



## THE ISSUE OF TRIPLE TALAQ- ONE OF THE VIBRANT FACTS THAT BURNT INDIA

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The issue of "Triple Talaq" is one of the vibrant factors that burnt India in and out, in its most possible sphere of exploitation. The practice was as such that it could affect the country in any possible way from both in and out. The country faced the persecution of it for more that centuries and now also is no more relieved from it. The country is facing every burn, wounds, pain, screams, depthness of the matter and the well of this pain is so deep that nobody can't imagine it. The depth is unmeasurable, unimaginable, darkest of darkest and sacred of the most. The well is dark but not so unimaginable because of the screams of the wives and children who exist in the society with us and also for us but face those type of consequences that they were never entitled to on the grounds of humanity which others don't face in a normal society<sup>1</sup>. They reside with us as they are a part of "us" but why still they are not in "us"? Why they are the one who face the consequences of the ill mindset that exists even in the 21st century? Why they are the one who get oppressed by every curse that society builds for people? Why they are the only one to face every type of ill-mentality of the society? And that is what why they are not within "us" where everybody get chance to prosper, have well and dignified life and get every type of opportunities that they deserve to have which secludes a group. And that is the question why they are separated from others?

This is a group that lies in every part of the country, whether it is rural area or urban area, backward area or prosperous area, secluded area or prominent area, over-populated area or less-populated area. This is a group of the vibrant Muslim women community who preserves a outset of humanity within themselves and speaks out for truth. They understand what is right and wrong, what is just and unjust, what is fair and unfair. They understand what is the core basis of society and with what it is made of and how it functions further. They too understands the outset of everything and still speaks for what is right and wrong and at the same time time they also demands for their Right that they deserve to get in the society but some harming mentalities of society day-by-day, months-by-months and year-by-year violates those rights only to satisfy their own wills. This practice too contains the practice of "Triple Talaq" that Islamic community<sup>2</sup> have put upon them to abide by but why that no argument can describe it judicially. Triple Talaq is a practice that crushed down not only the development, progress but the pillar of survival of a Muslim woman in India. It didn't only restrict their life but decreased the chance of their survival at a far down level. Triple talaq is a form of divorce that was practiced in Islam, whereby a Muslim man could divorce his wife by pronouncing talaq three times. The pronouncement could be oral or written, or, in recent times, delivered by electronic means such as telephone, SMS, email or social media. The man did not need to cite any cause for the divorce and the wife need not have been present at the time of pronouncement. After a period of iddat, during which it was ascertained whether the

<sup>1</sup> the aggregate of people living together in a more or less ordered community.

<sup>2</sup> a group of people living in the same place or having a particular characteristic in common.



wife is pregnant, the divorce became irrevocable. In the recommended practice, a waiting period was required before each pronouncement of talaq, during which reconciliation was attempted. However, it had become common to make all three pronouncements in one sitting. While the practice was frowned upon, it was not prohibited. A divorced<sup>3</sup> woman could not remarry her divorced husband unless she first married another man, a practice called nikah halala. Until she remarried, she retained the custody of male toddlers and prepubescent female children. Beyond those restrictions, the children came under the guardianship of the father.

So, what was the most significant problem in it that most of the Muslim women in India are not so highly educated and even most of them are not employed. Due to this reason a large number of Muslim women are dependent on their husbands for their and their children's maintenance and well-being. So basically, maximum of the Muslim women in Indian society are dependent on their husbands and so the husbands take advantage of it and make their wives do whatever they desire. This desire at a certain level rises so much that it takes form of torture and women don't have any choice apart from accomplishing the task because if they don't abide the instructions their husbands will give them 'tin talaq' instantly and in consequence of that their whole life gets dumped into the bin of exploitation, ignorance and uncertainty because they don't have any way out to arrange their own living by themselves. Various times husbands also give their wives 'tin talaq' due to small mistakes and that is a

type of tyranny on the women. Incidents took place where husband gave 'tin talaq' to his wife as because the baby was crying loudly and due to less salt in the food. So, these were the incidents that took place that totally exploited<sup>4</sup> the condition of Muslim women in India, not only in present context but the system is said to exist from the past 1400 years, since the era of Caliph Umar.

But the story of "Triple Talaq" is not one which has been existent in the society from extreme past. If we study about its existence in society so it is a very modern one which came into picture much after the religion of Islam came into existence but this practice is popularly known as a Islamic practice and if its existence doesn't give records of its emergence from the birth of Islam so for sure the actual core of Islam didn't propagate it. Even the holy text of "Quran" also disapproves the concept of "Triple Talaq", so why does the modern practices in Islam propagates "Triple Talaq" as one of the most important aspect of itself? What is the plot behind this? Actually, instant divorce is termed "talaq-e-bid 'at" and we will find this aspect if we read the emergence of this practice at its root level. So, its emergence is stated out from a story where a hadith by An-Nasa'i stated that Muhammad had accused a man of mocking the Quran by uttering divorce thrice in one go. Talaq pronounced thrice simultaneously from Muhammad to the first two years of Umar's reign as caliph was only considered as a single divorce according to Sahih Muslim. The latter however allowed it, upon seeing the people did not observe the iddah, but also had men using such divorce flogged. Abu Hanifa and

<sup>3</sup> no longer married because the marriage has been legally dissolved.

<sup>4</sup> make use of (a situation) in a way considered unfair or underhand.



Malik ibn Anas considered it irrevocable despite its illegality. Al-Shafi'i considered it permissible but Ahmad ibn Hanbal considered it to be invalid. So, basically Triple talaq, in Islamic law, is based upon the belief that the husband has the right to reject or dismiss his wife with good grounds. Even in present context this concept is very widely practiced, supported and propagated by the All India Muslim Personal Law Board (AIMPLB), a non-governmental organization, says that women could also pronounce triple talaq, and could execute nikahnamas that stipulated conditions so that the husbands could not pronounce triple talaq. According to AIMPLB, "Sharia grants right to divorce to husbands because Islam grants men a greater power of decision-making."

So, this is a practice which has been affecting women in India since ages and now also. The practice of "Triple Talaq" have grounded the women of Muslim community of India like they are any toy to play around and throwing them out of the house anytime they want. It curtailed their functioning of life, happiness, dignity, mental peace, progress, empowerment, status in society, growth in a large way. This restricted them for years to outgrow in society and put their stake in society with total uprightness and dignity. This deteriorated a great part of the society with exploitation, infringement of Rights, curtailment of dignity and backwardness in society which arose due to lack of education and confidence within them. This restricted a huge part of the total population in India to develop and thus the society could not progress<sup>5</sup> at a level where it deserved to arrive. A large part of society lacked behind

which resulted into class struggles in society as well, which devastated the whole demographic scenario in India in a overall level. This led to the exploitation of all Muslim women in a very other way. For years only it restricted the society and also India at large to develop further and the exploitation of women have affected it in a very negative way. The country witnessed the cries of the women of Muslim community and of their children's as well and it went on witnessing these extreme deeds of the people for years. Till when will the country could witness it and also how it could bear and resist it? There is a limit of everything and now the limits got crossed and a need of revolution came in forth in front of every citizen of the country because the cries of Muslim women concerns not only them but also to everyone because they are also the part "us" and society at large. But how this revolution was about to take place and how the ways be generated out of the waves that emerged with the change? What could be the course of these waves and what would be the directions of the ways, what type of battles it was supposed to address and fight, what were the persecutions of it and what would be its destiny were all the questions that came into picture. Any change does not come only in a day but takes a long time to revolve to address a new vibe in an overall aspect. And among these days the first day witnesses the first bravest step to come out which destines at large to bring a change in the world. No one really knows how many women got affected out of it, what type of situations they faced, how they really bared up the situation, how much they faced the situations before, what was the intensity of that and how they struggled in their life. No one really knows

<sup>5</sup> forward or onward movement towards a destination.



about the exploitations they faced and how it affected them. So, it was a matter in disguise and there was not much debate<sup>6</sup> on it that how the issue could be resolved. It was a matter which was like a closed case of a police diary. All these were like frozen ice. The country was filled with the pains and cries of these Muslim women who were facing the persecutions of it. But still something could have been done. The waves took its way and the first case came into the picture, which made people know about the issue in the social front and the matter gained importance.

Among all the incidents the first case that was presented in front of the administration of India was the case of Mrs. Shah Bano who faced various persecutions in due to this untidy practice of "Triple Talaq". In consequence of it, as a result of her bravery she filed numerous suits in different tiers of Courts in India and for the first time in India the matter of "Triple Talaq " came into picture in a social forum and people came to know about it. So, in this case in 1932, Shah Bano, a Muslim woman, was married to Mohammed Ahmad Khan, an affluent and well-known advocate in Indore, Madhya Pradesh, and had five children from the marriage<sup>7</sup>. After 14 years, Khan took a younger woman as second wife and after years of living with both wives, he divorced Shah Bano, who was then aged 62 years. In April 1978, when Khan stopped giving her the Rs. 200 per month he had apparently promised, claiming that she had no means to support herself and her children, she filed a criminal suit at a local court in Indore, against

her husband under section 125 of the Code of Criminal Procedure, asking him for a maintenance amount of Rs. 500 for herself and her children. On November 1978 her husband gave an irrevocable talaq to her which was his prerogative under Islamic law and took up the defense that hence Bano had ceased to be his wife and therefore he was under no obligation to provide maintenance for her as except prescribed under the Islamic law which was in total Rs. 5,400. In August 1979, the local court directed Khan to pay a sum of Rs. 25 per month to Bano by way of maintenance. On 1 July 1980, on a revisional application of Bano, the High Court of Madhya Pradesh enhanced the amount of maintenance to Rs. 179.20 per month. Khan then filed a petition to appeal before the Supreme Court claiming that Shah Bano is not his responsibility anymore because Mr. Khan had a second marriage which is also permitted under Islamic Law. On 3 February 1981, the two-judge bench composed of Justice Murtaza Fazal Ali and A. Varadarajan who first heard the matter, in light of the earlier decisions of the court which had held that section 125 of the Code applies to Muslims also, referred Khan's appeal to a larger Bench. Muslim bodies All India Muslim Personal Law Board and Jamiat Ulema-e-Hind joined the case as intervenor. The matter was then heard by a five-judge bench composed of Chief Justice Chandrachud, Rangnath Misra, D. A. Desai, O. Chinnappa Reddy, and E. S. Venkataramiah. On 23 April 1985, Supreme Court in a unanimous decision, dismissed the appeal<sup>8</sup> and confirmed the judgment of the High Court. Supreme Court concluded that

<sup>6</sup> argue about (a subject), especially in a formal manner.

<sup>7</sup> the legally or formally recognized union of two people as partners in a personal relationship

<sup>8</sup> apply to a higher court for a reversal of the decision of a lower court.



"there is no conflict between the provisions of section 125 and those of the Muslim Personal Law on the question of the Muslim husband's obligation to provide maintenance for a divorced wife who is unable to maintain herself." After referring to the Quran, holding it to the greatest authority on the subject, it held that there was no doubt that the Quran imposes an obligation on the Muslim husband to make provision for or to provide maintenance to the divorced wife. Shah Bano approached the courts for securing maintenance from her husband. When the case reached the Supreme Court of India, seven years had elapsed. The Supreme Court invoked Section 125 of Code of Criminal Procedure, which applies to everyone regardless of caste, creed, or religion. It ruled that Shah Bano be given maintenance money, similar to alimony. The Court also regretted that article 44 of the Constitution of India in relation to bringing of Uniform Civil Code in India remained a dead letter and held that a common civil code will help the cause of national integration by removing disparate loyalties to laws which have conflicting ideologies.

So, after this landmark judgement the issue of "Triple Talaq" became very prominent and widespread persecutions started taking place in consequence of it.

But, the Shah Bano judgment, as claimed, became the center of raging controversy, with the press turning it into a major national issue. The Shah Bano judgment elicited a protest<sup>9</sup> from many sections of Muslims who also took to the streets against what they saw, and what they were led to believe, was an attack on their religion and their right to their

own religious personal laws. Muslims felt threatened by what they perceived as an encroachment on the Muslim Personal Law, and protested loudly at the judgment. Their spokesmen were Sunni Bareilvi leader Obaidullah Khan Azmi and Syed Kazi. At the forefront was All India Muslim Personal Law Board, an organization formed in 1973 devoted to upholding what they saw as Muslim Personal Law.

Due to this the urge of many political leaders shattered down because on sensitizing the issue they could ensure much of the extraordinary benefits and could safeguard their Muslim vote bank. Due to this , The Congress government, headed by then Prime Minister Rajiv Gandhi, overturned Supreme Court's landmark judgment in 1986 by passing the Muslim Women (Protection on Divorce Act). The Act said maintenance is only liable for the iddat period and that the courts only had the power to direct the Waqf Board for providing alimony to an aggrieved wife who is not able to fend for herself. Even though Shah Bano's lawyer Danial Latifi challenged the Act's constitutional validity, the top court upheld it, saying the liability can't be restricted to the period of iddat. Shah Bano later withdrew the maintenance claim she had filed.

This was a clear outbreak of the matter which affected the whole matter in a different wavelength. The society witnessed the ill-will of the then Central Government that how they turned the decision and made a law which was totally violating the directions mentioned in the judgement of Supreme Court. It was like taking over the liberty of Muslim women, doing injustice with them

<sup>9</sup> a statement or action expressing disapproval of or objection to something.



and satisfying the political will in stake of the lives of thousands and lakhs of Muslim women in India. No political move can't be so dirtier than it. And so various oppositions also took place against it. Both the Hindu right and liberals have pilloried Rajiv Gandhi for the flip-flop in the Shah Bano case and have viewed it as a move to appease minorities for votes by giving in to the orthodox<sup>10</sup> Muslim clergy, even if at the expense of gender inequality. The Opposition called it another act of "appeasement" towards the minority community by the Indian National Congress. The All India Democratic Women's Association (AIDWA) organized demonstrations of Muslim women against the move to deprive them of rights that they had hitherto shared with the Hindus. This law has been alleged to have been brought by then prime minister Rajiv Gandhi for Muslim appeasement. The Bhartiya Janata Party regarded it as an 'appeasement' of the Muslim community and discriminatory to non-Muslim men and saw it as a "violation of the sanctity of the country's highest court". The 'Muslim Women (Protection of Rights on Divorce) Act' was seen as discriminatory as it denied divorced Muslim women the right to basic maintenance which women of other faiths had access to under secular law. Makarand Paranjape sees the overruling of Supreme Court verdict in Shah Bano case which happened when the Congress party was in power, as one of the examples of the party's pseudo-secular tactics which allowed "cynical manipulation of religion<sup>11</sup> for political ends". Lawyer and former law minister of India, Ram Jethmalani has termed the act as "retrogressive obscurantism for short-term minority populism". Rajiv

Gandhi's colleague Arif Mohammad Khan who was INC member and a minister in Gandhi's cabinet resigned from the post and party in protest. Critics of the Act point out that while divorce is within the purview of personal laws, maintenance is not, and thus it is discriminatory to exclude Muslim women from a civil law. Exclusion of non-Muslim men from a law that appears inherently beneficial to men is also pointed out by them. Hindu nationalists have repeatedly contended that a separate Muslim code is tantamount to preferential treatment and demanded a uniform civil code.

However, in the later judgements including the Danial Latifi case and Shamima Farooqui v. Shah Bano Khan, the Supreme Court of India interpreted the act in a manner reassuring the validity of the case and consequently upheld the Shah Bano judgement and The Muslim Women (Protection of Rights on Divorce) Act 1986 was nullified. But still it was an Act that infringed the Rights of Muslim women in India at a large level.

So, the matter was raised in a huge level and a lot of debate, discussions, protest took place in the context but no final justice could be ensured because of the Act that the Legislation<sup>12</sup> passed which restricted Muslim women to practice their Rights with full dignity and liberty. But the urge for justice didn't stop and after a bold step taken by Shah Bano more cases came and both Courts and Government had to take consideration of matters. The courage of Shah Bano gave courage to other women also to come in forefront and fight for their Rights. And so many cases came into being and the issue got a lots importance in National forum. But

<sup>10</sup> following or conforming to the traditional or generally accepted rules or beliefs of a religion, philosophy, or practice.

<sup>11</sup> the belief in and worship of a superhuman controlling power, especially a personal God or gods.

<sup>12</sup> the process of making or enacting laws.



many things could not have been changed as the Court could only give decision on specific matter only. It could not make it uniform with all the protection provided to it in a uniform level. So, it was a matter to be think upon. But ultimately a single Judgement of Shayra Bano case led to a consecutive wave of changes which revolutionized the whole matter all over the India.

In this case Shayara Bano, a muslim women, was married in 2001 but after 15 year, in 2016, her husband divorced her through talaq-e-bidat which is another name of "triple talaq". So, in consequence of it Ms. Bano filed a writ petition in the Supreme court of India. She argued before the Supreme Court of India that three practices – triple talaq, polygamy, and nikah halala which is the practice requiring women to marry and divorce another man so that her previous husband can re-marry her after triple talaq were unconstitutional. Specifically, she claimed that they violated several fundamental rights under the Constitution of India Constitution namely, Article 14 which ensures equality before the law, Article 15(1) which ensures prohibition of discrimination including on the ground of gender, Article 21 which ensures right to life and Article 25 that ensures freedom of religion. Her petition underscored how protection against these practices has profound consequences for ensuring a life of dignity. Further, it asserted that failure to eliminate de jure and de facto, discrimination against women including by non-State actors, either directly or indirectly, violates not only the most basic human rights of women but also violates their civil, economic, social and cultural rights as envisaged in international treaties and

covenants. But, in this case, the Court focused solely on the practice of triple talaq. In August 2017, the Court, by a majority of 3:2, set aside the practice of triple talaq. Of the justices<sup>13</sup> who voted against the practice, two held it to be unconstitutional while the third relied on case precedents to reiterate that such practice was impermissible under Islamic law. The majority judgment held triple talaq to be unconstitutional under Article 14 read with Article 13(1). In this regard, the Court held that the practice had been sanctioned as a matter of personal law by the Muslim Personal Law (Shariat) Application Act, 1937. The Court clarified that an action that is arbitrary, must necessarily involve negation of equality. It also determined that the marital tie can be broken capriciously without any attempt at reconciliation so as to save it and this arbitrariness violates Article 14. The Court concluded that the 1937 Act is void to the extent that it recognizes and enforces triple talaq, on the basis that as per Article 13(1) all laws in force immediately before the commencement of the present Constitution (which includes the 1937 Act) shall be void in so far as they are inconsistent with the fundamental rights set out in the Constitution. The Court also considered whether triple talaq is protected under Article 25 but, following a review of relevant precedents and Islamic scholarship, concluded that it is not essential to the practice of Islam.

So, this decision totally supported Muslim women on its behalf and declared the practice of "Triple Talaq" totally void and unconstitutional. So the Judiciary took every possible to measures to improve the situation and for that they gave as much as stronger

<sup>13</sup> a judge or magistrate, in particular a judge of the Supreme Court of a country or state.



Judgements that they could, to safeguard the dignity and Rights of Muslim women and provide them with every possible aid so that their Rights don't get infringed and they live with all possible way of upliftment in their life so that they can endure themselves and move forward in their life.

But is it all sufficient to ensure that in future women will not face the same consequences? Does that really mean that in future no such violation of Rights will happen with women and nobody will give them "Triple Talaq" or any exploitation will not happen with them again? Is that really so? No, with a single Supreme Court Judgement we can't say that. It is not binded by Law to function like "totally preventive". For making it totally preventive we need to make the aspect very strong and upright by providing it an appropriate structure, establishing the framework of it, protecting it with all other forms of Law<sup>14</sup> and finally enforcing it and all these can be ensured by making a Law by Legislation on "Triple Talaq" which will make it totally ineffective and invalidates its existence. So, to ensure this, the present NDA government in Center made various tries to curb down the practice of "Triple Talaq" and ensure justice to lakhs and thousands of Muslim women in India. So, for this the first attempt that was made by the NDA Central Government was in the same year, when Supreme Court's Judgement on Shayra Bano vs Union of India came in, that was in 2017. The Government formulated a bill named 'The Muslim Women (Protection of Rights on Marriage) Bill, 2017' and introduced it in the Parliament after 100 cases

of instant triple talaq took place in the country since the Supreme Court judgement in August 2017. In consequence of it, on 28 December 2017, the Lok Sabha passed The Muslim Women (Protection of Rights on Marriage) Bill, 2017. The bill was planned to make instant triple talaq (talaq-e-biddah) in any form — spoken, in writing or by electronic means such as email, SMS and WhatsApp illegal<sup>15</sup> and void, with up to three years in jail for the husband. However, for securing their untidy political interest, sensitizing the issue of Muslims and gaining further in their Muslim vote bank, MPs from RJD, AIMIM, BJD, AIADMK, and AIML opposed the bill, calling it arbitrary in nature and a faulty proposal. On the other side Congress supported the Bill tabled in the Lok Sabha by the then Law Minister Mr. Ravi Shankar Prasad. In this bill, 19 amendments were moved in the Lok Sabha but unfortunately all were rejected when it further went to Rajya Sabha. Due to this, to curtail the practice in present and to safeguard Muslim women, on the grounds that practice of instant triple talaq was continuing unabated despite the Supreme Court striking it, the government issued an ordinance named The Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 to make the practice illegal and void. The Ordinance stated that Instant triple talaq remains cognizable with a maximum of three years imprisonment and a fine. With this, only complaint with the police by the wife or her blood relative will be recognized. The offence is also declared non-bailable i.e. only a Magistrate and not the police can grant bail. Bail can be granted only

<sup>14</sup> the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.

<sup>15</sup>contrary to or forbidden by law, especially criminal law.



after hearing the wife. And the Custody of the minor children from the marriage will go to mother. Also, maintenance allowance to the wife is decided by the magistrate. The ordinance was cleared by the President Ram Nath Kovind on 19 September 2018.

But the Ordinance was about to expire on January 22, 2019. So due to this, the government introduced a fresh bill in the Lok Sabha on 17 December 2018 to replace the ordinance. The bill was named The Muslim Women (Protection of Rights on Marriage) Bill, 2018. The provisions of the bill were various. It stated that all declaration of instant triple talaq, including in written or electronic form, to be void and illegal. It also stated that Instant triple talaq remains cognizable offence with a maximum of three years' imprisonment and a fine. The fine amount is decided by the magistrate. The offence is regarded as cognizable only if information relating to the offence is given by the wife or her blood relative. The offence is also regarded as non-bailable. But there is a provision that the Magistrate may grant bail to the accused<sup>16</sup>. The bail may be granted only after hearing the wife and if the Magistrate is satisfied with reasonable grounds for granting bail. Here, the wife is entitled to subsistence allowance. The amount is decided by the magistrate. The wife is also entitled to seek custody of her minor children from the marriage. The manner of custody will be determined by the Magistrate. Also, the offence may be compounded by the Magistrate upon the request of the woman against whom talaq has been declared. And so, the bill was passed by Lok Sabha on 27 December 2018. However,

the bill remained stuck in the Rajya Sabha due to the opposition's demand to send it to a select committee. But, as the triple talaq ordinance of 2018 was to expire on 22 January 2019 and also because the triple talaq bill of 2018 could not be passed in the parliamentary session, the government re-promulgated the ordinance on 10 January 2019. On 12 January 2019, the president of India Ram Nath Kovind approved the ordinance<sup>17</sup> of 2019. But afterwards the Muslim Women (Protection of Rights on Marriage) Ordinance, 2019 was repealed on 31st July, 2019 when the bill was passed by both houses of the legislature, Lok Sabha and Rajya Sabha, and was notified by the President of India in the official gazette, and thus, finally the Muslim Women (Protection of Rights on Marriage) Act, 2019 became law on 31 July 2019.

The Act has 8 sections. The act says any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal. It also states that any Muslim husband who pronounces talaq upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine. Under this a married Muslim woman upon whom talaq is pronounced shall be entitled to receive from her husband such amount of subsistence allowance, for her and dependent children, as may be determined by the Magistrate. Also, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of talaq by her husband, in such manner as may be determined by the

<sup>16</sup> a person or group of people who are charged with or on trial for a crime.

<sup>17</sup> an authoritative order.



Magistrate. The offence punishable under this Act shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom talaq is pronounced or any person related to her by blood or marriage. Also, the offence punishable under this Act shall be compoundable, at the instance of the married Muslim woman upon whom talaq is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine. The Act also states that no person accused of an offence punishable under this Act shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom talaq is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

So, it was a landmark move by the Government of India which penalized<sup>18</sup> the whole practice of "Triple Talaq and made it illegal. The Act ensures protection of women against all form of torture, violence and exploitation. The Act also ensures other technical aspects which will ensure the benefit of women in all possible ways. The Act also ensures punishment to those who will give "Triple Talaq " to their wives and so this gives a message to every person to not practice "Triple Talaq ". This gives strict warning to them to respect women and to give them their respectable position. The Act thus ensures in giving protection to the women of Muslim community their dignified position so that they upheld their position proudly in society.

But still there are cases of Triple Talaq which took place after the Act passed in the Legislation. But due the enforcement of this Act in the Parliament, proper actions were taken to safeguard the Rights of women and to protect them from the consequences of the grievous crime of "Triple Talaq".

So, the issue of "Triple Talaq" is not just an issue of giving divorce in an unjust manner but also for safeguarding the side of a women that she deserves in the society. She deserves respect, dignity and sense of benevolence from others. She should not be supposed to be a toy with whom everyone will play in any of the matters they want. Instead she should be viewed as a respectable human being who can take up any type of situation and fight against it in a justified way. She should be viewed as the sign of correctness, not the sign of a torn toy. Ultimately, a woman is the one who makes a house a home, gives birth to the whole existence of the world, decides the future of the world and frames it accordingly so she should be respected, not neglected. A woman is the power of whole human existence so she should be awarded that respectable and able position in society. We should not view women as a liability, instead we should all view them as a symbol of asset because they are that. Triple Talaq is a practice which curtails not only Rights of women but also curtails their life so it was necessary to ban it immediately. As before India, 23 Islamic countries also banned the practice which shows how grievous was that practice that was destroying the life Muslim women in a global community at large.

<sup>18</sup> subject to a penalty or punishment.



The Judgement<sup>19</sup> of Supreme Court and the Act passed by Parliament is a message as well as an asset to the society. It dragged out thousands of Muslim women from the loophole of “Triple Talaq” and gave them the life free of mental stress and fear so that they can fearlessly raise the voice against “Triple Talaq”, file complaint, go for their voice and finally do justice to them. Specially the Act gave them much more immunity and an all-round assurance to be safe in a wider perspective and aspect. The Act revolutionized the vibe of the whole Muslim community and India as a large sect of society is getting empowered as soon its effects will be seen visible in the national for a of India. The Act also worked on revolving out the whole women cult in India as Muslim women is also a big part of women in India and if they lag behind the whole women community will fail to progress and if women don’t progress, the whole country will lag behind not only in one perspective but also in every possible aspect. This will also make our country lag behind in International context regarding every aspect related to development. So, ensuring Women empowerment is a great aspect regarding the position of country in every aspect. This empowerment will also help our country<sup>20</sup> to improve in every aspect as their participation in every sector will help the country to improve. This will ensure development of all as well as of the country at large. It will ensure overall development of all and thus will lead the country towards betterment.

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<sup>19</sup> A decision by a court or other tribunal that resolves a controversy and determines the rights and obligations of the parties.

<sup>20</sup> country refers to a political state or nation or its territory. It is often referred to as the land of an

individual’s birth, residence, or citizenship. Countries can refer both to sovereign states and to other political entities, while other times it can refer only to states.