



ORIGINAL RESEARCH PAPER

Law

AN ANALYSIS ON TALAQ-E-BIDDAT

KEY WORDS: TALAQ-E-BIDDAT, Triple talaq.

Abedabahren S Lodha*

Research scholar (Ph.D.), Madhav University, Pindwara (Sirohi), Rajasthan.
*Corresponding Author

Prof. Dr. Jaivir Singh

Prof. Department of Law, Madhav University, Pindwara (Sirohi), Rajasthan.

ABSTRACT

There are many misconceptions among people about divorce in Islam. It is a widespread view that a Muslim husband is empowered to divorce his wife whenever he has no reason to. This concept is completely wrong. A Muslim husband cannot exercise his right.

According to Allah's book, the Holy Qur'an, marriage is the union of the two human beings in love and kindness. In Islam, "marriage" is considered a sacred and spiritual covenant. But regardless of this, marriage is transparently a sacred and partial civil contract. Marriage is considered a sacred rite. But, when we talk about the rights and duties of both parties, they lead under the general agreement. Islam is a peaceful religion. It will take a couple of different lives to go through a different. In turn, it does not propose isolation and segregation for superficial and minor reasons. In Islam, divorce, when it is unavoidable, is condemned and frustrated¹.

INTRODUCTION

The Quran represents the main path of divine guidance for every Muslim. Due to his revelation the Prophet Muhammad (peace be upon him) and his experimental implementation, completed God's blessing for humanity, to provide us with a system of beliefs and values, which is valid for all time.

The Qur'an confirms the revelations given to previous prophets, this may not be accessible to us, in the form in which they were originally revealed. Nations and cultures are receiving this divine book because of its excellent language and eloquent message that directly appeals to the human heart.

For all that time, he will continue to guide those who turn to God in an honest way. The Holy Quran is the holy book or scripture of Muslims. It lays down for them illegal and commands, codes for social and moral behavior and has a broad religious philosophy. The language of the Quran is Arabic.²

1. To study TALAQ-E-BIDDAT provisions as per holy Quran.
2. To study need of TALAQ-E-BIDDAT provisions in Muslim religion.

Research Questions

1. WHAT IS MUSLIM LAW?
2. WHAT IS QURAN?
3. WHAT IS TALAQ-E-BIDDAT?
4. WHAT WERE SUPREME COURTS VERDICTS?
5. SHAYARA BANO V/S UNION OF INDIA AND OTHERS 2017.
6. DOES THREE CONSECUTIVE ANNOUNCEMENTS OF TALAQ AMOUNT TO ONE TALAQ?

Analysis

It is a compilation of oral revelations given to the Holy Prophet Muhammad over a period of twenty-three years. The Holy Quran is divided into 114 chapters and each chapter contains individual verses. Runs for many pages other than a few lines. The text of the Holy Quran dates back to the last 1500 years. Millions of copies of the Qur'an circulating in the world today are towards a single letter. God says in the Holy Qur'an that it is not surprising because He Himself will protect this book: "Surely we are the ones who have revealed this demonstration, and surely we are the ones who are its guardians" (1:10:10).

To Muslims, the Quran is the word of God and is the perfect guide for mankind. Much of the Qur'an is about God, His

attributes, and man's relationship with Him. But it clarifies the historical and historical accounts of his followers, some of the prophets and the people, the arguments for accepting Muhammad as the true prophet, and the warnings for the believers and the warnings for the unbelievers.

According to book of Allah, Holy Quran, marriage is the gathering of two human beings of opposite gender in "mawaddah and rahma", love and mercy. In the religion of Islam, "marriage" is considered as holy and spiritual agreement. But regardless of this, marriage is partially sacred and partial civil contract. Marriage is regarded as a holy ritual. But when we talk about rights and duties of both parties; they are led under ordinary contract. Islam is a peace-loving religion. It grants a couple to right to separate and does not impel a couple to undergo unhappy and discomfort life. Concurrently, it does not propose dissociation and segregation on superficial and petty causes. In Islam, divorce, when not indispensable, is strongly condemned and discouraged. It is reported that Holy Prophet said that "with Allah the most detestable of all thing permitted is divorce." In Shariah, dissolution of marriage by the act of parties may in following forms:

1. by the husband:

- i. Talaq (repudiation)
- ii. Ila (vow of continence)
- iii. Zihar (injurious assimilation)

2. by the wife:

- i. Talaq e tafwid (delegated divorce)
- ii. Khula (redemption)

3. by common consent: Mubara'at (mutual freeing)

4. by judicial process:

- i. Ili'an (mutual imprecation)
- ii. Faskh (judicial rescission)

It is reported that the Holy Prophet said, "There is relaxation with Allah." In Shariah, the dissolution of marriage by the act of the parties can take the following forms:

1. By the husband:

- i. Divorce (denied)
- ii. Ila (continuous fasting)
- iii. Zihar (Harmful Assimilation)

2. By wife:

- i. Divorce e tafwid (assigned divorce)

- ii. Open (redemption) common.
3. By general consent: Mubarat (mutually free)
4. By judicial process: i. Ilian (mutual accusation) ii. Fasc (judicial immunity)

Divorce in small issues. Saying the words of divorce three times in a meeting is very sensitive, censored and unacceptable. The point of this paper is to learn about the realities of triple divorce. The purpose of this paper is to explain the real meaning of triple divorce.

It answers the query of what Sharia law says about the issue and how it protects women's light. Indeed, there is a misconception about Muslim women that they are deprived of their rights, especially under the system of divorce. In the paper on hand, the views of different sects on the triple divorce are also harsh. This makes a definite discussion of the relevant castles. Also, it explores the law on triple divorce, which is enforced in different states.

Talaq-e-biddat

Triple divorce is known as talaq-e-bidat. It is a type of divorce in which three declarations are made in one sentence by the husband during the same tawhar i.e.; I divorce you three times, or inseparate i.e.; I am divorcing you, I am divorcing you, I will divorce you.

None of these are denied Divorce. According to Ibn al-Qayyim, the triple divorce that is honored s imultaneously considered as a divorce. He supported his argument by saying that Hazrat Muhammad considered it a single divorce. There is a husband in the Holy Quran Allowed to divorce twice. After two declarations of divorce, he can live with his wife.

Third divorce spouses have the right to live with each other, and after that, divorce Becomes complete and irreplaceable. The last prophet, Hazrat Muhammad (p.b.u.h.) Condemnation and annulment of divorce and bidatexercise. The second caliph was Hazrat Umar (RA). The husband who filed for such a divorce was fined. This instant application Divorce is widespread.³

The Sunni sect of Muslims accepts this practice, and accordingly it is legal In a Sunni school. Such a divorce is legal, though sinful, in Hanafi law; But in a Shia school Islamic jurisprudence, it is not valid. According to Tyabji, by a sad with the development of Hanafi law, sinful forms have become the most common for "men" Has always shaped the law of marriage so that they agree the most for themselves. So, Triple divorce is hostile to Islamic injunctions, it violates the rights of Muslim women.

Reasonable reason is a significant element of divorce. In this case Salim Basha vs. Mumtaz Begum, it was decided that the husband could not use arbitrary power to exercise his right Divorce. There must be a sensible root cause and the parties 'families must try Resolve their dispute and reconcile with them. The decision has also been upheld in Ahmed Qasim Molla V. Khatun BB.

Divorce. According to Ibn al-Qayyim, a triple divorce that is granted simultaneously is considered a divorce. He corroborated his argument by saying that Hazrat Muhammad Malso had accepted it as a single divorce. The Holy Quran does not allow a husband to divorce twice. After two declarations of divorce he can live with his wife. In a third divorce the husband and wife have the right to be with each other, and after that, the divorce is complete and unchangeable.

The last prophet, Hazrat Muhammad (p.b.u.h) condemned the practice of talaq e bidat and canceled it. The second caliph, Hazrat Umar (RA), punished husbands who used such divorces. The use of this instant device is widespread. The

Sunni sect of Muslims accepts the practice, and it is legal according to the Sunni school. Such a divorce is legal, though sinful, in Hanafi law; But in Islamic jurisprudence in the Shia school, it is not valid. According to Tyabji, sinful forms have become the most common through the tragic development of Hanafi law, "Menhav always formulates the law of marriage, so that they may agree for themselves."

Therefore, triple divorce is a blasphemy of Islamic injunctions, it violates the rights of Muslim women. There is a rational reason for a rational reason. In this case, Salim Basha v. Mumtazbegum, it was decided that the husband could not use arbitrary power to use the toddlers on his right side. There must be a sensible root cause and the families of the parties must try to end their dispute and reach a settlement between them. The decision was also handed down to Ahmed Qasim Molves. Khatun BB.

CONCLUSION

In my opinion, Sharia law relating to divorce is the most misunderstood and abused of the law. From childhood, I thought that once a man talks of divorce to his wife, the divorce is enforced. I am not the only one who kept the ark in the dark and kept away from the real story of women's divorce and rights in Islam. In Pakistan, triple divorce is still a big practice. That is one of the main reasons why divorce is on the rise in our country.

It is a stereotype that divorce is a one-sided engine of oppression in the hands of the husband. My conclusion while researching this paper is that divorce does not mean discrimination on the basis of race, it is not partial and does not support men. The rules of divorce in the Quran and Hadith, primarily just and remarkably woman-friendly, have been unfortunately interpreted by men to keep exceptions in this matter.

At the time of writing this assignment and passing through the true law, I speculate that Islam gives their wives the futile power to unilaterally divorce or discriminate against women in this matter. I think the dissolution of marriage isprimarily for the protection of women, and it promotes women's rights. If a man does not exercise his right teaching, he can marry three other women, but women cannot.

Therefore, my view is that the basic purpose of divorce in Islam is to facilitate women. It does not support gender-based discrimination, it provides equal surplus facilities to Muslim women. Pakistan is an Islamic republic. Unfortunately, divorces in the country are increasing day by day. According to research statistics, in 2018, more than 20,000 divorce lawsuits are filed in the infamous courts of Lahore. It is a worrying situation. To reduce the rising divorce rate in Pakistan and promote harmony in the society, the government should take steps to create awareness about the realities of marriage and divorce. People should change their minds and stop these innovations. They should follow the real principles of Quran and Sunnah.

Institutions must function properly, and people should not be misled despite a triple divorce or any other ritual. It is a positive initiative that three months ago, Dr. Qibla Ayaz, chairman of the Council of Islamic Ideology (CII), defended the statement saying that triple divorce is a crime, and the husband is punished under the law. I speak further to see if our law will try to bring laws with modern ideas of Islam and social justice.

REFERENCES

1. https://www.academia.edu/Documents/in/Triples_Talaq
2. Triple Talaq - A Deep Study Written by Charchit Khandelwal* & Palak Panwar**INTERNATIONAL JOURNAL OF LEGAL DEVELOPMENTS AND ALLIED ISSUES CONTEMPORARY LAW REVIEW EDITION VOLUME 3 ISSUE 6 NOVEMBER 2017
3. https://www.academia.edu/44358279/An_Analysis_on_Triples_Talaq_in_India

4. Qadri, Nasir, Analysis of Triple Talaq Judgment Passed by Indian Supreme Court (December 8, 2018). Available at SSRN: <https://ssrn.com/abstract=3483509> or <http://dx.doi.org/10.2139/ssrn.3483509>
5. <http://dx.doi.org/10.2139/ssrn.3483509>
6. Triple Talaq - A Deep Study Written by Charchit Khandelwal* & Palak Panwar**
INTERNATIONAL JOURNAL OF LEGAL DEVELOPMENTS AND ALLIED ISSUES
CONTEMPORARY LAW REVIEW EDITION VOLUME 3 ISSUE 6 NOVEMBER 2017
7. Zareen Khan, An Analysis on 'Triple Talaq in India'
8. India https://www.academia.edu/44358279/An_Analysis_on_Triple_Talaq_in_India
Qadri, Nasir, Analysis of Triple Talaq Judgment Passed by Indian Supreme Court (December 8, 2018). Available at SSRN: <https://ssrn.com/abstract=3483509> or <http://dx.doi.org/10.2139/ssrn.3483509>.