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Marriage with Conditions ♦

Islamic Shariah permits marriage with conditions. However, this aspect almost remained obscure in India. Therefore, the need was felt to clarify certain confusions of the society on the issue. Hence, in the Eighth Seminar of the Fiqh academy this matter was discussed and the following derivations were made.

- 5.1 If marriage is conditioned with such terms as are meant only to emphasise the rights and obligations, which are *ipso facto* created by wedlock, such conditions, will be valid and it will be incumbent on the husband to fulfill them.
- 5.2 To encumber a marriage tie with such conditions which go against the very philosophy and objectives of marriage, or which are forbidden by Shariah, will be invalid, e.g. the condition absolving the husband of his liability to provide maintenance to the wife or the giving of *Jahez* (dowry) or payment of *Tilak* (engagement), etc.
- 5.3 If such conditions are agreed upon which neither Shariah has ordained nor it has specifically prohibited, then it will be incumbent upon the involved parties to act according to such conditions.

♦ 8th Fiqhi Seminar (Aligarh – U.P) 22-24 Oct 1995.