



ORIGINAL RESEARCH PAPER

Law

INTERPRETATION OF TALAQ AS PER MUSLIM PERSONAL LAW

KEY WORDS: Talaq, Divorce as per Muslim personal Law, common civil code

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ABSTRACT

Women are the victims of misinterpretation of TALAQ, Talaq pronounced three times at a time has no validity. The daughter is such a piece of father's care. When a father marries his daughter to his father-in-law, the father is the most helpless of all those present. Then the daughter who forgets everything goes into a different family environment. Where her husband is, the father entrusts his daughter to his son-in-law. At that time, the daughter also accepts the man as her husband and hands over everything to him. There comes a time when the same husband suddenly utters only three words to his wife for some trivial reason and talks of ending the birth-to-birth relationship. And on the other hand, the wife does not have the right to utter a single syllable, even if she speaks her mind... and the husband-wife relationship ends in an instant. Readers, I am talking about the three-time word talaq... talaq... talaq pronounced in Islam. Which is not just words but a woman's whole life can be just hell.

INTRODUCTION

India is a secular nation inhabited by people of all faiths, with Hindus coming first and Muslims second. Then in the present time where there is talk of equal rights on one side, there is talk of woman Sashaktikaran. While there is talk of education, on the other hand, there are many incidents in the country where such things do not seem to be applicable to Islamic women who end their relationship by uttering the word talaq three times in a fit of rage. Divorce in a sacred religion like Islam is also considered an unholy act where it is inappropriate for a man and a woman to fulfill their sacred relationship easily.

OBJECTS OF THE STUDY

1. Divorce In Islam... Divorce. The True Meaning Of Divorce
2. Do Women Also Have The Right To Divorce?
3. What Rights Do Women Get After Divorce?
4. Supreme Court Verdict On Tripal Talak

Divorce in Islam... Divorce. The true meaning of divorce

The history of Islam is 1500 years old and just as sacred. But nowadays in the name of religion some novices are defaming the clean and holy ways shown in religion. Then there is no need to talk about three divorces. In Islam, Mohammad Payangbar Sahib composed the holy book Quran A Sharif according to that time and circumstances, but even in the present time, these words prove to be just as shocking. Then the meaning of the words divorce three times is also something ironic.

The word talaq, which is pronounced three times as shown in the Qur'an-e-Sharif, is not uttered at once but is pronounced periodically.

For example, if a husband wants a divorce from his wife for a specific reason, it is duly presented to the heads of the society and the divorce is pronounced for the first time, then within a period of a few days, The second time the husband utters the word talaq and even after that a period of some days is passed in which the family members, relatives also try to reconcile and at the end when that period is over and nothing is reconciled the last time the word talaq is uttered. The wife is divorced according to Islamic law. So, this is the true and clear method which is Islamic Shown in Law. But some of the shocking events that have unfolded in recent times have shaken the entire Islamic social system. The husband has now become so dictatorial that he has started leaving his wife by posting divorce... talaq... talaq तलाक़ on WhatsApp, Facebook or phone. This has had a profound effect on Islamic society, with its negative effects on Islamic women in

particular. In Hyderabad, a woman named Sumaya was divorced by her husband on WhatsApp, saying, "This is your birthday gift, then Shumaila, who has been a national netball champion, was divorced by her husband when her daughter was born. Husbands misuse divorce to prove their masculinity which is also considered a heinous crime in Islam.

DOWOMEN ALSO HAVE THE RIGHT TO DIVORCE?

When Reachers started on triple divorce, it was not known that women could also apply for divorce but they were not given the same rights as men. According to Islamic law in Shariat, women can also file for divorce but the only reason for this is the inability to provide adequate justice to the wife financially, physically as well as socially and only when the situation is unbearable for the wife. May appeal for divorce. Which is known by the word open in Islamic law.

What rights do women get after divorce?

While many cases have come to light as if the divorce has taken place immediately, according to Islamic law, after divorce, a woman should be given 50 per cent of her husband's property. Also, a woman cannot remarry for three and a half months after the divorce has been granted, because if the woman is pregnant with her divorced husband, the responsibility for the maintenance of the next child rests with her next husband. After divorcing his wife, the man has to pay the amount of dowry fixed in the marriage. If he does not pay, the divorce is not considered valid.

CURRENT GOVERNMENT AND DIVORCE LAW¹

While change is a law of nature, bringing about appropriate change according to time and circumstances is a sign of progress. But when there is religion on one side and humanity on the other, instead of being two sides of the same coin, it is necessary to bring about change.

Do women also have the right to divorce?

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Current government and divorce law

While change is a law of nature, bringing about appropriate change according to time and circumstances is a sign of progress. But when there is religion on one side and humanity

on the other, when they stand side by side instead of being two sides of the same coin, it proves to bring about change. A similar situation is being witnessed in India at present. Divorce Divorce Many women have been victims of this incident due to the misuse of divorce. Such women have come to the present government for help.

If we talk about Islamic law and Hindus, both of them show the same system. Saying the word talaq three times at once does not make sense if it is valid only if it is uttered within a given period according to the Islamic law.

That period is said to be 90 days. Then, according to Hindu law, a period of six months should be given to both the parties as per the divorce law so that if any kind of settlement is felt, the divorce can be stopped. And a family can be prevented from falling apart. But misinterpretation of divorce rules has broken many families. The women then appealed to the current government to remove the divorce law from Islamic law.

Whether it's a divorce or a divorce, a smiling family breaks up. Then not only the husband and wife get separated from each other but also their children fall victim to it which has a negative effect on their childish psyche. Thus, without understanding the situation, instead of facing such difficulties, instead of giving such a divorce in a rage, the only right way is for both parties to understand each other and choose to live together.

Suleimanbhai Sangar, the general secretary of Hazrat Gabanshah Pir, says that²

- Divorce is a crime in Islam. Suleimanbhai
- Saying talaq three times at once is not considered valid.
- It is compulsory to give 50% of the property to the woman after divorce
- Divorce is valid only after payment of dowry.
- If a woman's womb has a prenatal child
- Her ex-husband is also responsible for her maintenance.

Let us know from Taslimben what is meant by divorce in Islam as a woman.³

- There is no place in Islam for such a one-time divorce. Taslim Shabir Qureshi
- According to Islamic law, only three divorces mentioned in the given period are considered valid.
- There are women too. The right to divorce, but can only appeal for divorce when it is financially, socially and mentally exhausted.
- The Supreme Court today delivered a landmark judgment affecting millions of Muslim women in the country.

SUPRIM COURT VERDICT ON TRIPAL TALAK⁴

Three judges of the Constitutional Bench have declared the practice of triple divorce unconstitutional. The Supreme Court passed the verdict by a majority vote, despite two judges, including the Chief Justice. The apex court has also ordered a ban on triple talaq, asking the central government to enact a law within six months.

The Supreme Court declared a triple divorce unconstitutional in a landmark judgment. With this, the practice of triple divorce has come to an end in the country and Muslim women are now free from the tyranny of men. The decision came from a five-judge constitutional bench of the Supreme Court on 9/2. Three judges have declared the practice unconstitutional. The court said the practice should be stopped. Meanwhile, the court also directed the government to enact the law within six months. Muslim women will now get justice with this order of the Supreme Court.

The Supreme Court today passed a verdict banning triple divorce for six months and directed the Center to enact

legislation in the matter. Triple divorce is declared unconstitutional by a majority of two. From a five-judge constitutional bench, Justice Nariman, Justice Lalit and Justice Kurien said the three divorces were unconstitutional. While Chief Justice Khehar and Justice Nazir said it was constitutional.

The hearing was held for 5 days in May and the judgment of May 12 was reserved. The court began hearing three divorce cases based on *Suo Moto*. Later, 3 victim women also filed an application. Several Muslim organizations, including the Muslim Personal Law Board, became parties to the case. Increasing the complexity of the whole matter, the case was referred to the Constitutional Bench.

Five days after the historic verdict in the three divorce cases, Chief Justice J.S. Khehar will retire. The apex court heard the issue for 24 hours in four days. Fifteen lawyers from the three parties argued. The judging bench consists of judges from five religions. Chief Justice J.S. Khehar (Sikh), Kurien Joseph (Christian), R.F. Nariman (Parsi), U.U. Lalit (Hindu) and Abdul Nazir (Muslim) are involved in the bench.

There is injustice and discrimination with three divorced women. A Muslim man can divorce his wife at any time but women have no such right. They have to go to court for a divorce. There is no mention of three divorces even in the Quran, it is illegal and unconstitutional. Many Muslim countries have rejected it.

Three divorces are undesirable and sinful in Islam but it is a matter of faith. The court should not interfere in it. The Personal Law Board will add an option in the marriage certificate that a woman can say 'no' to three divorces. This system is 1500 years old. The argument that personal law cannot be verified on the basis of fundamental rights was also presented in court. While the central government told the court that Muslim women have the right to live equally and with dignity, three divorces is his abuse. This system is not an integral part of the Muslim religion. It cannot be defended in the name of religious freedom. The government is ready to bring a new law if the three divorces are brought to an end. There have been reports of Muslim women saluting each other in various places since the verdict. It is also learned that congratulations are being extended to the women who played a major role in this fight.

The All India Muslim Personal Law Board has studied the court's verdict. It has been decided to hold a meeting on September 10. Zafaryal Zilani said the board would take a decision only after the meeting

CONCLUSION⁵

There have been some responses to the verdict. Petitioner Sairabanu welcomed the decision of the Supreme Court saying that today is a historic day for Muslim women. Union Minister Maneka Gandhi said there would be no problem in making laws quickly. The Muslim Women's Law Board had demanded the enactment of the Muslim Marriage Act in accordance with the Hindu Marriage Act. After the verdict, Rashid Alvi doubted the government's intentions, saying the law should be made with the participation of all parties and society.

Welcoming the verdict, BJP national president Amitabhai Shah said a new era of self-respect and equality had begun for Muslim women. The judgment of the Supreme Court is not a matter of victory or defeat, but a victory for fundamental constitutional rights.

While Congress spokespersons have also welcomed the Supreme Court's decision, there are reports that women from the Muslim community have congratulated Prime Minister Narendra Modi.

Welcoming the Supreme Court ruling, Chief Minister Vijaybhai Rani said the decision would provide security and relief to Muslim women. Congress has only done votebank politics.

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