

# DIVORCE IN MUSLIMS



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### MUSLIM MARRIAGE ACT

Divorce under Muslim law is of two types-

- **Extra Judicial Divorce**
- **Judicial Divorce**

### EXTRA JUDICIAL DIVORCE IN ISLAM

The extra judicial divorce consists of following divisions:

**By husband:** Talaq, Ila, Zihar

**By wife:** Talaq-i-tafweez

**By mutual consent:** Khula, Mubarat

## TALAQ IN ISLAM

**1. Talaq-e-Ahsan:** It consists of a single pronouncement of divorce. It is irrevocable even after expiration of period of iddat.

**2. Talaq-e-Hasan:** When the husband repudiates his wife during a Tuhr (**period of purity**) in which he has not had carnal connection with her and he repeats the repudiation during the next two Tuhrs which makes the divorce final and irrevocable.

**3. Talaq-ul-Biddat:** Three pronouncements are made in a single breath. It becomes irrevocable as soon as it is pronounced. It is considered to be the worst form of divorce.

**4. Ila:** If a husband after having attained puberty, swears by god **not to have sexual intercourse** with his wife **for a period of four months** or for any unspecified period, he is said to make Ila.

**5. Zihar:** If husband **compares his wife to his mother** or to a female within prohibited degrees of relationship, the wife has right to avoid him until he performs punishment for his wrong done/sin.

**6. Khula:** Khula is separation by putting an end to the matrimonial bonds and rights. It is that right in which the **wife agrees to give a certain amount of consideration** to the husband for her release from the marriage ties.

**7. Mubarat:** Mubarat is the dissolution of marriage **by mutual agreement**. The offer may be made by any party, either husband or wife.

**8. Talaq-e-Tafweez:** A husband may delegate his power of talaq to his wife. **An agreement** is made before or after marriage providing that the **wife is at liberty to take divorce** from his husband provided that such power is not absolute and unconditional and that the conditions are reasonable and not opposed to law.

## **JUDICIAL DICORCE IN ISLAM**

The judicial divorce consists of-  
Dissolution of Muslim Marriage act, 1939.

- Lian
- Fask

**Lian:** When the husband put charges of adultery on the wife and later the charges are proved false, the wife is entitled to sue and ask for a divorce.

**Fask:** Muslim law allows **a lady to approach a qazi** for dissolving a marriage under following conditions:

1. If the marriage is irregular.
2. If the marriage was within prohibited degrees etc.

Under section 2 of this Act, a Muslim woman can seek divorce on the following grounds-

1. Where the **husband is not heard of alive** for a period of four years.
2. The husband has **failed to provide maintenance** to the wife for at least two years.
3. The husband has been **under imprisonment** for seven or more years.
4. The husband is **unable to meet the marital obligations**.
5. If the **girl is married before fifteen** and decides to end the relationship before she turns eighteen.

Read other [Marriage notes and laws](#).

Read about [Void and Voidable Marriages](#).

Read about [Muta Marriage - A temporary marriage mainly for sexual enjoyment](#).

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