

Muslim Law

Mehar

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Mehar is a mandatory payment of a sum of amount as a gift by the husband to the wife. This article discusses various types of Mehar such as Muta, Prompt, Specified, Proper and Deferred.

The mehar is called a ‘Mehr’ and it is like a gift to the wife. This amount paid to the wife by the husband is according to his means and earning. This mehar is decided by the parties to the marriage; man and woman.

The general types of Mehar

When a mehar is paid by the husband to the wife and her family at times when after the marriage the woman used to not leave her fathers house. And she used to stay at their house. Hence, the mehar is liable to be paid by the husband to the wife to maintain and support herself since she lives at her father house.

- On the other hand, when the wife after the marriage leaves her father house and goes with her husband to his matrimonial house then the husband pays the sum amount of mehar to the family of the wife. This payment of mehar is in the nature of consideration the family of the bride for her leaving home.
- According to the Prophet, he gave very high stature to the woman of the house, wife. So according to him the mehar is given to the woman after the marriage as a matter of great honour and respect which is given to her to marry into a new family and start a new life in her matrimonial home.

Hence, he does not believe in the idea of ‘Mehr’ being a consideration paid or a selling price paid to the family of the bride.

Types of Mehar

1. Muta Mehar

Muta marriage is for a specific period of time. This marriage if not consummated then the woman is authorised to take only half the mehar.

And if otherwise, meaning if the marriage has been consummated between the husband and the wife, then the wife is entitled to entire mehar payable by the man. However, under circumstances, if the wife leaves the marriage before the duration or limitation of the marriage then the woman shall not be entitled to the mehar or ‘Mehr’.

2. Prompt mehar

The mehar is specifically divided into two modes of payment, prompt payment and deferred payment. In a prompt mehar as the name suggests need to be paid promptly. Which means the husband is liable to pay the mehar as soon as the demand for it is made.

The prompt mehar is usually paid just before the marriage or as soon as the marriage is over. This mehar is required to be paid before the consummation of marriage is made. Hence it can be said that the man has the right to restitution of conjugal right only after the payment of the mehar is carried out. Therefore, it would not be wrong to infer that the mehar is a pre-condition to right to conjugal rights.

3. Specified mehar

The other type of payment is a specific amount of sum of money or property as decided specifically between the parties of the marriage. Hence, there lies no scope of interpretation of the amount of the mehar required to be paid.

The mehar to be paid is different in Sunni Law and Shia Law. Under Sunni law, the lower amount which the woman is entitled is at least 12-13 Rupees. This is at least 10 Dirhams. But there is no upper limit of the mehar.

On the other hand, Shia law does not prescribe any specific lower amount to be paid to the woman. And the maximum amount of the mehar in both the Sunni and Shia law, is not provided for. But what needs to be asserted is that the payment of mehar is on the basis of the economic background of the man. And hence, a poor man shall be liable to pay only as much amount of money or property as much he is able to.

4. Proper Mehar

Proper mehar, as the name, suggests that when the parties to a marriage, the husband and the wife have not pre-decided the amount or the sum of mehar payable to the wife then, the woman or the wife can decide upon her own reasons the mehar to be paid which would be proper.

It is also believed that even if the parties had decided that no mehar shall be paid to the wife, later she can decide what shall be the proper mehar to be payable to her. It also needs to be asserted that proper mehar is not decided on the basis of the earnings or the ability of the husband.

But there are other ways to calculate the amount of mehar required to be paid:

1. Other female members who are from the wife's' father family. And the proper amount to be paid on the basis of the mehar fixed for such female members. This is to ensure that it is fair and equal for the wife, neither exceeding nor otherwise.
2. The other way to settle the proper amount of mehar is on the basis of the feature of the woman i.e, "age, beauty, fortune, understanding and virtue". These are features of the woman and what she has to offer as a person. And though these features are subjective the amount of mehar is to be decided on the basis of such features which makes her unique as a person.
3. According to *Shia law*, the Mehr should not exceed more the 600 rupees, as proper mehar.

5. Deferred mehar

This is also called Muwjjal. This form of payment of mehar is only applicable to the occurrence of dissolving of a marriage. Now this dissolution can be under two circumstances:

- **Death of the husband:** when the husband of the woman dies, the woman is entitled to pay an amount of mehar. Now, this can either be prompt or specified.

So the wife can either decide the amount of payment which either the man or his heirs are liable to pay to her by way of mehar. Or the amount of mehar is fixed between the man and woman before or after the marriage.

And the woman is also entitled to the right to lien over the property under circumstances where the legal heirs have failed to give the mehar. Hence, when there non-payment of mehar on behalf of the legal heirs of the deceased husband she can exercise a lien over the possession of the property until the mehar is paid to her.

- **By way of divorce.**

Under a circumstance where the marriage has not been consummated between the couple. The woman or the wife is entitled to only receive half the mehar. On the other hand, if the marriage is consummated she has the right to receive the entire amount of mehar. The mehar should be fully paid as soon as possible should be more immediate. _

It further needs to be asserted that mehar does not depend on contingency event or on a happening of an event. The woman is entitled to the entire amount of Mehr.

Conclusion

Under the circumstance where the husband passes away the wife is entitled to the right of lien over the property this is to ensure that her mehar is paid by the legal heirs by way of their share to the property which is inherited by them from her husband. Hence, these are several modes of payment of mehar to ensure that the Muslim woman does not undergo too many hardships in life and is properly supported after the marriage either when there is a divorce or the husband passes away.