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CONCEPT OF MEHR IN ISLAM

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Mahr is an amount to pay money or other property or delivered to a wife. It is either specified or unspecified but in any case, the law confers the compulsory right of Mahr or Dover over the wife.

A gift given by the husband as a mark of respect to his wife at the time of marriage is mandatory and is called mehr. This is the legal right of the wife. It can be cash or kind. The amount is variable and must be agreed to by both parties (husband and wife).

Islam is the complete code of life, by which all financial responsibilities are placed on the man in marriage. But Mehr is a commitment that the man shows about his responsibility towards his wife. The Allah-Quran states: "And give unto the women, (whom ye marry) free gift of their marriage portions.

The word mehr is used in the Quran for this purpose is sadaqah (4: 4), that is, the gift that is given in harmony and as a good deed, out of generosity, without meaning to aggrandise oneself. The second word used in the Quran is Ajr (33:50). that is means, prize and is also used to denote wages. It is given as a gift to the woman who is going to leave the safety of her family and her home, and risks adjusting to a new and unknown set-up. Or in other words Allah Almighty called in the Quran and commanded Muslim men to pay the mehr to their wives happily. So it is obligatory on every man who is going to get married to pay "mehr" to his wife. This is the legal right of the wife.

No one is exempt from paying mehr. Even the Prophet (PBUH) is said to have said, "O Prophet, we have allowed for you the wives whose donors you have paid " (33:50). When Hazrat Ali (son inlaw of prophet muhammad sahab) came to the Prophet to ask for the hand of Bibi Fatima (daughter of prophet muhammad sahab), the first thing the Prophet asked him was, "Do you have anything to give as mehr?" He said that, he has a horse and a saddle. He sold his saddle for 480 dirhams and brought it to the Prophet. This amount caters to the immediate needs of the bride and the new family. The concept of dowry, Or there is no existence in Islam of giving endless amounts of household goods and gifts as dowry by the bride's family.

In some countries this legal requirement has been mocked, either by improperly fixing a large amount and then not paying it, or a ridiculously small amount, with no need to pay. The widow is sometimes asked to forgive her husband's death. Mehr holds the debt on her husband for the rest of his life, and after his death the heirs receive this debt bound to pay it. That is, Maihar is not forgiven in any case.

"Mehr is the sole property of the wife and neither the parents nor any other relative has any right over it. Sometimes male relatives illegally take out the mehr without the woman eyeing it, making it look like a sale.

Depending on the mode of payment, there are two kinds of mehr: 1.)The *Mu'azzal*, or prompt, and 2.)The *Muwazzal*, or deferred. The deferred payment is allowed in the case of those who might be expecting remittances at a later date."

Sharia, or Islamic law, has not fixed or recommended any amount that can be called Sharai Mehr. If inflation can be calculated over the centuries, the purchasing

power of this amount will be reduced by several thousand times. There is a famous case of an old (sahaba) sahib who questioned Hazrat Umar in the mosque when he suggested suggested putting a ceiling on the upper limit of mehr. Nowadays, the quantity of Mehr is determined according to the current situation of family.

“According to some scholars, even if the mehr is not mentioned in the nikahnama, the mehr would still be an obligation and the law will award it on the demand of the wife. The amount, in this case, would be determined by the mehr of the females of her class or of her father’s family, known as mehr misl, or the financial position of the groom, the social status of the bride, the prevalent custom of the time and place and the agreement that the bride and the groom can reach over the amount. There is no upper limit on the amount of the mehr, but the amount should be a realistic one. It can be from a “heap of gold” to anything that the parties agree to and is non-refundable.”

In Surah al-Nisa, it is said, “Give to the women their agreed dowers [willingly]....” (4:4) and, “...as an obligation....” (4:24). According to Imam Malik, if the parties agreed that there would be no mehr then the nikah would not be valid. But according to Imam Abu Hanifa, Shafi and Ahmed, the marriage will be valid, but Mehr will still be an obligation.

According to Maulana Umar Ahmed Usmani, the groom's labor cannot be accepted as mehr, because mehr is the amount given to the bride. That is, in relation to giving mehr to the wife, the husband cannot say that "I give to you the amount of the month for house expenses, from that, deduct the amount of mehr."

Nowadays, marriages are being conducted with great pomp and show in which a great deal of wealth is squandered. If, instead of spending so much on unnecessary items, the payment of mehr is given the highest priority, it would mean fulfilling a religious obligation. It would also be more in line with the Quranic injunctions and the example of the Prophet, and could provide some security to the bride, especially if she can invest the amount profitably.

There are two types of Mehr:

1) Proper Dower or Unspecified Dower It is also known as *Mehr-e-Missal*.

If the amount of mehr is not fixed at the time of marriage, then in that case the wife is entitled to a proper or indefinite mehr, even if the contract of marriage is on the condition that the wife shall not file any suit for the receipt of mehr.

Customary mehr is determined in the following ways:

- 1) Personal qualities of wife.
- 2) Social level of wife's father.
- 3) Mehr given to the women of the ancestral clan of the wife.
- 4) Financial status of husband.

There is no maximum limit of customary mehr in the Sunni method.

2) Specified Dower-It is also known as *Mehr-e-Musa / Mehr-e-Tafweez*.

If money or property of Meher is mentioned in marriage, then is called Mehr.

The parties (parents) of the marriage should be adult and healthy and they can decide the amount of mehr at the time of marriage.

If the marriage contract is made by their guardian or legal guardian in relation to the party of marriage, only the guardian or legal guardian can determine the amount of money in the event of the marriage party being a minor. (This concept is used only in rare cases).

A mehr money can be both written and oral.

The guardian will never be personally responsible for the payment of the amount of Mehr as determined by a guardian.

In Shia law, if the minor is married by a guardian, the guardian will be personally liable for payment of the mehr if the husband is unable. (This concept is also be used only in rare cases.)

Types Of Specified Dower

There are two types of fixed mehr: -

1) Mu_azzal / Prompt Dower (payable immediately)

2) Mu_wazzal / Deferred Dower (Postponed Mehr)

1) Mu_azzal / Prompt Dower (Mehr payable immediately)

In fixed cases of Mehr, if it is decided that after the marriage is over, the wife can demand Mehr whenever she wants, then Mehr will be called Muazzal / Prompt

Dower (payable immediately to Meher). This mehr should be demanded, but it means that the wife can demand such mehr anytime and whenever and the husband must pay mehr whenever he asks for mehr.

2) Mu_wazzal / Deferred Dower (Postponed Mehr)

The mehr which is given in the event of death or dissolution of marriage or a certain event is called a **Mu_wazzal / Deferred Dower** (deferred mehr). For example: It has been decided between the wife and husband that as soon as the husband marries another women, then he will have to pay mehr immediately.

The wife may not demand Maihar before death or divorce or settlement or a certain event occurs. Rather, only the husband can provide such mehr wives before these events.

If Meher is fixed at the time of marriage, then in the Nikahnama (Marriage certificate at the time of marriage by qazi) it is described how much part of Meher will be Mu_ajjal/Prompt Dower (Meher payable immediately) and how much will be Mu_wajjal/Deferred Dower (Postponed Mehr).

If in Nikahnama (Marriage certificate at the time of marriage by qazi) it is not described how much portion of Meher will be Mu_ajjal / Prompt Dower (Meher payable immediately), how much of it will be Mu_vajjal / Deferred Dower (Postponed Mehr)?

In this situation, half of the mehr in the Sunni law will be considered as Mu_ajjal/ Prompt Dower (Mehr payable immediately) and half part of Mu_vajjal/Deferred Dower (deferred mehr).

While under Shia law, the entire amount of Maihar will be considered as Mu_vajjal / Deferred Dower.

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