

TRIPLE TALAQ BILL

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- Objective : Key features of the bill.
- Subjective : Significance and the need for legislation.
- The Lok Sabha has passed the Muslim Women (Protection of Rights on Marriage) Bill, 2018, also known as, Triple Talaq Bill.
- The Bill makes instant triple talaq void and illegal, it seeks to make the practice of instant triple talaq a punishable offence with imprisonment of up to three years.

INTRODUCTION

Triple talaq, also known as talaq-e-biddat, instant divorce and talaq-e-mughallazah (irrevocable divorce), was a form of Islamic divorce which has been used by Muslim in India, especially adherents of Hanafi Sunni Islamic schools of jurisprudence. It allowed any Muslim man to legally divorce his wife by uttering the word talaq three times in oral, written or, more recently, electronic form. The used status of triple talaq in India has been a subject of controversy and debate. Those questioning the practice have raised issues of justice, gender equality, human rights and secularism. The debate has involved the Government of India and the Supreme Court of India. And is connected to the debate about uniform civil code (Article 44) on 22 August 2017, the Indian Supreme Court deemed instant triple talaq (talaq-e-biddah) unconstitutional. Three of the five judges in the panel concurred that the practice to be constitutional while simultaneously asking the government to ban the practice by enacting by law. India's neighbors are among 23 countries that have banned triple talaq already. The Quran established means to avoid hasty divorces. It prescribes two waiting periods of three months before the divorce is final in order to give the husband time to reconsider his decision. On 30 July 2019, Parliament of India declared the practice of triple talaq as illegal. Unconstitutional and made it punishable act from 1 August 2019 which is deemed to be in effect from 19 September 2018.

WHAT IS THE TRIPLE TALAQ BILL ?

It stipulates that instant triple talaq (talaq-e-biddah) in any form - spoken, written, or by electronic means as email or SMS - is illegal and void, with up to three years in jail for the husband, Muslim triple talaq petitioner Ishrat Jahan welcomed the Bill when it was presented.

TYPES OF TALAQ IN ISLAM

1. Talaq-e-Ahsan
2. Talaq-e-Hassan
3. Talaq-e-biddat / talaq-e-mughallazah

BRIEF HISTORY

- I. The case dates back to 2016 when the Supreme Court had sought assistance from the then attorney General Mukul Rohatgi.
- II. Five-judge constitutional bench to hear and deliberate on the challenges against the practice of 'triple talaq, nichah halala' and polygamy.
- III. The issue gained political momentum on March 2017 when the All India Muslim Personal Law Board (AIMPLB) commented.
- IV. However, on August 22 the year, the Supreme Court set aside decade-old practice of instant triple talaq saying it was violative of Article 14 and 21 of the Indian Constitution.
- V. In September, the government had proposed the Muslim Women (Practice of Rights on Marriage) Bill in the Parliament and sought to make triple talaq a punishable offence under the law.

PROVISIONS OF THE BILL

The Bill makes all declaration of talaq, including in written or electronic form to be void and illegal.

DEFINITION

- Offence and penalty.
- Magistrate may grant bail to the accused.
- The offence may be compounded by the magistrate upon the request of the women.
- Allowance.
- Custody.

WHAT ARE THE ANOMALIES?

- Instantaneously and irrevocably dissolve the marriage.
- The bill thus seems to be misleading the SC's judgment on talaq.

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