

# Triple Talaq Verdict: A Victory for Muslim Women

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**T**he Supreme Court has delivered its historic judgement, which has liberated the Muslim women from the barbaric practice of Triple Talaq (a practice that allowed Muslim men to divorce their wives by uttering the word 'talaq' thrice at one go). The Apex Court's judgement has also ordered the Centre to frame a law on Triple Talaq in the Parliament within six months besides imposing a ban on the practice during this period.

The five-judge bench of the Supreme Court, headed by Chief Justice JS Khehar (now retired) struck down triple talaq by 3-2 majority. The Supreme Court took a lesson from history when it had accepted the appeal of the petitioner in the 1986 Shah Bano case and rather than delivering a final judgement, it had left the issue (Triple Talaq) on the Parliament. However, the Apex Court had shown its intention.

Altogether, it is now evident that the nation is now free from the malpractices of Triple Talaq. There is also no need to remind that the Prime Minister, during his last year's speech on Independence Day from the ramparts of the historic Red Fort, had assured the Muslim women by bringing a law to stop the inhuman practice of Triple Talaq.

#### Humanity Wins

It is also rightly said that 'Justice is

Blind' otherwise the Goddess of Justice wouldn't have been depicted wearing a blindfold. Despite many fanatic Muslim organizations strongly advocating the continuance of Triple Talaq, the Supreme Court in its judgement gave a new life to Muslim women. Before this (Judgement), it was being said that the Supreme Court's decision on the issue will determine whether humanity will win or communalism and barbarism will prevail.

Three out of the five judges of the Constitution bench – Justices Kurian Joseph, RF Nariman and UU Lalit held Triple Talaq as unconstitutional. On the other hand, Chief Justice JS Khehar and Justice S Abdul Nazeer were of the view that the practice was part of Muslim personal law and hence the court could not interfere. However, the three judges disagreed with the opinion of Justice Khehar and Justice Nazeer. The three judges termed Triple Talaq as violation of spirit of Article 14 (the Right to Equality) of the Constitution.

This decision means that the Court has held the practice of triple talaq unconstitutional striking it down with the majority. Further, mentioning the fact that several Islamic countries disallow triple talaq, the Court questioned why it should not be abolished in India? The Court also asked the Parliament to frame a law on the issue within six months.

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### Triple Talaq is a 'Sin'

Terming Triple Talaq as the part of fundamental rights of Muslims, Chief Justice J S Khehar and Justice S Abdul Nazeer said Judiciary shouldn't interfere with it. However, both the judges also agreed that Triple Talaq is a sin and it is the government who should take a call on it through framing a law. Undoubtedly, the Central Government will now bring a strong law for empowering the Muslim women.

### Who is the enemy of Muslim Women?

At the time when the campaign against Triple Talaq commenced to liberate the Muslim women from the brutality, many Muslim politicians,

who portrayed themselves as the well wishers of Muslims, started opposing it. Moreover, in various media discussions and debates, these politicians had threatened to give a befitting reply to the government for initiating a war

against Triple Talaq. Though the debates included a number of Mullahs and Ulemas, not a single woman was featured in it. Even in the present century, they (self-proclaimed Muslim leaders) wanted the Muslim women to follow the customs and traditions of medieval-era. Such politicians were opposing the progressive attitude of the government.

At the time when the matter was subjudice under the Supreme Court, I came across a member of the Muslim Personal Law board. I asked him a few questions. Firstly, a change in the Triple Talaq will empower your daughters and women, what a Hindu has to do with it?

Secondly, if Islam was not violated when all the Muslim nations terminated

Triple Talaq, why do you feel that banning such an outdated and ferocious custom here (India) will put Islam in danger or will snatch away the rights of Muslims? The person had no answers to my questions. If this community still resides in Dark Age, it is solely because of the so called Muslim leaders.

Significantly, there is neither any provision of Talaq in Quran nor in Hadees. Nevertheless, at a point in Quran it has been clearly stated that the various things disliked by Allah, Talaq comes at the top. Neither Rasool nor any Nabi divorced their wives. Yes, when some of them had differences of opinion on any issue, they just shifted their wives to a different place, providing all the facilities and taking good care of them.

Due to lack of a sound provision for marriage, divorce and alimony, most of the Muslim women suffer a worse life. Undoubtedly, the attitude of Muslim society towards their women has been very discriminatory. But, the situation will definitely change now. While most of the Muslim men were in favour of Triple Talaq, the women stood completely against it.

A survey carried out by the Bharatiya Muslim Mahila Andolan (BMMA) revealed that 92.1 percent of Muslim women in India were pushing hard to put an end to verbal and instant Talaq. After this historic judgement by the Apex Court, indeed their (Muslim women) wish has been accomplished. It however, they will still have to wait for a concrete law on it.

Now, abiding by the orders of the court, the government has to bring a stringent law in order to safeguard their rights, a law which results in the betterment of their life. And why should there be a wait for six-months period? The government should pass a bill in the upcoming winter session of Parliament, starting in November, to validate that the government is determined to provide equal status and rights to women. □

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