

NILOFER AKHTER



Nilofer Akhter President of the Mumbai Family Court Bar Association has been practicing Family law since 1996 and has been able to get Landmark Judgements in favour of Muslim women within the ambit of the Quranic Ayats She believes the Quran is Fair and Just to women . The problem is that most Muslims are not aware of the Ayats or do not understand the Quran as very few good translations are available.

The two most controversial issues which are often raised in respect to Muslim women's rights are polygamy and Triple Talaq. As far as polygamy is concerned Nilofer quotes two verses of the Sura Nisa or Women :verse 4.3 which states "If ye fear that ye shall not be able to deal justly with orphans ,Marry women of your choice ,Two or three or four but if ye fear that ye shall not be able to deal justly {with them},then only one ."Again in Ayat 4.129 it is reiterated that "And you will never be able to be equal {in feeling} between wives, even if you should strive {to do so}.So do not incline completely {towards one} and leave the other hanging .and if you amend {your affairs} and fear Allah, then indeed Allah is Forgiving and Merciful."

The Quran therefore permits polygamy under very exceptional circumstances and after ensuring that there is justice and equity .In most Muslim countries, a man cannot take another wife without obtaining the approval of the competent authority, which may be the Government or board .It is only in India that there are no such restrictions.

But the Indian Judiciary through various judgments has been sympathetic to Muslim women and has been guided by the spirit of the Quranic injunctions as was done in a landmark judgement in the Family Court in Mumbai on June 2015 when the Judge barred a Muslim man from marrying again until an alternate accommodation was arranged for his wife Noor (name changed) and her maintenance charges "heard, decided and fully completed." Nilofer who was Noor's advocate had argued the case citing the two above mentioned Ayats." And based on Nilofer's argument the Judge had stated in the order: "The law and religion both do not permit a Muslim man to perform another marriage as a right by defeating and delaying the rights of the first wife."

Nilofer is of the view that four marriages is the "end product of misrepresentation of the Ayats" and a proper understanding of the Quran is required as well as a mechanism, to safeguard the rights of the first wife, such as prior approval of government or specially constituted boards.

As far as triple Talaq is concerned Nilofer categorically states that Triple Talaq has no place in the Quran, it is only a customary practice. India is one of the few countries that recognises or allows triple Talaq

One of the main reasons for misrepresentations of the Quranic Ayats which form the source of Muslim personal law is that it is not fully codified and therefore open to interpretations of the clergy.

Nilofer Akhter is not only a very committed, determined and courageous lawyer who wants to deliver justice to Muslim women within the ambit of the Quran, she is also a very lively and charming person interested in arts and craft. I had met her at a batik workshop at the CSVSM Museum and had been impressed by her dynamism and multifaceted personality. She has been a keen sportswoman in her school and college days, representing the state in badminton, cycling and athletics.

Hailing from Nasik district, her father was a state government officer and since his job was transferable they kept shifting across Maharashtra and were in Mumbai when he expired at the age of 49 leaving behind his wife and five children. Nilofer was then doing her BA. Though she had job offers from Banks and railways in view of her excellent sport record, her family preferred her taking up a teaching career in Anjuman Islam Girls High school. She however continued her studies and in the meantime met her future husband Sayeed Akhter a lawyer now a senior advocate having a law firm Akhter & Associates, which he founded in 1974. They have two children, both now well settled.

After obtaining a Master of Arts, Nilofer enrolled for law obtained a law degree in 1987. Her husband encouraged her to work with NGOs to understand their issues and solve the problems of women she accordingly became interested in family cases pertaining to women and after teaching for 27 years, she took voluntary retirement and started practicing in the Family Court at Bandra.

Well the move may have had bad for the school and the girls, but good for the Muslim women.

