

Chapter - 6

Marriage and Women

6.1. Marriage and Status of Muslim Women

Marriage is a stable bondage for the Muslims like all other communities in India. It is an important event in the life of a Muslim girl. The second but vital face of her life starts from this event. So long she was in parental family with elders and youngsters or surrounded by the kin. Now by the way of marriage she gets her own family – her new identity as wife and mother to the beloved husband and children and other in-laws. In a wide net of new relationship, she is to play her role in the way prescribed by the community she belongs. Her positions in marriage is to be understood in the terms and conditions of her getting into marriage i.e. procedures and arrangement of marriage, age at marriage, rules of dower and custom of dowry, types and forms of marriage, provisions of remarriage, rules of marriage, polygyny, divorce and the way of her desertion.

6.2. Marital Status of Muslim Women

Marriage is a mandatory for both man and woman. In Islamic faith it is regarded as “Sunnah” or essential and so on obligation which must be fulfilled by human beings. The marital status of women and men under study is shown in Table no. 6.1 and 6.2 respectively

Table no. 6.1

Marital Status of Women in Villages and Towns Under Study.

Name of Villages and Towns	Unmarried		Married		Widow		Divorced		Separated		Deserted		Total Female Population	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
N.C. Nagar	383	47.11	375	46.12	33	4.06	14	1.72	0	0.00	8	0.98	813	100
Khilpara	182	45.27	173	43.03	36	8.95	6	1.49	4	0.99	1	0.95	402	100
Yeajekhowra	383	55.83	256	37.32	28	4.08	2	0.29	2	0.29	15	2.18	686	100
Total Rural	948	49.87	804	42.29	97	5.10	22	1.16	6	0.31	24	1.26	1901	100
Agartala	256	48.76	217	41.33	33	6.28	1	0.19	2	0.38	16	3.05	525	100
Udaipur	124	43.82	133	46.99	21	7.42	0	0.00	4	1.41	1	0.35	283	100
Kailasahar	266	56.84	173	36.96	21	4.49	3	0.64	5	1.07	0	0.00	468	100
Total Urban	646	50.63	523	40.98	75	5.88	4	0.31	11	0.86	17	1.33	1276	100
Total	1594	50.17	1327	41.77	172	5.41	26	0.82	17	0.54	41	1.29	3177	100

The data presented in Table 6.1 shows that the total female population of the villages and towns (3177) are distributed into total unmarried 1594 (50.20%), married 1327 (41.77%), widow 172 (5.41%), divorced 26 (0.82%), separated 17 (0.54%) and deserted 41 (1.29%). In three villages together the women are distributed into unmarried (49.87%), married (42.29%), widow (5.10%), separated (0.31%), divorced (1.16%) and deserted (1.26%). In three towns together they are distributed into the percentage of 50.63, 40.98, 5.88, 0.86, 0.31 and 1.33 in the said statuses respectively.

The data suggests that the percentage of married women is higher in villages than that in the towns; There is a good number of widows both in villages and towns and the percentage of widow is higher in towns than that of villages; the percentage of separated women is lower in village but divorced women is higher in villages; there is a good number of deserted women in ^{both} villages and towns. The case of desertion is higher in towns than ~~in~~ villages. Both village and towns have a considerable number of widows and deserted women. Hence the marital status of women is lower in villages than towns though the difference is not very significant.

Table 6.2
Marital Status of Muslim Men in Villages and Towns

Name of Towns and Villages	Unmarried		Married		Widow		Separated		Divorced		Deserted		Total Male Population	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
N.C. Nagar	503	57.49	363	41.48	6	0.69	0	00	3	0.34	0	0	875	100
Khilpara	272	60.71	172	38.39	3	0.67	0	00	1	0.22	0	0	448	100
Yeajekhowra	484	65.85	250	34.01	1	0.14	0	00	0	00	0	0	735	100
Total Rural	1259	61.18	785	38.14	10	0.48	0	00	4	0.19	0	0	2058	100
Agartala	360	62.50	212	36.80	2	0.35	2	0.35	0	00	0	0	576	100
Udaipur	196	59.39	132	40.00	2	0.60	0	00	0	00	0	0	330	100
Kailasahar	341	66.47	169	32.94	3	0.58	0	00	0	00	0	0	513	100
Total Urbans	897	63.21	513	36.15	7	0.49	2	0.14	0	00	0	0	1419	100
Total	2156	62.01	1298	37.33	17	0.49	2	0.06	4	0.11	0	0	3477	100

The Table no. 6.2 shows marital status of men which helps to understand the gender comparison of men and women. The data shows that the total male population 3477 are distributed into unmarried (62.01%), married (37.33%), widower (0.49%), divorced (0.11%), separated (0.06%). In villages, the total rural male populations 2058

are distributed into unmarried (61.18%), married (38.14%), widow (0.48%), divorced (0.19%) and none found deserted. In towns the total urban male populations 1419 are distributed into unmarried (63.21%), married (36.15%), and separated (0.14%) and none is found deserted.

The data suggests that the number of married men is lower than unmarried in both villages and towns. Married men are found lower in towns than in villages. Similarly the percentage of married women is lower in towns than in villages. The percentage of married women as well as the percentage of widow, separated, divorced and deserted women is obviously higher than that of men. However, before going to the detail of marital status of women let us first discuss the procedure of marriage, terms and conditions, rules of marriage, types and forms of marriage, age at marriage, payment in marriage which are very much linked with the marital status of Muslim women.

6.2.1 Marriage Procedures, Terms and Conditions

Marriage (*Nikah*) is performed by a *maulavi* following the procedures of verbal proposal from one party (groom) and the acceptance by other party (bride) in presence of two males witness^{or} or one male and two female witnesses. The proposal and acceptance (*Qubul*) are done at the same time and it is done either orally or in writing. If the contract is in writing, it is called *Nikahnama*. In Tripura the function of middle man between bride and bridegroom is done by an *Okil*. He is usually *maulavi* or *mulla* (*Kazi*). His role is to read selected *Ayats* from the Quran in the *meelad* between two parties with the purpose of obtaining the blessings of God. Both bride and bridegroom read *namaz* for His blessings. Here lies the sacramental aspect of Muslim marriage. However, within thirty minutes the ceremony is complete. Marriage among the Muslim groups is relatively a simple affair (Rokaiya : 1992).

At the time of marriage a sum of money is to be given to the bride by the bride groom. This is called *Mahr*. The amount of *mahr* is recorded in the *nikahnama* as well as in the marriage register. The *maulavi* is asked to maintain a register of marriage where both bride and bride groom put their signature. In the absence of the register of

marriage, there will be no legal evidence of marriage. It is found that the maintenance of written document depends on socio-economic status of the parties. Muslim marriage is mainly a contract where consent (offer and acceptance) of the parties is the first condition for legal marriage. Most of the marriages are found oral in agreement. It doesn't matter to the validity of marriage. However, the legal status of woman in marriage agreement is equal to man. The next important condition is the presence of two witnesses who hear the contract. Whether it is oral or written in paper, it doesn't matter to the validity of marriage. In the present study, women witness like men are found in marriage ceremony.

Maulavi or kazi is not essential in the marriage for all; Hunter informed us that Muslims of Tripura district (**Hunter: 1874**) belonging to the Farazi group need not always a 'Kazi' provided there are 'offer and acceptance'. Any educated person is qualified for the performance of priestly office and can celebrate a marriage. This situation is also persisting still today in Tripura. About ninety percent marriages are oral in nature. During the time of research tour, many women informants told that they did not even heard the name of kabinnama where the amount of dower (*Mahr*) is to be fixed either prompt or deferred. Only a small number of people who are conscious and educated enter into the written marriage called nikahnama and keep the record of kabinnama.

6.2.2. Rules of Marriage

For valid marriage, Muslims of India as well as Tripura are asked to follow some rules prescribed by the Quran: A Muslim man cannot marry an idolatress until she believes. ^{Islam} A Sunni male can marry a Kitabiyya i.e. a non-Muslim (Christian or a Jew girl)) subject to her conversion. But a Muslim female (either Sunni or Shia) cannot marry a non-Muslim (a Kitabyya). The bride and bridegroom should attain the age of puberty i.e. fifteen years. (**Government of India: 2000**)

Bigamy or Polygamy is allowed for man under some conditions but under no condition a female is allowed bigamy or polygamy. She is also forbidden to marry (for second time) immediately after the death of husband or divorce with him to observe the 'id^dot period'.

The law of the Quran imposed restrictions on the number of wives i.e. a man can't have a fifth wife. He may have four legal wives only when he is able to treat all of them equally in financial as well as emotional spheres..

Islam has forbidden marriage between certain relationships. A good number of relations is forbidden for marriage and identified as incestuous (prohibited relationship) on the basis of blood, fosterage and affinity e.g. between milk brothers and sisters, foster mother or her daughter, ascendants and descendants of one's wife and so on. The violation of this rule makes the marriage void. In Islam, neither a man, nor a woman is allowed pre-marital and extra-marital relationship. Islam prohibits illicit practices for both and emphasizes on the legal relationship between man and woman. Both kin and non-kin marriages are allowed by Islam.

In the present study, there are a few cases of inter-community marriages where Hindu brides are converted to the fold of Islam and only one woman was found in Agartala ^{who is} not converted but still observing her own religious rituals and festivals and the Muslim husband has consent and cooperation with this. No Muslim girl under study was found ~~as~~ married to a non-Muslim boy (i.e. Hindu), though such incident is not uncommon in Tripura. Regarding the restriction on fifth wife, one of the case studies of north Tripura shows that a man was found ~~as~~ married six times and living with all wives without bothering ^{about} religious rules.

6.2.3. Arrangements of Marriage:

Like early days. in the present day also, marriage is arranged by parents and near relatives. Most of the marriages are settled by the guardians both in villages and towns. About twenty percent are settled by the bride and the bride grooms themselves, by love marriage, by elopement or by the help of the friends and the neighbors. It happens both in villages and towns. Arrange marriage or the negotiated marriages are followed by tradition. Endogamy is the usual character of the community life. Free mixing of boys and girls are not allowed by the community. In the choice of mate, the girls are not allowed freedom to take decision. Girls usually find no objection to the choice and

responsibility taken by the guardians and they abide by the authorities structure of the family where male guardians (father, uncle, brother) take the vital role to arrange marriage. It is found that Muslim girls are not very much aware of their right to consent in marriage. Many times this right is not exercised under the domination of 'fundamentalist' elder brother, mother and step-mother. Sometimes paternal and maternal uncle and aunt play roles in pressurizing them to get marry. Their objection goes useless and they do not get support from others. So as regards the Selection of mates, Muslim girls are very traditional depending fully on the guardians. Sometimes their fascination or preference is given due consideration by the liberal guardians. In this respect boys are given more importance in their choice and decision. This number is increasing day by day because of the change of the time.

6.2.4. Types and Forms of Marriage

The two types of marriages, namely monogamy and polygamy are found among the people under study. Monogamy is obviously prevalent among the Muslims of Tripura like other religious communities. It is the widely accepted form of marriage among them. Polygynous marriage is found there but treated not very normal. It is certainly not the usual rules for them. This empirical truth is reflected in the present study which shows that 97.69 percent is monogamous marriage while 2.31 percent is polygynous marriage.

Table 6.3
Types of Marriage among the Muslims in Villages and Towns

Name of Villages and Towns	Monogamy		Polygamy		Total	
	No.	%	No.	%	No.	%
N.C. Nagar	351	96.69	12	3.31	363	100
Khilpara	171	99.42	1	0.58	172	100
Yazekhowra	244	97.6	6	2.4	250	100
Total Rural	766	97.58	19	2.42	785	100
Agartala	207	97.64	5	2.36	212	100
Udaipur	131	99.24	1	0.76	132	100
Kailasahar.	164	97.04	5	2.96	169	100
Total Urban	502	97.85	11	2.15	513	100
Grand Total	1268	100	30	100	1298	100

Arranged or negotiated marriage is a dominant form of marriage in the community. Love marriage is found only a few. In the villages and towns under study, love-marriage is found mostly in case of inter-community marriages and polygynous marriages. A married man may be entangled with an unmarried girl, divorcee or a deserted woman who may be Hindu or Muslim by religion. Such love-marriages usually do not get easy social approval in both the communities because marriage is more social than legal. Under the study, some love marriages are found by eloping of the couple. Some inter-community marriages are examples of this type.

Muslims under present study are found both endogamous (i.e., cousin marriage) and exogamous (i.e., inter community marriage). Non cousin marriage are usually the cases of inter community marriage. Both cousin and non cousin marriage are found to characterize the forms of Muslim marriage. Fatima's marriage with her uncle's son is a good precedent for the followers and this tradition is going on. The people in villages and towns prefer marriage between kinsmen in three lines of paternal parallel cousin (father's brother's daughter), paternal cross cousin (father's sister's daughter) and maternal cross cousin (mother's brother's daughter) and so on. It may be mentioned here that prescribed cross cousin marriage in distant relations is not uncommon among the Hindus and other communities of Tripura. In fact this is an age-old practice in the Indian society. But unlike the Hindus, for the Muslims, it is "obligatory to choose a spouse from among their cousins" or 'kin-marriage is considered by them as obligatory' (Roy: 1992, Rokaiya: 1994). The conscious people think that it is a religious part of their life. It has also some sociological meaning. The reasons for consanguineous marriages observed are as follows:

i) it is because of the tradition followed since the Prophet's time; ii) majority parents find it more convenient to treat their own nieces as their daughter-in-laws, iii) due to lack of resources and narrow communication of social life, they accept it as easy method to get their son and daughter married very soon and without risk; iv) socio-economic reasons are also behind the custom e.g. to reduce the pressure of dowry which has infiltrated into the society; v) to resist the 'move away' of the family property in

which the girl has a legal share. Through the marriage among the close kin (who are not prohibited), they try to avoid the tensions and differences in respect of money transaction e.g., (dower, specially dowry) in the marriages. The parents seek the spouse for their son or daughter not only from the kin but also from their own village or nearest places also. The majority ^{of the} parents in the villages and towns do not to prefer to take risk in their selection of daughter-in-law and son-in-law from much unknown people and distant places. As a result in all the districts under study are either from the villages and same subdivision or same district. It was found that the people of border-area select the spouse from the adjacent villages of Bangladesh. However, the number of non-kin marriage is increasing because of education and employment and change of residence.

6.2.5. Age at First Marriage

in the monarchical period of Tripura, Mohamadan boys were generally married between the ages of fifteen to twenty and the brides were often married in infant age; 'the bride's father give her away' (Hunter : 1874). In the present study a number of child marriage are found among the people of old age group. The table 6.4 shows the age at first marriage among the Muslim women in villages

Table no. 6.4
Age at first Marriage among the Muslim Women in Villages

Age at first marriage	Name of Villages							
	N.C. Nagar		Khilpara		Yeajekhowra		Total	
	No.	%	No.	%	No.	%	No.	%
Up to 12 Years	20	4.65	17	7.73	10	3.30	47	4.93
13 to 15 Years	139	32.33	73	33.18	72	23.76	284	29.80
16 to 18 Years	161	37.44	66	30.00	132	43.56	359	37.67
19 to 21 Years	93	21.63	45	20.45	69	22.77	207	21.72
22 to 24 Years	11	2.56	14	6.36	18	5.94	43	4.51
25 to 27 Years	6	1.40	3	1.36	2	0.66	11	1.15
28 to 30 Years	0	0.00	2	0.91	0	0.00	2	0.21
31+ Years	0	0.00	0	0.00	0	0.00	0	0.00
Total Married	430	100.00	220	100.00	303	100.00	953	100.00

Table 6.5
Age at first marriage among the Muslim Women in Towns

Age at first marriage	Name of Towns							
	Agartala		Udaipur		Kailasahar		Total	
	No.	%	No.	%	No.	%	No.	%
Up to 12 Years	23	8.55	6	3.77	17	8.42	46	7.30
13 to 15 Years	98	36.43	29	18.24	57	28.22	184	29.21
16 to 18 Years	96	35.69	68	42.77	93	46.04	257	40.79
19 to 21 Years	35	13.01	38	23.90	23	11.39	96	15.24
22 to 24 Years	13	4.83	14	8.81	9	4.46	36	5.71
25 to 27 Years	4	1.49	3	1.89	3	1.49	10	1.59
28 to 30 Years	0	0.00	1	0.63	0	0.00	1	0.16
31+ Years	0	0.00	0	0.00	0	0.00	0	0.00
Total Married	269	100.00	159	100.00	202	100.00	630	100.00

The data presented in the Table no. 6.4 shows that highest frequency in the age group of 16 to 18 for girls both in villages and towns. It is found that no village or town goes without child marriage. The highest number in Agartala followed by Kailasahar and Khilpara. Child marriage (13-15) is higher in urban group (Table 6.5). Obviously it is found more in the older age group. But still young girls are married in between 16 to 18 years. As a result the mean age has not increased much for the Muslim girls.

The highest number of child marriage is found in Agartala (8.55 %) having a little difference with that of Kailasahar town (8.42 %). A small number of women is found married between 25 to 27 years in ^{both} towns and villages. Only one woman in Udaipur town (0.66 %) and two women at Khilpara village (0.99 %) are found being married at the age of 28-30 years and above. Some observations are to be here : noted that i) Child marriage is higher in urban sample (7.30 %) compared to the rural (4.93%); ii) Girls' marriage in the last three age groups (25 to 27, 28 to 30, and 31 and above) is very less frequent and it has no significant difference between towns and villages; iv) The mean age of their marriage both in towns and villages is sixteen plus. From the male-female view, it is clear that girls are married at earlier age than boys. Most of the Muslim boys (Table no. 6.6 and 6.7) are married between the ages of 25 to 27 years except in Agartala

where majority of them are married in early age of 19 to 21 years. Child marriage (below 15 years) was also found among the aged men of most of the villages and towns.

Table 6.6
Age at First Marriage among the Muslim Men in Villages

Name of Villages								
Age at first marriage	N.C. Nagar		Khilpara		Yeajekhowra		Total	
	No.	%	No.	%	No.	%	No.	%
Up to 12 Years	0	0.00	0	0.00	0	0.00	0	0.00
13 to 15 Years	3	0.81	2	1.14	0	0.00	5	0.63
16 to 18 Years	28	7.53	14	7.95	16	6.37	58	7.26
19 to 21 Years	63	16.94	30	17.05	53	21.12	146	18.27
22 to 24 Years	95	25.54	41	23.30	51	20.32	187	23.40
25 to 27 Years	102	27.42	43	24.43	66	26.29	211	26.41
28 to 30 Years	58	15.59	21	11.93	44	17.53	123	15.39
31+ Years	23	6.18	25	14.20	21	8.37	69	8.64
Total Married	372	100.00	176	100.00	251	100.00	799	100.00

Table no.6.7
Age at First Marriage among the Muslim Men in Towns

Name of Towns								
Age at first Marriage	Agartala		Udaipur		Kailasahar		Total	
	No.	%	No.	%	No.	%	No.	%
Up to 12 Years	0	0.00	0	0.00	0	0.00	0	0.00
13 to 15 Years	4	1.85	0	0.00	1	0.58	5	0.96
16 to 18 Years	35	16.20	0	0.00	23	13.37	58	11.11
19 to 21 Years	52	24.07	27	20.15	36	20.93	115	22.03
22 to 24 Years	46	21.30	24	17.91	42	24.42	112	21.46
25 to 27 Years	39	18.06	48	35.82	41	23.84	128	24.52
28 to 30 Years	30	13.89	22	16.42	21	12.21	73	13.98
31+ Years	10	4.63	13	9.70	8	4.65	31	5.94
Total Married	216	100.00	134	100.00	172	100.00	522	100.00

The data in Table no. 6.6 and Table no. 6.7 shows the age at first marriage of men in villages and towns. It is seen that in villages the frequency of age at first marriage for men is between 25 to 27 years, while in towns the frequency is highest in between 19 to 21 years.

Table 6.8
Mean Age of First Marriage among Muslims in Villages and Towns (Total)

Name of Villages				
Sex	N.C. Nagar	Khilpara	Yazekhowra	Total
Male	24.28	24.64	24.58	24.9
Female	16.73	16.85	17.22	16.93
Name of Towns				
	Agartala	Udaipur	Kailasahar	
Male	22.93	25.33	23.38	23.88
Female	16.29	17.75	16.48	16.84

Among the rural People, the mean age for girls' is 16.93 i.e., below 18 years. For the boys, the mean age is 24.9 years. Similarly among urban people the mean age for girls is 16.84 years, for men 23.88 years. It shows the tendency of early marriage for both women and men in the town. Reasons for early marriage of Muslim girls lies in the fact that Muslim parents like to get their daughter married as early as possible due to their socio-economic disabilities. Recently, the spread of dowry system helps negatively to rise their age in marriage. Besides spread of education may have some effect on this.

6.2.6. Dower:

Provision for dower (*mehr*) is one of the Islamic orientations for the Muslim Community. Dower is a sum of money sanctioned to the wife from the husband at the time of marriage before or after the consumption of marriage. It may be either 'prompt' or 'deferred'. Few men and women are aware that it is a 'token of honor' to the bride as well as security money for the future, especially for any misfortunes of marital dissolution. The people have been observing this custom since their inception in Tripura. It is observed and the data supports that the Muslims of north district are very particular to this rules of religion in comparison to other districts. Hunter wrote that 'it is a customary to register a certain document by which a dower of about Rs. 100 is settled upon the bride, and among the respectable classes, such a paper carries with it a certain legal rights and duty laid down in 'Mohamadan law book'. But among the poorer classes, it is so much a waste paper and that the bride is simply bought by her future husband' (Hunter: 1874). The price value of dower was Rs. 30 to Rs. 60.

Even after the fifty years of Independence, the nature and amount of the fixation of dower has not been changed much. However the amount varies according to the socio-economic status of both parties. It is observed that a tendency to fix small amount of money as dower exists among the people of towns and villages. Among the old and middle aged people, the amount varies from Rs. 45 to 501; among the economically sound people, the amount may be Rs 1,001 to 10,000/ ; and the highest amount of dower money is found Rs. 1,00,000. Dower is usually found in terms of land property. The highest quantity of land as dower was found ^{to be} one acre ^{of} cultivable land including tilla and lunga or forest in a village of north district. The ornaments presented as gifts are mostly silver made. Use of gold as dower or dowry is found less among the Muslims. The people of upper level of social status use to follow the rate of middle amount dower in accordance with their economic ability. Obviously most of these are deferred dower.

The common people follow the custom only for formality-sake and they give no importance to it as an “effective means” to check divorce or polygyny. The Table no 6.9 shows that a large number of people in villages (93.94%) and towns (95.21%) of Tripura remain out of any transaction of dower money either because of their ignorance or because of their negligence to this ritual agreement. Being asked about the amount of dower promised in their marriage, they answered “nothing” or “do not know”; more wonder that they did not know whether their marriage was written or oral. Some women informants told that they did not heard about ‘*Kabinnama*’. Therefore it can be assumed on the basis of given data that most of the marriages were ‘oral’; there was no evidence of any written documents as a proof of transaction of dower - whether prompt or deferred.

The Table no.6.9 shows that out of the total explicit transaction of dower payment, the number of prompt dower is 3.02% which is pushed by the percentage of one village Yeajekhowra. That village holds 32 prompt dowers out of 251 marriages (12.74%). The nature of the payment was mostly in kinds of land and ornaments. The total number of transaction in towns is 25 out of 522 (4.21%) and in village 55 out of 799 (6.88%); among the total transaction cases of 80, fifty percent are deferred dower. The percentage of deferred dower is higher in towns (3.02%) than in villages (2.25%). As regards the

prompt dower, the status of village, especially Yeajekhowra is better. The percentage of transaction may be a little higher than this displayed in the table as many women informants were not aware of this. However, the poor percentage of this transaction of dower is evident from the table. The majority people were unaware of the importance of dower as a compulsory part of Muslim marriage. Some aged women in villages told that in their times, it was father-in-law who brought the daughter-in-law giving her required ornaments, clothes etc. and the parents of the brides were used to give only one or two articles of gift in their options. Such marriages are also found still today.

In ^{the} present study, women were asked about their right on deferred dower (e.g. whether they did receive the *mehr* money), some of them reacted in reply. They considered it as the payment after dissolution of marital bond. Most of them had withdrawn their demand on *mehr* money by mutual understanding between husband and wife. But why they have remitted this? They replied that as they trust ^{ed} their husband, as the husbands are entrusted all the responsibility of the wives, so they did not like to see them ~~as~~ a life long liability for this. None of the informants told about any pressure for remittance of dower from the in-law or husband. Hence in question of dower, the people are found not so strict, rather a bit ~~of~~ indifferent. The existing custom, to forgo her right of dower is prevalent in Tripura as found in some parts of India. Women are not very familiar ~~with~~ the dower and its associated rules. There are few cases of prompt dower among the Muslims in north Tripura. Only in case of disputes, the question of mehrana comes for discussion. The Islamic provision of maintenance for *iddat* period is rarely experienced by the people. Hence dower is going to be only a ritual value as observed by Sahay in the context of Muslim Telis of Delhi (Sahay, 1996).

6.2.7. Dowry

Dowry means institutionalized transaction of gifts and cash from the side of bride giver to the bride taken as an inevitable part of marriage. The material of daily use for the new couple is gifted to the bride from her father. It is a deep-rooted Hindu custom and introduced later in the marriage of Indian Muslims.

Like all India, the dowry practice exists among the Muslims in two common forms i.e. voluntary and on demand. Not only the economically well off people but also the poor and incapables are being habituated with dowry practice. The practice is going on from the rich to poor, from the town to village, though not flatly among all. It is reported by the villagers that since 1970, the change has come to them. The people of more than fifty years of age confirms the statement. They say that they do not believe in this practice as their own experience is opposite to this custom and they remind the practice of dower prevalent in the past. At their time, it was the only in-laws of the bride who brought their daughter-in-law giving some gifts to her. The part played by the bride-giver was nominal in this respect. But at present the young persons have viewed in favor of dowry as it is the order of the day. Different views exist not only on the basis of age group but also on the locality and personal achievements like education, service, social status etc. The demand of dowry was rare in two decades ago while it is now a common talk to the people. But still, the practice is not insisting in nature. It is still voluntary rather than compulsory. As because the Muslim marriage is very simple in character, and most of the people are poor, the custom has not rooted deep in the community. The present study shows that the demand of dowry is not in the level of compulsion in Tripura like other states of West Bengal or Delhi or Kerala. Although the

Table no.6.9
Payment of Dower among the Muslims in Villages and Towns

Villages	Types of Payment							
	Prompt Dower(in kind/cash)		Deferred Dower		Nothing		Total married	
	No.	%	No.	%	No.	%	No.	%
N.C. Nagar	3	.80	12	3.22	357	95.97	372	100.00
Khilpara	2	1.13	4	2.27	170	96.59	176	100.00
Yazekhowra	32	12.74	2	.80	217	86.45	251	100.00
Total Rural	37	4.63	18	2.25	744	93.11	799	100.00
Towns								
Agartala	0	0.00	7	3.24	209	96.76	216	100.00
Udaipur	1	0.75	5	3.73	128	95.52	134	100.00
Kailasahar	2	1.16	10	5.81	160	93.02	172	100.00
Total Urban	3	0.57	22	4.21	497	95.21	522	100.00
Grand Total	40	3.02	40	3.02	1241	93.94	1321	100.00

educated and high-income group of people is more concerned about this, but no necessary link was found between education and quantum of dowry. Some educated young men are found to marry without bothering this, as they are aware of the Islamic rules which do not permit this. At last, the deep enquiry in Tripura shows that Muslim marriage is a combination of both dower and dowry. In other words, it is a composite result of the two existing heritage of Hindu and Muslim culture i.e. Hindu culture of *Sampradana* and Muslim culture of *Mahrana*.

Table no. 6.10
Payment of Dowry among the Muslims in Village and Towns

Name of Villages	Types of Payment in Villages / Towns									
	Only Cash		Only Kind		Both Cash and Kind		No. Transaction		Total Married Population	
	No.	%	No.	%	No.	%	No.	%	No.	%
N. C. Nagar	3	0.80	16	4.30	1	0.26	352	94.62	372	100
Khilpara	9	5.11	7	3.98	6	3.41	154	87.5	176	100
Yazekhowra	46	18.33	9	3.59	1	0.40	195	77.69	251	100
Total	58	7.26	32	4.00	8	1.00	711	88.98	799	100
Towns										
Agartala.	5	2.31	18	8.33	5	2.31	188	87.04	216	100
Udaipur	11	8.21	11	8.21	4	2.98	108	80.60	134	100
Kailasahar	1	0.58	10	5.81	3	1.74	158	91.86	172	100
Total	17	3.25	39	7.47	12	2.29	454	86.92	522	100
Grand Total	75	5.68	71	5.37	20	1.51	1165	88.19	1331	100

The Table no. 6.10 shows that in the payment of dowry, the percentage of 'No transaction' and 'don't know' covers 88.19 percent of 1321 married people. Dowry is still not a widespread problem in the community. The transactions in cash or kind are only 5.68 and 5.37 percent respectively. The percentage of both cash and kind is very negligible. It speaks itself about the less importance of dowry. The data also reveals the difference in cash demands between villages and towns. On the other hand, transaction in kind of gift is higher in the towns (5.37%) than those in the villages (4.0%). In fact dowry is a recent phenomena and not more than two decades. One young girl recently married, told the present researches that all the furniture e.g. motorcycle, tape recorder, T.V. etc. displayed in her room, were from her parental gifts. The parents have given

these voluntarily to have good son-in-law and to keep the daughter in comfort in the poor house of the in-laws and to show, above all, their status. Sometimes they do this by indebt also. Sometimes the new couple family is supported by some gifts like land or cash money- capital for business on the voluntary will of the bride-givers. People do not take it into the account of dowry. This may be one of the causes of high percentage of 'no transaction'.

6.2.8. Polygyny

Polygynous union is approved by Islam under certain conditions. The institution of polygyny (a husband with more than one wife) is as old as human civilization. It is a feature of patriarchy and male dominated social system (**Puri :1987, Engineer :1987, Menon; 1992**). It is no wonder that since 1941, polygamous marriage among the Muslims is lower than that of the Hindus and tribes (**Ahmed: 1976, Mondal: 2001**). The scholars opine that polygyny is not a characteristic feature of the Muslim as it is believed by the common people.

In the past, polygyny was practiced in a good number in the Tipparah district. Hunter observed "if there is great deal of household work, a second wife is required either to supplement or to act as an additional head servant"(**Hunter :1874**). Polygyny happens to day also, not always on the basis of reasonable ground sanctioned by law but on very irrational causes i.e. only for pleasure. The percentage of such happenings is obviously insignificant at present. Though there is no statistical record of the past, but the people experienced and observed the truth.

As we have seen in our earlier discussion that, out of total 1298 marriages only 30 (2.31%) are polygynous (Table no. 6.3). The shows that highest number of polygamous marriage was found at N.C. Nagar (i.e. 3.31%), while it is lowest at Khilpara village (0.58%). Almost an equal percentage of polygamy is found in Udaipur town (0.76%). But in Agartala, it is 2.36 percent and 2.40 percent at Yeajekhowra village. So it is to be noted that in comparison to west district and north district, the practice of polygyny is very insignificant in the south district. It is observed that polygamous families do not

necessarily belong to the lower income group or lower status group. This is found in all economic status of the people. It is found that a polygynous man, whatever ~~be~~ his social status, has a certain level of income to provide more than one wife and children. It is found among the politically powerful and economically well-off people like local leader or political activist, school teacher, contractor, businessman, bakery and meat-shop owner, grocer and sweet-shop owner who are able to maintain families either in the same kitchen or separate kitchen. But the people like day-labourer, rickshaw puller, raj-mistree or 'jogale', have been indulged in remarriage but not polygynous as such. They are either deserter or deserted, and they do not usually live with more than one wife. For example, in the north district, a man of lower status earned a lot of money and then leaned towards re-marriages one after another without dissolving the first and he maintained the wives secretly in separate arrangements. However polygynous marriage so far recorded in the study areas is mainly the cases of double wives except a few. One exceptional case was found in the district of north Tripura. A local leader married four times and maintained all the wives under the common hearth. Being asked about his remarriages, he justified ~~by saying~~ ^{by saying} way that one wife was not enough to take care of him and also to protect his huge property in the village. However, the incident of double wives is found in other communities despite the laws of the country. Polygynous marriage happens mainly because of love-affairs between a married man and an unmarried girl or a deserted woman in the community or outside the community (i.e. Hindu Bengali girl). The first wife is usually bound to accept this because of her economic dependence or for the welfare of the children. But the wife who has ability or financial support from parents, lives separate from such type of husband. The practice is obviously near to be disappeared specially among the young people of less than forty years of age. They are conscious about the perception of other community towards them. . In this study, this practice is significantly absent among the educated young men. The common people, both men and women, dislike this practice as it invites so many complexities. Mother never supports their daughter to get married ~~to~~ a married man. Recently, the awareness of women, disapproval of neighbors or relatives and spread of education might have acted against the practice of polygynous marriages.

Therefore, it can safely be concluded that polygyny in Tripura is a social phenomena rather than a religious one; even if it had good in number, it will not be a normal feature of the society. Their socio-economic backwardness is mainly responsible for the social stigma against the community. There is a gradual decrease of such marriage among the Muslims of India (*Census of India: 1991*).

6.2.9. Separation, Divorce and Desertion

Separation:

The incidence of separation of the spouses cannot be neglected to assess the status of Muslim women. It is found in the present study that 17 women (0.54%) are found living in separated status. It is not a judicial separation but the spouses live in separate arrangement. A Woman lives separate from the husband because of (i) his remarriage, (ii) torture by him and his kin, (iii) some issue oriented conflict and acute tension (iv) disliking for one of the spouses. She maintains separation either by going to her natal house or by remaining in the husband's house but in a separate room and arrangement. She may or may not take the financial help from him. In this state of separation, her status is not abandoned or deserted one, because this is the mid-position between the probable re-union of the spouses and final separation (divorce) from each other. Separation happens in all levels of economic status.

The Table no. 6.1 on marital status of Muslim women in shows that percent of female is in the separate status.

Divorce (Talaq):

Talaq or Divorce is the formal separation between the spouses from their marital tie. It is the break up of the family unit or disorganization of family. Among four kinds of divorces, talaq or divorce by husband is prevalent in the community. It has been the most powerful form for the dissolution of marriage in the hands of man since the Pre Islamic days of Arab. But Islam admits divorce on certain grounds subject to certain formalities. Talaq is affected in two ways - one is 'oral talaq' and the other is 'written talaq'.

In the present data, the Table no 6.1 shows that 1.72 percent and 1.49 percent women are found as divorced by oral talaq in two villages i.e. N.C. Nagar and Khilpara respectively. From the residential point of view also, the number of female divorcee is more in village (1.16%) than that of town (0.31%). The number of male divorcee is insignificant in village (0.19%) and nil in town (Table no 6.2). It indicates that the male divorcees, in most cases, were remarried. This data refutes the popular notion about Yeazekhowra as a talaq-prone village Yeajekhowa has least percent of Talaq (0.29%). Rather, a considerable percentage of women divorcees were found in Kailasahar town i.e. (0.64 %). Remarriage of women may be a probable case for insignificant number of divorcee women at Yeajekhowra.

Islamic Laws says that if and when a woman is to be divorced by a man, she should be divorced in kindness or with a feeling of heart, not in anger and this should be in presence of two arbiters: i) one from wife's side, and ii) other from husband's side. Usually a man does not bother ^{about} these instructions. The unreasonable practice goes on though it is not in consonance with the spirit of the Quran.

The wife's right to separation is permitted by the Quran (i.e.Sura Bakra), on some grounds only to avoid the evil consequences of unhappy marriage (Sen; 1979). For present study, it is reported that a few cases are there when a woman makes bound the man to give her 'talaq' to get easy marriage with her second choice. But the incidence of woman taking initiative for talaq is limited in microscopic level. A Muslim woman may take the help of Personal law of the Dissolution of Muslim Marriage Act, 1939 which basically intended to restrain the upper hand role of man. But in present study there is no court case of women demanding divorce but mainly demanding maintenance.

The general causes of talaq observed in the present study of Tripura are:

- i) Polygynous tendency of man – his extra marital involvement and remarriage.
- ii) The dominating character of man, which often deny the personality of the other spouses and it leads to the tensed relationship damaging the normal & frank under standings.

- iii) Cruelty, selfishness, abuse of wife and above all, lack of proper understanding between the spouses.
- iv) Result of long day separation/desertion and the negative attitude towards financial responsibility for wife and children;
- v) The momentary expression of anger. This is also not rare in case of Tripura.
- vi) Pressure for bringing money from the natal house of wife. This un-Islamic influence of dowry has recently affected the position of women in the Muslim society. The local newspaper often serves the news of dowry related tortures and even death of Muslim girl like her counterpart in the Hindu society.
- vii) Lastly, it is the experience of the people that it is generally the illegal lust of man which is responsible for this tragic events of divorce, dowry-death etc.

It is relevant here to note the observation of the special judge in Delhi High Court. He says that the people marry for the sake of pleasure without the least thought about the future of their first wife and children. His statement confirms here the first and last causes of divorce. Muslim laws and customs allowed divorce as subject to certain conditions but a husband uses it more abruptly. The present investigating data confirm polygyny or adultery as one of the important causes of divorce. It is also true that remarriage of man does not necessarily lead to divorce in the Muslim community if this is not indulged or aggravated by other causes mentioned above. Muslim girls are very much tolerant about the remarriage of husband, perhaps due to the habit of traditional life. The number of 30 Polygynous families (2.31%) proves this fact where the first wife and children were dependent on the man. It also signifies the financial constraints for women in the community.

The After-effects of Talaq

Women and children are the more victims ^{rather} than the men. The sociologists agree in a point that the negative aspect of the provision of divorce is much stronger than its positive aspect. According to the Muslim Law, father is a usual custodian of children and a mother is also entitled to custody of children until they are 7 years old or they attain puberty; the father will have to pay the maintenance even if the children are not

living with ~~him~~. The court can refuse custody to the mother if it really finds that mother is of bad character or suffering from mental illness.

In this present study, only two cases are found where the divorced mothers are refused by the divorcee fathers to have any one of the several children in mothers' custody. In one case (Yeajekhowra), the woman had no means of self support except her physical labour and a piece of land from paternal property. Her ex-husband is so vindictive that he never allowed even the youngest child to meet the mother. She has no means to go to the Court and thus deprived of her right to be a custodian of children. In another case, Sofia, a mother and victim of unilateral divorce has to go back to the natal house and get married for second time. In most of the cases of desertion or formal talaq, the young children remain with their mother with or without maintenance. Sometimes it is found that the elder children remain with the father. As majority women belong to the poverty, they can not exert their right. Despite all the limitations they are able to come to court to obtain maintenance and it indicates their self awareness.

Desertion:

Muslim women are often victim of desertion. It is one of the major characteristics of their marital status. Desertion means separation from each other without reasonable cause or consent of other. It is an unofficial status of separation when either husband or wife moves out of the house. It is an Un Islamic practice not supported by the Quran or Shariat. It is an illegal practice for the believers of Islam. Generally it is the man who is deserter though woman deserter is not uncommon.. This is a kind of male's behavior, which is most unpredictable in nature. One of the apprehending factors affecting seriously the status of a married woman is desertion. No certainty is there for why and when it will happen in her life. It plays an important role in the familial disorganization of the community. It also appears to the present researcher that the deserters come from low-income group with a few exceptions. Like a Hindu counterpart belonging to low-income and low-caste group, Muslim man also prefers desertion to divorce. Though talaq is a customary privilege for Muslim man, but to avoid the religious formalities (i.e. to give dower money) and other social questions, he prefers desertion—the easiest way of

separation. As a result, desertion is higher in comparison to divorce in number. There is no wonder that no man is found in deserted status either in rural or urban sample. In contrast, 41 women (1.29%) are found as deserted in addition to 17 women (0.54%) in addition to separation status. The traditional explanation of the difference in rural-urban is not sufficient to explain the phenomenon when one sees that the number of desertion is highest in capital town Agartala (3.05%) and almost equal number is found in the remote village Yeazekhowra (2.18%). The second highest number of deserted women is found at N.C. Nagar village. The low socio-economic status of life favors desertion of women. It is very much found in the low income group both in town and villages illiteracy, poverty and other causes are responsible for the number of desertions.

The causes for desertion ~~are~~ ^{are} observed are as follows: i) A man deserts his wife when he is entangled with other woman in extra marital relation; ii) when he wants to conceal his second marriage or remarriage; iii) when he is reluctant or unwilling to bear the financial responsibility of wife and children; vi) a deserter may be a vagabond in nature and mentally or physical incapable to bear the liability of family; disliking or any kind of psychological reason may be also a factor for the incident; to evade the socio-religious pressure and the cost of talaq in financial term. Thus a man wants to escape himself from all liabilities and social disapprobation when he is lost by himself from his own house and family. The poor woman burdened with children realizes the shock after waiting a considerable time for his coming back. Desertion is not rare among the people of better socio-economic status. It also may arise from a conflict between the spouses involving two families and their ego fight and issues of conflict are many. It is reported that a newly married woman is asked to forgo her job and to ^{disown} ~~take~~ the responsibility of her widow mother and insane sister in her natal family— even when there is no male member to look after them; ~~if~~ ^{if} she is not subjugated to these inhumane demands of husband and mother-in-law, she is thrown away or threatened to be the victim of desertion. The deserted young girl may wait for long time to hear the last news of the second marriage of the husband. It is observed that a Muslim male prefers

to desert the wife rather to give talaq (divorce) as because formal talaq invites for him some religious formalities and financial responsibility and also some social criticism.

The query is whether a Muslim woman prefers desertion to divorce like her counter part in the Hindu community (Mondal: 1997). The enquiry reveals that usually a Muslim woman when she becomes a mother and financially dependent, does not want 'talaq' or 'break-off' the marital tie, rather she tolerates desertion like her counter part in Hindu community. In the first device of desertion, it is the man who leaves the house and woman is supposed to stay in the man's house with his children, parents of the man and other relatives of the in laws family. In this way, she does not become shelter-less immediately or thrown away from the known circle; though financial flow is stopped for the family, she gets time to adapt with the situation; nobody can deny also her legal claim on his property, i.e. his homestead and others. But if she is deserted in a rented house, then she falls in double strains and troubles. There is another device of desertion. It appears when she is sent to her natal house with the motive to desert her. As he does not want her coming back, he cuts off all sorts of communication with her. The husband takes this device when the wife is without issue and he has motive of second marriage. In all these devices, the marital tie is virtually broken; despite of all these, she compromises with desertion rather than talaq, which seems to her a bolt from the blue. Sometimes a woman is deserted for life long. Man does not give her formal talaq with a bad intention to give a lesson to his 'unruly and disobedient wife', so that she can not be free from the legal marital binding and seek remarriage. Most of the women of such status lose their will and test for remarriage due to their bitter experiences, as well as the hindrances to remarriage. All these are data-based statements. Most of the deserted women who are young in age, in Agartala and Yeazekhowra, belong to the poor class signifying that they are not able to secure civil divorce from the court as well as to get remarried. The case where woman deserts a husband is not very rare. Desertion is undoubtedly a social problem as it implies 'undesirable pattern of behavior of an individual living in concrete set of social life'. As the after-effect of desertion the

miserable condition of the children and mother is known to every one. A deserter man never takes the responsibility of children. If she intends re-marriage, she is either to obtain the civil divorce from the court or to make the man pressurized for giving her talaq.

6.2.10. Remarriage of Woman

When a married woman loses her husband by his death or separation, desertion or divorce, ^{she} can be remarried by Islam. Unlike the Hindu society, remarriage of an “unfortunate” woman to bring her fortune again is not an undignified matter in the Muslim society. Islam is very much sympathetic to the victims of misfortune. A man, who marries a “widow” is considered to have done something very good and he will get always the blessings of almighty God. This sanction by Islam is quite in favor of a helpless woman to provide her food, shelter and security for the rest of life. No social stigma is attached to the marriage of a widow or divorcee woman. Muslim society considers the remarriage of women to be very normal. This positive attitude towards woman is based on the recognition of the womenfolk as human being. It raises her position high in contrast to the position of Hindu woman. In the 6th century A.D, though the Hindu law of “Parasar Samhita” of Hindu Dharma Shastra permitted second marriage for women under certain conditions like if he is dead or outcast or impotent, or becomes ascetic but Hindu society is conservative enough regarding the remarriage of widow even when she is economically independent. The Hindu traditional value system thus negates the position and rights of women. This prevailing social system i.e. ideas and value of the majority peoples, has also effected the Muslims of India. As a result, widow marriage has become strictly taboo among the respectable classes of the Muslims. Still today widow marriage or remarriage of woman do not happen in large number among the people of higher strata. In the lower strata also, some other constraints are on the way of remarriage of woman. In actual practice, no easy redresses is there for the unfortunate women to ensure their safety, dignity and survival. In Tripura context, till the decade of 1960, widow marriage was found in a number but majority are not. It is just from the experience of the people. No such study or statistical data is available.

Table no 6.11
Distribution of Remarried Women in Villages and Towns

Name of Town/Village	STATUS						Total Remarried (%)	Total population
	Widow	Divorcee	Deserted	Separated	Total			
N.C. Nagar	1	1	1	0	3	0.37	813	
Khilpara	0	1	0	0	1	0.25	402	
Yeajekhowra	1	2	1	0	4	0.58	686	
Total Rural	2	4	2	0	8	0.42	1901	
Agartala	1	0	1	0	2	0.38	525	
Udaipur	0	0	1	0	1	0.35	283	
Kailasahar	0	0	1	0	1	0.21	468	
Total Urban	1	0	3	0	4	0.85	1276	
Total	3	4	5	0	12	0.38	3177	

The presence of quite a good number of widows both in towns and villages under the present study reveals this truth of the society. Remarriage of women in the present sample is not uncommon but insignificant in percentage. They are only 8 (0.42%) in the rural group and 4 (0.85%) in the urban group. Only 12 women out of total females (1276) are remarried, 3 of them are widow, 4 are divorced and 3 are deserted. Remarriage of woman often happened among the deserted or divorced young women, even along with her children of previous wedlock. They are married usually with the widower man, divorced or a man used to polygamy and seldom with a bachelor. The above Table no. 6.11 shows that only out of 12 remarried women, 8 women are distributed in 3,1,4, in the villages of N.C Nagar, Khilpara and Yeajekhowra respectively and 4 women distributed in 2,1,1, in Agartala, Udaipur and Kailasahar.

All of the women were married for second time and two of them were married for three times. The percentage of woman's remarriage revealed in the study indicates that remarriage of woman is not very easy and not always happy solution for the unfortunate girls. Analysis of the case studies reflects another truth that the reason of women's remarriage lies in the circumstantial causes of their ill fate. But the remarriage of man is not so. The percentage of remarried men is obviously larger than those of women. In Yeajekhowra village, they were 19, married more than once. And in most cases except

a few, they married for pleasure. For the polygamous marriages, there was no valid reason for them under study. Given data on the marital status of women make it very distinct that the status of Muslim women is low.

6.2.11. Case studies

Remarriage of Widow

Case 1. Sayeda was only twenty years old when her old husband died leaving behind his first wife with adult sons and his second wife Sayeda along with a male baby of two years. When the man was alive, Sayeda was tortured by the first wife and the man also took no care of her and made no provision for her future security. As a result, after his death she along with the baby was driven out from the house and deprived of any share from his property. She got no financial backing from her relatives who were also very poor. She became mentally upset and found no other alternative but to beg for survival. Under the condition, when she accepted this way of life (i.e. begging), she met a man named, Abu, one of her distant relative^s. He came to her as an angel from heaven and being very sympathetic, took her in his small house where he stayed only for night-halt; the whole day he wandered from village to village for his earning in the occupation of hawker. Gradually the love and affection between them led to their marital relation. Since then, Sayeda never went out of the home and she was engaged in household works and looking after her son and husband. When the present researcher met them, Abu was not present in the house. Sayeda told that she^{had} become very happy for last six years in the second marriage. Abu loved her son and considered him not as step-son but as “gift of Allah” in his words. His income^{had} increased after marriage. So, he was also very happy.

He^{had} extended his house and re-built it in a better way. They had a small yard where her “restless” son used to play and a small kitchen garden where Abu worked hard in his leisure. Sayeda’s son or their son was reading in a primary school of the village. This is an exceptional case of happy remarriage.

Case 2. Asafun Nessa Khatun was a widow of young age. So she was married with a widower, her brother-in-law. This marriage has been continuing for a long time. Now she is 63 years old. Both of them had children of their previous wedlock. Her first son of previous wedlock is a driver of government vehicles and he earns enough. He lives separately from her mother's family but maintains a good relation with her. The two houses are side by side situated on the road side of Jagaharimura. She often comes to the house of her son and passes time with the grand children. She is an illiterate woman and does not understand the urban dialect. Her calm and quiet face, her eyes speaks something which the present researcher could realize only.

Case 3. Jaheda Khatun was remarried for three times. Her first husband was an aged man and died soon. The second husband deserted her and so did the third. Out of her first wedlock she has one daughter and got her married. She had to do the arrangements all by herself and she did not get any help from the second or third husband. At present she has to manage herself on her own. For livelihood, she works as a day labour or irregular domestic maid. For her misfortunes, she blames the Muslim men who frequently desert the wives without caring her present and future. She expressed her grievances against the Muslim marriage system which gives no security and stability of women's life. Being asked about the marriage of her daughter, she reports that the in-law house of her daughter is good. The daughter along with her baby often comes to look after the mother though she lives in a distant village.

Remarriage of Divorced women

Case 4. Amirunessa in Jubarajnagar (Kailasahar) was divorced within few years, as she could not give birth of child. Then after some years, she is married with a widower named Ambar Ali at Yazekhowra village. Ambar Ali, 50 years old and well known man for his large garden of rubber plantation in the village. He also earns something from his cycle repairing shop. So he has money and Amirunessa is his third wife. He told the researcher that his first wife is still alive with their two sons in a distant house of the same village. She took separation in their early-married life. So Ambar Ali married for second time and he was happy with his second wife and their six children.

But unfortunately second wife fall on a sudden death leaving the last issue of only four years. He was shocked and he had no intention for remarriage. So when he has taken the help of the relative women or neighbor women to look after the children, then he has to face the difficulties with the criticism of illegal relation, which is totally false. In the village life there is no facility of keeping whole-timer maid as it is available in town life. So, at last, after a thought of pros and cons, he has to marry for third time. Under this condition, Amirun Nessa being divorced from the first husband is only a means to his life. She agreed to this marriage, as she needed a permanent shelter under a man of economic well being. Amirun looks like a strong healthy and tall woman and below thirty years old. She was noticed as listening to all the conversation between the present researcher and her husband but did not come in front. She was accompanied by other women, either relatives or neighbour who were moving their heads in confirmation with the talks of the present researcher.

Case 5. Pinnua Begum of Khilpara village is a graduate school teacher. It is reported that her first marriage in earlier age was durable for a short period due to some complexities among the in-laws. ^{After} Being divorced, she ~~has~~ completed her higher education and secured a job of a school teacher. After a long time of her single status, she has been involved in love with one of her colleagues. She married the man who was already a family-man of few grown up sons and daughters. This is the second marriage for both. They now live with their new born baby in a separate establishment. The first wife and the children are in their own house; some maintenance-money is sent to them. It is reported that the remarriage of Pinnua Begum with a man being already married has been criticized by the people of the community and she is cornered by many of her relatives and neighbors.

Case 6. The life story of Sofia Khatun of Sonamura is a very interesting case of remarriage. She was married two times with her same husband and once with another man for a short period. The story is that when she was a mother of two sons she was given talaq by her husband of bad temperament. After talaq, this young mother had to leave the house and children instantly. The poor guardians of Sofia in the natal house

gave her second marriage; she came to her own original house being third time married with her first husband. The fact was that her husband became repented after pronouncing talaq and her father-in-law was a very sensible and wise man who took initiative to bring her back to the home. He managed the man with whom she was married for second time, to give her 'talaq' for second time. She being free from second marital tie, was again married with her ex-husband. Father-in-law presented her a piece of land (15 ganda) for her future security. Her husband never committed such mistake again in life. Sofia said that her husband was not a bad man but because of his ill health and suffering from disease for long days, he behaved as a short-tempered man. In the later phase of their life they were happy with more three offspring. Now she is 59 years old. After the death of husband she is with her youngest son. But the other sons, though separate, take care of their mother. Sofia is an honest, simple and laborious woman.

Remarriage of Deserted Women

Case 7. Monorama Begam, a deserted woman of below 40 years of age was remarried with Kalu Mia of N.C.Nagar village. Manorama was a mother of 4 children when she was abandoned by her husband in Bangladesh. Kalu Mia, about 50 years of age, went ^{to} Bangladesh and married Monorama along with her children. After a year, he came from Bangladesh in his village, N.C.Nagar where he has his first family, his wife and grown up children. Monorama came with Kalu Mia and had to face the tension to adjust with his first families as well as with the neighbors who did not support such marriage of Kalu Mia. The immediate problem for the family was financial. Kalu Mia, being a mere small contractor, could not manage such a large family consisting of more than eight grown up children, two wives and he himself. There was always some chaos in the family, as the neighbour reported. Despite all these constraints, Monorama was trying to adjust with the new social situation. She earned security neither for present nor for the future.

Case of Separation

Case 8. Case of separation is found different from the case of desertion. Two examples of this context are to be noted here. In Sonamura sub divisional town, a wife

of a school teacher maintained separation from the husband when he remarried one of his colleagues. She did not leave the house but stayed in a separate arrangement with her son and daughter. She did not go to her natal house where her parent and brothers were well to-do and ready to help her. She thought that being financially dependent; she was to depend on someone for her children and herself. 'So it's better to take the help from children's father who is liable to maintain them'. She did not lodge any complain against husband for the sake of her children but she stopped her speaking with him. The man has to maintain two families though he has lost conjugal right over the first wife. This status of the case is neither desertion nor divorce. It is a case of 'separation' the future of which is unpredictable. At Yazekhowra village, Ambar Ali is a wealthy cultivator and has a big sized rubber garden. He has also other business. He told to the present researcher that his first wife had been living separately with their son for a long twenty years. He remarried but did not give the first wife talaq. She was not abandoned, not remarried but she used to live in the same village separately from the husband who helped them casually. Here the status of the woman is not distinct though the separation became permanent for them.

Cases of Talaq

Case 9. Here is a unique case of Talaque .This is a story of an old couple of Yazekhowra village. The man is seventy five years old. He pronounced Talaque three times at a stretch to his wife of sixty years old. It is a tragedy for the couple that they are to live^d separate now when they need more their mutual companionship. The cause of anger was the difference of opinion on some issues related to their married sons who live separate with their families and ~~do~~ not care for the old parents. The old man ~~was~~ ^{still} to earn money to maintain them. So on such a touchy issue, the man being frustrated and disgusted, could not control himself and commit^{ed} a fatal wrong by pronouncing talaque to his whole life partner –his only wife. The man now moves to and fro. He remains fast in most of the days of the week as it is reported by the neighbors. The young people of the village make fun ~~of~~ him for this case and the man remains silent. The kind hearted neighbors like to give him some food but he often refuses to take. He

casually earns something to maintain himself. On the other hand, the old woman is alone in the house shedding her tears everyday. She is the victim of some religious formalities.

Case 10. The case of Aasia Khatun is a typical example of unilateral right of Muslim men to divorce their wives. Aasia Khatun, born in a Sayad family, was married in a distant village of north district like Yeajekhowra from her natal house in west Tripura. After several years of her married life she was divorced by her angry and cruel husband. Her husband was accused with the charge of murder of a neighbour man and had been sent to jail for a period of one year. In the mean time, out of financial necessities, Aasia had to do a 'Kaola' to sell a piece of their land. On his return from jail (1999), the man came to know about the matter which made him furious with rage, resulting in a *Talaq*. He had a deaf ear to her pleadings. She was given *Talaq* in front of the senior villagers. Tears rolled down her cheeks, when she recalled the memory of leaving her four issues at a very tender age. She had to find a shelter through her hard earnings in a piece of land provided by her parents near her natal house. She had been living there alone since then. No maintenance for the *Iddat* period was observed in her case. She is sixty years old (1999). Still she takes her daily life with a hard work labour. At the dawn she cooks her food and then goes to work as agri-labourer or maid. She has been provided Rs.100 p.m. as financial help for destitute woman from the gram Panchayat.

She possesses of good health i.e. ^{has a} strong built body. She is an ordinary looking woman but ^{an} extraordinary reserved personality with a tender heart inside for the people around her. She is very popular among her neighbors as she is ever ready with helping hands when ^{ever} ~~any~~ ^{is in} one ~~is in~~ need. Though misfortune engulfed her, fortune blesses her in her mind and soul.

Cases of Polygyny ^(us) Marriage:

Case 11. Sukurun Nessa lives in Yeajekhowra village. She looks as old as 25 years. She is the first wife of her husband and living with his second wife named Anwara Begum aged only 20 years having now two children i.e. one is 4 years old and

the next is of four months old. Sukurn has two children e.g. daughter is of eight years and son is of seven years. Her husband Asuk Ali 35 years old, was not unhappy with the first family but suddenly he married for second time. According to Sukurn, her husband is not a bad man and Anwara is also an innocent type of girl and she was a minor when she was married to her husband. She being primary educated does not blame Asuk but the Muslim society which, as she thinks, indulges polygyny and invites so many problems for the wives and children. Her husband is a rickshaw puller and he is in financial hardship to bear a big budget of 'two families' under same roof and same hearth. The perception of the second wife is different. She blames the callousness of the first wife for polygyny. She adds that wife should be strict and have control over the man, otherwise all people suffer.

Case 12. Jobeda Begam, aged 42, is an illiterate woman but Indian in behavioral characteristics i.e. in her patience and tolerance. She was married in 1980. Her natal house is at Charipara, an outskirts village of Agartala. After marriage she with her husband came in Dharmanagar for business purpose. They got a piece of land at *purbabazar* from the WAKF Board on which they started their business. During the flood of 1984 they were the worst sufferer and lost their youngest child along with other assets. They were provided govt. help of Rs. 5000. By that money they again opened a bakery and earned a lot. Within seven years they became rich people in the locality. They purchased a paddy land as well as some livestock for more income. Jobeda worked laboriously for the economic development of the family. Under these circumstances, when her husband got enough leisure he was exposed to the second phase of his nature i.e. indulging him in polygyny. Jubeda remained in the dark about his second marriage. The incident came into light after one year when he brought his second wife as being pregnant, in the main family. After two-and-half years of second marriage, the man married for the third time, and only after six months of that marriage, he married for the fourth time. He did not stop and married for the fifth time after a gap of one-and-half years of fourth marriage. His fifth wife was a deserted woman and Hindu by religion. Within five years he married four times and lived with them without doing any financial activities but only breaking

the hard earned cash savings and Jubeda could not resist him. The entire household property which was built by her hard labour of fifteen years is now in an overall crisis. To maintain the wives along with more four issues, he sold their paddy land and other wealth also. Not only this, the man used to take away all the money which Jubeda with her eldest son earned from the bakery. This cruel and selfish man has no religious or social punishment for doing such misdeeds against his family. Jubeda couldn't resist the man and was helpless with her two children of minor age. She had no brother who could have stood by her. Her father though alive was a very gentle and good man. Her uncle was a wealthy man and holds political power as being a Panchayat member. He could fight for her but Jubeda did not want to ask his help. At last the man insisted for selling the bakery and the homestead also. Jubeda and her grown up son of 18 years, resisted this attempt anyhow. Her son and daughter were to drop out in the primary level of education. The son is engaged in a workshop of grill factory. Jubeda herself is engaged in some participatory activities of society. She associated herself with the *Nari samiti* of the local branch of CPI(M) party. She received training under the "SwarnaYojana" Scheme. In spite of long struggle and gray days in the near past, she seems to be hopeful for the future.

Cases of Desertion

Case 13. Aleya Begam, a young woman of 22 years old was married with Abu Kaosar, the son of Jaru in SonamuraMia. From the beginning she was tortured by her husband and in-laws. She had to take police protection to save herself from their torture. After the birth of her two children, the marital tie was break-off, but no formal talaq was there. The man remarried and Aleya was deserted along with children. She stayed in the same home stead in separate arrangement. She has got no maintenance either by religious provision or by the civil laws of the country i.e. Cr. Pc. 125. She had neither any man- power nor money- power from her parental side. Only under the pressure of local public opinion which was fully in her favour, Abu Kaosor was forced to give her a negligible amount of money which was too small to be finished in one month. Kaosar and his parent did not take any responsibility of her children. So to survive, she has to

take the job of domestic maid in the neighbors' houses. For the interim period, when she took shelter in a small but separate house of the same homestead, her in-laws are too cruel to drive her out from the homestead. Thus the legal rights of the children were denied. Aleya was offered a remarriage proposal from a neighbour of Bangladesh adjacent to the border of the village, she refused it for her children. The neighbors felt for her and helped her in different ways. She went out for work at 8 A.M. and come back around 12 A.M.; again in the afternoon she has to go keeping her children under the safe custody of the kind neighbour. During the tour, I met Abu Kaosar and talked with him. Being asked about the reason, he blamed her and tried to justify himself but about the duties to the children, he remained silent and avoided the answer.

Case 14. Tasmina Begam in Udaipur is a good looking young woman of 26 years old. She was married at the age of 14. She has education of primary standard. She gave birth of two children, but after a few years, she had to come back to her natal house at Udaipur. Her husband was entangled with illicit relationship with other woman and she tried to resist but failed. The man fled away into Bangladesh and married there for second time. He did not take any responsibility of his wife and two children. Tasmina's father-in-law and mother-in-law were also not good people. They tortured her, drove her out of the home and kept her second baby (son) with them. After six days she was able to bring back her baby by the help of police, but she could not bring her clothes and the household articles of her own. Now she is seeking for any kind of job; she is working as domestic maid in two Muslim households keeping the babies under her mother's care. She filed a maintenance suit against her husband. Some Swapan 'Muhori' and Shekhar 'Okil'— her lawyer in Udaipur, helped her a lot. But she did not become successful, because the man did not come India, so to arrest him was next to impossible. Her father-in-law was arrested but got release by the verdict ion of the court. Tasmina was conscious about legal rights, she married by registration and when the marital tie was broken down she tried utmost to get legal protection by the Indian Law, but it is an irony of fate that no Indian law could give her protection from the misfortune of her children and herself. When she was asked by the present researcher that whether she did approve the second time marriage for herself, she said very explicitly 'No'. Now she wants to obey her fate after a lot of struggle against the fate of an Indian girl.

Case 15. The case of Ranjuta Begam of Udaipur Nagar Panchayat is one of those desertion cases where the husband remarried and gave occasional visit and financial help and gradually this help went stopped. When she was a mother of two years old baby her husband remarried elsewhere But he used to visit Ranjuta and gave rupees 200/- to 300/- per month. But gradually her son has grown up and she needs money for his study but the flow of money from him turned casual. The sixteen years old son has to run his study by the help of relatives in both cash and kind.

Ranjuta has been searching job for long days but frustrated. She looks very ill health and not smart up to the mark. However, she has got a piece of land as her share in parental property. On that land, a construction of house is provided by the Nagar Panchayat office. Thus, being a beneficiary of the Nagar Panchayat and share-holder of parental property, Ranjuta has got protection to some extent, but she is not escaped from hardship of daily life. Her ill fate is the result of man's bigamy and the only son is to depend on the help of others in spite of his able father.

Case 16. Asharun Bibi, East Durgapur, Kailasahar, is a 36 years old woman. She was abandoned along with her two young children by the husband. She was at a loss to face the misfortune which came all on a sudden. Her husband married second time and settled with the second wife. He did never come back to his home where his old father, wife and children were. Asarun has no alternative source of income by which they could survive. She has joined in a home- based earning centre of *Dhup stick* but the income is too little to maintain the family. Now her son is twenty years old and earning something by day labour. Her daughter of 17 years old is to manage all the household chores as her mother is engaged for earning. Asharun has lost a little of her mental balance as her daughter says. She remains always silent and indifferent to her son and daughter. They have no BPL card or any help from the Nagar Panchayat; the family is deprived from any kind of financial assistances for the repairing of their old house which is in very bad condition. But they do not know what to do. They have no requisite food, clothes and security. Asarun Bibi did not get formal talaq which would enable her to retain the mehr fixed at the time of marriage or get new marriage. No elders' association or panchayat would come forward to do justice for her arranging punishment to the man for this cruel deeds or un- Islamic activity.

Case 17. Bapi Begam, 36 years, is an illiterate woman. She works as brick breaker at South Ramnagar. She was abandoned by the man to whom she was married. After two years of marriage, the man gave her formal 'talaq' but did not take the responsibility of their daughter. Bapi did not get any maintenance of 'three months' *Iddat* period. The man remarried and resides in his home which is not distant from her rented house. Her daughter is now 16 years old. She has never sent her daughter to her father's house; now the daughter likes to go there and brings some gifts from father. Bapi Begam is silent in nature. She is in broken-health and not good looking. She did not like to remember the horrible past memory of her short span married life. She said in soft voice that the man was very cruel in behaviour and used to beat her.

When she was given talaq, she was to change her status from a 'shy-housewife' to a 'day labourer'. She had none from her parental side to take her responsibility; why she was not remarried? She remained silent few minutes to this question and said that she did not think about this. She became used to go to the labour market in every morning and came back at evening and the baby was under the care of neighbours. It was not possible for her to send the girl in school. Now she is grown up and Bapi is always now in tension. She wants to marry her soon to protect her from the unwanted happening in the surrounding area. But how she will collect dowry money and a good son-in-law? This is now a constant headache to her.

A case of woman Deserter

Case 18. Here is a case of women deserter. The story is told by an old woman at N. C. Nagar that she was married in early age (child marriage) and went to her in-law house. But she came back from that house because of her simple non-likings to the man (husband). When he with her in-laws came to take her back, she refused them, as she did not feel any attraction to those people. This separation in primary status led ultimately to the divorce. Being very favored of her parents and brothers, she was happy with them and though they tried to get her remarried, she refused. She contributed to this house by her physical labour and thus she faced no economic problem so long. But

now, when she is physically weak, she wants some support from governmental help for her maintenance.

6.2.12. Studies on Maintenance Cases of women

Table no 6.12
Suit of Maintenance cases filed by Muslim women in Tripura
(1999 to 2005)

Year	Case No.	Court No.	No. of Mahame-dan Cases	% of Total Cases
AGARTALA				
1999	Misc 24/99	6	1	
2000	Misc 45/2k	0	4	
	Misc 109/2k	2		
	Misc 112/2k	5		
	Misc 193/2k	3		
2001	Misc 58/01	2	3	
	Misc 75/01	2		
	Misc 131/01	5		
TOTAL			8	N.A.
UDAIPUR				
2002	Misc.../ 02	N.A	16	
2003	Misc. .../ 03		15	
2004	Misc.../04		23	
2005	Misc.../05		11	
TOTAL			65	23.08
SONAMURA				
2005	Misc .../05	N.A.	27	
TOTAL			27	62.79
Grand Total			100	

A survey was conducted in the Judicial Magistrate Court of Agartala Sonanura (west) and Udaipur (south-west), to assess the position of women in their exertion of legal rights e.g., right to obtain maintenance and the right to divorce under the Muslim Law of Marriage dissolution Act of 1939. Table 6.12 shows that a number of women go to the local courts to obtain divorce and to secure the maintenance by the article Cr. Pc. 125. Her right to maintenance is dealt in Article 488; it is effective by the Criminal court under section 125 of Criminal Procedure Code.

Under the Muslim Law, a woman has right a) to get a sum equal to the Dower settled at the time of marriage; b) maintenance for the children till they are two years of age; c) all gifts given to her by anyone at the time of marriage; d) maintenance as is necessary for her needs during the period of *Iddot*. Under the Muslim Law she can get maintenance from husband even after the period of *Iddot* by filing a petition under section 125 of the Cr Pc. If this law (Muslim) is violated or if she is not given the maintenance, she can file a petition in the court of a First class Magistrate who will order the husband to pay all these. Sometimes, woman does not seek talaq because of her emotional biasness but claims for maintenance. An investigation was done on the maintenance cases filed by the Muslim women in Agartala, Sonamura, Udaipur and Kailasahar. The cases cover the women of all statuses like deserted, separated and divorcee. The cases shown in table no.6.12 are issued for maintenance and obviously most of them are in the status of desertion and informal talaq.

The fact is that all cases filed have no guarantee to be successful in its effect. The verdict of the court may be violated and then the court has to enforce it by order. It is reported by the Sonamura Judicial Magistrate Court (First class) that in 2005, out of total 43 cases of Maintenance, 27 are Mohamadan cases (i.e. 62.79%); out of 43 disposed cases, 13 are under the enforcement order; of these 13 cases, 9 are Mohammedans' (i.e. 69.23%). An investigation in ^{the} Udaipur Court shows that out of total 208 Maintenance cases during 2002 to 2005. The number of Hindu cases are 208 i.e. 76.19 percent and 65 are Muslim cases i.e. 23.8 percent. The Table no.6.12 shows that till 27th December, 2005, the number of cases has been hopefully reduced in comparison to the previous years for both Hindu and Muslim cases.

To do petition in the court is not so easy for women. Because this can be done smoothly if the couple had joint declaration in the court opting to be governed by this law or, if this condition was included in the 'Nikahanama' at the time of marriage. After the *Iddot* period, the Magistrate can order for her maintenance to the following parties: her parents, children, the relatives who are entitled to inherit her property and the State Wakf Board. If the divorced woman has no supporting relatives, the local Wakf Board (as per Article 9 of the Wakf Act) may be directed by the Magistrate to provide maintenance to that woman (**Muslim Women Act: 1986**). All this protection of law is often failed for those women who are poor in man-power, money-power and literacy.

Findings

Marital status is an important indicator of women's status in society. In the forgoing discussion on marriage and marital status of women, it is observed that many socio-cultural traits of the pre-independence days have not been yet changed much. As a result, the progress of Muslim women is very slow with the change of time.

In selection of mate, they are much dependent on the arrangement of the guardians. ~~The~~ Marriage is still found within the cousin relatives and within the village or neighbor villages and towns. The age at first marriage for the girls of present generation has been increased to some extent in comparison to their mother or grand mother. But still the mean age for the girls is below 18 years, while this average age for boy is above 21 years. Sometimes, the age of girls for marriage ~~increases~~ ^{increases} due to the new pressure of dowry system both in villages and towns. Dowry has become a part of Muslim marriage specially in the fringe villages and towns and ^{even} the interior villages are not ~~free~~ from this.. However, 88.00 percent people still remain out of any dowry transaction. The custom of dower has become only a formality for majority people. Only a microscopic minority and pious people of old generation are trying to retain this Islamic culture though ^{very few} young men ^{are} not rare to advocate this Islamic culture.

Women literacy and employment is better in Udaipur town and its fringe village Khilpara. On the other hand the prevalent dowry system ⁱⁿ Udaipur and Khilpara indicates that education and employment do not necessarily mean the higher status of women. Socio-cultural factors may surpass her education and employment. Like many Hindu girls, they are also not aware about the social significance of the dowry system.

Position of Muslim women is inevitably lower in polygynous marriage, though they are few in number. Their silent ~~suffering~~ suffering has no easy outlet. Polygamous marriage happens not only among the people of low income and low status group but also in the high income and status group. The economic ^{only} well off rural families may indulge the polygynous marriage. Man maintains the family of double wives either in the common hearth and roof or in separate arrangement.

The lower status of Muslim women is exposed much in their status of desertion, separation and divorce. Desertion is a most un-Islamic and illegal practice for the believers but it is the highest social reality (1.29%) in the villages and towns. Desertion is mostly the ^{result} of irresponsibility and callousness of men belonging to the low socio-economic status. It is not rare in the literate and high status family also. On the excuse of some point of differences women are left in the natal house for indefinite time without any intimation of formal talaq or legal separation.

Divorce or talaq is a legal practice. Formal and instant talaq happens less in number but ^{more} number of desertion ^{cases} lead to divorce in reality. Informal talaq may supersede the formal talaq. Number of court cases filed by women confirms our statement. Divorce is often practiced without caring the rules of *Shariat* i.e., maintenance of Iddot period etc. Separation is found from the wife's side among a few women of self respect and personality. Either they take shelter in the natal house or ~~stay~~ remain in the husband's house ^{but in} a separate arrangement.

The higher percentage of widow and few remarriages indicates the significant influence of Hindu society and culture. Muslim women as the Hindu women devoted themselves to their responsibility for children. In fact remarriage of women unlike the men, reveals the circumstantial causes of their ill fate. While for polygynous marriage, ~~men have~~ ^{men have} no valid reason. The lower marital status of Muslim women has become more distinct with few case studies served for the purpose.

All these cases make it clear that status of women in Muslim society is not at all high what they have been conferred by the Quran. The subordinate position of women in the beginning of married life may turn them to the most humiliating and miserable ~~condition~~ along with their children.