

Proposal and Acceptance of a Child who is not yet of Age

Question: A boy who is not yet of age is travelling with his parents and wants to marry a girl also not of age from India. The girl has only her mother, her sister and her 19th year old brother with her. Can the boy propose by himself or must his guardian do so? Similarly, can the girl accept the proposal by herself or must this be done by her mother or her brother? Please explain how the marriage is to take place in this situation.

Answer: The proposal and acceptance of a boy or a girl who is not of age has no status in the Shari'ah. The marriage will hinge on the proposal and acceptance of the guardians. The easiest manner of performing the marriage is for the girl's brother to address the boy's father before witnesses, saying, "I hand over my sister so-and-so (taking her name) in marriage to your son so- and-so (taking his name) in exchange for dowry of so much (specifying the amount)." The boy's father may then say, "I accept her hand in marriage on behalf of my son so-and-so (taking his name)." The marriage will then be made.

Fatawa Rahimiyyah vol.3