

Dower in Muslim Law- “Mahr”

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Definition and Purpose of Dower

- **English Law:** Dower refers to the portion of a deceased husband's lands that a widow receives for her sustenance and child upbringing.
- **Islamic Law:** Dower (Mahr) is a payment made by the husband to the wife at the time of marriage, securing the wife's well-being and providing for her after marriage ends through divorce or the husband's death.

Concept of Dower in Muslim Law

- **Essential Component:** Dower is a crucial part of the Muslim marriage contract.
- **Consideration:** In Muslim marriages, the dower itself acts as the consideration, symbolizing the husband's commitment to support his wife during and after the marriage.
- **Significance:** Dower is a sign of respect and acknowledgment of the wife's rights.

Legal Perspectives on Dower in India

- **No Specific Definition:** Indian law doesn't prescribe a specific dower amount, leading to varying interpretations by courts.
- **Importance:** Dower is recognized as essential in Muslim law to ensure the wife's financial security and prevent helplessness.

Types of Dower in Muslim Law

1. **Muta Dower:**
 - **Temporary Marriage:** Refers to a marriage for a specific period.
 - **Payment Conditions:**
 - Full dower if the marriage is consummated.
 - Half dower if not consummated.
 - No dower if the wife leaves before the specified period.
2. **Specified Dower:**
 - **Fixed Amount:** A mutually agreed amount or property.
 - **Sunni Law:** Minimum dower is 12-13 Rupees (10 Dirhams), with no upper limit.

- **Shia Law:** No specified minimum or maximum; based on the husband's financial ability.
- **Mutual Consent:** Dower can be increased after marriage by mutual consent (Kukkiya Begum vs Radha Kishan).
- 3. **Prompt Dower:**
 - **Immediate Payment:** Payable upon demand, usually before or immediately after marriage.
 - **Legal Right:** A wife can refuse to live with her husband until the prompt dower is paid (Rabia Khatoon vs Mukhtar Ahmed).
 - **Pre-Consummation:** Payment should be made before the marriage is consummated.
- 4. **Deferred Dower:**
 - **Delayed Payment:** Payable upon a specific event, expiration of a period, or dissolution of marriage.
 - **No Immediate Demand:** The wife cannot demand deferred dower unless mutually agreed upon.
- 5. **Proper Dower:**
 - **Unspecified Dower:** Determined when the dower amount is not pre-decided.
 - **Wife's Discretion:** The wife can determine a reasonable amount, independent of the husband's financial status.

Conclusion

- **Types of Dower:**
 - **Muta Dower:** Payment based on marriage duration and consummation.
 - **Specified Dower:** Pre-agreed fixed amount with differences in Sunni and Shia law.
 - **Prompt Dower:** Immediate payment required before consummation.
 - **Deferred Dower:** Payable upon specific events or marriage dissolution.
 - **Proper Dower:** Flexible amount determined by the wife when not pre-decided.
- **Purpose:** Each type of dower serves to secure the wife's rights and is governed by legal and cultural practices.

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