



Should Triple Talaq be abolished?

Description

Theme :-

- The government has promulgated the ordinance on triple talaq twice in 2018, but couldn't bring the law. In Feb 2019, Cabinet accepted to reissue the ordinance on Triple Talaq.

What is Triple Talaq :-

- Triple Talaq is a provision in Islamic personal law that allows men to divorce their wives by saying Talaq three times. According to Quran, there should be a certain time gap among three stages of Talaq. But this provision is grossly misused and some men are giving instant divorce to their wives by saying talaq thrice even in the absence of their wives.
- These days some men are using electronic medium to give talaq by sms, phone etc. This caused widespread protests by Muslim women and women organizations to ban Triple Talaq.

Yes :-

- Triple Talaq violates fundamental rights such as Right to equality, right to non-discrimination and right to live with dignity. Because this provision is available only for men and not women.
- Women are subjected to live in fear of being unilaterally divorced by their husbands. This violates right to live with dignity.
- Article 25 (iii) of Indian constitution mentions that freedom of religion should uphold public order and morality. Triple Talaq doesn't satisfy this condition because it is against to morality.
- According to Article 25 (ii) of Indian constitution, supreme court can intervene in personal laws and make laws if the need arises. Act banning untouchability is an example of this.
- In several cases, Supreme court upheld that if freedom of religion and fundamental right comes into conflict, fundamental right will prevail.
- All personal laws should follow and respect constitution first.



- Triple Talaq does not follow Quranic guidelines of discussion, arbitration to settle the disputes, witnesses to divorce, specified time period to reconcile or even a genuine attempt to resolve differences.
- The rule of “Nikha halala” in Islamic personal laws mentions that talaq is irrevocable. If the wife wants to marry her divorced husband, first she should marry another man and after giving divorce to him, she can marry her first husband. This further humiliates women and is against to her right to live with dignity.
- Triple Talaq doesn't mention about the alimony that wife should get and the rights of children.
- Quran doesn't allow superior rights for men over women. Hence Triple Talaq is Un-Quranic.

No :-

- Triple talaq should happen in three stages with time gaps. this allows time for reconciliation and arbitration. As instant divorce is misuse of triple talaq, banning the provision itself is not the solution.
- It is the part of their faith and personal laws can't be challenged. Article 25 (i) of Indian constitution provides freedom of religion.
- Though Triple talaq doesn't mention about financial settlement after divorce, there is 'Muslim Women's Act', 1986, which allows fair and reasonable settlement after divorce.
- In India, it takes years to get a divorce and most of the marital laws are in favor of women. If a woman is not willing to give divorce, it is almost impossible for man to prove that the relationship is abusive and deteriorating. But if a woman want a divorce from an abusive husband, law makes it easy for her to give divorce. Triple Talaq is a relief to men that have abusive life partners.

Progress in law :-

- Supreme court termed instant divorce is unconstitutional and un-Quranic.
- Several committees were setup to study whether triple talaq is indeed fundamental to Islamic religion.
- In August 2017, Supreme court banned 'Triple Talaq' by terming it 'unconstitutional'.
- The government has promulgated the ordinance on triple talaq twice in 2018, but couldn't bring the law. In Feb 2019, Cabinet accepted to reissue the ordinance on Triple Talaq. Opposition parties and several members of Muslim community raised issues with the contents in the bills.

Conclusion :-

Instant divorce does not follow Quranic guidelines of discussion, arbitration to settle the disputes, witnesses to divorce, specified time period to reconcile or even a genuine attempt to resolve differences. This gross misuse of personal laws in the name of freedom of religion should be condemned. Before bringing the law on Triple Talaq, there is a need to thoroughly debate the contents of the law.

Afterwords :- Do you support the ban on Triple Talaq? Express your opinion in the comment section below.



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