment, garments and hotel, food¹. Maintenance actually implies which a man spends over his youngsters, in law it implies sustaining, apparel and cabin, food². In any case, support isn't constrained in just inside some fundamental needs of an individual; rather it incorporates every single important thing that are basic for living keeping up a sensible standard. For instance, costs for a vacation additionally might be inside the necessities of support and in the event that the spouse turns into an understudy, at that point her husband needs to pay the education cost.³

2.1.2 Maintenance for Muslims

Muslim law manages the issues of marriage, separate, Maintenance, dower, guardianship and support is one of the basic pieces of these. Muslim law forces support on a male to keep up the individuals to whom they will undoubtedly keep up by Islamic law. Muslim Law inactively believes male to be better than the women. It is accepted that a man can deal with himself though

¹ Rashid v. AnishaKhatoon (1932, 59 I.A. 21) ; Ahmed Kasin v. Khatun Bibi (AIR 1933 Cal. 27)

² Md. Ibrahim v. Jaithoon Bibi (AIR 1951 Mad. 831)

³ Knowing Our Rights: Women, family, laws and customs in the Muslim world, (Women Living Under Muslim Laws, 3rded, London, 2006) p-224

the women can't, as it were it is derived that a lady can't act naturally dependent. Consequently, in Muslim law the spouse has been offered with an outright right to be kept up and the husband will undoubtedly keep up her paying little respect to the reality whether she's poor or not. Spouse's entitlement to upkeep is an obligation against the husband. Truth be told support is a commitment for the male leader of a family.

2.2. Who are entitle to Maintenance under Muslim Law?

Support is commonly partitioned into two:

1. The support fundamental for the individual himself. It precedes the support an individual will provide for other people. The Prophet stated, "Burn through cash on yourself first, and afterward on those whom you need to care."⁴

2. The maintainer individual needs to provide for other people. That sort of Maintenance begins from three reasons: marriage, blood connection and property (possession).

i. Marriage: A spouse has strict and legitimate commitment to keep up his significant other. This commitment begins from the understanding of marriage. The commitment to pay maintenance along these lines doesn't rely upon the agreement of marriage or any understanding between the couple made in such manner.⁵

ii. Blood Relation: A grown-up male individual who is able to keep up himself and has capacity to keep up other is likewise oblige to keep up his folks, youngsters, sisters, more youthful siblings. If there should arise an occurrence of support of guardians the Court of Bangladesh had perceived such a commitment of the youngsters, which could be implemented by the guardians in the family courts built up under the Family Court Ordinance, 1985. The Appellate Division of the Supreme Court of Bangladesh unmistakably referenced that the youngsters have the legitimate obligation to give maintenance to their folks. The Court watched:

Kids in simple conditions under Mohammadan Law will undoubtedly keep up their poor-guardians despite the fact that the last might have the option to procure something for themselves. These poor guardians may likewise document a suit in a Family Court for support

⁴ Syed Khalid Rashid and V.P. Bhartiya, Muslim Law, Fifth ed, Eastern Book Company, p 163

⁵ Muhammad EkramulHaque, Muslim Family Law (Sharia and Modern World), London College of Legal Studies (South), p 183

from their rich youngsters. Additionally, poor or debilitated family members: even hirelings of the spouse can keep up a suit for maintenance under the mandate of 1985 under conditions urged by Muslim Law.⁶

The people qualified for support are:

- a. Children,
- b. Grandchildren,
- c. Parents,
- d. Grandparents,
- e. Son's wife, and
- f. Other relations by blood who are-(Ascendants or relatives; or Collaterals inside the precluded degrees)⁷

iii. Property: A grown-up male is will undoubtedly keep up the individuals whose have enthusiasm for his property. Like step-mother, step-child.

In Islam, the obligation of winning the bread for the spouse and kids lies on the dad, as the leader of the family. What's more, if his mom, father, siblings, sisters and different family members become poor and ward, their maintenance is remembered for this obligation.⁸

2.3. Muslim Wife's right to Maintenance

Woman, under the Islamic law is viewed as the scholarly and profound equivalents of a man. The primary differentiation between them is in the physical domain dependent on the impartial rule of reasonable division of work. It assigns the more strenuous work to the man and makes him liable for the support of the family. It distributes crafted by dealing with the home and the childhood and preparing of youngsters to the lady, work which has the best significance in the assignment of building a sound and prosperous society. Along these lines, the man conveys the commitment to satisfy the privileges of lady on the grounds that the lady is under their duty and will be addressed in the Hereafter.⁹Muslim Law inactively believes male to be better than the lady. It is accepted that a man can deal with himself while the lady can't, at the end of the day it

⁶ Jamila Khatun v. Rustom Ali, 48 DLR (AD) (1996) 110, at para 33,

⁷Saumya Shukla, Maintenance in Muslim Law, <http://independent.academia.edu/saumyashukla3>

⁸ ibid

⁹NorainiBintiMdHashim, Rights of Muslim women before and during Marriage, and upon Divorce as Conferred by the Islamic Family Law (Federal Territories Act) 1984, Malaysia;

is reasoned that a lady can't act naturally dependent. Henceforth, in Muslim law the spouse has been given with an outright right to be kept up and the husband will undoubtedly keep up her paying little respect to the reality whether she's poor or not. Spouse's entitlement to support is an obligation against the husband.¹⁰

In the al Quran, it is said that:

"Men are the defenders and maintainers of women, since God has given the one more strength than the other, and in light of the fact that they bolster them from their methods." (Therefore, the righteous ladies are passionately submissive and protect in their better half's nonappearance what God would have them watch).¹¹

In Muslim law, wife is favored over the various people (even the small kids and different necessitous relations).

Accordingly, maintenance relies upon the station of life and the status in the general public. There is a significant inquiry with respect to upkeep is it adequate for a wife to give the fundamental material to support or he needs to put it prepared in a consumable stage. For instance, if a wife gives a few bits of fabric and says that it is her duty to join them, is will undoubtedly fasten the garments or she can guarantee it from her significant other? Or on the other hand on the off chance that she utilizes an individual to join the garments, who will undoubtedly pay for that? Additionally, does the commitment of a husband to give support oblige him to give prepared nourishment? Or then again wife will undoubtedly prepare the nourishment if the husband provided crude nourishments to her? Regarding some eminent books a spouse will undoubtedly give prepared nourishment and sewed attire to his significant other. Once more, a spouse will undoubtedly give a different house to their living, where the passage of any third individual will be limited without their assent. On the off chance that that turns into a segment of a house rather than an autonomous house, at that point that bit must have a free passageway and exit.¹²

¹⁰ Maintenance Of Wife Under Hindu And Muslim Law: Comparative Study, LawTeacher, <https://www.lawteacher.net/free-law-essays/family-law/>

¹¹The Holy Quran, Surah An Nisa: 34

¹²Fatawaalamgiriyyah, vol ii, p.147, cited in Tanzilur Rahman, A Code of Muslim Personal Law, vol 1, Karachi, 258

2.4. Scale of Maintenance

The standard or size of maintenance is a mission truth. In any case, husband's financial condition is the primary factor to decide the standard of support The Holy Quran says:

"Let the well-endowed individual spend as per his methods, and the man whose assets are restricted, let him spend as indicated by what All has given to him".

Obviously, one needs to keep up an impartial standard' in giving support, as the Almighty Allah stated:

'In any case, the (spouse) will bear the expense of their nourishment and garments on impartial terms.'¹³ However, wife's social condition additionally should be considered as an important factor alongside husband, financial capacity, as per Imam Abu Hanifa According to him, if there should be an occurrence of a contrast between these a husband needs to pay a normal. Notwithstanding, Imam Shafi thought about spouse's monetary status as the sole factor. As indicated by different legal advisers, the status and limit of both the husband wife ought to be thought about while fixing the measure of support.

As per IthnaAshari (Sheyas) the fundamental need of the wife need to think about.

2.5. Effect of Maintenance in Marriage

Maintenance is a privilege of a Muslim wife. Wife can look for maintenance simply after a substantial marriage and till as far as possible of the agreement of the marriage. Women can't look for maintenance from her future husband as, when the date of the marriage hosts been fixed by both the gatherings the lady of the hour can't request support till the agreement of the marriage has been started. Support isn't a state of a marriage that needs to set on the hour of marriage; it is a commitment of the spouse that necessities not to set at the hour of marriage. Husband can't overlook the support of his wife , on the off chance that he doesn't give Maintenance to his significant other, wife can look for separate on this ground however it doesn't consequently finish up the marriage.

¹³ Ibid, Surah Al-Baqarah, verse223

Maintenance can't be treated as a component of marriage. On the ground of non-installment of support the agreement of marriage won't be ended, it is female horse a ground for the spouse to request disintegration of marriage.¹⁴

2.6. Conditions for payment of Maintenance

Conditions for giving maintenance is,

- i. There must be presence of a legitimate marriage,
- ii. She is anything but a minor, not unequipped for fulfillment,
- iii. Does not reject free access to the spouse at all sensible occasions,
- iv. Wife visited her better half's home,
- v. She doesn't will not live together with him without sensible reason,
- vi. Does not Abandon marital home without sensible reasons,
- vii. Does not deserts him,
- viii. Does not runs off with someone else,
- ix. The spouse needs to comply with the legal directions of her better half.¹⁵

2.6.1 Obedience of Wife

The prime condition under Islamic law for a spouse's commitment to pay maintenance is the wife's 'acquiescence' to her husband. Be that as it may, the importance and extent of 'compliance' is questionable, as there are various assessments of legal scholars on this point. A wife will undoubtedly comply with her husband's legitimate and sensible limitations. Be that as it may, there are varying suppositions about the level of submission. At the end of the day, what are the limitations that a husband can force on his wife? Will husband deny his wife to proceed with her investigation or to make a legal showing? In responding to this inquiry, dutifulness should be characterized distinctively with the end goal of support. Dutifulness of spouse to her significant other is a legitimate impact of a marriage. Compliance for that reason incorporates the accommodation of spouse for sexual relationship to her husband. Be that as it may, with the end

¹⁴ Above number 5, p 316

¹⁵ Ahmed Ali vs. Sabha Khatun Bibi, PLD, 1952

goal of support, if a spouse denies sexual relationship in any event, remaining at her better half's home, the husband can't abstain from paying maintenance on the ground of rebellion. Albeit such refusal of the spouse might be treated as noncompliance with regards to the legitimate impacts of a substantial marriage, it isn't rebellion with the end goal of support. In the event that a wife stays independently from her significant other against the desire of the husband, this will be treated as 'defiance' of wife with the end goal of support. A rebellious spouse is one who leaves the wedding home without legitimate legitimization or who will not enable the husband to go into her home preceding his requesting that her transition to another house. Legitimate support for her leaving the home will incorporate damage caused to her by the spouse through beating or by abuse. Notwithstanding, if the spouse lives independently on the ground of non-installment of the brief part of her dower, the husband will be as yet bound to pay support. Regardless of whether a spouse lives independently on some other sensible ground, for instance, on the ground of remorselessness, the husband will stay bound to pay support. The spouse can't treat such a different remain as insubordination. In like manner, if a wife stays independently on the ground of the husband's non-satisfaction of a stipulation in a marriage contract, the husband should pay maintenance. Aside from the necessity of 'acquiescence as per dominant part researchers a husband will undoubtedly give support to his minor wife who lives with her folks. A wife's entitlement to maintenance will likewise be lost in the event that she is detained. In the event that a spouse goes out without taking her better half's authorization, her entitlement to support will be lost, as per the two sunni and shia legal advisers.¹⁶

2.7. Maintenance of women after divorce

Customarily it is the settled standard of Islamic Sharia law that a lady is qualified maintenance during the subsistence of the marriage and after separation for iddat period. Yet, the debate emerges when the issue of giving post-separate from support (maa'ta) past iddat period comes as there are contrasts of conclusion among the Islamic Scholars as to permitting post-separate from maintenance (maa'ta) past iddat period under Islamic Sharia law. iddat period¹⁷. Be that as it may, the legal executive of numerous nations is permitting such support through legal activism. In Islamic Sharia law, a spouse is compelled by a solemn obligation to give maintenance to his

¹⁶ Above number 5, p 187

¹⁷ A. Shahid, Post-divorce Maintenance For Muslim Women In Pakistan and Bangladesh: A Comparative Perspective, *International Journal of Law, Policy and the Family*, 27(2), 2013, 197–215

significant other during the subsistence of marriage and in case of separation, he is additionally dependable to give support to his wife just up to the lapse of iddat period . This is on the grounds that after separation it is viewed as out of line to trouble a man with the commitment of post-separate from support past iddat period . In addition, as per Islamic Sharia, the conceded dower is viewed as a shield for separated from ladies. The High Court Division of Bangladesh for a situation held that a spouse has been offered with a flat out right to be kept up and the husband will undoubtedly keep up her despite the fact that she may have intends to maintenance herself and the husband may himself be with no methods.¹⁸

Generally under the arrangements of Islamic Sharia, there is no debate with regards to the spouse's entitlement to maintenance during the sustenance of marital bunch and for the iddat period as there are arrangements in the Holy Quran which make it compulsory for the husband to give support to her significant other after separation (The Quran 65:6). Despite the fact that having the Quranic messages on this issue, the discussion emerges and contrasts of sentiment exist among the Islamic researchers in regards to this past the iddat period as post-separate from upkeep or maa'ta (Shahid, 2013). In the Quran the word maa'ta has been utilized with regards to upkeep and blessing and the help for maa'ta for example post-separate from upkeep for a separated from spouse after iddat, depends on Quranic refrains 236, 240, 241 in Chapter 2 and stanza 49 in Chapter 33. In any case, so as to completely value this arrangement, we have to peruse the previous and following sections alongside this stanza, and not in disconnection from them, just like the training among certain researchers. Refrain 240 sets out the arrangements for widows (a year's upkeep and home), and afterward specifies ladies who leave the wedding habitation all alone. After this comes the arrangement for ladies who have not left without anyone else, that is, the individuals who have been separated. The stanza following this arrangement, (242), starts "In this manner doth God clarify his signs..." clarifying that it is a continuation of the subject of the past refrain (which determines upkeep for separated from ladies). In this way, from one perspective, the Qur'an is making a particular arrangement, then again is additionally advising us that God constant to give us signs to direction with the goal that we may understand and carry on as needs be. A straightforward perusing of the Qur'an shows that the different stages a separation happens have been secured. Disintegration of marriage, as indicated by Muslim law, comes to fruition in two different ways: passing or separation. A

¹⁸Amenakhatun vs. Mosomuddin (1967 19 DLR HCD)

straightforward perusing of Verses 240 and 241 show that the Qur'an has made arrangement for ladies who endure either widowhood or separation.

In spite of the fact that the traditional elucidation of Islamic law limits post-separate from support (maa'ta) up to iddat period, it has been considerably upgraded in numerous specific cases by enactment in Egypt, Iraq, Kuwait, Syria, Tunisia, Algeria, Morocco, Turkey and Malaysia, in light of teleological understanding of the Quranic stanza 2:241 on post-divorce from maintenance.

We should recollect that the fundamental explanation issues, for example, support rights for separated from ladies specifically and change proposition in close to home laws as a rule, is occurring in light of the fact that Bangladesh, alongside a few different nations, Muslim and non-Muslim the same, is making different discussions in which these issues ask managing. It is unimportant to state, as certain areas of society do, that these issues are presently coming up due to western/women's activist/un-Islamic effects on our general public.¹⁹

¹⁹<http://www.wluml.org/node/334>, last access: 28/11/19

CHAPTER 3

Muslim Wife's Right to Maintenance under different Laws in Bangladesh

3.1. Laws applicable in Bangladesh relating to Maintenance

Islam has put a lot of accentuation on the privileges of women and they are evidentially been set down in Al Quran (the Holy Book). In Bangladesh where Islam is the religion of the majority of the individuals of the republic, the privileges of support of Muslim women are ensured by ideals of Muslim Family Law Ordinance, 1961, Family Court Ordinance, 1985, The Dissolution of Muslim Marriages Act, 1939.

3.1.1 Muslim Family Law Ordinance, 1961

Muslim Family Law Ordinance, 1961 arrangements with five issues, support is one of them. There is an arrangement in the Muslim Family law ordinance 1961 (the whole law has been cited in part VI) with respect to maintenance,

- i. Maintenance If any spouse neglects to keep up his better half sufficiently, or where there are a bigger number of wives than one, neglects to keep up them impartially, the wife, or all or any of the wives, may notwithstanding looking for, some other legitimate cure accessible apply to the Chairman who will establish an Arbitration Council to decide the issue, and the Arbitration Council may give an authentication determining the sum which will be paid as support by the husband.
- ii. A husband or wife may, in the endorsed way, inside the recommended period, and on installment of the recommended expense, incline toward an application for amendment of the authentication, to the Sub-Divisional official concerned and his choice will be conclusive and will not be brought being referred to in any Court.
- iii. Any sum payable under subsection (I) or (ii), if not paid in due time, will be recoverable as unfulfilled obligations of land income.²⁰

²⁰ Section 9 of the Muslim Family Law Ordinance, 1961

This segment gives an extra solution for a spouse who isn't as a rule satisfactorily kept up by her better half. Past to the requirement of the statute, the spouse could bring a common suit for recuperation of support. The hidden item in making this arrangement was to outfit a basic, less expensive and increasingly convenient cure. It unquestionably doesn't seem to have been the expectation of the law supplier to order instances of support into two distinct classifications, I e, those of complete nonattendance of upkeep of and those of lacking support. Along these lines an instance of insufficient support additionally incorporates an instance of complete nonattendance of upkeep and the new cure currently made accessible to a dismissed spouse under the Muslim Family Laws Ordinance isn't elective in nature. The two cures are accessible in all instances of absence of upkeep whether satisfactory or lacking, and there is no motivation to hold that both identify with various types and classifications of such cases. Under the Ordinance a spouse can move the Chairman for this sake, and the Chairman needs to comprise an Arbitration Council which can fix the measure of support which ought to be paid to her. This doesn't bar different cures. A spouse can have plan of action to them in the event that she loves.

The arrangement gives the spouse, where there are more than one wife, a privilege to guarantee fair support, may clearly that she can guarantee upkeep which the in light of the current situation be sensible when contrasted with support given to other wife or wives.²¹

3.1.2 Family Court Ordinance, 1985

The Family Court Ordinance, 1985 has explicitly referenced that the family courts have the purview of hearing the suits viewing upkeep as the arrangement says:

Subject to the arrangements of the Muslim Family Laws Ordinance, 1961 (VIII of 1961), a Family Court will have select purview to engage, attempt to discard any suit identifying with, or emerging out of, all or any of the accompanying issues, in particular:-

- (a) Dissolution of marriage;
- (b) Restitution of matrimonial rights;
- (c) Dower;
- (d) Maintenance;

²¹GaziShamsur Rahman, Islamic Law, I.F. publication, 1st ed, p: 382

(e) Guardianship and care of children.²²

This Act for the most part manages the purview of the court and the system to arrange a suit. Here at the asking of the Act it is referenced that the Assistant Judge will be the Judge of Family Court and the court of Assistant Judge will be consider as family court²³. This Act approves the court to engage the debate matters identifying with support. suit²⁴, trial procedure²⁵, preliminary methodology , time for advance has been referenced in the Act.

3.1.3 The Dissolution of Muslim Marriages Act, 1939

Disintegration of Marriages Act, 1939 accommodates the disintegration of marriage on the accompanying among different grounds:

"That the spouse has disregard or neglected to accommodate her (his wife's) support for a period of two years".

The use of the statement is dependent upon the general arrangements of the Muslim Law with the goal that a spouse isn't qualifies to help this provision when she herself is to blame and isn't qualifies for any support under Muslim Law. Subsequently a spouse who is nashizah or hard-headed under Muslim law isn't qualified for support thus her marriage can't be broken up on the ground that the husband has neglected to keep up her for the endorsed period. It has been held for a situation that a spouse who will not come back to her significant other without adequate reason isn't qualified formaintenance.²⁶

3.2. When is Maintenance to be paid?

By and large, a spouse needs to pay upkeep during the duration of a marriage. Aside from that, a spouse is will undoubtedly pay support during the time of 'iddah' after separation in specific situations, which is known as 'post-separate from maintenance. Again if there is any unpaid maintenance a spouse can recoup it as 'past support. In this way, support might be of the accompanying three sorts: present maintenance, past maintenance and post-divorce from support.

²² Section 5 of the Family Court Ordinance, 1985

²³ *ibid*, section 4

²⁴ *ibid*, section 6

²⁵ *ibid*, section 10,11,12

²⁶ Above number 2, p: 381

Subject to fulfillment of the conditions talked about over, a spouse will undoubtedly give support to his significant other. Notwithstanding, if any support stays unpaid, the sum is recoverable as an unpaid obligation. This is the assessment of every one of the three Imams aside from Imam Abu Hanifa. It is to be referenced here that past maintenance is recoverable as indicated by the present laws relevant in Bangladesh. The Appellate Division of the Supreme Court of Bangladesh held that past support is recoverable in the event of post-separate from maintenance, there are various assessments of Imams on the premise revocability of separation if there should arise an occurrence of a revocable separation, and the consistent sentiment is that the spouse will get support during her time of iddah. Be that as it may, if there should arise an occurrence of an unavoidable separation, in spite of the fact that Hanafi assessment is agreeable to support, Imam Shafi contrasted. Notwithstanding, support isn't payable during time of 'iddah' of a widow. In the event that where post-separate from support is payable, it was chosen by the High Court Division of the Supreme Court of Bangladesh in Hefzur Rahman case that maintenance is to be paid till remarriage of the separated from spouse or her demise, which has been overruled by the Appellate Division.²⁷

3.3. Remedies for non-payment of Maintenance

Non-installment of support is a ground for asking divorce by the spouse to the court. In Bangladesh, as indicated by segment 2 of the Dissolution of Muslim Marriages Act 1939 if a spouse comes up short or ignores pay upkeep to his better half for a time of two years then the wife may request (faskh) separate under the watchful eye of the court. It is presented that it is by all accounts an extremely extensive stretch of time for a spouse to sit tight for separate on the ground of non-installment of upkeep. In the financial setting of Bangladesh, it is consistent to fix a shorter period for this reason. The family court has a selective purview to manage a case identifying with upkeep in Bangladesh.²⁸ Once in the past, a support suit could be documented in the Magistrate court under area 488 of the Code of criminal Procedure in Bangladesh. Nonetheless, later it has been held by the Supreme Court that the purview of the family court to engage a support suit has removed the ward of the criminal court under area 488. The perplexity has been at last evacuated in 2007 by a change in the Code of Criminal Procedure, which revoked the important power the justice court to manage maintenance matter. Therefore, in

²⁷Hefzur Rahman v. ShamsunNahar Begum and another, 51 DLR (AD) 172.

²⁸ FCO, section 5

Bangladesh, presently all suits with respect to maintenance are to be recorded in the family courts.²⁹

3.4. Recovery of Maintenance

There are two kinds of instruments for the recuperation of maintenance Administrative and Judicial.

3.4.1 Administrative Mechanism

Regulatory instrument under the Muslim Family Laws statute, (MFLO) 1961: Section 9 of the MFLO sets out that a spouse can apply to the executive under the MFLO recoup the maintenance and the choice of the authority is appealable to the Court of Assistant Judge and no further intrigue or amendment to some other court or authority.

3.4.2 Judicial Mechanism

Legal component under the Family Court Ordinance, Section 5 of the Family Court Ordinance, 1985 has explicitly referenced that the family courts have the locale of hearing the suits with respect to maintenance.

Segment 4(2) of the statute says that a Courts of Assistant Judges will be Family Courts for the motivations behind this law and segment 4(3) says that Assistant Judges will be the Judges of Family Courts." The Family Courts are engaged to go for pacification, as area 14 says that where a contest is settled by bargain or placation, the Court will pass an announcement or give choice in the suit as far as the trade off or mollification consented to between the gatherings. It merits referencing here that segment 488 of the Code of Criminal Procedure had built up a solution for the recuperation of maintenance under the steady gaze of the justice court. In any case, in 2009 (with impact from 1 November 200 area 488 has been precluded, and accordingly, the justice court's capacity in regards to maintenance has been non-existent in Bangladeshi law.³⁰

²⁹ Muhammad EkramulHaque ,Muslim Family Law (Sharia and Modern World), London College of Legal Studies (South), p 192

³⁰Ibid, p 198

CHAPTER 4

Laws of Maintenance of Muslim Wife in India

4.1. Applicable Laws in India relating to Maintenance

Marriage involves different rights and commitments; support is one of them. Arrangements for support exist in all the individual laws just as Secular arrangements are cherished in the Code of Criminal Procedure, 1973, Dissolution of Muslim Marriages Act, 1939 and Muslim Women (Protection of Rights on Divorce) Act, 1986.

4.1.1 Code of Criminal Procedure, 1973 (section 125-128) Order for maintenance of wives, children, and parents;

Request for support of spouses, youngsters, and guardians;

(1) If any individual having adequate methods ignores or will not keep up his significant other.

A Magistrate of the top notch, endless supply of such disregard or refusal, request such individual to offer a month to month leniency for the maintenance of his significant other or such kid, father or mother, at such month to month rate not surpassing 500 rupee in the entire, in that capacity Magistrate thinks fit, and to pay the equivalent to such individual as the Magistrate may every now and then immediate. Given that the Magistrate may arrange the dad of a minor female youngster alluded to in proviso.

(b) To offer such leeway, until she accomplishes her lion's share, if the Magistrate is fulfilled that the spouse or such minor female kid, whenever wedded, isn't equipped with adequate methods.

Clarification:

"wife" incorporates a lady who has been separated by, or has gotten a separation from, her significant other and has not remarried.

(2) Such remittance will be payable from the date of the request, or, if so requested, from the date of the application for support.

(3) If any individual so requested falls flat without adequate reason to conform to the request, any such Magistrate may, for each break of the request, give a warrant for imposing the sum due in the way accommodated requiring fines, and may sentence such individual, for the entire or any piece of every month's stipends staying unpaid after the execution of the warrant, to detainment for a term which may reach out to one month or until installment if sooner made:

Given that no warrant will be given for the recuperation of any sum due under this segment except if application is made to the Court to collect such sum inside a time of one year from the date on which it got due:

Given further that if such individual ideas to keep up his significant other on state of her living with him, and she will not live with him, such Magistrate may consider any grounds of refusal expressed by her, and may make a request under this area despite such offer, on the off chance that he is fulfilled that there is simply ground for so doing. Clarification.- If a spouse has contracted marriage with another lady or keeps a paramour, it will be viewed as simply ground for his significant other's refusal to live with him.

(4) No Wife will be qualified for get a remittance from her husband under this area on the off chance that she is living in infidelity, or if, with no adequate explanation, she won't live with her significant other, or on the off chance that they are living independently by common assent.

(5) On evidence that any spouse in whose support a request has been made under this area is living in infidelity, or that without adequate explanation she will not live with her significant other, or that they are living independently by common assent, the Magistrate order.³¹

Procedure;

(1) Proceedings under segment 125 might be taken against any individual in any area –

(a) Where he is, or

(b) Where he or his significant other dwells, or

(c) Where he last dwelled with his significant other, or by and large, with the mother of the ill-conceived children.

³¹ Section 125 of the Code of Criminal Procedure, 1973 (ACT NO. 2 OF 1974)

(2) All proof in such procedures will be taken within the sight of the individual against whom a request for installment of upkeep is proposed to be made or, when his own participation is abstained from, within the sight of his pleader, and will be recorded in the way recommended for call cases:

Given that if the Magistrate is fulfilled that the individual against whom a request for installment of support is proposed be made is stubbornly maintaining a strategic distance from administration, or obstinately fail to go to the court, the Magistrate may continue to hear and decide the case ex parte and any request so made might be saved for good aim appeared on an application made inside a quarter of a year from the date thereof subject to such terms including terms as to installment of cost to the contrary party as the officer may think just and appropriate.

(3) The court in managing applications under area 125 will have capacity to make such request as to costs as might be simply.³²

Alteration in allowance;

(1) On confirmation of an adjustment in the conditions of any individual, getting, under segment 125 a month to month stipend, or requested under a similar area to pay a month to month recompense to his wife, youngster, father or mother, by and large, the Magistrate may make such change in the remittance as he might suspect fit :

Given that on the off chance that he builds the recompense, the month to month pace of 500 rupees in the entire will not be surpasses.

(2) Where it appears to the Magistrate that, in outcome of any choice of an equipped common court, any request made under segment 125 ought to be dropped or changed, he will drop the request or, all things considered, fluctuate the equivalent likewise.

(3) where any request has been made under segment 125 for a ladies whom has been separated by, or has acquired a separation from, her significant other, the Magistrate will, on the off chance that he is fulfilled that-

³²Ibid,section 126

(a) the ladies has, after the date of such separation, remarried , drop such request as from the date of her remarriage;

(b) the ladies has been separated by her significant other and that she has gotten, regardless of whether previously or after the date of the said request, the entire of the total which, under any standard or individual law material to the gatherings, was payable on such separation, drop such request.

(i) In the situation where such total was paid before such request, from the date on which such request was made.

(ii) in some other case, from the date of expiry of the period, assuming any, for which maintenance has been really paid by the spouse to the lady;

(c) her privileges to support after the separation, drop the request from the date thereof.

(4) At the hour of making any declaration for the recuperation of any maintenance or share by any individual, to whom a month to month remittance has been requested to be paid under area 125, the common court will consider the total which has been paid as well, or recouped by, such individual as month to month stipend in compatibility of the said order.³³

Enforcement of order of maintenance;

A duplicate of the request for upkeep will be given without installment to the individual in whose support it is made, or to his watchman, assuming any, or to the individual to whom the stipend is to be paid; and such request might be authorized by any Magistrate in wherever where the individual against whom it is made might be, on such Magistrate being fulfilled with regards to the personality of the gatherings and the non-installment of the recompense due.³⁴

From the above it is very evident that under Section 125 Cr.PC a spouse needs to demonstrate that the husband has adequate methods and he has disregarded or wouldn't look after her. It is additionally the object of the law that spouse would not be qualified for getting maintenance if with no adequate reasons she will not live with her husband and on the off chance that they are living independently by shared assent.

³³Ibid, section 127

³⁴Ibid, section 128

4.1.2. Dissolution of Muslim Marriages Act, 1939

Under the Muslim individual laws, the Dissolution of Muslim Marriages Act, 1939 gives that disregard or inability to give maintenance to the wife to a time of two years would be a ground for a wife to seek dissolution of the marriage.³⁵

Muslim Marriage Act has an arrangement for partition under the name of Dissolution of Marriage Act, 1939. Both the gatherings to the marriage contract have a conclusion for separate, however the spouse's privilege in this regard is a lot more noteworthy than that of the wife. In the event of separation a spouse can leave his significant other with no reasons only by articulating "Talak" thrice. A separation can likewise occur by shared understanding. But the spouse can't separate from herself from her husband without his assent. She can obviously buy her divorce from her better half and can have the marriage broken up by appointment. Spouse can disintegrate the marriage contract by the grounds given in area 2 of the Dissolution of Muslim Marriages Act, 1939. Non-installment of support for a long time is one of the grounds to look for separate.

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

Order for payment of maintenance;

The Women Protection of Rights on Divorce Act, 1986, Section (a) says that separated from lady is qualified for have a sensible and reasonable arrangement and support from her previous spouse and the husband must do as such inside the time of iddat and his commitment isn't restricted to the time of iddat. Be that as it may, in the event that in the event that she is monetarily not autonomous and needs support and her family members who might get the portion of her property will grant her with maintenance, in this situation where she doesn't have any such family members than the State Waqf Board needs to pay her the maintenance.³⁶

4.2. Maintenance during Marriage and after Divorce

On account of maintenance during the continuation of the marriage, in the event that a spouse is truly hitched, at that point her better half would be obligated for her support regardless of whether she can maintain herself or when the husband is poor. It is collectively concurred among

³⁵ Section 2(ii) of the Dissolution of Muslim Marriages Act, 1939

³⁶ *ibid*

Muslim researchers and legal scholars that the lady's entitlement to maintenance emerges upon marriage and that the spouse is first arranged by need to this qualification, even before the kids, guardians and family members. What isn't so promptly settled upon anyway is whether this privilege is extendable after the marriage closes? It is the dispute of a decent number of types of Islamic law that it is.³⁷

In case of maintenance after divorce:

After separation the Muslim spouse is qualified for upkeep during the timeframe of Iddat and furthermore for the time, assuming any, that slipped by after the expiry of the time of Iddat and her getting notice of Talak. After expiry of the period Iddat the enforceability of the request for support stops.

The spouse is qualified for sue for maintenance at her ordinary spot of habitation at the hour of separation and where she gets the notification thereof. Suit by separated for Hiba-gems lies where the spouse lives.

A widow isn't qualified for maintenance out of the home of her late spouse notwithstanding what she is qualified for by legacy or under his will.³⁸

Support isn't fundamental for a lady whose spouse bites the dust since when the man kicks the bucket, the entirety of his property gives to the inheritors. She gets one of the inheritors at a pace of one-fourth or one-eighth. In the primary times of Islam, the spouse needed to will that his better half would be given maintenance for a year after his passing.³⁹

Be that as it may, the announcement with respect to one-year Maintenance and abiding, and the declaration of will were repealed by the twelfth stanza of the part a Nisa; the one-year iddah was abbreviated by the accompanying section: "If any of you kick the bucket and desert widows; they will hold up concerning themselves four months and ten days when they have satisfied their term".⁴⁰

The support duty of the spouse keeps during the time of iddah, regardless of whether the separation is revocable or permanent. It doesn't make a difference whether the separation has occurred twice or multiple times. In any case, as per Shafii, Malik and Ahmad b. Hanbal,

³⁷Faustina Pereira, Article Post Divorce Maintenance for Muslim Women and the Islamist Discourse by Dossier Articles South Asia Bangladesh Fundamentalisms [law] Women and Law - WLUML Programme, on January 2000

³⁸Mohd.Jaffer v. KoolsumBeebee ((1897) 25 Cal. 9)

³⁹The Holy Quran, Al-Baqara, 2/240

⁴⁰ Ibid, 2/234

possibly staying is given in the event that it is the third separation; different things like attire, nourishment, and so on are redundant.

4.3. Consequences for non-payment of Maintenance,

On the results of non-installment of support, spouse can look for separate under area 2(ii) of the Dissolution of Muslim Marriages Act, 1939. The Act gives that disregard or inability to give support to the spouse to a time of two years would be a ground for a wife to look for disintegration of the marriage.

4.4. Recovery of Maintenance

Spouse can recoup her support under segment 125 of the Code of Criminal Procedure, 1973. If there should arise an occurrence of separation after marriage spouse is will undoubtedly pay maintenance till to the iddat period. After the iddat if the spouse isn't pregnant the commitment of the husband closes and the duty to keep up that separation lady will lies on her folks or youngsters or relative or on the Wakfboard⁴¹.

4.4.1 Judicial Mechanism

On the off chance that any individual having adequate methods ignores or won't keep up-

- (a) his better half, incapable to look after herself, or
- (b) his authentic or ill-conceived minor youngster, regardless of whether wedded or not, incapable to keep up itself , or
- (c) his authentic or ill-conceived youngster (not being a hitched daughter)who has accomplished majority, where such kid is, by reason of any physical or mental variation from the norm or damage unable to look after itself, or
- (d) his dad and mom, incapable to keep up oneself,

A Magistrate of the top of the line, endless supply of such disregard or refusal, request such individual to offer a month to month leeway for the maintenance of his better half or such kid, father or mother, at such month to month rate not surpassing 500 rupee in the entire, in that

⁴¹ Section 4 of the Muslim Women (Protection of Rights on Divorce) Act, 1986

capacity Magistrate thinks fit, and to pay the equivalent to such individual as the Magistrate may now and direct.⁴²

Procedure;

(1) Proceedings under might be taken against any individual in any region –

(a) Where he is, or

(b) Where he or his better half dwells, or

(c) Where he last lived with his significant other, or all things considered, with the mother of the illegitimate kid.

(2) All proof in such procedures will be taken within the sight of the individual against whom a request for installment of maintenance is proposed to be made or, when his own participation is shed, within the sight of his pleader , and will be recorded in the way endorsed for call cases:

Given that if the Magistrate is fulfilled that the individual against whom a request for installment of upkeep is proposed be made is adamantly staying away from administration, or resolutely fail to go to the court, the Magistrate may continue to hear and decide the case ex parte and any request so made might be saved for good motivation appeared on an application made inside a quarter of a year from the date thereof subject to such terms including terms as to installment of cost to the contrary party as the judge may think just and appropriate.

(3) The court in managing applications will have capacity to make such request as to costs as might be simply.⁴³

⁴²Crpc, section 125

⁴³Ibid, section 126

CHAPTER 5

Comparative analysis of legal provisions on maintenance in Bangladesh and India

5.1. Introduction:

Family law or individual law comprises of family or individual issues like marriage, settlement, and disintegration of marriage, guardianship, appropriation, support, legacy and progression. It not just characterizes the connection among people in marriage and family relations yet additionally denotes the connection among ladies and the state.

5.2. Comparison of the laws of maintenance between Bangladesh and India:

The law of maintenance in Bangladesh is a mix of classified law, nearby conventions and the customary Muslim law. The quantum of support is directed under the schools of Muslim law by thinking about various conditions. The Hanafi law decides the measure of support by alluding to the social situation of both a couple, though the Shafi law just considers the situation of the spouse and the Shia law centers around the necessities of the wife. Bangladesh mostly keeps Hanafi law yet the cases don't uncover that the courts are contemplating the social situation of both a couple while discovering the measure of support. There were two kinds of gadget accessible for review in the instances of maintenance. Initial, an individual could have initiated a criminal suit in a criminal court under segment 488 of the Criminal Procedure Code, 1898. Besides, a common suit may be organized in the civil courts.⁴⁴

In Bangladesh there are different laws to guarantee the Muslim ladies' privilege identifying with support. Muslim Family Law Ordinance, 1961, Family Court Ordinance, 1985, the Dissolution of Muslim Marriages Act, 1939 are authorized to guarantee Muslim spouse's entitlement to maintenance in Bangladesh. Bangladesh is where a large portion of the individuals are Muslim and there are explicit laws for Muslims. Muslim Family Law Ordinance, 1961 which offer the Muslim ladies a chance to recuperate her support through an Administrative strategy (by the Chairman)⁴⁵ and the Dissolution of Muslim Marriages Act, 1939 give the Muslim women the

⁴⁴ Maintenance to Muslim wives: the legal connotations, Dr. Taslima Monsoor, The Dhaka University Studies, Part-F Vol. IX (I): 63-86, June 1998

⁴⁵Section 9 of the Muslim Family Law Ordinance, 1961

privilege to look for separate on non-installment of maintenance for two years⁴⁶. These two Acts are established distinctly for Muslims. The Family Court Ordinance, 1985 has been authorized for all the religion. This law offers locale to the Family (Court of Assistant Judge⁴⁷) to manage the matter of Maintenance⁴⁸and this arrangement is for all individuals (Hindu, Muslim, Christian). Be that as it may, there are no explaining arrangements for support in Bangladesh by which the measure of upkeep can be fixed or the conditions for installment can be resolved. Bangladeshi laws don't give any arrangements identifying with the hour of installment of the maintenance.

Then again in India there are two laws for Muslim ladies' maintenance. Disintegration of Muslim Marriages Act, 1939 and Muslim Women (Protection of Rights on Divorce) Act, 1986 are the laws for maintenance for Muslim ladies. The Dissolution of Muslim Marriages Act, 1939 gives that disregard or inability to give support to the spouse to a time of two years would be a ground for a wife to look for disintegration of the marriage⁴⁹and the Muslim Women (Protection of Rights on Divorce) Act, 1986 explains that the separation ladies is qualifies for get upkeep from her better half till the iddat period.⁵⁰ There is another Statute which is common to all the religion people in India, section 125-128 of the Code of Criminal Procedure, 1973 is relating to maintenance. This provision clarifies that if any person having sufficient means neglects or refuses to maintain his wife, the wife can seek to recover her maintenance through criminal action by filling case to the Magistrate of first class.⁵¹ This Act also specifies the amount of maintenance after divorce which has to be paid by the husband; the amount is 500 rupees per month.⁵² But the laws of India for maintenance do not fix the amount of maintenance during marriage and it also does not provide any conditions for the payment of maintenance.

Both the countries set rule for legal action for maintenance of Muslim wife but neither of them provide any laws relating to the concept of maintenance.:

⁴⁶Clause II of section 3 of the Dissolution of Marriages Act, 1939

⁴⁷Section 4 of the Family Court Ordinance, 1985

⁴⁸Ibid Section 5

⁴⁹DM Act, Section2 (ii)

⁵⁰Section 4 (i) of the Muslim Women (Protection of Rights on Divorce) Act, 1986

⁵¹Section 125 of the Code of Criminal Procedure, 1973 (ACT NO. 2 OF 1974)

⁵²Ibid section 127 (1)

5.4. Legal analysis of Maintenance

In both Bangladesh and India Muslim spouse will undoubtedly keep up his significant other in the continuation of marriage and on the off chance that they are separated, at that point till to the iddat period. This can be more explained by the beneath talked about cases-

5.3.1.Cases Relating to Maintenance In Bangladesh:-

i) Jamila Khatun (Appellant) Vs Rustom Ali (Respondent)⁵³

Appellate Division (Civil)

The suit was recorded by the appealing party as offended party on the charges, bury alia, that the litigant and the respondent were hitched on 3.8.72, the dower being fixed at Taka 500.00. On a similar date the respondent moved 11 sections of land of land to the appealing party by a saf kabala. The couple lived respectively cheerfully as man and spouse and when the litigant was in the family way the respondent sent her to her fatherly home. There she brought forth a male youngster. Two months after the introduction of the kid the respondent reclaimed his better half to his home and bit by bit began attacking and tormenting her physically and rationally. On the fifth Magh, 1381 BS relating to 18.1.75, the respondent after cruelly beating the appealing party drove her and her child out from the matrimonial home holding every one of her adornments and wearing array. The appealing party has since been inhabiting her parental home and the respondent has not given her or her child any support from that point forward. After a year she moved toward the town matbars for a salish which fizzled.

From that point the debate was progressively alluded, twice each, to a Village Peace Committee and to the Chairman of the Union Parishad, yet for a long time the question stayed uncertain. The respondent never gave her ownership of 11 sections of land of land and despite the fact that he is a man of substance he is denying the appealing party and her child of their due support, however he has paid her half of the dower.

It was held by the Court that, the suit for taka 3028750.00 speaking to upkeep for a long time 1 and 1/2 months for her youngster Taka 75.00 every month adding up to Taka 10,012,50, support

⁵³48 DLR (AD) (1996) 110; 1996, 25 CLC (AD) [782]

for herself for a similar period Taka 125.00 every month adding up to Taka 20,025.00 and parity of dower cash adding up to Taka 250.00 and furthermore announced disintegration of marriage. On offer by the respondent, OC Appeal No.243 of 1986, the second Court of subordinate Judge, Mymensingh by judgment and declaration dated 25.5.87 rejected the equivalent and attested the judgment and pronouncement of the preliminary Court. In the amendment taken by the respondent, Civil Revision No.1078 of 1987, a scholarly Single Judge of the High Court Division by judgment and request dated 19.6.90 put aside the judgment and declaration of the lower investigative Court to the extent that the pronouncement for past support is concerned, keeping undisturbed the various reliefs allowed to the litigant. The High Court Division enabled support to the appealing party with impact from the date of documenting of the case for example 6.1.86 till the expiry of 3 months from the date of pronouncement of the preliminary Court 1.5.86) and furthermore conceded support to the youngster from 6.1.86 till the announcement.

ii)Mst. Razia Akhter v AbulKalam Azad⁵⁴:

Married under Islamic sharia on 11.6.87 and a child had been conceived from the wedlock. The court found out that the respondent gave talaq on 5.1.89 when the offended party was not living in the litigant's home. The child was bom on 2.6.89. The court conceded the lady upkeep for the iddat period, for example until the child was brought into the world five months after the talaq. This expansion of the time of maintenance is in accordance with customary Islamic law and the statutory authorization. Islamic law accommodates this expansion of iddat time of upkeep to learn the authenticity of the kid. Under area 7(5) of the Muslim Family Laws Ordinance of 1961, if the spouse is pregnant at the hour of talaq, it isn't compelling except if the pregnancy closes. Consequently, the judgment just gave stretched out maintenance to the lady till the child was conceived however doesn't permit support inside the marriage when she was not living in the respondents house.

iii)Monawara Begum v Md. HannanHawladar⁵⁵:

The Family Court of the town M adhurchar in the Doharupazila of the Dhaka area didn't permit the spouse maintenance on the ground that she was absent in her in-law's home while her better half was working abroad. This implies the judges are worried for the nearness of the spouse in

⁵⁴ Family Suit No. 193 of 1989 (unreported)

⁵⁵Family Suit No. 15 o f 1989 (unreported)

the wedding home, not just for the exhibition of the conjugal commitments. This is additional proof that legal demeanors are impacted by stereotyped worries about controlling ladies' development. In the above case, what was the spouse expected to do in the in-law's home? The gatherings were hitched under an enlisted on 18.2.83 with a dower of 30,000 taka and the designation of the privilege of separation to the spouse. The offended party argued that the spouse left the nation in 1987 for a job in the Middle-East and she was dealt with unfeelingly by her relative and was constrained to leave the wedding home. It had been held in an old case that the spouse isn't entitled of upkeep in such a circumstance, as squabbles and conflict with her relative didn't comprise a lawful purpose behind her to go out. This circumstance could be handled if the privilege of discrete living arrangement and upkeep for such sick treatment or contrasts had been stipulated in the kabinnama, as in an a lot more seasoned case.⁵ The court may have put together the judgment with respect to the previous case, despite the fact that there is no reference to any case law. Then again, the court was depending on an inappropriate or flaw of the offended party and not the litigant's remaining abroad. This may itself be the impact of the male centric ideas affecting the frame of mind of the judge. The court learned that the spouse had left her significant other's living arrangement without his authorization, as she couldn't deliver any letter indicating that her better half had given endorsement for her to leave the habitation. Along these lines, nonattendance of archives in such circumstances could deny the spouse of her privileges. The court concluded that she was not qualified for support during the subsistence of the marriage. Maybe the conventional idea of rebellion or nashuzah was a premise of this judgment additionally, in spite of the fact that it was not unequivocally referenced in the judgment. The court held that as the spouse had separated from her significant other by the intensity of designated right of talaq-etafweed, she was just qualified for support for the iddat period (1,200 taka for a quarter of a year, for example 400 taka for every month). The law of talaq and talaq-e-tafweed is same and in both the spouses are qualified for support inside marriage and in iddat. The courts are deciphering the way that when an offended party isn't living with her better half it commensurate to refusal to perform conjugal commitments.

iv) Mst. Fatima Begum v Mohammed Golam Hossain⁵⁶:

The court held that the spouse was qualified for support for the here and now as well as past upkeep throughout the previous seven months, as there was a consent to pay support in the arrangement or shalish in the, Commissioner's office. This shows the courts are likewise considering different agreements than the kabinnama to determine the support and, specifically, that they are eager to incorporate arranged settlements with their choices. The revealed instances of support of the more elevated level of legal executive doesn't for the most part venture an innovator pattern of the law. In spite of the fact that, the most recent choices of the most elevated level of the legal executive has all of a sudden made a generous advancement in the law of support. In a genuinely later revealed case on support, the High Court demonstrates itself to be static and doesn't stray from the customary idea of giving past upkeep except if the case depends on explicit understanding or a pronouncement of a court.

5.3.2. Cases Relating to Maintenance in India:-

i) Mohd. Ahmed Khan vs. Shah Bano Begum⁵⁷

One of the most milestone cases throughout the entire existence of India, relating to Muslim ladies, was the Shah Bano Case of 1985. This case presented a regularly standing clash between what ought to and ought not go under the mediation of the Supreme Court of India.

Shah Bano Begum, a Muslim lady, was separated by her better half, Mohd. Ahmed Khan, by ideals of the triple Talaq framework. The issue that surfaced, was that MsBano had asserted upkeep under the Code of Criminal Procedure, instead of according to the individual laws.

The individual laws of Islam express that a lady might be given support for the 'iddat' period, i.e., a time of three menstrual cycles, alongside the 'mehr', i.e., the cash vowed to the lady, at the hour of marriage. Past these two, there is not really any legitimately enforceable method for keeping up the lady forever. The Indian law, then again, accommodates upkeep forever, notwithstanding a few exemptions.

⁵⁶ Family Suit No. 61 of 1991 (unreported)

⁵⁷ Mohd. Ahmed Khan vs. Shah Bano Begum and Others 1985 SCR (3) 844

The Court chose that, the offended party and the respondent being Muslim, were to be administered by the Muslim Personal Law. In any case, since the request was documented under the Code of Criminal Procedure, the locale court, the High Court and the Supreme Court passed their decisions, favoring Ms Shah Bano.

In any case, this judgment was contradicted by the AIMPLB, as they guaranteed that mediation of Personal laws was past the locale of the courts. The Shah Bano Case had gotten a great deal of changed open positions. Muslim ladies energetically guarded the Supreme Court judgment of spouses keeping up the wife.

The then government had passed an enactment, named as 'The Muslim Women (Protection of Rights on Divorce), 1986', and planned to topple the judgment of the Supreme Court.

As indicated by this enactment, Muslim ladies were qualified for a 'reasonable and simply' measure of cash inside the 'iddat' period, past which, the spouse was to have no obligation.

ii) ShabanaBano vs Imran Khan⁵⁸

Supreme Court of India, 4 December, 2009

Litigant Shabana Bano was hitched to the respondent Imran Khan as indicated by Muslim ceremonies at Gwalior on 26.11.2001. As per the litigant, at the hour of marriage, essential family products to be utilized by the couple were given. Notwithstanding, regardless of this, the respondent-spouse and his relatives treated the appealing party with brutality and kept on requesting more share.

After some time, the appealing party got pregnant and was taken to her folks' home by the respondent. The respondent undermined the appealing party that on the off chance that his interest of endowment isn't met by the litigant's folks, at that point she would not be reclaimed to her wedding home significantly after conveyance.

Appealing party conveyed a youngster in her parental home. Since much after conveyance, respondent didn't think it legitimate to release his duty by taking her back, she was obliged to document a request under Section 125 of the Code of Criminal Procedure (for short, 'Cr.P.C.') against the respondent in the Court of Family Judge, Gwalior. It was asserted by the appealing

⁵⁸Criminal Appellate Jurisdiction, Criminal Appeal No.2309 of 2009 [Arising out of S.L.P.(Crl.) No.717 of 2009]

party that respondent has been gaining a whole of Rs. 12,000/ - every month by doing some private work and she had no cash to keep up herself and her new-conceived youngster. Along these lines, she guaranteed an aggregate of Rs.3000/ - every month from the respondent towards support.

On notice being given to the respondent, he precluded every one of the substance from securing the request documented by the appealing party under Section 125 of the Cr.P.C. aside from conceding his marriage with the appealing party.

Fundamental protests were raised by the respondent that appealing party has just been separated on 20.8.2004 as per Muslim Law. In this manner, under the arrangements of Muslim Women (Protection of Rights on Divorce) Act, 1986 (hereinafter alluded to as 'Muslim Act'), appealing party isn't qualified for any support after the separation and after the expiry of the iddat period. It was likewise battled by him that appealing party herself is procuring Rs.6,000/ - every month by giving private educational costs and isn't reliant on the pay of the respondent, in this manner, she isn't qualified for any maintenance. It was additionally fought by respondent that appealing party had gone to her parental home without anyone else through and through freedom and accord, in the wake of taking all the adornments and an aggregate of Rs.1000/ - and regardless of notice being sent, she has not come back to her marital home. In this manner, for every one of these reasons, she isn't qualified for get any measure of maintenance.

Court chose that, the Family Court was satisfied to outline issues and gatherings went to preliminary. Subsequent to thinking about the issue from all edges, the scholarly Judge of the Family Court halfway permitted the appealing party's application as under:

(1) respondent will pay Rs.2000/ - every month as support stipend to the applicant from 26.4.2004, date of organization of appeal to the date of separation, for example 20.8.2004 and from there on from 20.8.2004 to the time of iddat.

(2) respondent will bear cost of the suit of himself just as of candidate.

Along these lines, the case of the appealing party was permitted to the degree of Rs. 2,000/ - every month towards upkeep from the date of establishment of the request till the date of separation, i.e., 20.8.2004 and further from the said date till the expiry of iddat period however measure of support from there on was denied.

The appealing party was, in this manner, obliged to convey the issue further by recording Criminal Revision 09 No. 285 of 2008 preceding the Gwalior Bench of the High Court of Madhya Pradesh. The said Criminal Revision came to be discarded by learned Single Judge on 26.9.2008 and the request for the Family Court has generously been maintained and thus, the litigant's Revision has been expelled.

iii) Kulbhusan Kumar vs Raj Kumari & Another⁵⁹

The appealing party husband and the respondent-wife were hitched in the period of May 1945. At some point later, the spouse would not like to live with the wife, and there was a finished antagonism between them two. A little girl was conceived in August 1946. In 1951, the respondent sent an enlisted letter guaranteeing upkeep, on the benefit of herself and the little girl, and continuously 1954, she documented the suit for support.

The High Court assessed the way that the appealing party was a Reader in Medicine getting a pay of about Rs.700 and more than Rs.250 every month by method for private practice. The date of the establishment of the suit was fixed by the High Court for the installment of the upkeep to the respondent.

The High Court decreed, fixed the upkeep payable to the respondent, under the Section 23(2) of the Hindu Adoptions and Maintenance Act, 1956, at Rs.250 subject to a furthest reaches of 25% every period of the salary as controlled by the personal expense specialists, and Rs. 150 as the support of the little girl.

In this intrigue to the Supreme Court by the respondent on the inquiry raised for the loyalty of the maintenance payable to the wife.

The Court Held that:

1. Even if the spouse had gotten some cash from her dad routinely, it must be perceived as a blessing, not as her pay. In this manner, it couldn't be considered under Section 23(2)(d) of the Act in deciding the measure of maintenance;
2. There was no proof of her acquiring any property of her dad on his demise;

⁵⁹1971 AIR 234, 1971 SCR (2) 672

3. The sum payable by method for support relies upon the realities of each case and the Judicial Committee, in *Mt. Ekradeshwari v. Homeshwar*, didn't set out any rule identifying with the extent of the spouse's 'free-pay' which would be payable as support to the wife.

In the conditions of this case, no special case could be taken to the sum fixed by the High Court just as the date, from which the support would be claimable. In deciding the utmost at 25% of the 'free pay' of the appealing party, sums payable towards personal duty, mandatory fortunate store, and different costs for keeping up the vehicle for proficient purposes as permitted by the annual expense specialists ought to be permitted as reasoning from the spouse's all out pay.

CHAPTER 6

Conclusion

6.1.Findings

Throughout this research it is found that,

- ❖ Maintenance is an important issue in Muslim marriage, which ensure wife's right by her husband after marriage
- ❖ It is founded that there are various provisions relating to maintenance of wife in Bangladesh but that is not enough to clear the whole concept of maintenance of wife.
- ❖ The existing law provisions of Bangladesh give wife the right to seek divorce on the ground of non-payment of maintenance from her husband, as divorce can only be exercise by the husband as of right but if he delegates his power to her wife only then the wife have the right to divorce
- ❖ The provisions set out for maintenance in Bangladesh does not give any idea about the punishment for non-payment of maintenance it only mentioned that wife can get divorce on this ground.
- ❖ Bangladeshi law sets out three months imprisonment for the non-payment of monthly allowance directed by the Court.
- ❖ It is founded that wife has a legal right to get maintenance from her husband on a valid marriage even after divorce till to iddat period in India and Bangladesh.
- ❖ The laws of Bangladesh do not mention the amount which would be monthly payable to the wife after divorce till to iddat period.
- ❖ In India where most of the people are non-Muslims sets various provisions for maintenance of wives but the provisions also not clear the concept of maintenance of wife.
- ❖ The laws of India mentioned 500 rupee to give to the wife by her husband till to iddat period but this amount is too nominal for a wife to lead her life on today's social perspective.

- ❖ The laws of India sets one month imprisonment for the husband if he do not pay monthly allowance to her wife which is directed by the court
- ❖ In India there is no separate court which is consider as family court but in Bangladesh there is a separate court which is consider as family court.

6.2.Recommendations

Throughout this research some problems have been found, the probable recommendations to recover them are:

- ❖ There is no statutory definition of maintenance in both India and Bangladesh, an adequate provision need to be set to define maintenance properly. This give the people chance to define maintenance on their favorable way.
- ❖ There is should be direct provision relating to maintenance to clear the concept of maintenance of Muslim wife in India and Bangladesh. As maintenance is an important thing in continuation of marriage.
- ❖ Proper provisions should be set relating to the punishment for non-payment of maintenance and the amount of maintenance in Bangladesh.
- ❖ The existing law provisions in India (Crpc, 1973) relating to the monthly allowance for maintenance directed by the court should be amended, as the amount mentioned is 500 need to be amended, coz this amount is not enough to lead life in now days society.
- ❖ In India a separate court should be establish to deal with family matters
- ❖ In India and Bangladesh the provision of maintenance of Muslim wife is very nominal as they set statutory provision in a much portion which is applicable to all religion. The Countries need to set proper provisions for maintenance as to for different religion separately.

In the end it can be said that, this research is about the maintenance of wife under Muslim Law in Bangladesh and India and while working on this some lacking has been found which need to be solve to ensure wife's right on maintenance properly. This research highlights the benefits of Muslim wives regarding maintenance which is given by the countries.

BIBLIOGRAPHY

PRIMARY SOURCES

Divine Statute:

1. The Holy Quran

List of Statutes:

1. Code of Criminal Procedure, 1973
2. Family Court Ordinance, 1985
3. Muslim Family Law Ordinance, 1961
4. Muslim Women (Protection of Rights on Divorce) Act, 1986
5. The Dissolution of Muslim Marriages Act, 1939

Judicial Precedents

1. Ahmed Ali vs. Sabha Khatun Bibi, PLD, 1952
2. Ahmed Kasin v. Khatun Bibi (AIR 1933 Cal. 27)
3. Hefzur Rahman v. Shamsun Nahar Begum and another, 51 DLR (AD) 172
4. Jamila Khatun Vs Rustom Ali, 48 DLR (AD) (1996) 110; 1996, 25 CLC (AD) [782]
5. Md. Ibrahim v. Jaithoon Bibi (AIR 1951 Mad. 831)
6. Mohd. Ahmed Khan vs. Shah Bano Begum and Others 1985 SCR (3) 844
7. Mohd. Ibrahim v. Jaithoon Bibi (AIR 1951 Mad. 831)
8. Mohd. Jaffer v. Koolsum Beebee ((1897) 25 Cal. 9)
9. Munnisa Begum v. Nur Mohd. (AIR 1975 AP 231)
10. Pochon Rikssi Das v. Khuku Rani Dasi, 50 DLR (1998) 47, Civil revision No. 851 of 1991, judgement on 12 June 1997, cited in Alamgir Serajuddin
11. Rashid v. Anisha Khatoon (1932, 59 I.A. 21) ;
12. Shabana Bano vs Imran Khan, Criminal Appellate Jurisdiction, Criminal Appeal No.2309 of 2009 [Arising out of S.L.P.(Crl.) No.717 of 2009]

SECONDARY SOURCES

List of Books:

1. Fatawa alamgiriyyah, vol ii, cited in Tanzilur Rahman, A Code of Muslim Personal Law, vol 1, Karachi
2. Gazi Shamsur Rahman, Islamic Law, Islamic Foundation publication, 1st ed.
3. Knowing Our Rights: Women, family, laws and customs in the Muslim world, (Women Living Under Muslim Laws, 3rd ed, London, 2006)

4. Muhammad Ekramul Haque, Muslim Family Law (Sharia and Modern World), London College of Legal Studies (South), (2015)
5. Nasir, Jamal J.A., The Status of Women under Islamic Law and Modern Islamic Legislation, 1st ed. Leiden Boston (2009)
6. Syed Khalid Rashid and V.P. Bhartiya, Muslim Law, Fifth ed, Eastern Book Company

List of Journal Articles:

1. Faustina Pereira, Article Post Divorce Maintenance for Muslim Women and the Islamist Discourse by Dossier Articles South Asia Bangladesh Fundamentalisms [law] Women and Law - WLUML Programme, on January 2000
2. Noraini Binti Md Hashim, Rights of Muslim women before and during Marriage, and upon Divorce as Confered by the Islamic Family Law (Federal Territories Act) 1984, Malaysia
3. Shima Azizi and Seied Beniamin Hosseini, Effective Protection of Muslim women under Family Law in Iran and India, Epra International Journal of Economic and Business Review
4. Dr. Taslima Monsoor, MAINTENANCE TO MUSLIM WIVES : THE LEGAL CONNOTATIONS, The Dhaka University Studies, Part-F Vol. IX (I): 63-86, June 1998
5. Md. Sadekur Rahman & Hossain Mohammad Younus Sirazi, Post-Divorce Maintenance (MAA'TA) For Muslim Women in Bangladesh, Pakistan and India, IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 23, Issue 2, Ver. 3 (February. 2018)
6. Ashok Wadje, Maintenance Right of Muslim Wife: Perspective, Issues & Need for Reformation, January 7, 2013
7. Azizah Mohd, MUSLIM WIFE'S RIGHTS TO MAINTENANCE: HUSBAND'S DUTY TO MAINTAIN A WORKING WIFE IN ISLAMIC LAW AND THE LAW IN MALAYSIA
8. Sharmin Aktar, Protecting divorced Muslim women's rights through maintenance, A comparative analysis based on the present legislative reforms among the Muslim community, the Northern University journal of law, vol: III (2012)
9. HARIDHARAN, ARUL KANNAPPAN, A STUDY ON MAINTENANCE UNDER MUSLIM LAW, International Journal of Pure and Applied Mathematics Volume 120 No. 5 2018, 2997-3006

5. Websites:

1. Maintenance Of Wife Under Hindu And Muslim Law: Comparative Study, LawTeacher, <https://www.lawteacher.net/free-law-essays/family-law/>

2. Saumya Shukla, Maintenance in Muslim Law,
<http://independent.academia.edu/saumyashukla3>
 3. Law for Muslim Women in Bangladesh
<http://www.wluml.org/node/248>
 4. Maintenance under Muslim Law
<https://www.toppr.com/guides/legal-aptitude/family-law-i/maintenance-under-muslim-law/>
- 5. Maintenance in Muslim Law**
<http://lawtimesjournal.in/maintenance-in-muslim-law/>