

Post-Divorce Maintenance (Mata-At Talaq) and Women Empowerment in Bangladesh

Uzma Bibi

M. Phil Scholar, Fatima Jinnah Women University Rawalpindi at uzmabibil71@gmail.com

Dr. Aayesha Rafiq

Associate Professor, Fatima Jinnah Women University Rawalpindi at dr.aayeshar@fjwu.edu.pk

Dr. Nazia Zaman

Lecturer, Fatima Jinnah Women University Rawalpindi at nazia.zaman@fjwu.edu.pk

Abstract

Maintenance is the main responsibility of man in the Quran. He has to provide the basic necessities of life to women. After marriage, it is obligatory for a man to feed his family. The wife and children should not suffer. If there is a clash between husband and wife and they cannot fulfill the responsibilities of marriage then Islam allows divorce (separation). The divorced woman needs maintenance. There is no conflict about maintenance during marriage but this is a great cause of contradiction and discussion after iddah period. This concept is known as 'Post-divorce Maintenance' or 'Mata at talaq'. Post-divorce maintenance is the established concept in the Quran, Hadith, and Fiqh of the classic and present-day ulema. Muslim countries have their laws regarding the maintenance of women. The present research has a special focus on Bangladesh. The main purpose of this research is to examine how post-divorce maintenance is used as an alternative to the empowerment of Muslim women in Bangladesh. However, there is no legal provision in Bangladesh's judicial system. The study explores the empowerment of women after divorce through maintenance after iddah. It is concluded that all the countries should opt for the system of post-divorce maintenance to empower women.

Keywords: Post-divorce Maintenance, woman, empowerment, Iddah, Bangladesh

Introduction

Maintenance is a recognized concept of Shariah and Muslim Family law. In Arabic, this term is Nafaqa, which means lodging, food, and raiment.¹The husband will provide food, clothes, and accommodation according to the custom of the society, income, or status of them.² This is responsibility of husband that provide maintenance during sustenance of marriage, after divorce during iddah period. It is the responsibility of the husband that provide “Nafaqah or Maintenance” to his wife.³Maintenance is necessary during marriage and after divorce till waiting period. This is lawful right of wife⁴. The wife has right that husband should give her maintenance during marriage. This right begins when she submits and cohabits with her husband.⁵ Allah says in Quran, “Let them dwell wherever you dwell, according to your means, and do not harass them to make their lives a misery.”⁶

Post-divorce maintenance is the fundamental right of women which is invoked after three-month iddah period. It is financial support for women after waiting period. After divorce, this is taken through court. This term is also known as Mata at talaq. In the Quran, the term Mata is used for maintenance after iddah period.

It is the duty of the husband to take care of his wife, regardless of minority, illness or imprisonment, or the wealth of the wife, so rich that the father of the minor has a responsibility to have the right to recover against him when he is in a position to pay the amount.⁷ It refers to the financial support provided to a former spouse after the end of a marriage. It aims to help the financially needed party to maintain a certain standard of living. The amount and duration of post-divorce

¹ Dalia Parveen, “ Post-Divorce Maintenance for Muslim Women: Which Path to Follow in Bangladesh? Society and Change,” Vol. VIII, No.1,(2014): <https://societyandchange.com>

² Shehla Riaz, Dr., Salma Begum, Dr., “*Non-Maintenance* creates a right of separation: a Comparative study of court’s Practices and Shariah Law” Iqan, vol.4, No. 1., (December 2021),19-36, DOI .10.36755/iqan141.2021.

³ Ayesha Shahid, “Post-divorce maintenance for Muslim,” (2013): 201-205

⁴ Asaf Ali Asghar Fyzee, “Outlines of Muhammadan Law (Oxford University Press), Delhi” (1974)

⁶ Al Quran, (65:6)

⁷ Muhammad Sadekur Rehman and Hossain Muhammad Younus Sirazi, “Post-divorce Maintenance (*MAA’TA*) for Muslim Women in Bangladesh, Pakistan, and India,” *IOSR Journal of Humanities and Social Science(IOSR-JHSS)* 23, no.2(February 2018), doi: 10.9790/0837-2302030110, Retrieved from www.researchgate.net, on (March 13, 2023)

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maintenance are typically determined by the court, taking into consideration various factors such as length of marriage, income and earning capabilities of each spouse, and contribution made during the marriage. Post-divorce maintenance is intended to ensure fair and equitable outcomes for both parties as they move into separate lives.

Islamic Concept of Mata at Talaq

The term Mata derives from the Arabic term ‘Matun’ which is used for enjoyment, satisfaction, pleasure, and happiness instead of grief, and depression.⁸ Mata also means benefits, things at home used for daily purposes, petty personal effects, and things serving some purpose only for a brief period.⁹

Imam Raghیب says that getting benefits for a short period. He adds that to derive benefit from everything is considered as Mata or Mutaah. He also says about Mata; “whatever the husband confers on his divorced wife to be benefited by, is Mata.” Allama Ibn Atheer says, A person who wishes to divorce his wife. After separation, he must grant some present.¹⁰

Imam Malik defines the term Mata husband who gives something to his spouse as treatment at the time of talaq. The lowest level is to give a pair of garments and highest level is that he provides slaves. It is a mustahab for every separated woman. It is wajib for that woman whose dower is not settled and whose husband divorces before intercourse.¹¹

Post-divorce maintenance or Mata is a proven concept from the authentic sources of Islam, such as the Quran, Hadith, and jurists' opinions. Allah(SWT) revealed five verses related to it. Four verses are taken from Surah al Baqarah such as verses 236, 237,240, and 49 of Surah al Ahzab.

⁸ Dr. Muhammad Adam El Sheikh, “Post-divorce Financial Support from the Islamic Perspective (Mut’at-al-Talaq),” *International Institute of Islamic Thought*, (2018): 172–93. retrieved from <http://iiit.org> on (March 27, 2023)

⁹ Shehla Riaz, Dr., Salma Begum, Dr., “*Non-Maintenance creates a right of separation: a Comparative study of court’s Practices and Shariah Law*”, 18.

¹⁰ Seema Sharma, and Kanta Sharma, *Muslim Women*. New Delhi: Anmol Publications PVT. LTD, 2006.

¹¹ Imam Malik bin Anas, *Mawatta’ Imam Malik*, trans. Allama Waheed Zaman, ed. Ahmed Ali Sulaiman Misri (Maktaba Al-Faheem, (February 2014)

لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمْ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً وَمَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدَرَهُ، وَعَلَى الْمُقْتِرِ قَدَرُهُ،
مَتَّعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ

“There is no sin on you if you divorce women when you have not yet touched them nor fixed for them an amount. So, give them benefit, a rich man according to his means and a poor one according to his means a benefit in the recognized manner, an obligation on the virtuous¹².”

Mufti Muhammad Shafi explains Mata as a ‘benefit.’ It is mandatory if husband divorces his wife before consummation and fixation of dower and if husband divorces his wife before consummation and after settling of dower. In the first case, something like set of clothes is necessary as gift, and in second case, half dower is obligatory¹³.

وَإِنْ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ وَقَدْ فَرَضْتُمْ لَهُنَّ فَرِيضَةً فَرَضْتُمْ مَا فَرَضْتُمْ إِلَّا أَنْ يَعْفُونَ أَوْ يَعْفُوا الَّذِي بِيَدِهِ عُقْدَةُ
الزَّوَاجِ وَأَنْ تَعْفُوا أَقْرَبُ لِلتَّقْوَى وَلَا تَنْسُوا الْفَضْلَ بَيْنَكُمْ إِنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

“And if you divorce them before you have touched them, while you have already fixed for them an amount, then there is one half of what you have fixed, unless they (the women) forgive, or forgive the one in whose hand lies the marriage tie. And it is closer to Taqwa that you forgive. And do not forget being graceful to one another. Surely, Allah is watchful of what you”¹⁵

Mufti Muhammad Shafi explains half dower is obligatory if husband divorces his wife before the intercourse and after determination of dower. The woman, man, and guardian can also forgive half-dower. If husband does not take half-dower, this will be considered an act of kindness and closer to taqwa.¹⁶

وَالَّذِينَ يَتَّقُونَ مِنْكُمْ وَيَدْرُونَ أَرْوَاجَ ا وَصِيَّةَ لِأَرْوَاجِهِمْ مَتَّعًا إِلَى الْحَوْلِ غَيْرَ إِخْرَاجٍ ؕ فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِي مَا
فَعَلْنَ مِنْ مَّعْرُوفٍ ۖ وَاللَّهُ عَزِيزٌ حَكِيمٌ ۖ فَعَلْنَ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَّعْرُوفٍ ۖ وَاللَّهُ عَزِيزٌ حَكِيمٌ

¹² Mufti Muhammad Shafi, *Maariful Quran*, Karachi: Idara-tul-Maarif, (August 2007)

¹³ Ibid.

¹⁴ Al Quran, 2:237

¹⁵ Mufti Muhammad Shafi, *Maariful Quran*, Karachi: Idara-tul-Maarif, (August 2007)

¹⁶ Ibid.

¹⁷ Al Quran, 2:240

“And those among you who pass away and leave wives behind are to make a will in favor of no sin on you in what they have done for themselves of the recognized practice. And Allah is Mighty, Wise.”¹⁸

Mufti Muhammad Shafi describes that if a woman wants to live in her husband's house for one year with the consent of her husband she can stay. If she wants to leave the house of her husband after iddah period, there is no sin on them. During her stay in her husband's house, all expensive will be bear by his inheritance. This verse had been abrogated. In the period of ignorance, the widow stayed in her husband's house for one whole year but after Islam and revelation of 2:234, her iddah period is four months and ten days. Allah says in 2:234, “They wait for themselves for four months and ten days.”¹⁹

وَالْمُطَلَّقاتُ مَتَعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ²⁰

“And the divorced women deserve a benefit as recognized, being an obligation on the God-fearing.”²¹

He describes Mata as benefit that should be provided in good manners. Mata is provided in case of dower is not fixed and woman divorces before intercourse. In the second case, Mata is provided if dower is settled and divorces before intercourse. in the third case if woman is divorced before fixation of dower but after intercourse. in this case, Maher al Mital is necessary.

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا نَكَحْتُمُ الْمُؤْمِنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا فَمَتَّعُوهُنَّ²²

“O those who believe, when you marry the believing women than divorce them before you have touched them, then they have no obligation of any 'iddah (waiting period) for you that you may count. So, give them (due) benefits, and release them in a pleasant manner.”²³

¹⁸ Mufti Muhammad Shafi, *Maariful Quran*, Karachi: Idara-tul-Maarif, (August 2007)

¹⁹ Ibid.

²⁰ Al Quran, (2:241)

²¹ Mufti Muhammad Shafi, *Maariful Quran*, Karachi: Idara-tul-Maarif, (August 2007)

²⁰ Al Quran, 33:49

²³ Mufti Muhammad Shafi, *Maariful Quran*, Karachi: Idara-tul-Maarif, (August 2007)

Mufti Muhammad Shafi explains three types of rulings. If spouses have no intercourse, there is no iddah for them. If spouses have intercourse, they will wait for iddah period.

If woman leaves her husband's house, so will be provided some gift. This is according to the Sunnah of the Prophet(S.A.W).

His third ruling is that “Release them gracefully.” After separation, this is the responsibility of husband that free his wife in a good manner. He does not hurt physically or verbally.²⁴

Prophet(S.A.W) married Umrah and divorced her before consummation so, Prophet(S.A.W) provided some Mata and returned to her parental house. (Ibn Seyyad al Nass) There are different exegesis accessible for the amount of Mata. According to Abdullah bin Abbas(R.A), he allowed maintenance that is enough for whole life whereas Abdullah Bin Masood (R.A) took it as a token. So, some scholars are in favor of long-term maintenance extending till sixty years of age while explaining Shafi law. According to all scholars, maintenance depends on many factors like social, and economic status, and living standard of people.²⁵

According to Hazrat Ali (R.A), Hasan Basri, Abd al Aliya, and Zahiri, it is obligatory to give Mata to every divorcee.²⁶ According to Ibn Umar(R.A), Mata is necessary for every woman except for those whose marriage is consummated and whose dower was fixed. In this case half, dower is obligatory to them.

Some jurists considered Mata as a consolation gift for the women who suffered after divorce. This consolation gift is not necessary for all types of women. According to Ibn Umar(R.A), Mata is obligatory for all types of women except those whose dower is fixed and their marriage not consummated. So, in this case, half dower is obligatory. According to Imam Abu Hanifa, it is obligatory in two cases,

- i. Divorces before consummation, but the dower is not fixed in this case dower is not provided to a woman except Mata or a gift.

²⁴ Ibid.

²⁵ Aatir Rizvi and Hafiz Muhammad Afzaal, “Post-divorce maintenance: Rethinking and Re-examining the Islamic Discourse in Pakistani Content,” *Al-Irfan Biannual Journal*, (Jan-June 2022)

²⁶ Zaid al Maseer, *Beruit:al Martabah al Islamiyah*. (1987)(

- ii. Divorced before consummation, but the dower is fixed in this case half dower is provided to the woman.²⁷

Imam Malik recommends post-divorce maintenance but not obligatory. According to Imam Shafi, who considered Mata as obligatory. But in the case of a woman whose dower was fixed but divorced before consummation not allowed. All jurists agreed upon it. Mostly Mata is provided in the absence of consummation.²⁸

Allama Shabbir Ahmed Usmani writes that the interpretation of verse 236 of Surah Al-Baqarah is that if at the time of marriage, the dower was not mentioned or fixed and the marriage concluded without a dower, the marriage is lawful. The dower can be fixed afterward, but in such a condition if the husband divorces the woman before touching her then the dower should not be incumbent on him, he should give something to the woman, at least three clothes a shirt, a head cover and a sheet according to his capacity and with pleasure.”²⁹

According to Mufti Shafi considered Mata as a Compensatory benefit. He states that Mata is obligatory according to the income of the man. He takes Mata as a gift. Mata is compulsory according to the Quran and Sunnah. It is obligatory in some cases according to the Surah al-Baqarah verse 236. It is obligatory for a man according to the income and customs of the society. Mufti Muhammad Shafi describes four types of divorced women,

- i. Woman who has been consummated and divorced and her dower has been fixed. In this case, a husband will provide full dower to his wife. Husband must pay her dower.
- ii. Woman who has been divorced before consummation; her dower fixed. In this case, half dower will be provided by her husband.
- iii. In the third case woman has been divorced before consummation and fixation of the dower. A husband will provide Mata

²⁷ Dr. Muhammad Adam El Sheikh, “Post-divorce Financial Support from the Islamic Perspective (Mut’at-al-Talaq)” *International Institute of Islamic Thought*, (2018):172–93. retrieved from <http://iiit.org> on (March 27, 2023)

²⁸ Ibid.

²⁹ Dr. Aayesha Rafiq, “Contemporary Discourse on ‘Mat at Talaq’ in Pakistan’s Context” *Pakistan Journal of Islamic Research* 18, no. 2 (2017): 109–18

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according to their income and custom. This is obligatory on husband that he pays her wife.

- iv. In the fourth case, woman has been divorced after consummation and her dower is not fixed. Dower will be provided according to the Mahr-e-Mithal. This is obligatory on the husband that he pays according to the custom of family's women.

Some modern jurists and scholars describe that women are not entitled to post-divorce financial support after divorce because they also receive shelter, clothes, and food from their husbands during marriage. So, there is no maintenance after the iddah period.

Muslim jurists are struggling to revive the concept of Mata because of its benefits. These ways are as follows,

- i. Firstly, it is the order of Allah that is mentioned in different verses.
- ii. Secondly, it is supported by the Prophet(S.A.W), Companion, and Tabieen.
- iii. Thirdly, it relies on the principles of just and good for all in common especially towards women.
- iv. Fourthly, it is best to support those children who are victims of many arbitrary divorces.
- v. This is the best alternative remedy for all damages that divorcees suffer and no one was ready to help them.
- vi. Lastly, it is an application of the Prophet's advice (wasiyyah) delivered to his Ummah on the Day of Arafah during the Prophet's Ceremonial Declaration which is known as the Farewell Pilgrimage Sermon.³⁰

Different countries have laws regarding post-divorce maintenance. In Egypt, Mata is allowed for two years. In Iran, Qatar, and Syria Mata is allowed for three years. In Jordan and Kuwait Mata is allowed for one year. In Tunisia, both spouses are responsible for providing Mata due to emotional and material damage. This maintenance will be continued till remarriage and another spouse can earn by themselves.

Post-divorce Maintenance in Bangladesh

³⁰ Muhyi al-Din Abi Zakariyyah Yahya ibn Sharaf al-Nawawi, *Minhaj al-Talibin: A Manual of Muhammadan Law According to the School of Shafii*, trans. E. C. Howard from the French trans. of L. W. C. Van Den Berg (London: W Thacker & Co,1914).

Bangladesh is a Muslim-majority country with a prominent secular legal system. Its laws have been made according to Shariah Laws. Women's rights are under Shariah Law and general laws. According to both general and Shariah Laws, women in Bangladesh are entitled to property similar to what is owned by men. In this country, there are some misconceptions about women who maintain their children and husbands. However, there are many misconceptions in society that as long as women are maintained by their husbands or relatives, they do not need to acquire land rights under Islamic and official law. Thus, the patriarchal argument is that women are not subject to religion. One explanation would be the male dominance of society.³¹

The Laws of Bangladesh before and after marriage financial support are based on three laws, codified law, local tradition, and shariah law.³² Bangladeshi women can claim maintenance according to MFLO,1961, and Family courts under section 5 of the Ordinance 1985.

It is mentioned in section 9 of MFLO,1961,

- i. The husband is responsible for maintaining single wife or all wives equitably. If husband cannot sustain his wife they can sue maintenance through other legal systems. The chairman will set up an arbitration council to decide the issue, he may issue certificate where he mentions the payment that shall be paid as maintenance by husband.
- ii. For recovery of maintenance amount within deadline spouse can apply to Assistant Judge for revision of application. His decision will be binding and no one may ask questions.
- iii. If payment is not made on time for any amount in sub-section i and ii, it will be considered unpaid land revenue and will be collected from it.

Article 5 of the Family Courts Ordinance, 1985 specifies that a Family Courts shall have exclusive authority to hear, try, and

³¹ Taslima Monsoor, "Gender Equality and Economic Empowerment: Family Law and Women in Bangladesh" British Council, EWLR. Dhaka, (2008)

³² Raihanah Abdullah et al., "Financial Support for women under *Islamic* family law in Bangladesh and Malaysia" *Asian Journal of Women's Studies of Women's Studies*, 21. no.4(December 16, 2015): 363-383, doi:<http://dx.doi.org/10.1080/12259276.2015.1106853>

dispose of any suit relating to, or arising out of, all, or any of these matters, such as dissolution of marriage, Restoration of marriage-related privileges, dower, maintenance, guardian and custody of children.

Muslims of Bangladesh follow Hanafi Laws. Women depend on other mechanisms to protect such financial support³³. The woman can sue her suit-related maintenance under Family Court Ordinance 1985, section 5. They can also register other family matters such as guardianship, dower, divorce, and restitution of conjugal rights.³⁴

Post-divorce maintenance can play a very important role in the life of divorcees. If parents give proper inheritance rights according to Islam so, this problem will be faced very rarely and women will be able to get their protection. If women fail to manage or maintain themselves, this responsibility falls on the relatives of women. Otherwise, the government should provide maintenance to divorcees. In India, this responsibility falls upon the Provincial Waqf Board.

Muhammad Hasan and Raudah Mohammad Yunus describe point of view of Dr. Rokeya. She was talking with two lawyers about post-divorce maintenance. If the father of a woman dies, where she will go? Women will not suffer financial losses if parents give proper inheritance rights. For this purpose, the government of Bangladesh takes the following steps,

- Religious ulema and elders of society should take this issue seriously and parents should provide their daughter's rights to inheritance properly and accordingly shariah.
- Under some projects like old aged, unemployed, and widows, the government should provide for society, food, shelter, and clothing for such destitute divorcees.³⁵

Taslima Monsoor in her article suggested that if women's natal relatives do not support them, so they should be supported by Bait-ul

³⁴ Nahid Ferdousi, "Protection of Wife's Right to Maintenance in Bangladesh: An Overview," *Malaysian Journal of Syariah and Law* 9, no. 2 (2021)

³⁵ Muhammad Mahmudul Hasan and Raudah Muhammad Yunus, "Introduction: Working for Women's Rights in Bangladesh," (April 2016): 1-10

Mal and community funds. Women should have the support of wakf properties.

Many judgments have been passed regarding Mata in which judges allow maintenance. One of the most prominent judgments of Hefuzur Rehman vs. Shamsun Nahar Begum relies on the case of Shah Bano from India. In this case, the judges adjudged that a woman after talaq is liable for maintenance until she remarries to another man. This judgment has the greatest hope for the future enactment of law regarding post-divorce maintenance. Due to this decision and case, the researcher and scholars raise their voices that the government should enact a law relevant to financial support for women after separation.

Mst. Angari Begum vs Md. Iqbal Rashid, they got married in 1989. In this suit, the court ordered that her husband provide maintenance to his wife. The husband must pay in the first week of every month. The court ordered that the husband will pay Tk. 800/- every month.³⁶

Mst. Rokhsana Begum vs. Abdul Khair case was filed regarding the matter of maintenance. They married on 10.2.88 with a fixed dower of Tk. 50,000/- mentioned in the kabinnama. The court ordered that husband will provide maintenance of Tk.1000/- within 1 to 10 days every month to his wife. This amount must be paid from the date of registration(May 1991 till March 1993) in court. The husband will give this amount within a month of the judgment.³⁷

Bangladesh HCD ordered in the case of Amena Khatun vs. Mosomuddin that the husband will provide maintenance even though the husband has a source of income or not. According to the Hanafi school of thought, post-divorce maintenance is not allowed after the iddah period. If maintenance is mentioned in kabinnama, the husband is bound to give this maintenance to his spouse. Courts did not provide maintenance unless stipulated in kabinnama, nor would they allow post-iddah period maintenance to divorced wives.³⁸ If the husband lives

³⁶ Taslima Monsoor, "From Patriarchy to Gender Equity: Family Law And its Impact on Women in Bangladesh." Faculty of Law, University of London, School of Oriental Studies and African Studies, August 1994:250-310

³⁷ Ibid.

³⁸ Aktar,2012

abroad he pays a large amount of maintenance in this country. The Bengali court does not provide maintenance until it is mentioned in kabinnama. Women depend on different sources to protect themselves. They rely on the matter of marriage and after divorce on codified law, shariah law, and local tradition.

Post-divorce maintenance is a very complicated issue, in some cases husband does not agree to pay maintenance, and sometimes he hides all assets from court to avoid maintenance. It's very difficult to find out the husband. If Family courts are connected to criminal courts, this issue can easily and quickly be solved. The family courts have special authority therefore they could not solve the issue of punishment. If the court constructs a separate Family court where all problems related to family and personal matters can easily be solved. The family court has two powers civil and criminal. The issue of dowery and cruelty deals in magistrate court. If the authority of criminal courts transmitted to Family court. Thus, maintenance and other family court issues could be easily resolved. In the Uniform Family Code, it had been decided authority of maintenance cases registered in Magistrate court must be dealt with in Family Court.

Family courts contradict the criminal court. In the criminal court, the respondent has no right to be liable to demand more maintenance than Tk 400/-. In Family court, the applicant demands more than Tk 400/-. The magistrate courts have the power to arrest such husbands who refuse to pay maintenance in monthly installments or dower money.³⁹

The family courts have special authority therefore, they could not solve the issue of punishment. Taslima Monsoor suggests that the court constructs a separate Family court where all problems related to family and personal issues can easily be solved. The family court has two powers, civil and criminal. The issue of dowery and cruelty are presented in magistrate court. If authority of criminal courts transmitted to the

³⁹ Hameeda Hossein, Roushan Jahan, and Salma Sobhan, "No better option? Industrial Women Workers," (Dhaka 1990) Kohinoor begum, "Participation of rural women in income earning activities: a case study of a Bangladesh village," In Women's Studies International Forum.12, no.5,1(989):519-528

Family court. So, maintenance and other family issues could be easily resolved.

In Bangladesh, women have no freedom if they register their cases in family courts. If a woman sues her case, so, does her husband's social harassment, torture physically and mentally, and family slander. This shows male dominance.

The judges and judiciary system of Bangladesh are not developed like India and other countries. So, there is no proper law of post-divorce maintenance but some cases and laws are light of hope for Bangladeshi women, especially *Shamsun Nahar vs. Hefuzur Rehman*. It is the most remarkable judgment in the history of Bangladesh, where it was the first time the court gave a decision in favor of women for lifelong maintenance. The UN was established in July 2010. UN is the organization that stands for the United Nations works for gender-based equality and also works for empowerment of women. Its main objective is to achieve Sustainable Development Goals that enable women that participate equally in government, woman spend their lives independently and without cruelty and women's income must be protected.

Despite this, many organizations are working for the empowerment of women in Bangladesh such as the Division for the Advancement of Women (DAW), WDFs, IELD, United Nations Development Fund for Women (UNIFEM), USAID, Office of the Special Advisor on Gender Issue and Advancement of Women(OSAGI), and International Research and Training Institute for the Advancement of Women (INSTRAW) women, etc.

Recommendations in Bangladesh Family Laws

Post-divorce maintenance cannot be implemented in Bangladesh due to many factors such as lack of education, patriarchal system of society, lack of modern and fast-paced legal system, ancient judicial system, and deprivation of women's protection. Many steps should be followed for the recovery of financial support.

- i. The government should financially protect such destitute women after divorce. If they sue their suit in court should protect women and their families.
- ii. Educate the layman through the use of social media platforms

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- iii. The judiciary system of the country should be state of art and should have capacity to solve contemporary Shariah issues.
- iv. The judges must establish separate Family Shariah Courts where only marriage and family matters should be resolved.

Conclusion

Post-divorce maintenance is the present-day issue. It is used for the maintenance after iddah period until remarriage or death of the suppose. This will be determined through court. This is the decision of the court where spouses registered their suit and the judges settled Mata according to the status of both of them. This financial support is an intense need in the contemporary era where women run their houses, and take care of their children, their husband, and their family members. They work inside as well as outside of the family fifteen to sixteen hours a day. It is a very critical situation when a husband divorces his wife and then leaves his wife without any Mata in a miserable condition. Some countries like Malaysia, Iraq, Turkey, and Morocco award post-divorce maintenance after divorce but there is no law in Bangladesh as well as in Pakistan. Therefore, the government should take action, recommend a law regarding women after talaq, and provide financial support until they can sustain themselves.

References

1. 47 DLR 1995, “Muhammad Hefzur Rahman vs. Shamsun Nahar Begum & Another (Civil Appeal) No.130 of 1997,” Think Legal, April 20, 2023, <https://thinklegalbangladesh.com>.
2. Abdl al Hamid Siddiki, Imam Muslim, Sahih Muslim, Kitab al Haj, 11,615.
3. Abu Dawud, Abu Dawud 2144, Book 12, Hadith 99.
4. AIR 1985 SC 945.
5. Al-Tabari, The Commentary on the Quran, abridged edition (Oxford: Oxford University Press, 1987), 546.
6. Ameen Ahsan Islahi, Tadabbur-e-Quran, vol. 1 (Delhi, 1979), 512.
7. Al-Bayhaqi, Assunatul Kubra, vol. 7 (Beirut, 1987), 257.

Name of Publisher: **Shnakhat Research & Educational Institute**

Review Type: **Double Blind Peer Review**

Area of Publication: **Arts and Humanities (miscellaneous)**

8. Dr. Aayesha Rafiq, "Contemporary Discourse on 'Mat at Talaq' in Pakistan's Context," *Pakistan Journal of Islamic Research* 18, no. 2 (2017): 109–18.
9. Dr. Muhammad Adam El Sheikh, "Post-divorce Financial Support from the Islamic Perspective (Mut'at-al-Talaq)," *International Institute of Islamic Thought*, 2018, 172–93, retrieved from <http://iiit.org> on March 27, 2023.
10. Dr. Muhammad Mian Sadeeqi and Hafiz Ahmed Waqas, *Ahkam-e-Maher*, ed. Hafiz Ishfaq Ahmed (Islamabad: Shariah Academy, International Islamic University, Faisal Masjid, March 2014).
11. Fayyaz Rehman, "Post-divorce Maintenance for Muslim Women in Pakistan and India," retrieved from <https://www.biliabd.org> on May 23, 2023.
12. Imam Malik bin Anas, *Mawatta' Imam Malik*, trans. Allama Waheed Zaman, ed. Ahmed Ali Sulaiman Misri (Maktaba Al-Faheem, February 2014), 590.
13. Imam Mohammad, *Muwatta: Kitab-at-Talaq*, Baab no. 260 (Mata-at-Talaq), Hadith no. 586,263 (Karachi).
14. *Kitab Al Talaq in Bukhari*, Dar-e-Qutni, and Al-Jassas, *Ahkam Al Qur'an*.
15. Muhammad Azizur Rehman, "Examining the Nature of the Requirement to Pay Post-Divorce Maintenance to a Muslim Divorce in Bangladesh," *ASA University Review* 11, no. 2 (July–December 2017).
16. Mufti Muhammad Shafi, *Maariful Quran* (Karachi: Idara-tul-Maarif, August 2007), 63–67.
17. Muhammad Mahmudul Hasan and Raudah Muhammad Yunus, "Introduction: Working for Women's Rights in Bangladesh," *Islam and Gender: The Bangladesh Perspective*, April 2016, 1–10, retrieved from www.iiitbd.org on July 2, 2023.
18. Muhammad Sadekur Rehman and Hossain Muhammad Younus Sirazi, "Post-divorce Maintenance (MAA'TA) for Muslim Women in Bangladesh, Pakistan, and India," *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* 23, no. 2 (February 2018): 1–10, doi:10.9790/0837-2302030110, retrieved from www.researchgate.net on March 13, 2023.

Name of Publisher: **Shnakhat Research & Educational Institute**

Review Type: **Double Blind Peer Review**

Area of Publication: **Arts and Humanities (miscellaneous)**

19. Nahid Ferdousi, "Protection of Wife's Right to Maintenance in Bangladesh: An Overview," *Malaysian Journal of Syariah and Law* 9, no. 2 (2021), <https://doi.org/10.33102/mjssl.vol9no2.246>.
20. "Post and After Divorce Maintenance," *Counsel Law Partners*, August 3, 2023, <https://www.Counselslaw.com>.
21. Raihanah Abdullah et al., "Financial Support for Women Under Islamic Family Law in Bangladesh and Malaysia," *Asian Journal of Women's Studies* 21, no. 4 (October 2015): 363–83, doi: <https://doi.org/10.1080/12259276.2015.1106853>, retrieved from <https://www.academia.edu> on April 3, 2023.
22. Seema Sharma and Kanta Sharma, *Muslim Women* (New Delhi: Anmol Publications PVT. LTD, 2006).
23. Sahih Muslim, "Talaq: Giving One's Wife the Choice Does Not Count as a Divorce Unless It Is Intended as Such," Book 18, Chapter 4, Hadith 30.
24. Tirmidhi, *Al-Nikah*, vol. 1 (Karachi: Saeed & Company), 314.
25. Zaid Al-Maseer, *Beruit: Al Maktabah Al Islamiyah* (1987).