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Subanu Begum Case

IN Manushi No. 41, we reported the case of Subanu Begum who was deserted by her husband Abdul Gafoor in 1981, and in 1987 was awarded maintenance of Rs 300 a month for herself and Rs 200 a month for her daughter Shameena, by the supreme court, following dismissal of her petitions by the lower courts.

The case received publicity because some people mistakenly thought the judgment controverted the newly amended Muslim law whereby a divorced Muslim woman cannot demand regular maintenance from her exhusband. In fact, the case had nothing to do with the amendment, because Subanu continues to be Gafoor's wife and is not divorced, even though Gafoor remarried in October 1984.

After the supreme court judgment, *The Hindustan Times* published a report that Subanu had remarried in December 1984 and had another child by this second marriage. On the basis of this newspaper report, Abdul Gafoor filed a writ petition in the supreme court. The court issued notice to her to show cause why the petition, limited to the question of her remarriage, should not be admitted.

Subanu filed an affidavit to say that she has not remarried and has no child besides Shameena. In fact, Gafoor has not yet divorced her so the question of her remarriage does not arise. In reply, Gafoor's lawyer's clerk filed a vague sounding petition, saying that she had married at midnight in December 1984, and that the *nikah* was conducted by a retired *maulvi*. The petition claimed that she had married a man named Abdul Salara alias Aslam, and that many people will attest to this fact. No other details were given. The petition was accompanied by three photographs, purporting to be those of Subanu with

Abdul Salam, Shameena and another child alleged to be her second child.

When Subanu's lawyers, Geeta Luthra and Pinky Anand, informed her of this development, she and her father Sheikh Ibrahim came to Delhi from their village in Kasaragod, Kerala. They were



accompanied by Abdul Salam. We met all three. They explained that Abdul Salam, now aged 28, has been living with the family of Sheikh Ibrahim, ever since he was

apprenticed to the latter at the age of 12. Sheikh Ibrahim is a master wood carver. Abdul who is distantly related to them, is the youngest of seven children and when his father died, his mother apprenticed him to Ibrahim. Ever since, he has lived as part of Ibrahim's family. His name is on their ration card. He is not yet married because his elder brother has to be married first.

The photographs produced by Gafoor were, Subanu says, taken at the house of Abdul's older brother Sahibjan in Mysore. The second child in the picture is Sahibjan's daughter Eena. The photos were taken at the time of Abdul's sister's wedding, which Subanu had also attended. Sheikh Ibrahim added that since he is the president of handicrafts association, there are people in the village who are hostile to him due to political rivalry and may have spread false rumours about Subanu.

Although the court passed maintenance orders valid from June 1987, Abdul Gafoor has not paid Subanu any money till date. He also refuses to give her a divorce. Subanu has filed a rejoinder in the supreme court which is awaiting hearing. Sheikh Ibrahim says he has pursued the case all the way to the supreme court because he wanted to see "how far one would have to go to get justice." □