

## TRIPLE TALAQ AND MUSLIM WOMEN IN INDIA

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### Abstract

*Today, the issues of women rights in Muslim personal Law is highly controversial. Specially, Muslim women rights relating to Triple Talaq divorce, inheritance, maintenance has got much attention now days. Triple Talaq is a form of divorce under Islamic law, which was practiced in India which has been practiced in India, especially adherence of Hanafi Sunni Islamic school of jurisprudence. However Indian constitution has guaranteed equality and freedom from discrimination based on gender or religion but still there are various practices which are based on heartless conservative culture. a large part of Muslim Personal Law is still unmodified and most of the legal decision pronounces by the courts based on the norms mentioned in Quran and Hadith. The central debate on interpretation of Muslim personal laws has both positive as well as negative aspects. There are arguments are done relating to the issue of Triple Talaq and All India Muslim Personal Law Board has been supported to Triple Talaq but the Muslim Women has been opposed to Triple Talaq .Triple Talaq is critically analyzed in the background of Islamic Law and many scholars have suggested reform to bring this law into conformity with true spirit of Islam by treating both partner on equal footing in a society. Reconciliation, which essence of Islamic form of divorce is only possible in case of declaring Triple Talaq is void.*

**Keywords-***Women Rights, Muslim Personal Law, Triple Talaq, Indian Constitution.*

### INTRODUCTION

Islam looks at marriage not as sacrament which is eternal unlike Hinduism, but as a civil contract which is accepted between the parties based on basis of mutual consent. Triple Talaq is a form of divorce which is being used in Islamic law. Instant Triple Talaq or talaq-e-biddah was deemed to be unconstitutional. Triple Talaq is the custom under a Muslim. Triple Talaq basically happens when the husband spells out the word 'talaq' three times either on phone, email or single setting. Then the women have to prepare her for 'iddat' period covering her three menstrual cycles. Iddat is basically a waiting period that is required before the pronouncement of Talaq. In this time, the husband can re-think over his decision But after the Completion of his period, re-marrying can only be done by the way of 'nikah'. According to All India Muslim Personal Law Board (AIMPLB), there are 8 different forms of divorce in Islam, from which Triple Talaq was one. Triple Talaq infringes the fundamental rights of Muslim women as it is irreversible end marriage without any chance of reconciliation. Triple Talaq or instant divorce often dispute with the countries legal arrangement from 8th century. The most discussed question in this concept is that, can only men divorce in Islam? The answer is that Women have an option of asking for 'khula' meaning returning of dower

(mehr) that she received as a wedding gift or by mentioning the same in a clause mentioned in contract made at the time of Marriage. Muslim women rights of marriage, divorce, inheritance has encouraged many Muslim women activists to fight for their rights. The controversial Islamic divorce practice of instant Triple Talaq (Talaq-e-Biddat) has been struck down as arbitrary and against the tenets of Islam. The practice was against the Indian Constitution. The Modi Government formulated a bill and introduced it in the Parliament after 100 cases of instant Triple Talaq in the country and Lok Sabha passed this bill. This bill makes Instant Triple Talaq in any form illegal and void.

### **MARRIAGE UNDER MUSIM PERSONAL LAW**

In Muslim law, marriage is a contract having as its object, the procreation and legislation of children. Marriage contracts are often reduced to writing in the form of a kabinnama. But failure to prove the Kabinnama. But failure to prove the Kabinnama cannot possibly be held to disprove the marriage. In the case of the marriage under the Muslim law, it is to be noticed that neither writing nor any religious ceremony is essential. All that is necessary is that there should be a proposal and an acceptance in the presence of witness 3.As marriages requires proposal is called Ijab from one party and acceptance is called Qubul or Qabool from other party. principle of Islamic law is that nikah cannot be performed without the free consent of the bride. She has a right to agree or refuse certain terms and condition in marriage. However, issue is that how to ensure the free consent of the Muslim women because many Muslim women who do not want to give the consent some time forced by family to give the consent. Therefore, there is need to apply all the holy verses of Quran in letter and spirit.

### **TALAQ AND POLYGAMY UNDER MUSLIM PERSONAL LAW**

1. Muslim intellectuals are to initiate measures for drafting a comprehensive law duly codified which will embody the Quranic spirit. Triple Divorce and unregulated polygamy has often been the cause of attacks on otherwise quite progressive Islamic personal law. In polygamy Muslim Men can have more than one wife at the same time, up to a total of four. Polygamy may not be abolished completely but strictly regulated as directed by the Quran. Under Muslim law marriage is dissolved either by death of the husband or wife or by divorce. The husbands right in this respect is much greater than that of the wife. The husband can dissolve the marriage tie at his will. A divorce can also take place by mutual agreement. But the wife cannot divorce herself from her husband without his consent. Marriage may also be dissolved by judicial decree under the Dissolution of Muslim Marriage Act, 1939. A Husband may divorce in the following manner Talaq , Ila, Zihar, Talaqetafwiz or Divorce by judicial decree under dissolution of The Muslim Marriage Act,1939. Triple divorce is a recognized but disapproved form of divorce and is considered by the Islamic jurists as an innovation within the fold of Sharia. It commands neither the sanction of Holy Quran nor the approval of the Holy Prophet.

### **2. BACKGROUND OF TRIPLE TALAQ**

Muslim family affairs in India are governed by the Muslim Personal Law (Shariat) Application Act, 1937. In traditional Islamic jurisprudence, Triple Talaq is considered to be a particularly disapproved, but legally valid, form of divorce. Triple Talaq, also known as *talaq-e-biddat*, instant divorce<sup>[1]</sup> and *talaq-e-mughallazah* (irrevocable divorce),<sup>[2]</sup> is a form of Islamic divorce which has been used by Muslims in India. It allows any muslim man to lawfully divorce his female partner by uttering the word talaq three times in oral, written or currently in electronic form. The ulama of Hanafi Sunnis considered this form of divorce binding, provided the pronouncement was made in front of Muslim witnesses and later confirmed by a

sharia court. Since the early 20th century and various reforms have been undertaken in different countries. Muslim marriages in India are considered to be a private matter, unless the couple decided to register their marriage under the Special Marriage Act of 1954. husband's unilateral right of divorce by governments of other countries and the prohibition of Triple Talaq were not implemented in India.

### **TRIPLE TALAQ IS STATUTORY RIGHT**

Section 2 of the Muslim Personal Law (Shariat) Application Act of 1937 has already recognized Triple Talaq as a statutory right. Therefore, Instant talaq was no longer a personal law to remain free from the rigours of the fundamental rights as it comes under the ambit of Article 13 of the Constitution. Article 13 mandates that any law, framed before or after the Constitution, should not be violative of the fundamental rights.

### **CHALLENGES IN BANNING TRIPLE TALAQ**

1. Religious groups infer the banning of a traditional practice sanctified by Sharia as interfering in the religious aspects of minorities
2. The courts should decide two things basically:
  - A. Whether personal law can be subject to the constitution or not
  - B. How to view the relationship between Triple Talaq and Muslim personal law

### **TRIPLE TALAQ AND THE INDIAN CONSTITUTION**

In our constitution there are Fundamental Rights which are violated because of Triple Talaq and Muslim Women not get justice about their fundamental rights and their fundamental rights are violated such rights are :

#### **Article 13: Laws inconsistent with or in derogation of the fundamental rights.**

Section 2 of Muslim Personal Law (Shairat) Application Act of 1937 recognizes Triple Talaq as a statutory Right , brining it under th ambit of Article 13 of the constitution. Article 13 deines law and says that all laws, framed before or after the constitution , shall not be violative of fundamental rights.

#### **Article 14 : Equality before law**

Article 14 of the constitution guarantees the right to equality as Triple Talaq denies a Muslim Women's be quality before law.

#### **Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.**

Article 15 (1) which states that the State “shall not discriminate against any citizen on grounds only of religion, race, caste, sex...” Since Triple Talaq does not work in the favor of women, it violates Article 15 (1) of the Constitution.

#### **Article 21: Right to life and Personal Liberty**

Divorced through arbitrary and unilateral triple talaq, be thrown out and lose her rights on a matrimonial home. Continued to live in her matrimonial home with grave risk her life despite her husband divorcing her through triple talaq.

#### **Article 25: Freedom of Conscience And Free Profession Practice And Propagation of Religion**

Article 25 of the Constitution guarantees religious freedom as Freedom of Practice and Propagation of Religion. Like all other Fundamental Rights, it is subject to restrictions and does not protect religious practices that can negatively affect the welfare of citizens.

## ARGUMENTS AGAINST TRIPLE TALAQ

The following arguments are done against Triple Talaq :

1. It goes against the rights of equality and women's empowerment. It propagates the dominance of men over women.
2. According to a study, 92% of Muslim women in India wanted the Triple Talaq to be banned.
3. It gave men the right to arbitrarily divorce their wives without any valid reason.
4. New-age technology has given birth to new modes of Triple Talaq such as through skype, text messages and email.
5. Many Islamic countries have outlawed this practice including Bangladesh, Pakistan and Indonesia. There is no reason for a democratic and secular India to continue this lopsided practice.
6. It goes against the constitutional principles of gender equality, secularism, right to life of dignity, etc. It goes against Article 14 (Right to Equality) and Article 15(1) which states that there shall be no discrimination against any citizen on the basis of gender, race, etc. and this kind of talaq is biased against the interests of women.
7. The constitution of the country says that it shall strive to bring a uniform civil code for the entire country. Doing away with Triple Talaq will definitely be a step closer to the constitution-makers' dream of having a uniform civil code for all citizens.
8. However, the National Commission of Women says that this matter cannot be linked to uniform civil code. Nevertheless, it should be banned in order to protect the interests of Muslim women.
9. The Supreme Court has also declared that this practice is unconstitutional and not protected by Article 25 which regards the freedom of religion. Also in December 2016, the Allahabad High Court had said that no personal law board was above the constitution.

Experts also opine that only the essential or integral features and aspects of a religion are protected by the Constitution. Triple Talaq was not an integral feature of Islam

## SUPPORT FOR TRIPLE TALAQ

Triple Talaq has been supported by the All India Muslim Personal Law Board (AIMPLB), a non-governmental body that supervises the application of Muslim personal law. It propagates that the State does not have the right to intervene in religious matters. The AIMPLB's lawyer Mr Kapil Sibal had said that though instant talaq can be thought of as a sin by some, but that "setting the validity of customs and practices of a community is a slippery slope".<sup>[41]</sup> Kapil Sibal cited Article 371A to state that even the Constitution does intend to protect matters of practice, tradition and customs of communities The All India Muslim Personal Law Board (AIMPLB) defends the practice.<sup>[29]</sup> In April 2017, citing a report prepared by Muslim Mahila Research Kendra in co-ordination with Shariah Committee for Women, AIMPLB has claimed that Muslims have a lower rate of divorce compared to other religious communities, countering the argument that Muslims have the highest number of divorce in the country due to the practice of triple talaq. It also claimed that it had received forms from 35 million Muslim women across the country, supporting shariat and triple talaq.<sup>[43][44][45]</sup> AIMPLB issued a code of conduct in April 2017 regarding talaq in response to the controversy over the practice of triple talaq. It also warned that those who divorce for reasons not prescribed under shariat will be socially boycotted in addition to calling for boycott of those who use Triple Talaq

recklessly and without justification.<sup>[46]</sup> In addition, it also stated that it should be delivered in three sittings with a gap of at least one month each.

### **OPPOSITION OF MUSLIM WOMEN FOR TRIPLE TALAQ**

The practice faced opposition from Muslim women, some of whom filed a public interest litigation in the Supreme Court against the practice, terming it "regressive". The petitioners asked for section 2 of the Muslim Personal Law (Shariat) Application Act, 1937, to be scrapped, describing it as being against Article 14 of the Constitution (equality before law). On 13 May 2017, during the hearings before its final judgment, the Supreme Court described instant Triple Talaq as the "worst form of marriage dissolution". It noted that the custom is banned in the Muslim-majority countries of Saudi Arabia, Morocco, Afghanistan and Pakistan. On 8 December 2016, the Allahabad High Court observed in a ruling that the practice of instant Triple Talaq was unconstitutional and violated the rights of Muslim women. In March 2017, over 1 million Indian Muslims, a majority of whom were women, signed a petition to end instant triple talaq. The petition was started by the Muslim Rashtriya Manch, an Islamic organization affiliated to the right wing Hindu nationalist organisation Rashtriya Swayamsevak Sangh. The petitioners against instant Triple Talaq have given evidence showing how Instant Triple Talaq is simply an innovation that does not have much to do with Quranic beliefs. This is supported by the interpretation of Quranic text by many Islamic scholars, historical evidence and legal precedent. On 10 May 2017, senior cleric Maulana Syed Shahabuddin Salafi Firdausi denounced Triple Talaq and nikah halala, calling them un-Islamic practices and instruments to oppress women. The practice was also opposed by Hindu nationalists and Muslim liberals.

### **TRIPLE TALAQ AND ITS EFFECT ON MUSLIM WOMEN**

India is home to world's third-largest Muslim population which is governed by the Sharia or Islamic jurisprudence and this has been the case since British colonial rule. But till today, India's 90 million Muslim women face the threat of a sudden, oral, and out-of-court divorce. According to the Census 2011 data, out of all married Muslim women 13.5 per cent were married even before the age of 15 and 49 per cent were married between 14 and 19 years of age. A survey by Bharatiya Muslim Mahila Andolan revealed that 95 per cent of divorced women received no maintenance from their husbands. In many cases, women are not in a position to immediately become the breadwinner and manage kids. One such recent case of a pregnant woman being thrown out the house for not getting an abortion added more weight to the issue. Triple Talaq is the controversial practice only creates inequality between men and women which violated the Muslim women fundamental rights such as right to equality, right to life and personal liberty. Triple Talaq is creating many problems to Indian Muslim Women which agreeable by the Indian Society as some of the women are downed to streets and some committing suicide.

### **THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) BILL, 2017**

The Modi Government formulated a bill and introduced it in the Parliament after 100 cases of instant Triple Talaq in the country since the Supreme Court judgment in August 2017.<sup>[56]</sup> On 28 December 2017, Lok Sabha passed The Muslim Women (Protection of Rights on Marriage) Bill, 2017.<sup>[57]</sup> The bill make instant Triple Talaq (*talaq-e-biddah*) in any form — spoken, in writing or by electronic means such as email, SMS and WhatsApp illegal and void, with up to three years in jail for the husband. MPs from RJD, AIMIM, BJD, AIADMK and AIML opposed the bill, calling it arbitrary in nature and a faulty proposal, while Congress supported the Bill tabled in Lok Sabha by law minister Ravi Shankar Prasad.<sup>[58][59]</sup> 19 amendments were moved in Lok Sabha but all were rejected.

## **REASONS WHY TRIPLE TALAQ SHOULD BE ABOLISHED IN INDIA?**

It causes Gender Disparities and Inequality. After Divorce, Women are more likely to live in poverty and have low level of standard of living. Higher Rates of Divorces. It is defamatory and humiliating for a woman to re-marry same man after talaq. Less possibility of re-marriages especially in country like India. Many people argued that Abolishing Triple Talaq is not correct idea since it is diversity in change, Interference in religion of person and the power to decide by themselves. But reasons of the abolition has over-shadowed them all since Abolition of Triple Talaq has brought some positive effects. The most pivotal change, it has brought up, Speeding of Uniform Civil Code in the country. Basically it will focus on family laws of all religions and the diversity of all customary rites practiced in the nation. It will address the social injustice and gender inequality rather than plurality of laws. Personal laws will not be touched until the extent of the constitution. Basically, Under Uniform Civil Code, all the personal laws will be replaced by a common governing law for all citizens. Common Civil Code will help the cause of national integration by removing disparities by removing different ideologies. These are the laws relating to marriage, divorce, inheritance of property and adoption.

## **STATUS OF TRIPLE TALAQ IN INDIA**

India is a secular state, where each and everyone have a right to worship or follow their own religion. According to the 2017 list there is 14.20% muslim population. It is ubiquitous among India's muslim community majority of whom follow the Hanafi Islamic school of law. The muslim lived in India also practice the triple talaq. It allows any muslim man to lawfully divorce his female partner by uttering the word talaq three times in oral, written or currently in electronic form. In this a man did not need to cite any reason for the separation and the wife need not have been present at the time of promulgation. On 22 August 2017, the Indian Supreme court held instant divorce or Triple Talaq unconstitutional. The Triple Talaq was not abolished in India before March 2017, on this date over one million of Indian muslim population took step against Triple Talaq majority of whom were women, they signed a petition to end the triple talaq, which was started by Muslim Rashtriya Manch, this Muslim Rashtriya Manch is an Islamic organization federate to the rights wing hindu nationalist association Rashtriya Swayamsevak Sangh. At last a bench of judges was set up and they the controversial related to Triple Talaq in 2017. So, after all the hearing, the court said that until the government composes a law regarding triple talaq, there would be an injunction against husbands pronouncing Triple Talaq on their wives. Triple Talaq may be admissible custom but it deteriorating and unworthy, since, Triple Talaq I instant it is changeless and then marital tie gets broken, it violates the right to equality.

## **ANALYSIS OF JUDGEMENT OF TRIPLE TALAQ CASE**

It all started with a Petition by Shayara Bano. Triple Talaq case was been benched by 5-judge bench comprising of Chief Justice J.S. Khekar , Justice S Abdul Nazeer , Justice Kurian Joseph, Justice R. Fali Nariman & Justice Uday Lalit. Triple Talaq was deemed as unconstitutional by a majority of 3:2. All the judges had their own views and reasons for their judgement. Justice Khekar said that Triple Talaq being a personal law, was not unconstitutional. He was being supported by Justice A. Nazeer. According to Justice K. Joseph, this issue is not being decided, since in the case 'Shamin Ara vs. State of UP', in 2002 , Supreme Court declared that Triple Talaq lacks legal sancity. He disagreed with Justice Nazeer that a Fundamental Right as found by them can be suspended. Justice F. Nariman said that Triple Talaq is contrary to Article 14 being a Fundamental Right and therefore, it is unconstitutional. It was contrary to Shariat Law. If not contract to Shariat law, it would not have survived the constitutional vires on the

account of Article 13. The court basically aims to protect the rights of women and also the right to husband who bonafide wants to get rid off her wife on valid reasons. The Judges asked parliament to fill up this gap by making a statute for the same within 6 months. Till then, Triple Talaq has been dissolved and no one can practice it. The Supreme Court Observed all the crucial aspects and overlooked the crucial difference between legal marriage and a Religious Marriage. They analyzed whether Article 25 was being violated or not. Article 25 was broader and didn't set any standard to be followed to follow any Religion. Supreme Court said that Religious Freedom doesn't mean it should only be allowed to practice one's customs but also understand the legality of customs from the point of law. This has built a wall of separation between Religious Practice and the Legal System. There is a need of Uniform Civil Code which will help us leave religious customs intact and therefore not in collide with Article 25. In Conclusion, It is the Justice and Equality for Muslim Women.

### **CURRENT SCENARIO PREVAILING IN MODERN WORLD**

In this Digital & Growing world, Census of 2011 shows that more than 60% women of Muslims were married before the age of 18. Situation are as worse as that 45% women get divorced before age of 21 and 95% women didn't receive any type of maintenance or compensation. This led to poor housing and low standard of living. This issue is needed to be addressed to Government for fixing of the problem and getting the solutions for it. History has evidences that women has been considered as the properties of men. Now also, they are vulnerable to abuse and at disadvantageous positions in the society. They are now also considered Inferior to Men which is due to huge Gender Indifferences existing in the Modern World. They are now also a victim of Indiscrimination, Violence and Abuse. At Many Places, Muslim Men threw their wife out of home treating them like objects by instant talaq. In a survey, it was found that for every Muslim man, 4 Muslim women are divorced. According to census 2011, there was an increase of 40% of divorces in 2011 as compared to 2001. By the time, a Muslim women reached at the age of 60, half of a million are divorced. Under Islamic law, A Muslim Man is allowed to keep 4 wives at same time. It is a right of every person to live their life with dignity as an equal partner same goes with Muslim women. Conditions, especially in western countries, is that women are stopped from exercising their legal rights. For protecting certain rights of women, many organization have held hands together and issues are being discussed at conferences globally to aware all about the Problems faced by them. This is a step forward which will lead to Modernization. In a Developing Country like India, it is pivotal that both men and women play an equal role in development purposes. As time is passing by, there is improvement in Position of women in the society. Education has played an important role in improving the situation. Literacy Rate of Muslim Women has improved as the time has progressed but the Drop-out rate has increased. Triple Talaq becomes a reason for withdrawal of women from Formal Sectors. Personal Boards were created for maintaining integrity & law and order but they are no help since they aren't listening to grievances of women and finding solutions rather they are sitting idle and refused to listen.

### **REFORMS IN MUSLIM PERSONAL LAWS**

It will be recalled that in the late 50s when the former Justice V. R Krishna Iyer was law minister in Kerala, he had introduced a Bill seeking to amend the inheritance laws which discriminate against the Christian women in that state. He failed in his effort because he was opposed not only by the Christian establishment but also by Muslim leaders and other member of opposition. The reason is obvious. Any success in reforming the laws governing one religious community is bound to pave the way for similar reform in the laws applicable to other religion There is crying need for a comprehensive legislation to be drafted under the guidance. Islamic law is so progressive that it

can become basis for a Uniform Civil Code. However, conservative Muslim society dragged the Quran pronouncement to its own level and introduced, through human reasoning many measure, which curbed women's rights. Despite reforms in other countries women have not got full measure of equality, which the ulma theoretically concede Quran is the only unanimous divine source for Muslims and it remains most progressive in respect of women's rights. Ideally it grants equality between man and woman and should be the main source of legislation about women's right. The past interpretation of the Quran was constrained by socio economic condition and should not be binding on the present and the future generation of Muslims. All great Islamic thinkers have reputedly made this point and have accepted the central role of 'iJihad (creative interpretation) .it is the only our social conservatism, not lack of theological sanction, which prevents our ulama from exercising it. Further, the issue of compulsory marriage registration is a one of the other step toward reformation in Muslim personal law. In the year of 2006, the Supreme Court directed all states and union territories to notify rules for compulsory marriage registration. In July of the following year, the court was informed that some states had framed rules only for Hindu marriages. Therefore, in October 2007, the court ordered compulsory registration of marriages of couples of all religions and rules to be enacted to that effect within three months. While this was seen by the conservative sections in the Muslim community as interference in their personal laws, the liberal voices pointed to a very significant aspect: a marriage is a contract in Islam. In fact, a member of the Law Commission of India and an expert on Islamic law, Tahir Mahmood, observed that since parties to a Muslim marriage have full contractual freedom under Islamic law and can stipulate conditions of their choices that do not violate mandatory provisions of the shariat, the new nikahnama is valid. Critics of the aimplb also point out that the more liberal Islamic schools of shariat like the Shafi, Malik and Hanafi are ignored by the board. Therefore, it is clearly documented here that, there are various step has been taken for reformation of the personal law.

## CONCLUSION

Triple Talaq is burning issue in india. Muslim women rights relating to Triple Talaq divorce, inheritance, maintenance has got much attention now a days. . Triple Talaq is a form of divorce under Islamic law, that was practiced in India. Islam looks at marriage not as sacrament which is eternal unlike Hinduism, but as a civil contract which is accepted between the parties based on basis of mutual consent. In Islamic marriages is necessary is that there should be a proposal and an acceptance in the presence of witness 3. Muslim intellectuals are to initiate measures for drafting a comprehensive law duly codified which will embody the Quranic spirit. Triple Divorce and unregulated polygamy has often been the cause of attacks on otherwise quite progressive Islamic personal law. In polygamy Muslim Men can have more than one wife at the same time, up to a total of four. Muslim family affairs in India are governed by the Muslim Personal Law (Shariat) Application Act, 1937. Triple Talaq is a form of Islamic divorce which has been used by Muslims in India. It allows any muslim man to lawfully divorce his female partner by uttering the word talaq three times in oral, written or currently in electronic form. Section 2 of the Muslim Personal Law (Shariat) Application Act of 1937 has already recognized Triple Talaq as a statutory right. Religious groups infer the banning of a traditional practice sanctified by Sharia as interfering in the religious aspects of minorities is a challenge in banning triple talaq. There are fundamental rights such as Article 13,14,15,21,25 etc are violated because of Triple Talaq of the Muslim Women in India. There are various arguments are done against triple talaq. All India Muslim Personal Law Board (AIMPLB), a non-governmental body support for Triple Talaq but the practice faced opposition from Muslim women, some whom filed a public interest litigation in the supreme court

practice against the practice terming it regressive. Triple Talaq affect on the Muslim women and their day to day practices such as not received a maintenance from their husband, live in poverty after divorce ,less possibility of re-marriages etc. The Modi Government formulated a bill and introduced it in the Parliament after 100 cases of instant Triple Talaq in the country and Lok Sabha passed this bill. This bill makes Instant Triple Talaq in any form in the country since Supreme Court judgment in August 2017. On 28 December 2017, Lok Sabha passed The Muslim Women (Protection of Rights on Marriage) Bill, 2017. Triple Talaq in any form is illegal and void, with up to three years in jail for the husband. Triple Talaq is abolished in India because of gender disparities and inequality. After Divorce, Women are more likely to live in poverty and have low level of standard of living. According to the 2017 list there is 14.20% muslim population. It is ubiquitous among India's muslim community majority of whom follow the Hanafi Islamic school of law. In India also practiced Triple Talaq but On 22 August 2017, the Indian Supreme court held instant divorce or Triple Talaq unconstitutional. The Triple Talaq was not abolished in India before March 2017, on this date over one million of Indian muslim population took step against Triple Talaq majority of whom were women, they signed a petition to end the triple talaq. At last a bench of judges was set up and they the controversial related to Triple Talaq in 2017. It all started with a Petition by Shayara Bano. Triple Talaq case was been benched by 5-judge bench. Triple Talaq was deemed as unconstitutional by a majority of 3:2. In the case 'Shamin Ara vs. State of UP', in 2002 , Supreme Court declared that Triple Talaq lacks legal sanctity. The Supreme Court Said that there is a need of Uniform Civil Code which will help us leave religious customs intact and therefore not in collide with Article 25 of the constitution. In this Digital & Growing world, Census of 2011 shows that more than 60% women of Muslims were married before the age of 18 and 45% 45% women get divorced before age of 21 and 95% women didn't receive any type of maintenance or compensation. According to census 2011, there was an increase of 40% of divorces in 2011 as compared to 2001. By the time, a Muslim women reached at the age of 60, half of a million are divorced. Any success in reforming the laws governing one religious community is bound to pave the way for similar reform in the laws applicable to other religion. Islamic law is so progressive that it can become basis for a Uniform Civil Code. Quran is the only unanimous divine source for Muslims and it remains most progressive in respect of women's rights. Ideally it grants equality between man and woman and should be the main source of legislation about women's right. In the year of 2006, the Supreme Court directed all states and union territories to notify rules for compulsory marriage registration but it is not followed by Muslim Community so in October 2007, the court ordered compulsory registration of marriages of couples of all religions. A member of the Law Commission of India and an expert on Islamic law since parties to a Muslim marriage have full contractual freedom under Islamic law and can stipulate conditions of their choices that do not violate mandatory provisions of the shariat, the new nikahnama is valid. As per this there are various steps has been taken for reformation of the personal law and Triple Talaq also.

### **SUGGESTIONS**

The time has come for major steps to be taken to bring about reform and change in the Muslim Personal Law in India. In order to accomplish these following steps must be taken:-

#### **CODIFICATION OF THE MUSLIM PERSONAL LAW:**

The process of codification of Muslim Law is an imperative and now must be seriously undertaken by a group of legal experts, liberal ulema and scholars in the field. Gender-just laws must be the common denominator. Alongside Muslim women, Muslim men's organizations must push for change.

**ROLE OF THE STATE:**

Parliament should step in with measures not for a Hindu code or a Muslim Code but a **secular code**, drawn from basic principles of personal freedom, human rights and justice in the country. Strict measures must be taken against if the Muslim Personal Law (Shariat) Application Act violates democratic rights guaranteed to the individuals by the Constitution.

**ENCOURAGING THE IDEA OF A UNIFORM CIVIL CODE:**

It will help the cause of national integration by removing the contradictions based on ideologies and traditions. It will also help in eradicating many evils, unjust and irrational practices prevalent across the communities, and will also strengthen the unity and integrity of the country.

These norms have to be observed in all human transactions in any civilized society.

**INTRODUCTION OF GENDER JUST PERSONAL LAWS:**

Since most personal laws reflect the hierarchical notions of society and thereby accord secondary status to women. So what we need are gender just personal laws. The gender just code in turn has to be the same for all the communities and hence, it will be uniform. Gender justice has to be the basis of uniformity; blind uniformity may turn out to be most unjust for women.

**PRIORITISATION OF GENDER EQUALITY:**

Priority must be given to the equality between men and women in terms of their fundamental rights over conservative interpretations of religious scholars. This can be done by saying a big no to triple talaq and polygamy. The personal law question needs to be understood in the context of patriarchy and laws that accord secondary status to women need to be reformed.

**SUPPORTING ALL REFORM MOVEMENTS THAT CHALLENGE PATRIARCHY:**

Every citizen should join hands with the government to eradicate the injustice against women which will lead to the overall growth and development of entire nation. We have to try to lead traditions out of darkness into light and not allow them to lead us into darkness. Policies on women's empowerment exist at the national, state, and local (Panchayats) levels in many sectors, including health, education, economic opportunities, gender-based violence, and political participation. However, there are significant gaps between policy advancements and actual practice at the community level. So the main effort of the state and all the law-making bodies should be to fill this gap between ideology and practice of law making. They should try to abandon all those laws (like Triple Talaq, polygamy etc.) which are against constitutional ethos. The Constitution guarantees minority communities the right to freely practice and propagate their religion, own property and establish places of worship and run educational institutions. This constitutional protection draws strength from a framework of liberal democracy. Moreover, in a secular democracy religious laws cannot trump the constitutional right to equality. Given that Hindu personal laws have evolved to empower Hindu women, there's no reason why Muslim women have to suffer from patriarchal religious practices. Triple talaq and polygamy fail the test of Indian constitutionality. Thus, the rights of women should be respected across nations which are denied through power structures and social customs like Triple Talaq and polygamy. The women should not be deprived of their basic dignity of life which they deserve. Introduction of a secular code drawn from the principles of personal freedom, human rights and justice will not only strengthen secularism but will reinforce women empowerment.

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30