

## TRIPLE TALAQ ROW

ZAKIA SOMAN AND NOORJEHAN NIAZ

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**Abstract:** This article points to women's calls for a law abolishing triple talaq, or instant divorce of a wife pronounced three times by a husband and denounces the inability of the male AIMPLB [All India Muslim Personal Law Board] to deal with this issue. The article was originally published as "Triple Talaq Row, AIMPLB Should Understand that Gender Justice Can't Come from 'Guidelines.'" The title here has been shortened to "Triple Talaq Row."

**Keywords:** triple talaq, muslim personal law, gender justice, muslim women, social boycott

Abolition of triple talaq and reform in Muslim personal law are quintessential to justice and equality for Muslim women. No doubt, this is imperative as well as being necessary for education, economic independence, freedom to make life choices, safety and security. The Muslim women's movement that has come about in the last five years or so is historic in that the most marginalised and ignored voices are now being raised. Ordinary Muslim women are valiantly fighting the legal discrimination they have been subjected to despite our constitutional democratic values of justice, equality and non-discrimination. The women have approached the apex court [the Supreme Court]. They are questioning the patriarchal hegemony of the religious leadership signified in the All India Muslim Personal Law Board (AIMPL). Muslim women are no longer in the mood to allow clerics to speak on their behalf. They are reminding the clerics of the Qur'anic injunctions for a just and fair divorce. They are refusing to abide by triple talaq and are vocal that the Qur'an doesn't permit it. Several women are speaking out after being divorced unilaterally and instantly, and they are demanding justice through democratic means.

Contrast this with the stone age mindset of patriarchs and conservatives which is seen in the recent announcements made by the personal law board. In fact, they have said nothing fundamentally new. As reported by the media, they have just come out with a new ploy in

the name of code of conduct. Although the code is yet to be announced, they have tried to pass off the old concoction of their male-dominated worldview in a new avatar. Let us take a look at the hypocrisy and misogyny that clearly stands out in the announcements. They have insisted that the shariat [the path or principles; also used to signify “Islamic law”] gives equal rights to men and women. But man can still instantly divorce his wife. The law board has also stated that the triple talaq protects women from danger. Danger from whom?

The law board has said they would want the Supreme Court to decide on the Babri Masjid matter but can't the same court decide on the triple talaq? It is horrible that the supposed code of conduct is based on social boycott. Social boycott is an abhorrent and repugnant notion as signified in the caste system and untouchability. The Constitution has enabled several legal measures against this practice. It is astounding that in 2017, the board in its wisdom thinks social boycott can be a solution to injustice to women. This shows the utter lack of understanding and/ or disregard for basic concepts of justice, equality and democracy. It also indicates a total lack of awareness about the core values of the Qur'an—justice, kindness, compassion, wisdom. And the board did not elaborate on how this social boycott, repugnant as it is, can result in recourse can offer help and support for women whose lives are affected. It is clearly not an idea based on application of mind or thought. Or perhaps, it is a desperate move to remain relevant.

The board is clearly under a lot of pressure as it was caught napping by the Muslim women's movement. To put the record straight, the board has never deliberated on the woman question in all the decades of its existence. On the contrary, they have always come in the way of women's equality and gender justice. Take for example, the Shah Bano campaign, Imrana and Gudia case, fatwas against working women, opposition to gay rights, clamour for the preservation of triple talaq, justification for nikah halala. The evidence is there for all to see. The law board is not in touch with the ground realities. Scores of Muslim women being victims of triple talaq, being thrown out of homes, being rendered destitute, women running pillar to post for help (for themselves and their children), clerics abusing women in the name of halala. All of this suffering and pain has been noticed, documented and opposed by the Bharatiya MuslimMahilaAndolan, and other women's groups and the cause has been taken up by some lawyers in the last five-six years.

The first national public hearing against triple talaq was held in December 2012 in Mumbai where survivors from fifteen states narrated their harrowing plight in their own words. We (Bharatiya Muslim MahilaAndolan) have been demanding abolition of triple talaq and reform in personal law but the board has acted unconcerned. In 2015, we submitted a

memorandum to the National Commission for Women signed by 50,000 women calling for an end to triple talaq. The board ran a signature campaign taking a cue from us although democratic methods have so far never been part of their worldview and tactics.

A modern secular democracy should be guided by the Constitution. Besides, gender justice is a fundamental principle in the Qur'an. Our society should have no place for patriarchal and regressive bodies to call the shots. Bodies such as khap panchayats [traditional unelected all-male village councils] and personal law boards are all self-appointed and self-anointed dispensations meant for preservation of the male patriarchal order. The community has rejected them and so must the law of the land. We are confident that we will get justice from the Supreme Court.

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