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The misfortune of many societies has been that though social conditions materially change, the institutions linger on, and what is worst, new apologies and arguments are advanced to perpetuate oppression. All authorities agree that the following Koranic verses are the foundations of polygamy in Muslim law: “ Of women, who seem good in your eyes, marry one only; this will make justice on your part easier”. “ And ye will not have it at all in your power to treat your wives alike, even though you would fail to do so”. On the basis of these verses two, three, or four, and if ye fear that ye shall not act equitably, then once it has been maintained by the progressive Muslims and reformers of Muslim law all over the world that the Prophet was in favour of monogamy. The former verse is merely of permissive nature and the latter withdraws even that permission, as it is humanly impossible for a man to treat all his wives alike. However, whatever might have been the intention of the Prophet, polygamy, limited to four wives, to pass an injunction against a Muslim who is about to take a second wife on the ground that he has no ability even if ability is assessed purely in economic terms—to treat both the wives justly.

Nor will a court of law, ordinarily, refuse to pass a decree of restitution of conjugal rights against the wife who refuses to live with her polygamist husband. It is a different matter that now, under the Dissolution of Muslim Marriage Act, 1939, a wife can sue her husband for divorce on the ground that her husband, who has a second wife, is not treating her equitably, a question of fact which she will have to prove. It is also an entirely different matter that, in fact, very few Muslims in India practise polygamy.

All the apologists of polygamy argue that since polygamy is not practised widely by the Indian Muslims (the same argument was advanced by the Hindu apologists of polygamy at the time when abolition of polygamy was sought in Hindu law), the legal existence of the institution should be ignored. Some go even further and hold the view that reforms should come from within the Muslim community with the consent of the Ulema. Fortunately, the social consciousness has been brought to such a level of awareness that no one propagates polygamy openly, though there are still some who advocate limited polygamy, though they call it limited bigamy. But these advocates of controlled bigamy do not admit that in similar situations in which they favour plurality of wives, woman, too, should have the right to have plurality of husbands. 2 It is submitted that the institution of polygamy or polyandry is an anachronism, and modern India should not allow anyone of its people to practise it.