



TEMPORARY MARRIAGE AND ITS LEGALITY: NIKAH-AL-MUTA'H IN MODERN INDIA.

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Abstract

For Hindus, marriages are for life and are of a pious and sacrament nature for the ultimate eternity. Unlike Hindus, where the marriage is a union of two individuals, marriages in Muslims are a social contract. The legal contract between a bride and bridegroom which results into a man and woman living together and supporting each other within the limits of what has been laid down in terms of rights and obligations.

In Arabic dictionaries, mut'ah is defined as pleasure, enjoyment, and sexual desire. With a temporary nature, Mut'ah marriage has a pre-Islamic history to prevent men who stayed away for a long period of time from engaging in illicit relationship forbidden under Islam.

In recent times, this practice is manipulated for personal enjoyment and desires. This paper has a detailed study on the problems related to temporary marriage / mut'ah marriage. Mut'ah marriage serves a hood for Prostitution, Human Trafficking and Forced marriages.

The aim of such practice has been relinquished in the 21st century, but the practice is still followed in the old city of Hyderabad and Kerala, where NRI's lure poor families to marry their daughters against a sum. This paper is a detailed study of status of women in Muslim society through the customary practice of mut'ah marriage.

KEY WORDS USED: Temporary marriage, Mut'ah, Islam, Muslim, human trafficking, women, equality, religion, custom, exploitation, sexual abuse.

1. INTRODUCTION

Marriage¹ has two main functions to perform:

- It is the means adopted by human society for regulating relations between the sexes.
- And it furnishes the mechanism by means of which the relations of a child to the community is determined.

Juristically, marriage is a contract and not a sacrament. In “**Abdul Kadir Vs. Salima**”², two divergent opinions came out of the decision by Justice Mahmood. The first one regards Muslim marriage as purely a civil contract and not a sacrament, while the later one considers the marriage in Muslim law, as not only a civil contract but also as a religious sacrament.

Islam does not recognise marriage as a union for sexual lust but a social contract with a wide variety of responsibilities and duties. According to the Divine Faith, a woman is not a plaything in the hand of man but a spiritual and moral being who is entrusted to him on the sacred pledge to which Allah is made a witness. The wife is, therefore, not meant to only provide sensuous pleasure, but to fully co-operate in making the life of the family and ultimately, the whole humanity, meaningful.

The Holy Qur'an³ states: "And of His signs is that He has created wives for you from yourselves that you might find quiet of mind in them, and he put between you, love and affection". It signifies the union of two individuals of opposite sex as a permanent relationship.

Mut'ah, an Arabic term⁴, which has been explained as:

- a) Which gives benefit, but for a short time.
- b) Enjoyment, pleasure
- c) To have the usufruct of something

Professor Fyzee states that “Mut'ah” translates literally to “pleasure” in Arabic. In the Shia context, Mut'ah refers to a “temporary marriage.” A man pays a woman a sum of money (i.e. a so-called “dowry”) and he can have sexual relations with her for however long they agree for in the Mut'ah contract. The Mut'ah time can be as little as one night, or even one hour – enough time for the man to do the sexual act.

¹ Kitab-al-nikah, the book of marriage, translation of shahih muslim book:8.

² (1886) ILR 8 All 149

³ xxx.21, chapter 1, one who can support a wife should marry, kitab-al-nikah, the book of shahih muslim :8.

⁴ “the four pillars of mut'ah, the period (mudda). “Al Islamic.org website. At <http://www.al-islam.org/mutatemporary-marriage-in-islamic-law-sachiko-murata/four-pillars-muta>.

2. CONCEPT OF TEMPORARY MARRIAGE:

As an Arab custom, temporary marriage predates Islam. Sunni and Shiite ⁵Muslims agree that temporary marriage was permitted by the Prophet Muhammad; however, 'there is disagreement over whether the practice was later forbidden by the second caliph Omar (Umar) or by the Prophet himself'. There are divergent views over the practice of Mut'ah, some consider it as a trial period for a life-long relationship while others quote it as lack of commitment and practice of forced prostitution, through exploitation. The Muslim world is progressing at a rapid pace but there are some segments which are still regressive.

The major issue in Muslim marriage arises in the practice of TEMPORARY MARRIAGE where men misuse the liberty for personal gain and desire. The case of 17-year-old ⁶girl Nausheen Tobassum in Hyderabad, India brought the much-needed prevalence of this short-term marriage/temporary marriage in the Indian Muslim society. Nausheen was forcefully married to a middle-aged Sudanese man for \$1,800. The marriage contract was for a period of four weeks. When the groom and her parents forced the child to consummate the marriage, she ran away and lodged a complaint with the police.

Temporary marriage is a multi-dimensional topic. It allows a man and a woman to be considered as husband and wife for a fixed or limited time after specifying a dower for the enjoyment and have sexual pleasure. It is generally believed to have originated from regional customs within the Arab Middle ⁷East associated with the traveling merchants, predominantly men, who would often engage with local women in mut'ah marriages (pleasure marriages) for a pre-established time. After the end of period fixed for the marriage, the woman go back to her family and marriage ends there.

In temporary marriage the duration is specified, and woman is married for either one hour, one day, one month or long but not for the whole life span. The woman practicing this kind of marriage is called Mut'ah or Sigheh⁸(or musta'jara, or 'rented woman'). It is considered a kind of 'rental' because ⁹in general a man's basic aim in this marriage is the sexual enjoyment of a woman in return of money or property. The basis of such an arrangement are like that of the practice of prostitution.

⁵ Schrage, 2013, p.108

⁶ Sameera Hussain, global times published: 2013-5-12.

⁷ Journal of international women of studies, vol. 20, No.2 January 2019.

⁸ Sistani Seyyed Ali (2013). Tozih- Al- Masael, Noor Al Mobin Publications.

⁹ Fatwah No. 84187. Mut'ah marriages, Islamweb.net English, islamweb.net/en/fatwa/84187/mutah-marriages.

A contract of mut'ah marriage has four basic components¹⁰ for its conclusion:

- *The legal form of contract (Sigheh):*

It imbibes all the forms of contract. It is an act of offer, ijab by women and acceptance, gabul made by the man. It can either be performed by a man or a woman or by a Mulla. As distinct from the contemporary ulma, the Shia consider it as an object of lease and the image of a woman is projected in this kind of marriage.

- *The limitation on the interfaith marriage (Mahal):*

A Muslim man is religiously permitted to enter any contract of mut'ah marriage with the Muslim women and women of the book i.e. Christians, Jews. However, a Muslim woman cannot marry anyone but Muslim.¹¹ They are forbidden to marry a non-Muslim man.

- *The duration of a temporary marriage (Ajal)¹²:*

The period must be stated before the marriage i.e. one hour, one month or one year or long. It should be clear from the beginning to avoid dependency of women due to a false hope.

As a contract of lease, the duration of Mut'ah is as the partners agree. Most of the person believe that the number of the intercourse; Jama such as once or twice is not acceptable as the timing is intermediate and imprecise. The principle of 'correctness' in relation to the contract is cited as the reason. Once the contract is concluded the wife receives the whole dowry, whether the husband consummates the marriage before the period expires or not. The wife is entitled to the dowry if she places herself at her husband's disposal and does not present him with any obstacles to consummating the marriage¹³

- *The consideration or payment (Ajar):*

Ajar or the payment must of measurable quality and unambiguous in nature otherwise the contract become void. The failure to specify the amount of consideration makes mut'ah invalid.¹⁴ If mut'ah got terminated before the consummation from either of the party, then one of the parties is liable to pay another one. But if husband do it on his part then he is liable to pay half of the amount of consideration. A temporary wife unlike permanent wife has no legal right to end the marriage on her part as she is considered as an object of lease and the thing to enjoy but on the part of husband only.

¹⁰ Hareri, S (2014), Law of Desire: Temporary marriage in shi'I Iran. And Temporary Marriages in Islamic Law, Al Serat, Vol. XIII, No.1, See <http://www.al-islam.org/al-serat/muta/>, also see Luddun v. Mirja, ILR (1882) 8 Cal 336

¹¹ Khalid Rashid, Muslim Law, 6th Edition, 2007, Bhartiya Publications.

¹² See Khalid Rashid, Muslim Law, 6th Edition, 2007, Bhartiya Publications.

¹³ 16- Shoharat singh v. Jaffri Bibi, 24 IC 499 PC.

¹⁴ Wasa'il, XIV, 467, hadith 5.

3. COMPARISON BETWEEN PERMANENT MARRIAGE (NIKAH) AND TEMPORARY MARRIAGE (NIKAH – AL- MUTA’H):

- Nikah is a “*permanent*” in nature; Mut’ah is “*temporary*” in nature.
- The main objective of Nikah is “*religious union of two people*”; mut’ah is for “*pleasure and enjoyment*”.
- It is a “*union for life and there is matter of divorce*” exist; In mut’ah it is for a “*fixed period and there is no subject matter of divorce*”.
- Specification of dower make these two marriages different in nature. There is a “*specified dower in case of mut’ah*” marriage before the beginning; In nikah, “*dower can be given at any time in the marriage*”.
- There is a provision of “*one-half dower in case of no consummation done*”, in mut’ah; there is “*full dower provided to the wife in nikah*” whether consummation is done or not.
- Limitation of dower: there is a *minimum limit of 10 dirham* of dower in nikah whereas there is “*no specified limit fixed in Mut’ah*”.
- “*Ipsa facto determine the termination of contract in mut’ah*”, there is “*no time limit in nikah*” and hence there is no termination.
- In nikah, “*wife is entitled for maintenance after divorce*” but there is “*no such maintenance*”, in mut’ah.
- “*Right to inherit the property*” is entitled to the partners in nikah, there is “*no right to inherit the property*”, in mut’ah marriage.

4. EVOLUTION OF THE CONCEPT OF MUT’AH:

- **Practice in Britain**

The practice of temporary marriage is termed as NIKAH-AL-MUTA in Britain.¹⁵ The union constituted as a verbal or written contract with the agreement of both the parties prescribed with the time and condition of marriage which lasts from hours to days or days to years or long. And the children born out of the marriage is complete responsibility of wife. In England and Wales, this practice is extremely popular, and this marriage is referred as **wife swapping**.

¹⁵ Britain: Islamic Temporary Marriages on the Rise, GATE-STONE INSTITUTE INTERNATIONAL POLICY COUNCIL.

- **Practice in Iran**

Mut'ah marriage was practised by the pre-Islamic Arabs. During the time of prophet Muhamad, in the late sixth century and in early seventh century, the people believed that prophet had suggested Mut'ah marriage for the people who used to go on a war for a longer duration of time and hence to stop them from having any kind of illicit relationship.

After the Pahlavi regime in Iran, ¹⁶there was an attempt of abolishing the practice of temporary marriage, but the fear of religious retaliation held it back. There is no provision of mut'ah prescribed in family protection act 1976.¹⁷ However, reforms in parliament made people believe that temporary marriage has been banned but the loophole came into existence when temporary marriage is still practised in secrecy among the Muslims.

- **Status in India**

The case of 17-year-old girl Nausheen Tobassum¹⁸ in Hyderabad, India brought the much-needed prevalence of this short-term marriage/temporary marriage in the Indian Muslim society. Nausheen was forcefully married to a middle-aged Sudanese man for \$1,800. The marriage contract was for a period of four weeks. When the groom and her parents forced the child to consummate the marriage, she ran away and lodged a complaint with the police. This is an example of how prostitution is legitimised. The concept of using one's body in a trade has been considered highly immoral and unethical by the Indian society and thereby the Indian Laws. The base of forming Indian laws is based on the culture of the society. Professions like prostitution have been considered immoral.

The fundamental right guaranteed under the part III of Indian Constitution i.e. **Article 21** ¹⁹ talks about the right to have a dignified life, is being violated in temporary marriages. A girl is being forced in a non-consensual marriage with an older aged man just for the sake of a small amount of money. A custom which is causing exploitation of girl child since ages has not been changed. It is still stagnant in nature. According to data provided by *Shaheen Women's Resource and Welfare Association*, a Hyderabad-based charity that works on the issue of contract marriages since 2002, there have been 156, 83 and 66 contract marriages in Hyderabad in 2017, 2018 and 2019 respectively. The unaccountable cases make these numbers cross double digits.

¹⁶ Pahlavi, F. (1978), My thousand and one days: an autobiography.

¹⁷ Abbasi-Shavazi, Mohammad Jalal, and Peter McDonald. (2012). Family change in Iran: Religion, revolution, and the state." International family change. 191-212.

¹⁸Supra, Hussain Sameera, Global times published: 2013-5-12.

¹⁹ INDIA CONST. art 21. Protection of life and personal liberty – "No person shall be deprived of life and personal liberty except according to the procedure established by law, nor shall any person be deprived of equality before life or the equal protection of laws within the territory of India"

In the year of 2015, a 22-year-old girl committed suicide after her seventeenth marriage to an old Arab. Many families in poor localities of the Old City Hyderabad survive on such flesh trade²⁰. Misusing the sanctioned provision which allows a Muslim man to have four wives at a time, many old Arabs are not just marrying minors in Hyderabad but marrying more than one minor in a single sitting.

In case of *Syed Amanullah Hussain and Ors V. Rajamma and Ors*,²¹ it was held that such type of marriage does not create mutual rights of inheritance between husband and wife but children conceived are legitimate and capable of inheriting from both parents." This was further reiterated in *Shoharat Singh V. Musammad Jafri Bibi*²²: It was held that "A Mut'ah marriage is, according to the law which prevails among the Mohammedans of the Shia sect, a temporary marriage, its duration being fixed by agreement between the parties. It does not confer on the wife any right or claim to her husband's property, but children conceived while it exists are legitimate and capable of inheriting from their father."

5. MUTA'H MARRIAGE AND ITS CONFLICT WITH INDIAN LAW:

The constitution of India provides various fundamental rights which is given to every citizen of the country but when it comes to concept of temporary marriage, these rights are being violated. Women in Muslim society are considered as slave and they are not given the equal status and rights as men. A man can have four wives legally whereas a woman is not allowed to have more than one husband. A Muslim man can have mut'ah marriage with a woman who is Muslim, kitabia or who worship fire but the same does not hold true to a woman. She can marry only to a Muslim man. The concept of mut'ah marriage is not only violating the women status but it is a massive pool of problems for the women and girls. It is promoting child marriage, sexual abuse of girls and women, affecting their health.

Various conflicts of temporary marriages are:

- **Violative of Article 21²³(Constitution of India):**

In *Maneka Gandhi v. Union of India*²⁴, the court expanded the ambit of Right to life to include Right to live with Human Dignity. Temporary marriages do not suffice with the ambit of right to life expressed by the court. Having a short-term contract to have sexual pleasures is against the very concept of dignified life.

"Forced marriage" refers to the marriage which is done without the consent of an individual. Mut'ah marriage is an example of forced marriage for the girls in Islam. In the name of personal marriage act for Muslim, parents

²⁰ "Congratulations mother, you are now a mother-in-law for the 17th time!" Jameela Nishat, 16 March 2016.

²¹ (1977) 152 AIR.

²² (1915) 17 BOMLR 13.

²³ Article 21 states "No person shall be deprived of his life or personal liberty except according to procedure established by law"

²⁴ AIR, 1978 SC 597.

force their girl child to marry to an old man. The concept of Mut'ah marriage grossly violates Article 21. The concept of liberty does not hold any colour. Article 21 includes Right to Choose Life Partner, which is not followed, generally, in case of temporary marriages. In *Shakti Vahini v. Union of India*²⁵, held that the right to select a life partner is a fundamental right. The court held that right to marry a person of one's choice is a fundamental right under Article 21, 19(1)(a) and 14 of the Constitution of India. Thus, it can be regarded that mut'ah marriages are violative of Article 21, 19(1) and 14.

In a case involving a 29-year-old *Somali*, Syed Ibrahim, took the help of three brokers to marry a 22-year-old girl from a poor family for a small period. Ibrahim came to Hyderabad a month ago for treatment of his mother at Apollo Hospitals. He met one Mohammed Wahab of *Falaknuma* area who "organised" the marriage. The Deputy Commissioner of Police V Satyanarayana disclosed that the girl's mother and the brokers agreed to share the Rs 80,000 of 'mehr' for getting the girl married for a short term.

The above case shows how the girls are forced to marry against the will. The men use mut'ah marriage as an instrument to bypass the Indian laws against prostitution. It is grossly indecent product of a personal law which is scurrilous in nature.

• **Violation of Article 23²⁶(Constitution of India):**

In *Raj Bahadur v. Legal Remembrancer*²⁷, the court explained the expression "Traffic in human beings" as selling and buying men and women like goods and includes immoral traffic in women and children for immoral and other purposes.

In mut'ah marriage a girl (usually of tender age) is forced to marry an old man for his enjoyment, after which he subsequently leaves the girl with a sum of money. This is an immoral purpose that can be described under the ambit of traffic in human beings described under Article 23 of the Indian Constitution.

Furthermore, The Immoral Traffic (Prevention) Act, 1956 says "prostitution²⁸" means the sexual exploitation or abuse of persons for commercial purposes or for consideration in money or in any other kind. The definition and the concept of mut'ah marriage super impose each other as a single concept. However, the immoral Traffic Prevention Act only penalises the act of sexual intercourse outside the marriage. But marriage done only with the aim of sexual intercourse can be classified as the practice of prostitution.

The hood of mut'ah marriage is being used to promote child prostitution as well as trafficking. Though there are various laws in our country against the practice of child prostitution and trafficking it is still being practiced and can only be squashed if the entire practice of such immoral nature is banned in the country.

²⁵ (2018) 7 SCC 192

²⁶ Article 23 of Indian Constitution prohibits traffic in human beings and beggar and other similar forms of forced labour.

²⁷ AIR 1953 cal. 522

²⁸ Section 2(f), THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956

- **Violation of Article 15:**

Article 15²⁹ says that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. But the Shariah law governing the Mut'ah marriage violates the fabric of Article 15. It allows men to be in a mut'ah marriage with a kitabia while it restricts the women to only be in a mut'ah marriage with a muslim man. The principle of equality is not carried on in the context of mut'ah marriage and it discriminates based on sex.

- **Promotion of child marriage:**

In India, according to the Prohibition of child marriage act 2006, the legal age of marriage for a girl is 18 years. But the veil of Mut'ah marriage is being used to justify marriage between a child and an old. The same act penalises³⁰ child marriage. There have been numerous cases where a child is forced to marry and offer sexual advances by the girls under the pressure of the family.

Child sexual abuse can result into various short term and long-term problems such as anxiety, depression, sleep disturbances, teenage pregnancy and many other things which is very harmful in nature. In the case of Muneera Begum³¹, 11 years old girl, was married off to a 75 years old man. After the *nikah*, she was immediately taken to a hotel and was sexually exploited by this man multiple times a day. She was also beaten up and burnt by cigarette butts. After two months, Muneera's "husband" to go back to Oman.

On March 5, Justice C T Selvam, dismissing an appeal against a lower court order, had ruled POCMA was secular in nature and Muslims could not rely on their personal law to claim the right to give minor girls in marriage even at the age of 15 presuming that the girl had attained puberty. He had further said such a right would run counter to the POCMA aimed at preventing the "evil practice" of child marriage besides safeguarding the health of girl child and elevating the status of women.

*Lajja v State*³²

The Delhi High court held that the PCMA prevails over personal laws.

*Seema Beghum v State*³³

²⁹ No citizen shall, on grounds only of race, religion, caste, place of birth, sex or any of them, be subject to any liability, disability, restriction or condition

³⁰ Section 9, Prohibition of child marriage act 2006: Punishment for male adult marrying a child. Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

³¹ underage-girls-for-sale-in-hyderabad-first-as-a-bride-then-a-sex-slave-as-part-of-contract-marriage-racket-in-city-7982071.html.

³² (W.P.) (Crl.) (No.338/2008)

³³ writ petition no.75889 of 2013(gm-res))

The Karnataka High Court in 2013 reiterated the judgement of Delhi High court in the case of *Lajja v State and* held that the PCMA prevails over personal laws.

*Yusuf Ibrahim Mohammad Lokhat v State of Gujarat*³⁴

The High court of *Gujarat* observed that “According to the personal Law of Muslims, the girl no sooner she attains the puberty or completes the 15 years, whichever is earlier, is competent to get married without the consent of her parents”. This clearly gives the idea that according to the learned judges, the personal laws should be taken as a primary source to decide the cases of underage marriage.

- **Affecting health of women:**

A baby born to an adolescent mother between the age of 15 -19 years of age is at greater risk of infant mortality because a girl’s body is not developed enough to give birth. Generally, in temporary marriage a girl gets pregnant due to unsafe and unprotected sex as using condom is haram in Islam. Such a marriage has a devastating effect on the health of a girl. She has no option to not conceive after such act. Depending upon the age and the size of the girl child and the degree of force used it may cause internal bleeding which can damage internal organs, and, in some cases, it may cause to death. This form of marriage can cause traumatic stress to a child as it refers to sexual abuse and exploitation to them. Child marriage is a driver to an early pregnancy. There is always a chance of getting HIV positive as these women are forcefully married with a person and required to have sexual relation with the man. Marriages are done for procreation only; it does not count how old a girl is or not. When a girl get into mut’ah after that the girl is taken to the place where her husband wants and sexually abuse her on a continuous basis. Due to which a girl gets pregnant and she realises it later. It can also have a detrimental effect on their emotional and psychological wellbeing, as well as the health of their children. The protection of life is one of the five essential goals, of the Shari’ah³⁵.

- **STATUS OF WOMEN IN MUTA MARRIAGE:**

Women in Islam do not prevail the same status as men do. When we talk about Mut’ah marriage, men have right to have sexual pleasure with any women he wants but female does not have the same right. She just cannot leave or get out of mut’ah before consummation. In the practice of mut’ah, men have all the benefits, particularly in the current situation. It is a practice of exploit and dehumanize women. Temporary marriage is hiding behind the façade of legality and showing as a sacred element for the religion in the world only for a single reason and that is to maintain domination over women by men. Temporary marriage can be treated or seen as a male dominated society where women have no rights to choose for herself. This marriage draws only a single outcome from this: fulfilling sexual desire of men in the name of mut’ah marriage. Men are blessed with opportunities and one-sided rights to them as these marriages are not registered and will not be punished either as they are supported by their religion. Based on the needs of men, they think that the younger women

³⁴ R/CR.MA/13658/2014

³⁵ Qur’an 2:221, 2:235, 30:21, 33:52.

can provide more pleasure to them and with this concept they marry to much younger aged women or we can say girls who are just 10 -12 years old and they feel more sexual pleasure and joy in this relation. And with this regard, pleasure seeking method can create sexual deviation like paedophilia which can pave the way for sexual deviation and mental disorders in young girls sexually. Generally, women do not register these cases out of shame and also because of economic crises.³⁶ there is no provision of punishment in the regard of mut'ah marriages as these marriages are not registered and law has not made provision especially in this matter.

6. CONCLUSION AND RECOMMENDATION:

After analysing the whole scenario of temporary marriage, it is obtained that society prefers or choose religion and culture over law. Mut'ah marriage is filled with all kinds of negative attitude towards women and with an aim of exploitation of women. With not providing equal status to both the gender it is discriminating between the men and women. It further promotes the patriarchal form of society and concludes domination of male over female. The proposition of mut'ah marriage is vague and completely illegal in nature as it only promotes exploitation against women in the society with promotion of child marriage, sexual abuse of women, infringement of rights guaranteed under constitution of India, affecting health and status of women. The government of India fails to hold any suitable laws against the practice of mut'ah marriage because it comes under the ambit of Personal law of marriage. The institution of mut'ah marriage is defined in a way that helps in satisfying men's sexual desire but fails to recognize women's rights and desire. It is a practice of discrimination among the men and women in society as there is equal right provided among them in the Indian constitution. There is some recommendation that we want to draw through this paper, and they are as follow:

- One of the most important things which needs to be amended i.e. the legal age of marriage is 18 for girls in India should be extended to **21 years** and it should be amended according to the constitutional validity.
- Rather than governing Muslim marriages through personal law of Muslim (sharia) law under which no legal age is defined, this practice needs to govern according to the legal provision of **Prohibition of child marriage act ,2006.**
- The concept of mut'ah marriage aka nikah-al-mut'ah should be completely banned as it promotes temporary nature of marriage. And is contradictory in nature.
- Mut'ah marriage is nothing but exploitation of females in the name of religion and government needs to protect the rights of women and children through making strict laws for avoiding these circumstances.
- Registration of marriages needs to be compulsory weather it belongs to Hindu, Muslim, Christian, Jews and Parsi or any other religion.
- The governing of laws should be according to the constitution of India, irrespective of personal nature.
- Women should be provided equal rights and status in Muslim society.

³⁶Swain, S. (2013). Economy, Family, and Society from Rome to Islam: A Critical Edition, English Translation, and Study of Bryson's Management of the Estate. Cambridge University Press.

- The main reason behind the mut'ah marriage is poverty, unemployment and improper education is leading towards the exploitation of young girls in the name of marriage.
- Consideration for having sexual relationship amounts to prostitution in the eye of law and mut'ah marriage is one of the examples of this.

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