# Conceptualizing Muslim Women’s Empowerment through Criminalization of Triple Talaq: An Analysis

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***Abstract***

*“Instant Triple Talaq” refers to the practice of irrevocably divorcing a wife by pronouncing “talaq” three times consecutively, regardless of the iddat. Under this form of talaq, once a definitive separation occurs, the parties cannot remarry without undergoing Halala and then being divorced from him. This practice has been criticized as arbitrary, discriminatory, and oppressive to Muslim women. While recognized but disapproved among Hanafi schools, it lacks sanction from the Holy Qur’an or approval from the Prophet. In this paper, the author attempt to deal with various divorce modes in Muslim law and examines the Supreme Court’s judgment in Shayara Bano v. Union of India[[3]](#footnote-4), which invalidated triple talaq.* [*Additionally, it analyzes The Muslim Women (Protection of Rights on Marriage) Act, 2019, assessing impact on empowering Muslim women and fostering marital harmony while suggesting alternative remedies to prevent triple divorce and protect women’s rights*](https://quillbot.com/paraphrasing-tool).

***Keywords: -****Personal Law, Muslim Women, Triple Talaq, Marriage*

# Introduction

As citizens and members of the largest minority in India, Muslim women confront significant obstacles due to the widespread portrayal of them as helpless victims. Muslim women's poor status is primarily defined by their lack of three fundamentals: knowledge (measured by literacy and average years of schooling), economic power (job and money), and autonomy (ability to make decisions and physical movement).[[4]](#footnote-5)Personal law is a contentious topic for both the women's movement and orthodox Hindu and Muslim groups. This includes marriage, divorce, inheritance, custody rights, and other issues. It marks the interaction between women and the State as well as the dynamics between men and women in marriage and family life. In post-independence India, personal laws are regulated by the relevant religion laws, while civil and criminal laws are secular. Muslim women were therefore subject to Muslim personal family law.

Muslim personal law, which had not been altered by legislation since the Dissolution of Muslim Marriages Act of 1939 and the Muslim Personal Law (Shariat) Application Act of 1937, was brought back into focus by the Shah Bano case[[5]](#footnote-6). The Domestic Violence Act, 2005[[6]](#footnote-7), the POSH Act, 2013[[7]](#footnote-8), and other gender-just laws, along with the Indian Constitution that grants equal citizenship rights to all Indians [[8]](#footnote-9)and offers protections for minorities[[9]](#footnote-10), do not give Muslim women the visibility they deserve.

# DISSOLUTIONOF MUSLIM MARRIAGE

Divorce is undoubtedly a social evil, but it is also a necessary evil since it destroys family cohesiveness. By forcing the parties into an unpleasant companionship, it is preferable to destroy the family's unity than to destroy their future happiness. Even the children will not benefit much from being in a hostile family, but even though divorce is inevitable, we can try our best to make sure that the members of the family's standing is clear following the decree absolute.[[10]](#footnote-11)

According to Muslim law, a marriage can be dissolved by the parties themselves or by the death of one of the spouses.

According to Muslim law, a party's act of dissolution can take one of the following forms:
1. By the husband, such as through zihar (harmful absorption), ila (vow of continence), and talaq (repudiation).

2. By the spouse: tafwid-e-Talaq

3. By agreement: mubara'at (mutual liberation), khula (redemption).

4. Through Judicial Process; faskh (judicial revocation) and li'an (mutual imprecation).

# Talaq

The term "talaq," which is commonly translated as "repudiation," derives from the Arabic word "tallaqa," which means "to release (an animal) from a tether." Repudiating a wife or releasing her from the bonds of marriage is the result. It represents the husband's unrestricted ability to divorce his wife at any time in legal terms.[[11]](#footnote-12) The divorce operates from the time of the pronouncement of *talaq*. It may be oral or in writing (*talaqnama*).If a Muslim husband is of sound mind, he is free to divorce his wife at any time and without giving a reason. It may not be essential that the *talaq*be pronounced in the presenceof the wife, such a pronouncement to be effective, it ismade known to her.[[12]](#footnote-13)

# Modes of Talaq:

# Talaq pronouncements can be made in an irrevocable or revocable manner. Since the Prophet of Islam disapproved of talaq, the reversible versions are regarded as "approved," while the irreversible ones are regarded as "disapproved."He is reported to have said that ‘with Allah the most detestable of all things permitted is divorce.’[[13]](#footnote-14)Talaq may be effected by the act of the husband by the following modes i.e.,

talaq-al-sunna (i.e., according to the prophet's teachings): (i) ahsan, the most favoured; (ii) hasan, the most favoured.

talaq-al-bid'a, or innovation; as such, it is not authorised. This involves: (i) making three statements at once, sometimes known as the "triple divorce"; (ii) making one irreversible pronouncement (usually in writing).[[14]](#footnote-15)

While the husband has the authority to end a Muslim marriage, the woman may also do so by using one of the aforementioned methods, such as Khula, Lian, Mubar'at, etc.
This discussion will be limited to Talaq, or divorce by the husband's act, also known as Talaq-ul-bid'a and Talaq-us-Sunnah.

***Talak-ul-Sunnah*** *–*This is a talaq that is influenced by the Prophet's customs. It may be in the most authorised format.

***Ahsan*** *–* The *Hedaya* brands it as the most laudable divorce.[[15]](#footnote-16)Under the "Ahsan" version, a single proclamation is made during the tuhr (purity, or when a woman is free from her menstrual cycle). This is followed by a complete Iddat and a period of abstention from sexual activity at that time. Under Shia law, a divorce is null and void if any such sexual relations occur during the previously stated term. Throughout Iddat, it is reversible. A revocation of this kind may be made explicitly or through actions, such as the restart of conjugal relations.

***Hasan*** *–*Though not as approved as Ahsan, Hasan is nonetheless a valid form. It is composed of three statements made one after the other during three consecutive tuhrs (purity times). The divorce in Hasan form becomes final on the third declaration. The husband has been granted two opportunities to divorce and then win back the wife using this form of talaq; but, after the third attempt, the talaq is final. Remarrying between the parties becomes impossible unless the wife enters halala, the marriage is annulled, and having sex becomes illegal.

***Talaq-ul-Bid’a or talaq-ul-bain****–*Bidat is a term meaning unacceptable, incorrect, or partially outlawed innovation. Another term for this in common usage is instant triple talaq.*[[16]](#footnote-17)*Both during the first Caliph Abu Bakr's reign and for more than two years under the second Caliph Umar's, it was not in use. Later on, Hazrat Umar gave his permission due to a unique circumstance. After conquering Syria, Egypt, Persia, and other regions, the Arabs sought to marry the women there because they were more attractive than those from Arabia. However, the Syrian and Egyptian women stipulated that in order for them to marry them, they had to simultaneously seek for three divorces in one sitting from their current spouses. The requirement was easily accepted by Arabs since they were aware that divorce is only legal in Islam twice, during two different times of tuhr; repeating the divorce at one sitting is invalid, un-Islamic, and will not be effective. This allowed them to keep their current wives in addition to marrying additional women. In order to stop dishonest husbands from misusing the religion, this information was brought to the attention of the second Caliph, Umar, who declared that even saying the word "talaq" once would permanently end a marriage. However, Caliph Umar's action was only administrative, meant to address a situation rather than establish a permanent law.[[17]](#footnote-18)In Hanafi schools in India, this type is only followed by Sunnis. Other schools and Shias failed to acknowledge it.

According to Hedaya, talaq-ul-biddat is defined as a divorce in which the husband renounces his wife three times in a row, or as three independent divorces within a single hour. It falls under one of the following categories:

The Triple Declaration is a form in which three statements are delivered in one breath, for example, "I divorce thee triply or thrice," or "I divorce thee" in three phrases. This type of divorce is known as an irreversible talaq-ul-bain.

Single, Irrevocable Declaration: This type of rejected divorce also takes the form of a single, irrevocable declaration made during the tuhr period or at any other time. It can be provided in writing and is known as a "bill of divorcement," which dissolves the marriage instantly*.*

By just using the Arabic word for divorce, "talaq," three times, a Muslim man might easily get a divorce from his wife. This method of divorcing a wife is also known as *talaq-e-biddat* or *talaq-e-mughallazah*. The announcement may be communicated to the wife in any form i.e., orally or in writing or even electronically via email, message, or even social media. The physical presence of the wife was not required during the pronouncement of divorce[[18]](#footnote-19) and neither the husband was obliged to furnish any reasons. It was blatantly biased towards men to the extent of giving them unlimited discretion on divorcing their wives. This commoditized women in such societies and was a major pullback.

The Hon’ble Supreme Court in the famous *Shah Bano Case*[[19]](#footnote-20) has compared the conditions of Women *“who have been traditionally subjected to unjust treatment*.”

“Women are once such segment. ‘*Na stree Sawtantramarhati’* said Manu, the lawgiver; the woman doesn’t deserve independence and it is alleged that the fatal point in Islam is the degradation of women.” [[20]](#footnote-21)

Tyabjii claims that because "men have always moulded the law of marriage so as to be most agreeable to themselves," [[21]](#footnote-22)the immoral or abominable versions of the Hanafi law have become the most prevalent due to a deplorable evolution of the law.

“Mahmud-b, Labeed reported that the Messenger of Allah was informed about a man who gave three divorces at a time to his wife. Then he got up enraged and said; Are you playing with the Book of Allah who is great and glorious, while I am still amongst you? So much so that a man got up and said; Should I not kill him.”[[22]](#footnote-23)

This condemned form is considered heretical because of irrevocability. Earlier, it was held by the courts in India that “*Talaq-ul-biddat is good in law though bad in theology and practiced in India*.”[[23]](#footnote-24) However, some courts have refused to recognize it [[24]](#footnote-25)

*Talaq-ul-biddat* was held unlawful by the Allahabad High Court because this type of talaq is against the dictates of the holy Quran. This form of talaq has not found sanction from any divine Islamic authority. *Justice Tilhari* gave a new meaning and direction to the law of *talaq-ul-biddat* and held it is violative of Article 14 of the Constititution.*[[25]](#footnote-26)*The constitutionality of the practice was finally challenged by *Shayara Bano* in Supreme Court in 2017.[[26]](#footnote-27) The Constitution Bench of the Supreme Court held that the challenged divorce process is apparently arbitrary. The Supreme Court invalidated this form of divorce practice on August 22, 2017, ruling that *Triple Talaq* as a practice is violative of Article 14, 15 21 and 25 of the Indian Constitution.

**Legal Implications of Triple Talaq:**

1. The property of one divorcing party cannot be inherited by the other.

2. During the iddat of divorce, but not during the iddat of death, the wife is entitled to maintenance.
3. If a woman marries the same husband again, she must follow nikah halala.

TRIPLE TALAQ AND ITS CONSTUTIONALITY: SHYARA BANO AND ORS. V. UNION OF INDIA[[27]](#footnote-28)

Matrimony is considered holy and permanent by the Holy Quran. Talaq is acceptable, nevertheless, provided efforts are made to reconcile, in cases where it is really inevitable. Though there is no evidence to show that Muslims all over the world use *Triple Talaq* as the most favoured form of *talaq*, the practice of *Triple Talaq* has been abrogated by legislation in most Islamic as well as non-Islamic states. Egypt was the first Muslim nation that abolished this social evil in 1929 and other countries such as Pakistan, Bangladesh, Sri Lanka, Syria, and Turkey etc., have abrogated it by legislation.[[28]](#footnote-29)

In the Indian case of Shayara Bano v. Union of India[[29]](#footnote-30), the constitutionality of the Triple Talaq practice was contested. Based heavily on Shamim Ara v. State of U.P[[30]](#footnote-31)., the five-judge Supreme Court of India bench struck down the practice of instantaneous Triple Talaq by a majority vote of 3:2. The court declared that the practice violates the fundamental rights of Muslim women and basic Quranic tenets. The three judges who ruled against the instant triple had different justifications for their decisions.

Judgement of JJ. R.F. Nariman and Lalit held that “*Triple Talaq*was unconstitutional on the grounds of “arbitrariness” under Art.14 of the constitution.They observed that the *Muslim Personal Law (Shariat) Application Act, 1937* is a law made by the legislature before the constitution came into force and therefore, it would fall squarely within the expression “*laws in force*” in Article 13(3)(b) and would be hit by Article 13(1) if found to be inconsistent with the Provision of Part III of the Constitution to the extent of such Inconsistency. Therefore, the 1937 Act, insofar as it seeks to recognize and enforce *Triple Talaq*, is void. Consequently, Section 2 of the 1937 Act was held to be constitutionally invalid to the aforesaid extent.”[[31]](#footnote-32)

Judgment of Justice Kurien Joseph observed that “the whole purpose of the Shariat Act 1937 was to declare *Shariat* as the rule of decision and to discontinue anti-shariat practices with respect to subjects enumerated in section 2 of the 1937 which includes *Triple Talaq*.” He also held that “*InstantTriple Talaq* was *not an integral part of Islam* under Art.25 of the Indian constitution.” He gave his reasoning by comparing it with the practice of the *Sati System* among Hindus which was regressive and therefore, it had been abolished though it was mentionedin history for a long time.

The minority, the former Chief Justice J. Khehar, on behalf of J. Nazeer and himself, says that Triple Talaq being a part of personal law is protected by Article 25 of the Indian Constitution.

**Muslim Women (Protection of Rights on Marriage) Act, 2019**

Due to the Supreme Court's ruling and the fact that it was still being practiced, The *Triple Talaq*Act, also known as the *Muslim Women (Protection of Rights on Marriage) Act, 2019 (20 of 2019)*[[32]](#footnote-33) was enacted declaring the practice of “*Triple Talaq*” void and illegal. The said act replaced the *Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019.*[[33]](#footnote-34)

According to Section 3 of the Act, the act of a Muslim husband announcing talaq to his spouse verbally, in writing, electronically, or in any other way is illegal and void, meaning it has no legal standing. Section 2(c) of the Act, 2019 defines "talaq" as "talaq-e-biddat" or any other type of talaq that is identical and has the same impact as an immediate, irrevocable divorce proclaimed by a Muslim husband.[[34]](#footnote-35)

Under Section 4 of the Act[[35]](#footnote-36), Furthermore, it criminalises saying "talaq, talaq, talaq," with a maximum sentence of three years in prison and a fine. The offence is cognizable, compoundable, and non-bailable.[[36]](#footnote-37)

According to Section 5 of the Act, a married Muslim woman who has been declared talaq is entitled to receive from her husband as much subsistence allowance as the magistrate deems appropriate for her and any dependent children.

According to section 6 of the aforementioned act, a married Muslim woman is entitled to custody of her minor children in the event that her husband declares talaq.[[37]](#footnote-38)

# CRIMINALISATION OF TRIPLE TALAQ:

*Triple Talaq*is a social evil.Therefore, it should be examined in the context of the society. According to the sociological school of jurisprudence, law is an instrument of social change. Law has a function in the society. This school does not give importance to sanction any more rather the purpose which is to be achieved by law, it is very much prominent.*Triple Talaq* is a grave wrong and if strengthened and used correctly, this law can act as a deterrent. It is similar to social evils like dowry and polygamy. Approximately 100 Triple Talaq cases have occurred since the Supreme Court invalidated the practice, and it has persisted unchecked even after the verdict.[[38]](#footnote-39)

However, the legislature makes the practice of *Triple Talaq* through this act a criminal offence which seems to be inappropriate to bring a matter of personal law like divorce which falls into a “civil jurisdiction” to a “criminal jurisdiction”.

Islam views marriage as just a civil arrangement. Triple Talaq is ineligible for any of the crime tests. It's also important to remember that until Triple Talaq was made illegal, the required actions to offer civil remedies had not been taken. They had to demonstrate that every civil remedy had been exhausted before turning it into a crime. If punishment is truly required, civil law may also be used to carry it out. For example, the Protection of Women from Domestic Violence Act, 2005 contains a provision for punishment in the event that the husband disobeys court orders, despite the act being civil law.[[39]](#footnote-40)

Section 7 of the Muslim Women (Rights on Marriage) Act, 2019 designates instant *Triple Talaq*as a cognizable and non-bailable offense. This means that the police can arrest a Muslim man and file a First Information Report (FIR) against him based on the information provided by his wife or her relatives, without requiring a preliminary investigation. The severity of this provision has been compared to offenses like murder and dacoity. However, some argue that making the pronouncement of instantaneous talaq non-bailable is excessive, especially when more serious offenses, such as causing death by negligence under Section 304A of the Indian Penal Code (IPC), are treated differently.

The legislation rendered *Triple Talaq* a non-bailable offence, except after the wife’s testimony. However, this provision could be susceptible to misuse e.g. Dowry Prohibition Act 1961. Furthermore, there may be circumstances in which the Muslim woman is unable to be present before the magistrate. Even in situations where there are valid reasons for bond, the husband who is being held in custody may suffer unjustly. When examined in light of Article 21, this process might not be just, fair, or reasonable..[[40]](#footnote-41)

# EMPOWERMENT OF MUSLIM WOMEN:

The empowerment of Muslim women through the criminalization of triple talaq is rooted in the philosophy of gender equality, justice, and human rights. This approach recognizes that:

1. Women have inherent dignity and worth, deserving equal treatment and opportunities.

2. Gender-based discrimination and violence, including triple talaq, perpetuate patriarchy and oppression.

3. Criminalization serves as a deterrent, protecting women from sudden, unjust divorce and its consequences.

4. Empowerment through law enables women to assert their rights, challenge patriarchal norms, and claim their rightful place in society.

5. This legislation aligns with constitutional values of equality, justice, and dignity, promoting a more inclusive and equitable society.

By criminalizing triple talaq, the law embodies the philosophical ideals of:

1. Feminism: challenging patriarchal structures and promoting gender equality.

2. Humanism: recognizing women's inherent dignity and worth.

3. Social Contract Theory: protecting vulnerable individuals from exploitation.

4. Justice Theory: promoting fairness, equality, and human rights.

This philosophical foundation underpins the empowerment of Muslim women through the criminalization of triple talaq, fostering a more just and equitable society.

This is a historic shift in support of Muslim women's empowerment that will protect them from patriarchal abuse by their husbands and families as well as give them greater social confidence to speak out against injustice. By doing this, Muslim women and their children would be less exposed to such cruel religious practices and brings Indian law in line with global human rights standards. A mandate of the Constitution is to provide legal protection for women, and the Triple Talaq law has done just that for the unfortunate Indian Muslim women who have been subjected to this discriminatory practice for the past few decades. The current state of Muslim women will be improved by this legal reform, which will also assist them in escaping prejudice and domestic abuse.[[41]](#footnote-42)

The Muslim Women Protection of Marriage Act, 2019, appears to have been largely successful in deterring Triple Talaq, as intended by the law that was passed against the unwanted societal practice. While 3,82,964 occurrences of instant divorce were registered from 1985 to 2019, or an average of 11,264 cases year, just 1,039 instances of Triple Talaq have been reported throughout the nation in the last year after the law was passed in August 2019. The information demonstrates how the legislation has greatly given Muslim women more ability to safeguard their marriages.[[42]](#footnote-43)

A noted Scholar **Sakina Yusuf Khan** has written in another article that “Today, an ideal situation seems to be emerging- instead of law courts and reformists proposing changes in the Muslim Personal law getting stonewalled by fundamentals- the move for change is from within the community’s orthodox leadership. And it must unequivocally be welcomed.

“The All India Muslim Personal Law Board (AIMPLB), the apex law-making body of Muslims on religious and personal issues, has suggested several reforms in marriage and divorce laws aimed at giving the community’s women a better deal.” But how substantive are the suggested reforms? Will they actually ensure gender justice for the estimated 60 million Muslim women in the country who've borne the cross of antiquated *Shariat* law?”

“The most important of the suggested changes relates to the continuous issue of *Triple Talaq*. On this the board recommendation’s that Muslim men be “restrained” from pronouncing *instant Triple Talaq* falls short of expectations…”

“By far the most positive contribution of the AIMPLB's reform exercise appears to be the drafting of a model *Nikahnama* (marriage contract) incorporating the rights sanctioned by the *Shariat* but hitherto denied to Muslim women in India, for instance, the right to claim divorce or *Khula*.”

“As marriage in Islam is a contract, a woman can incorporate in her *Nikahnama* the right to divorce.  The contract can even specify the exact grounds on which she can seek divorce.  She can have the marriage dissolved without assigning a reason and without seeking the husband's or anyone else's consent, provided this clause is laid down in her *Nikahnama*.”

 “The Board's insistence on a written Nikahnama and compulsory registration of marriage would not only empower and protect women's interests but also make polygamy that much more difficult.”[[43]](#footnote-44) Therefore, it is clear that there is a need of legislation to curb this social evil to prevent the absolute and arbitrary power of Muslim men.”

# LACUNAS IN THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ACT, 2019

With the enactment of laws new problems emergedearlier, husbands threw out wives after pronouncing instant *Triple Talaq*but now they simply abandon the wife and the police refuse to do anything about it… even if a husband does leave his wife by way of instant *Triple Talaq*and the wife somehow goes to the police, the husband simply denies the divorce and then leaves the wife to fend for herself.**[[44]](#footnote-45)**

Apart from this form of *talaq*, there are various other forms thatalready prevail among Muslims and husbands while going behind the bar may pronounce another form of *talaq*which means that this act does not ensure that the protection of marital tie and any reconciliationmechanism among the parties to the marriage which held in the supreme court judgment of 2017.Puttingtheir husband behind the bar only that he declared *Triple Talaq*will lead his family to financial crisis if he is the sole bread earner in his family.Another point is that when the husband is sent to prison then who will provide maintenance to the wife and their children? And also who will provide subsistence allowance during the trial proceedings?

It is to be noted that though the act provides the punishment for declaration of *talaq* in any form but in case of oral declaration, it is difficult for the prosecution to prove it in a court of law because the burden of proof lies on the wife regarding *mens rea* and *actus reus*. The husband caneven deny the pronouncement before the police officer in such cases. And he would never consider the prospect of reconciliation with his wife because of whom he is behind the bar.

Section 4 of the said act[[45]](#footnote-46) is also inconsistent with the provision of dissolution of Muslim Marriage Act, 1939 which deals with the situations in which Muslim women in India can obtain divorce who failed to provide maintenance for the period of two years.

This act also does not signify the right to divorce by women unilaterally as a right given to the husband in case of *talaq-e-ahsan or talaq-e-hasan* because in the case of *khula* wife seeks divorce from her husband. If the husband consents, then only divorce is possible. Otherwise, she has to go for judicial pronouncement of divorce under the Dissolution of Muslim Marriage Act, 1939 whatever grounds are given in that act.

There are several examples that alone deterrent legislation cannot bring changes in society e.g. Criminal Law Amendment Act of 2013,Criminal Law Amendment Act of 2018, Dowry prohibition Act, 1961 etc.

Upon assessment, it can be concluded that while the Act will not empower Muslim women, it will undoubtedly cause victimisation and unfairness to some degree for both Muslim women and men in the absence of the necessary change.

# SUGGESTIONS AND CONCLUSION

Marriage is though a civil contract but it also has religious and social purposes. There is a need for a codified Muslim family law Like Hindu codified laws[[46]](#footnote-47) which is based on the *Quranic* and *Constitutional values*. As the suggestion given by the AIMPLB, there shall be public awareness programs among the Muslim community regarding their right to divorce and maintenance. At the time of the wedding as suggested by the board she should be allowed to lay down a condition in the *Nikahnama* that she has a right to divorce unilaterally and would not be subjected to *instant triple talaq* in case of a marital problem otherwise she would exercise her right and become entitled to four or five times of the amount of *Mehr* and failure to pay the amount of *Mehr* should be criminalized. *Triple Talaq* instead of being criminalized can be placed within the ambit of the Protection of Women from Domestic Violence Act, 2005. As at the time of Marriage, there is requirement of two male witnesses or one male and two female witnesses among Hanafi School that a requirement must also be available at the time of divorce. There should also be a mechanism for reconciliation before the dissolution of marriage between the parties.

In conclusion, *Triple Talaq*or *talaq-e-biddat* is a form of divorce through which the marriage can be dissolved in seconds and there was no going back and this right to divorce was only available to the husbands (Muslim men). It was clearly against the basic notions of equality and justice. Shayara Bano case [[47]](#footnote-48)is a landmark judgment by the hon’ble Supreme Court on personal law, as it is indefinitely a great move towards upholding the principles of natural justice. Triple Talaq is only one amongst the many ill practices, prevalent in almost all religions. It’s time to keep a check on all such practices and to constantly endeavour toward the goal of a harmonious Uniform Civil Code as enshrined in the Directive Principles of State Policy under our Constitution.[[48]](#footnote-49)

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6. The Protection of Women from Domestic Violence Act, 2005 [↑](#footnote-ref-7)
7. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal), 2013 [↑](#footnote-ref-8)
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25. *Rahmatlullah v State of U.P.* 1994 Lucknow Civil Div. 463 [↑](#footnote-ref-26)
26. *Shayara Bano V. Union of India,* AIR 2017 9 SC 1 [↑](#footnote-ref-27)
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31. Syed Khalid Rashid, *Muslim Law* 82-83, (Eastern Book Publication, Lucknow,5thEdn.,2009). [↑](#footnote-ref-32)
32. W.r.e.f. 19-09-2018. [↑](#footnote-ref-33)
33. This ordinance was promulgated because the earlier ordinance, viz. Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was lapsed. [↑](#footnote-ref-34)
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39. Section 20 (1)(d) of PWDV Act, 2005 [↑](#footnote-ref-40)
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45. The Muslim Women (Protection of Rights On Marriage) Act, 2019. [↑](#footnote-ref-46)
46. Hindu Marriage Act, 1955; Hindu Succession Act,1956 etc.,. [↑](#footnote-ref-47)
47. *Shayara Bano V. Union of India,* AIR 2017 9 SC 1 [↑](#footnote-ref-48)
48. The Constitution of India, Art. 44. [↑](#footnote-ref-49)