

## **Status of Women in Polygamous Marriages and Need for Legal Protection: Book Review**

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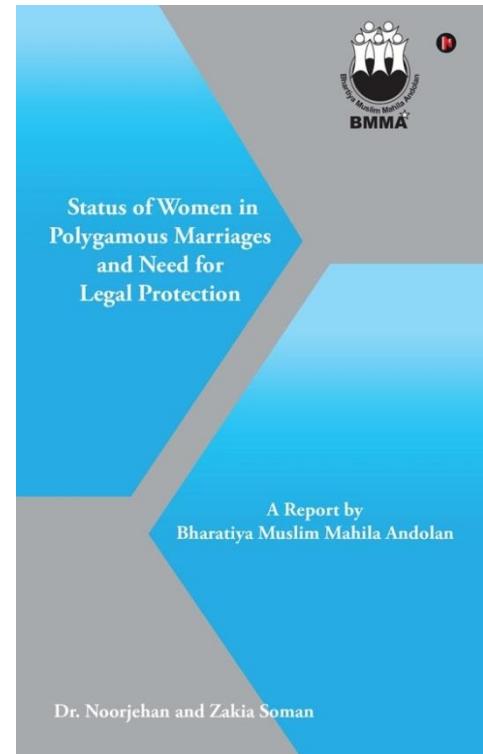
*Status of Women in Polygamous and Need for Legal Protection by Noorjehan and Zakia Soman, 2022, 94, ISBN. 979-8888333501, link of the book: <https://play.google.com/store/books/details?id=yN2wEAAAQBAJ>*

### **INTRODUCTION**

The Status of Women in Polygamous Marriages and the Need for Legal Protection The need for Legal protection by Noorjehan & Soman (2022) for women in polygamous marriages is a book with the genre of social knowledge or activism and social law. the book explains that Muslim women are deprived of legal protection in family law matters in India. The need to demand comprehensive reforms in family law in accordance with the Quranic injunctions on gender justice and the constitutional principles of fairness, equality and non-discrimination.

Underage marriage, unilateral divorce or triple divorce, nikahhalala, polygyny or multiple wives [commonly called polygamy] of women After the instant success of the movement against unilateral triple divorce that saw the Supreme Court declare it illegal, it is also necessary to look at the issue of polygamy practiced by husbands who believe that religion does not permit it in the current context. Permission to have more than Permission to have more than one wife is given with strict conditions that are difficult to comply with. There is always a difference between permission and encouragement and the Quran never encourages polygamy. It is also a violation of various articles in the Constitution that provide justice and equality for female citizens. A man cannot legally marry Here are the findings based on a survey we conducted across 10 states.

Moreover, The Constitution of India in Article 14 talks about the struggle for equality. Allowing a man to have more than one wife is not only an affront to his dignity but is also a blatant violation of Article 14 of the Constitution of India As per the Indian Penal Code, polygamy is a criminal offense under section 494 This act prohibits polygamy by imposing a sentence of 7 years prison to the husband. It is unrecognizable, redeemable and combinable. Why Muslim women should not be allowed the legal protections enjoyed by



women from other communities The Hindu Mammage Act, which governs Hindus, Sikhs, Jains and Buddhists, also prohibits polygamy. The Supreme Court ruling regarding bigamous marriages in Khurshid Ahmed Khan vs state of UP and Onssa 9/2/2015 SC 1662/2015 stated that polygamy cannot be seen as an integral part of religion and therefore does not receive constitutional protection under Article 25 argues that what law even those who support monogamy do not violate Article 25. Various High Courts have also ruled on this case. The Indian Constitution explicitly provides for equality and non-discrimination and protects personal laws as long as they do not violate these important articles.

Permission to have more than one wife is granted with strict conditions that are difficult to fulfill. Permission and recommendation are always different, and the Qur'an never recommends polygamy. This is also a violation of other articles in the Constitution. presentation of findings based on a survey conducted in 10 states. We would like to thank all the women who have shared their intimate stories with us regarding their status as first wife and second wife. Our state leaders coordinated this survey in their respective states in Delhi, Member of Parliament Rajasthan Gujarat Maharashtra Kamataka. Tamilnadu Telangana Odisha West Bengal and UP We thank all the women volunteers who helped in administering the questionnaires and documenting the case studies.

Chapter 1 discusses the study of polygamy and the social context, in various states, women with the various problems they face require legal protection, namely Islamic family law with constitutional principles regarding gender equality and gender justice which are in harmony with the Koran such as aspects: age, divorce, polygamy, custody and guardianship of children. Women overcome the emotional trauma of their husbands, bear the pain, suffering and insecurity about themselves and their children, because of polygamy carried out by their husbands. Women also find it difficult to accept the fact that their position is belittled, apart from the emotional trauma they experience. arise. In this chapter there are also several arguments. A number of modern scholars support polygamy, with historically the female population being larger than men and their dependence on husbands financially, as well as references to approval of polygyny which are not approved in the Koran. Even Islamic scholars believe that polygyny is not recommended as a better thing and will be imposed. Articles 494-495 of the Indian Criminal Code of 1860. With the decision to document cases of women in polygamous marriages, case studies have been taken in the states of India in 2017. This section provides an understanding of the experiences and concerns felt by women as the main priority who bear the greatest burden for their husband's actions and the existence of adoption of laws for the protection.

Chapter 2 discusses a summary of findings which show that being in a polygamous marriage causes women's sense of self-worth and dignity to be affected. There is a survey which explains that most wives in polygamous marriages do not have a position to speak out and demand fair treatment due to women's low education and income status. With 77% dropping out of school and 43% having no income. In the case of women who are polygamous, there are parents who choose partners for their children, resulting in a relationship of little autonomy that women have. This highlights that the assumption regarding free choice of partner is not true. Many of them they say that polygamy should be prohibited, because of the large number of underage marriages, low education, poverty, the wife's permission is not asked for with only 23% of husbands telling their wives, this section also contains the percentage of the role of the *qazi* court, relationships after marriage second, monthly maintenance and housing status. This section highlights that polygamous

marriages have a significant negative impact on women's self-esteem, dignity, education, economics and autonomy. This emphasizes the need for a ban on polygamy to prevent underage marriages, improve women's education level and economic status, and ensure fairness in marriage agreements.

Chapter 3 discusses the issue of polygamy and the challenges faced by women who are victims of it. It provides several examples of women who have experienced violence, neglect and deception from their husbands who were married to other women. The women come from various regions in India, such as Karnataka, Mumbai and Odisha, and they have different levels of education and economic backgrounds. Many of them are married off at a young age, often without their consent, and left to fend for themselves when their husbands remarry. It also highlights the emotional and financial struggles these women face, as well as the lack of support they receive from their families and communities. Describes the experiences of several women who were affected by their husbands' decisions to remarry. These women face a variety of challenges, including financial hardship, emotional stress, and negative impacts on the well-being of their children. Many women report symptoms of depression, physical illness, and loss of self-confidence. Children also suffer, some of whom become withdrawn, depressed, or have to drop out of school to work. highlighting the bad impact of polygamy on the lives of women and their families. With the advice of Muslim women to Muslim men, women give their whole lives to their husbands but their husbands do not respect them. A woman always lives in fear that her husband will leave her. Women advise Muslim men not to cheat on their wives. A woman whose husband wanted an educated wife, but she wasn't, said, if you want an educated wife then you should marry an educated wife. This chapter shows the negative impact of polygamy on the lives of women and their families. Violence, neglect, financial difficulties, emotional stress, and negative impacts on children are the challenges faced by women who are victims of polygamy. Lack of support from family and community further worsens their situation. Advice from Muslim women highlights the need for honesty and respect in marriage, as well as the importance of considering the emotional and financial consequences of the decision to remarry.

Chapter 4 discusses the BMMA's Journey to Ensure Legal Protection for Muslim Women, While Hindu communities and other religious minorities in India enjoy codified personal laws, Muslims in India do not enjoy this basic protection. Personal laws in other Islamic countries such as Pakistan and Bangladesh have been codified. Attempts to codify Muslim personal laws in India have been hampered by historical, political, and social reasons, including misconceptions about secularism and attempts to appease patriarchal elements. BMMA efforts Since 2008, BMMA (Bharatiya Muslim Mahila Andolan) has been working to develop draft laws by gathering opinions from the wider community, especially Muslim women who are victims of discriminatory personal laws. More than 400 consultations were held across the country with various parties including women, lawyers, academics and Islamic scholars. This section also contains the contents of the Draft Law: Age of Marriage: The legal age of marriage is set at 18 years for women and 21 years for men, Prohibition of Polygamy and Other Practices: Polygamy, nikah halala, and *Muta* marriage is prohibited, Financial Rights and Obligations: The minimum *mehr* must be equal to the groom's annual income. The wife gets a share of the marital property and the daughter gets an equal share of the parents' property, Child Custody: Mother and father are considered natural guardians, with custody decided based on the child's best interests, Divorce: *Talaak-e-Ahsan* is a legal method of divorce with mandatory arbitration, while unilateral instant divorce by the husband is declared invalid. The challenges faced by BMMA are also

Rejection of Patriarchy, Threats and Personal Attacks from parties who accuse them of being un-Islamic and the cause of anarchy. Despite facing challenges, BMMA receives great support from women and Muslim men, as well as Indians from various religious backgrounds. BMMA was inspired by Islamic scholars such as Dr. Amina Wadud and Zainah Anwar who seek to reconcile modern human rights with Islam. This chapter provides insight into the significant and crucial efforts of the BMMA Journey in the context of Muslim women's struggle in India for legal justice. Their efforts demonstrate an extraordinary commitment to fighting for Muslim women's rights through a democratic and inclusive process. The challenges they face demonstrate the strong grip of patriarchy in society, but the support they receive reflects the desire of many for positive change.

Chapter 5 discusses the Muslim Family Law Bill which has a background. Muslim personal law in India has never been systematically codified, resulting in the emergence of customary practices that are not in line with the values of the Koran. The bill aims to create a comprehensive and comprehensive understanding. codifying family law for Muslims in India, aligning personal law with the Fundamental Rights in the Constitution and ensuring the protection of women's rights in accordance with international conventions such as CEDAW. India's influence aims to join other countries that have codified family law to achieve legal uniformity and certainty without violating people's rights to be governed by their own personal laws. Also discussing Main Effects Customary Law or other laws that conflict with the provisions of this Law are no longer valid, as are sharia provisions that are not codified and conflict with this Law. cancelled. Other discussions, Conditions for Marriage with Mandatory payment of dowry, express consent of both parties without coercion, minimum age for men 21 years and women 18 years, not having a relationship prohibited by law, and monogamy as a condition of marriage. As for the confirmation of the Implementation Procedure, the parties must submit a request to the *qazi* 30 days before the ceremony. *Ijaab* (proposal) and *qubool* (acceptance) are witnessed by witnesses and *qazi*. Marriage registration with a *nikaahnama* filled in and signed, guarantees the fulfillment of the requirements and obtains authentic proof of date of birth and place of residence. The provision requires that the bride gives her explicit consent to the marriage, particularly in cases where the prospective husband has been previously married. It also mandates the proper completion and signing of the *nikaahnama*. This chapter of the Draft Muslim Family Law Bill focuses on the implementation of these requirements and underscores the importance of codifying Muslim family law in order to ensure legal certainty, protect women's rights, and promote equality within Muslim communities in India. The bill aims to align Muslim family laws with Sharia principles and the Indian constitution, as well as ensure the protection of women's rights in accordance with international conventions such as CEDAW. Provisions regarding marriage requirements, registration and implementation procedures are regulated in detail to avoid customary practices that are not in accordance with the values of the Koran.

Chapter 6 focuses on the procedure for divorce of Muslim marriages which can be annulled either in court or out of court. Discusses the dissolution of marriage through the court, Grounds for issuance of a decree of dissolution of marriage by the wife :A woman married according to Islamic law is entitled to obtain a decree of dissolution of her marriage from the court on one or more grounds as well as the process of divorce out of court ,Women's right to be uninfluenced in legal proceedings Women's right to be uninfluenced in legal proceedings: Notwithstanding the existence of the appropriate procedures required,

women have the right not to be influenced in legal proceedings. discussing the enactment of the Act, divorce conducted outside the court can only be completed through the procedures specified in the relevant Act. Divorces conducted in any other manner, contrary to these procedures, are invalid and have no legal effect whatsoever. this analysis emphasizes the steps to dissolve a marriage without the intervention of the court through established procedures. This chapter explores the dissolution of a marriage automatically after the lapse of a certain period of time. Regardless of what is contained in any contract that provides for this, any divorce occurs automatically after the expiry of a certain period of time. This chapter gives us knowledge of the legal and illegal ways of divorce in Islamic law, the procedures to be followed, the rights of women, and the legal implications of renunciation or conversion.

Chapter 7 focuses on providing a comprehensive overview of the proposed Muslim Family Law, covering key aspects such as conversion, remarriage after divorce, automatic dissolution of marriage, child custody, inheritance, adoption, and arbitration. The key points are:1. Change of religion does not automatically dissolve a marriage, but spouses have the right to obtain a decree of dissolution based on certain grounds. 2. Remarriage after divorce is regulated, with a prohibition on facilitating marriages for the purpose of immediate dissolution. 3. Contractual clauses allowing automatic dissolution of marriage are recognized and enforced. 4. Child custody decisions are prioritized. Custody decisions prioritize the best interests of the child, with fathers financially supporting their children when custody is in the hands of the mother. 5. Inheritance rights are distributed in accordance with Quranic verses, with provisions to ensure equal shares for the rights of daughters and granddaughters.6. Adoption is possible for prospective parents of any religious background, following established legal procedures. 7. Arbitration is available for disputes, with a focus on ensuring fair trials and protecting women's rights. Therefore, based on the context provided, this chapter appears to be a comprehensive summary of various aspects of Islamic family law, including: Religious conversion and remarriage, Child custody, Inheritance rights, Adoption, Arbitration, Marriage contract and divorce procedures, prohibited relationships in marriage Overall, the chapter provides a fairly complete overview of the legal framework governing family matters in the context of Islamic law. The information presented appears to be detailed and covers a wide range of important rules and principles to be observed and seems to attempt to present a fair and balanced approach in dealing with family issues, emphasizing the protection of women's rights and the best interests of children.

## CONCLUSION

This book is that more comprehensive legal protection is needed for women in polygamous marriages so that they can enjoy equal justice and equality with men. explains the backwardness of women in legal protection, Muslim women in polygamous marriages do not get fair and equal legal protection with man. This book emphasizes the need for family law reform that is more comprehensive and in accordance with the teachings of the Koran regarding gender justice and constitutional principles that prioritize justice, equality and non-discrimination. Discusses problems in polygamous marriages, such as child marriage under age, unilateral divorce, halala marriage, polygyny, and the difference between permission and promotion as well as stressing the importance of equality and justice in marriage, this book also emphasizes BMMA as a significant and crucial effort on BMMA's journey in the struggle of Muslim women in India to obtain legal justice. Their

efforts show extraordinary commitment to fighting for Muslim women's rights through a democratic and inclusive process. The Muslim Family Law Bill also emphasizes the importance of codifying Muslim family law to create legal certainty and equality within the Muslim community in India. as well as the need for more comprehensive legal protection for women in polygamous marriages. Thus, covering other important factors that overall it can be said that the it is well structured and offers more practical understanding content.

## **REFERENCES**

Noorjehan, & Soman, Z. (2022). *Status of Women in Polygamous Marriages and Need for Legal Protection*. Notion Press.