Divorce by a Muslim Wife

DISSOLUTION OF MUSLIM MARRIAGES ACT, 1939 · SECTION 2

i	**Whereabouts** of the husband not known	4 yrs
ii	Husband has **neglected or failed to provide maintenance**	2 yrs
iii	Husband **sentenced to imprisonment**	7 yrs OR MORE
iv	Husband fails, **without reasonable cause**, to perform his **marital obligations**	3 yrs
v	Husband was **impotent at the time of marriage** and continues to be so	
vi	Husband **insane** for 2 years, or suffering from **leprosy** or a **virulent venereal disease**	2 yrs INSANITY
vii	**Option of puberty:** married off by father or guardian **before 15**, she **repudiates before 18**, and the marriage is **not consummated**	15 → 18

viii **Cruelty**, that is, the husband:

(a) habitually assaults her or makes her life miserable, even without physical ill-treatment

(b) associates with women of evil repute or leads an infamous life

(c) attempts to force her to lead an immoral life

(d) disposes of her property or prevents her from exercising her legal rights over it

(e) obstructs her religious profession or practice

(f) has more than one wife and does not treat her equitably as the Quran directs

ix Any **other ground** recognised as valid for dissolution of marriage under Muslim law

PROVISOS TO SECTION 2

- **Ground (iii):** no decree until the sentence has become final.
- **Ground (i):** decree takes effect only after 6 months. If the husband appears and is ready to perform his conjugal duties, the decree is set aside.
- **Ground (v):** on the husband's application, the court gives him 1 year to prove he is no longer impotent. If he does, no decree.