



Triple Talaq And The Evolution Of Personal Laws

Sabila Iffath

LL.M. (Student)

Criminal Law and Criminal Justice Administration

The Tamil Nadu Dr. Ambedkar Law University, School of Excellence in Law, Chennai, India

Abstract: The position of women and the rights that they have under Muslim personal laws are still a hotly debated issue in modern legal and social matters. Divorce through “triple talaq”, women’s inheritance rights, and maintenance for Muslim women have become contentious matter of debate in public and judicial domain. This seems so because despite the constitutional provision that every Indian citizen is equal under the law and there is no discrimination on the basis of gender or religion, specific traditional practices that are cultures hold sway. Most of the Muslim countries today rely on the Islamic laws of the Islamic sharia that emanates from the Quran and Hadith with an aim of providing personal laws, however, a major chunk of “Muslim personal law in India” is unaltered. This has led to legal regulation that has been admired and condemned at the same time. Feminists claim that when religious fundamentalists do understand the provisions of shariah law they give women many rights; for example, the right to choose a partner and own properties. But the critics argue that some of the practices going around are in violation of the principles of justice, equality and non-discrimination as envisaged in the constitution. More particularly, this paper seeks to analyse the current discourse and legal status of “Muslim personal laws in India” and present logical suggestions for favorable change in the legal and social “conditions of Muslim women”. Thus, the struggle for justice and emancipation of Muslim women involves the need to have a proper understanding of the Quranic verses with a view of interpreting them constitutionally in the modern understanding of human rights.

Index Terms - Women Rights, Muslim Personal Law, “triple talaq”, Indian Constitution

I. INTRODUCTION

India is home to a large number of religions and cultures and multiple legal systems that exist in the country. The personal laws that are in force in India are those dealing with marriage, divorce, succession, adoption and maintenance and these laws vary from community to community. Of these, Muslim personal law has been most contentious especially as it relates to the practice of the “triple talaq” which is also called talaq-e-bid’ah. This practice enabled the husband who is a “Muslim to divorce his wife” without any formal procedures¹ in a process that can be achieved through saying the word ‘talaq’ thrice. This practice has been deemed legal and moral over the years, but the legal provisions of “triple talaq” have been in controversy and the landmark judgment of the “Hon’ble Supreme Court of India” in the year 2017² and subsequent legislative changes. Religion is used in a mask to cover all the social activities that depict injustice in society. During the time of British administrators, personal laws were acquired from a number of sources. It was so because most of the people who have interpreted the concept of “religion” have been male oriented in their thinking patterns.³

But during the British rule, the attempt to change such practices was initiated as well. They were both abolished by reformist movements and laws or acts such as the Child Marriage Restraint Act and Sati

¹ "Triple Talaq verdict: What exactly is instant divorce practice banned by court". Hindustan Times. 22 August 2017. Retrieved 18 September 2017

² Shayara Bano v. Union of India (2017)

³ <http://indianexpress.com/article/opinion/columns/law-morality-triple-talaq-muslim-islam-4743272/>

Prevention Act⁴. These reforms were opposed by the conservative groups in society in the name of preserving religion which they claimed was under threat. The people are demanding an end to “triple talaq” and this has become a cause to advocate against it. The women rights organization that conducted this survey is called the Bharatiya Muslim Mahila Andolan or BMMA, and they surveyed almost 5,000 women.⁵

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“Personal law in India is based on religion” and is implemented on persons of different religion in their personal matters.⁸ For many years, women in Islam have been fighting for gender equity in matters concerning marriage, divorce and property under Islamic Sharia law. The organization calling itself “All-India Muslim Personal Law Board” is perhaps one of the most recognized and significant organization in the Muslim community. This board has been appreciated as well as criticized by many people.

This body has often resisted attempts at reform of Muslim personal law because it considers such an action as an interference with the basic tenets of Islam⁹. In addition, one of them is still obviously male-dominated by the large number of men on that particular board¹⁰. However, a system that is under the dominance of the patriarchal system is not supported by the Quran. “Some of the women’s activists have been motivated to campaign for their rights based on the rights of Muslim women in marriage, divorce, and inheritance.¹¹ Talaq-e-Biddat or instant “triple talaq” is an Islamic practice of divorce that is widely debated and has been declared as cruel and unjustified under Islamic law. The Supreme Court concluded that the practice was unlawful as it violated Article 14 of the Constitution of South Africa which safeguards the right to equality”.¹²

II. BACKGROUND

“The Muslim Personal Law (Shariat) Application Act of 1937 or the MPA Act is the primary law governing the Muslims’ family matters in India.¹³ Passed just after the Government of India Act of 1935 which brought the decentralization and federalism this act was a revolution in the legal treatment of Muslim minorities”. The Act successfully repealed the earlier practiced Anglo-Mohammedan Law since it provided the Muslims in the country with the practice of Islamic laws in cases to do with marriage, divorce, inheritance or succession.

In classical sharia, “triple talaq” – the act of a man divorcing his wife, three times in one sitting, is legal but frowned upon¹⁴. For the past century, this form of divorce has been unpopular mainly because of the change in social relationships and ideas regarding gender equality. Therefore, most of the countries that are predominantly Muslim have amended their personal laws to either prohibit or restrict this practice.

However, in India, marriage among Muslims does not need a legal formal marriage registration unlike in most other countries across the world. In cases where a Muslim couple does not seek to have their marriage fall under this Act, then their union is not a civil marriage but is rather regulated by Muslim law.¹⁵ This legal

⁴ Mani, Lata. *Contentious Traditions: The Debate on Sati in Colonial India*. University of California Press, 1998

⁵ Bharatiya Muslim Mahila Andolan (BMMA), *Survey Report on Muslim Women’s Views on Reforms in Muslim Personal Law*, 2015

⁶ Flavia Agnes, “Triple Talaq and Gender Justice: The Supreme Court Verdict and Muslim Women's Rights in India,” *Economic and Political Weekly*, Vol. 52, Issue No. 35, 2017.

⁷ Nussbaum, Martha C. *The Clash Within: Democracy, Religious Violence, and India's Future*. Harvard University Press, 2007

⁸ Derrett, J. Duncan M. *Religion, Law and the State in India*. Oxford University Press, 1999.

⁹ Agnes, Flavia. “Muslim Women’s Rights and Media Coverage,” *Economic and Political Weekly*, Vol. 44, No. 44 (2009)

¹⁰ Bharatiya Muslim Mahila Andolan (BMMA), *Report on Status of Muslim Women in India*, 2016.

¹¹ Kirmani, Nida. “Claiming Their Space: Muslim Women-led Initiatives in India,” *Journal of International Women's Studies*, Vol. 12, No. 1, 2011.

¹² *Shayara Bano v. Union of India*, (2017) 9 SCC 1

¹³ *The Muslim Personal Law (Shariat) Application Act, No. 26 of 1937, INDIA CODE (1937)*.

¹⁴ ASAF A. A. FYZEE, *OUTLINES OF MUHAMMADAN LAW 196–97* (Oxford Univ. Press 5th ed. 2008).

¹⁵ *The Special Marriage Act, No. 43 of 1954, INDIA CODE (1954)*; see also Law Comm’n of India, Report No. 242, *Prevention of Interference with the Freedom of Matrimonial Alliances (Honor Killings)*

structure due to historical and constitutional features has kept the Indian state lethargic to reform contentious matter – such as “triple talaq” or restriction upon the husband’s unilateral power of divorce which have already been changed in many progressive Muslim majority nations.¹⁶

III. “PERSONAL LAWS, GENDER JUSTICE, AND THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ACT, 2019”

In India, the civil laws are codified but, in a community, or personal law there are differences based on the religious group. Even though they regulate civil aspects of life, these laws were enacted and have been interpreted within religious frameworks thus perpetuating gender subjugation and male domination.

Historically, personal laws across religions—whether Hindu, Muslim, or Jewish—have been interpreted in ways that often discriminate against women. These discriminations are mainly carried out with the support of religious leadership and cultural beliefs that are deemed appropriate due to religious teachings.¹⁷ The kind of interpretations being given to English by these male chauvinist are in direct violation of the Indian Constitution which provides for equality and prohibits discrimination of any kind on grounds of gender¹⁸. In addition, they infringe upon universal human rights; they do not participate in the CEDAW, which was adopted in 1979 and that embraces the principles of equality between men and women, nondiscrimination, and human dignity.

“One of the most debated laws in the Muslim Personal Law was Talaq-e-Biddat or triple talaq which permitted a Muslim man to divorce his wife instantly by uttering talaq thrice in one sitting. It was therefore banned as it has no Islamic ground in the Quran and un-Islamic, unconstitutional and considered by many as a violation of gender justice, fairness and women’s dignity. What began as a fight against triple talaq was not a fight against annulment of marriages alone; it was a fight for justice and human rights”.

In response, the Indian Parliament passed the Muslim Women (Protection of Rights on Marriage) Act 2019, which was presented in the Lok Sabha on 21 st June 2019¹⁹. Anyone who practices talaq whether, in writing, electronically or orally was deemed to be in violation of the law. It also declared “triple talaq” as a cognizable and non-bailable offence, which is punishable with imprisonment for a term which may extend to three years and with fine also. However, it is noteworthy that this particular offence triable only if the complaint has been lodged by the affected woman or any of her first-degree relatives.

The law also includes provisions such that protect women as follows:

- Bail that may be applied for, and granted, is only after the woman concerned has been given an opportunity to be heard.
- When the woman agrees to it, compounding of the offence is permitted.
- Subsistence allowance for the woman and her dependent children, and
- Custody of minor children is to be settled by the magistrate.

This legislation was a new achievement in the struggle for gender justice within the private laws: stressing the need for the legal changes according to the principles of liberty, equality, reasonableness, and humanism.²⁰

In any case, a step towards Uniform Civil Code cannot be introduced on the mold of any religion. It should not be imposed but rather, it should be consented by different sectors of the society particularly men and women of different faith. In other words, they are not trying to erase culture but to protect constitutional morality and gender justice in a pluralistic society.²¹

¹⁶ TAHIR MAHMOOD, MUSLIM LAW IN INDIA AND ABROAD 96–100 (LexisNexis Butterworths 2002).

¹⁷ Archana Parashar, Women and Family Law Reform in India: Uniform Civil Code and Gender Equality ((Sage Publications 1992).

¹⁸ Constitution of India art. 15(1).

¹⁹ The Muslim Women (Protection of Rights on Marriage) Act, No. 20 of 2019, Acts of Parliament, 2019 (India).

²⁰ See Law Comm’n of India, Consultation Paper on Reform of Family Law.

²¹ See B. Shiv Sharma, Uniform Civil Code in India: A Political Conundrum or a Constitutional Mandate?

IV. “TRIPLE TALAQ” AND THE INDIAN CONSTITUTION

“Triple talaq” or Talaq-e-Biddat is one of the discriminatory practices in Muslim personal law, under which a husband used to exercise his privilege and right to pronounce ‘talaq’ thrice in one sitting leading to an instantaneous and irrevocable divorce.²² This practice, though deeply controversial, persisted in India for decades despite being neither endorsed by the Quran nor universally practiced across Muslim-majority nations²³. It became the subject of intense legal and constitutional debate, raising questions about gender justice, personal liberty, and religious freedom.

“Triple talaq” was also examined to have violated three articles of the Indian Constitution, namely:

- The “triple talaq” was inapplicable to the right of equality with the laws in the country and across the globe because it denied Muslim women legal protection and allowed only rights to men to divorce unilaterally.
- Article 15 – Prohibition of Discrimination: As it gave the immediate right to divorce only to Muslim men while the women were deprived of their basic rights in legal as well as social setting.
- Article 21 – Right to Life and Personal Liberty: Instant divorce deprived Muslim women of the right to live with dignity and security as the judgment was unfair and did not consider personal liberty they deserve in the country.

In the landmark *Shayara Bano v. Union of India*, the practice of “triple talaq” has been declared unconstitutional by the Supreme Court of India in the *Union of India case (2017)* by a majority of the judges. The judgment also pointed out that religious approval does not remove the practice from the Constitution and the practice of “triple talaq” was declared violation of Article 14 of the Constitution which deals with equality. The Court emphasized that personal laws have to be in harmony with the provisions of the Constitution of India and cannot infringe the rights of equal protection under the law.

In view of this verdict, the Indian Parliament passed the Muslim Women (Protection of Rights on Marriage) Act, 2019. The legislation clearly prohibited the practice of “triple talaq”, made it as a criminal offence, cognizable and non-bailable, besides providing the husband a penalty of up to three years of imprisonment.

Whereas the critics were of the notion that criminalizing a civil matter was exaggeration, there were those who considered it as women emancipation and supremacy of the constitution over retrogressive cultural practices.

Therefore, the ban on “triple talaq” ensures that freedom of religion does not allow exclusion of other freedoms including the freedom from discrimination, freedom from inhuman treatment and the freedom of movement.²⁴ The judgment and the legislation have been considered as a landmark moment in India’s constitutional history where constitutional morality prevailed over the patriarchal practices and established the notion that no personal law can encroach upon the rights protected under the Constitution.

V. “TRIPLE TALAQ” AS A STATUTORY RIGHT

“Triple talaq” was earlier known as statutory right under the Muslim Personal Law (Shariat) Application Act of 1937. This meant that instant talaq was given statutory recognition and was legally categorized not as a mere personal/religious act. Due to this it came under subservience to article 13 of Indian constitution which specifies and protects the fundamental rights. The Article 13 equally provides that no natural law aspiring to be a code or part of the Code shall infringe or negate the provisions of this Chapter on rights and freedoms. Thus, it means that any law which is given by the constitution of a country must reflect on equality, justice and non-discrimination of individuals even for personal issues. In civil circumstances, even in the private sphere, these basic constitutional rights cannot be breached.²⁵

²² See ASAF A. A. FYZEE, *OUTLINES OF MUHAMMADAN LAW* 197 (5th ed. 2008)

²³ JOHN L. ESPOSITO, *WOMEN IN MUSLIM FAMILY LAW* 88–90 (2d ed. 2001).

²⁴ *INDIA CONST.* art. 25; see also *Indian Young Lawyers Assn v. State of Kerala*, (2019) 11 SCC 1 (on constitutional morality vs. religious practices)

²⁵ *Shayara Bano v. Union of India*, (2017) 9 SCC 1 (India); see also Justice Rohinton Nariman’s opinion, holding talaq-e-biddat unconstitutional under Article 14

VI. “TRIPLE TALAQ”: CONSTITUTIONAL JUDGMENT, LEGISLATIVE REFORM, AND SOCIAL IMPACT

The Supreme Court's landmark ruling in **Shayara Bano v. Union of India** can be regarded as one of the most remarkable events in the development of the Indian Constitution and law. In this historical verdict, the court holds “triple talaq” (Talaq-e-Biddat) as unconstitutional. Nyambuela submitted that it did not fall under the category of a mandatory facet of a religion within the contemplation of Article 25 and was therefore open for judicial intervention. In addition, the Court observed that “triple talaq” was unconstitutional as it infringed on the rights provided under the Constitution of equal and non-discrimination of the citizens.²⁶ It re-affirmed the need for change in Muslim personal laws and said that none of the personal laws are above constitution and do not infringe on the rights of individuals especially women.²⁷

While most of the bench struck down the practice of “triple talaq”, the dissenting judgment stressed that a change in the personal laws must be brought by the law makers. The dissent emphasized the need for the relationship between the judiciary and the legislature in protecting constitutional principles under the guise of law arguing that issues of religion and culture should not be determined by the courts.²⁸

Subsequently, the Indian government promulgated the Muslim Women (Protection of Rights on Marriage) Act, 2019 in the wake of the supreme court judgment that had declared “triple talaq” as unlawful. It was the legislation that brought the following provisions:

- **Criminalization of “triple talaq”:** The Act banned the practice of “triple talaq” and made it a cognizable and non-bailable offence under section 498 A that brings the maximum imprisonment of three years.
- **Maintenance:** This entailed providing for financial support that was required by the wife and the children under a certain age to be paid by the husband.
- **Child Custody:** The law granted the said wife the legal ground to claim custody of the minor children; however, discretion on this aspect fell in the hands of the magistrate depending on the best interest of the child.

The passing of such law received different reactions from the public as a whole. The feeling was prevailing among the supporters and especially among the women’s rights organizations as a progressive change towards the gender equality and as a major achievement in the legal protection of the Muslim women.²⁹ They saw it as legal affirmation of women’s ability, worth and freedom as wives and women. However, critics raised concerns over the criminalization of a civil issue, arguing it could lead to misuse and may disproportionately target Muslim men³⁰. Further, the prospects for reconciliation between spouses were also questioned, with concerns about the implications for children and the breakdown of familial relationships.

At an international level, India’s legal reform sparked global conversations on Muslim family law. While several countries have also banned or regulated “triple talaq”, others continue to debate its legitimacy based on tensions between religious freedom, gender rights, and constitutional principles. Many countries are in the process of the Islamization of modern laws of family in accordance with justice, equity, and human rights.

In conclusion, the legal evolution concerning “triple talaq” represents not just a domestic legal transformation, but a broader societal dialogue on harmonizing religious customs with constitutional ideals. The movement has instigated an increasing belief that legal systems should be fair to women and protect their dignity despite the region’s culture and religion.³¹

²⁶ Shayara Bano v. Union of India, (2017) 9 SCC 1 (India), 195–230 (Kurian, J. concurring), 260–286 (Nariman, J. concurring) (holding that talaq-e-biddat violates Article 14 and is not protected under Article 25).

²⁷ Id. 287–290 (stating that personal laws must adhere to constitutional values such as equality and dignity).

²⁸ Id. 401–407 (Khehar, C.J. & Nazeer, J., dissenting) (advocating for legislative reform instead of judicial invalidation)

²⁹ Law Comm’n of India, Consultation Paper on Reform of Family Law 3.6–3.9 (2018); see also Flavia Agnes, Legal Implications of Triple Talaq Verdict, 52(36) ECON. & POL. WKLY. 14 (2017).

³⁰ Alok Prasanna Kumar, Triple Talaq Bill: Constitutional and Legal Concerns, 54(5) ECON. & POL. WKLY. 22–25 (2019).

³¹ B. SHIVA RAO, THE FRAMING OF INDIA’S CONSTITUTION: A STUDY 258–61 (Indian Inst. of Pub. Admin. 1967); see also Indian Young Lawyers Ass’n v. State of Kerala, (2019) 11 SCC 1 (emphasizing constitutional morality in religious contexts).

In **Shamim Ara v. State of U.P** In the same year in the state of U.P.³² the Court held that “triple talaq” instant and without any reason or reconciliation is not lawful:

- Valid talaq requires reasonable cause and prior reconciliation efforts through two arbiters—one from each spouse's family.
- Mere mention of divorce in an affidavit or talaqnama is not sufficient unless it is properly pronounced and communicated.
- No religious text supports instant talaq without due process or reconciliation.

Thus, the judiciary has reaffirmed that divorce under Muslim law must follow Quranic procedure, upholding both fairness and constitutional values.

In **Dagdu Pathan v. Rahimbi Pathan**³³, the Bombay High Court then came up with the judgement that a Muslim husband cannot divorces at will.

- He insisted that to divorce without a proper cause, and more so as a way of punishing the wife, is against Islam’s law known as Shariat.
- Such arbitrary divorce, done in violation of prescribed procedure, is considered “haram” (forbidden) in Islam.

This judgment reinforces that personal laws must not be used to justify injustice and that divorce must be lawful, justified, and procedurally correct.

In **Mansoor Ahmed v. State (NCT Delhi)** In the recent judgment of the case under the High Court of Delhi in the NCT of Delhi³⁴, the court stated that talaq does not lead to divorce instantly. However, it turns into a final one only if there is no reunion within the iddat period, which gives an opportunity for the couple to reconcile. The Court also opined that even in cases of talaq-e-biddat, each talaq should count as one revocable talaq as per the intention of Shamim Ara.

In **Shakil Ahmad Shaikh v. Vahida Shakil Shaikh**, Hon’ble Judge of Bombay High Court also opined in the case that the mere statement of the husband that talaq has been pronounced by him also does not amount to dissolution of the marriage. The Court held that:

- Talaq must be duly proved, but
- There is a need to prove that they were given for proper cause and that all procedural measures such as reconciliation or arbitrations have been undertaken.

This decision reinforces the judicial trend that talaq must follow due process, and unilateral, unproven claims of divorce are not legally valid.³⁵

This was evident from the discussion above that reconciliation is mandatory before a proper talaq can be affected. Judicial decisions are making a distinction between talaq-e-biddat and talaq-e-Sunnat very hard, as both must be reasonable and based on justice, reconciliation and justification. Yet, the judgment of Shayara Bano con not directly state about talaq-e-Sunnat and so it cannot be used as a precedent case for the same. This controversy also did not clarify the question of discretionary power of talaq practices.

The Indian courts have clearly held that a woman, who has been divorced through talaq is entitled to claim the maintenance. In **Daniel Latifi v. The “Hon’ble Supreme Court of India** “has further carried on this jurisprudential tradition from the case of **Shah Bano Begum v. In the case of Mohd. Ahmed Khan v. Shah Bano Begum** through another, the Supreme Court of India has said that the Muslim women are entitled to maintenance during their lifetime or until they remarry again. However, such legal remedies came in a story that constructed Shayara Bano as a representation of the Muslim woman, who needed courts to shield her. It tends to neglect the ongoing internal struggles for change within the Muslim society in which women seek to eliminate gender oppression without fueling sectarianism. Unfortunately, this dominant narrative often omit discussion about women of Muslim as they are considered as both gender and religion outpatient.

³² Shamim Ara v. State of U.P., (2002) 7 SCC 518, 15–16 (India) (holding that instant talaq without due process violates Islamic principles and is not permissible under law)

³³ Dagdu Pathan v. Rahimbi Pathan, AIR 1990 Bom 101 (India)

³⁴ Mansoor Ahmed v. State (NCT of Delhi), 2007 SCC OnLine Del 1357

³⁵ Shakil Ahmad Shaikh v. Vahida Shakil Shaikh, 2017 SCC Online Bom 9352, 8–10 (India)

VII. THE SHAH BANO CASE AND THE VICTIMIZATION OF MUSLIM WOMEN

The Shah Bano case also proves how politically sensitive applications can increase the plight of Muslim women. Thus, through the favorable decision of the Court in regard to her right to maintenance under Section 125 of the CrPC and the subsequent public reaction and legislative rollback, it shows how political pandering can be detrimental to women.

In the end, despite the court's support, Shah Bano renounced the maintenance she was awarded, preferring to be seen as a devout Muslim than accept the relief. This decision highlights the complexity of her position as a Muslim woman, trying to navigate empowerment within the constraints of her faith. The case raised the question: "Can the subaltern speak?"³⁶

VIII. SOLUTIONS AND SUGGESTIONS FOR REFORM IN MUSLIM PERSONAL LAW

The "Muslim personal law in India" has now been rendered in a state which vital changes have to be made in it. In order to do this, the following actions should be implemented:

1. **Codification of Muslim Personal Law:** There is a need to codify the Muslim Personal Law through a group of legal pioneers, Islamic liberal jurists, and scholars. The laws should be non-secular so that both the sexes will have equal privileges. The Muslim men's organizations should also support these changes.
2. **Parliament's Role:** The Parliament should act by endorsing measures that will create a secular code of law, freedom, human rights and justice. The MPLOSAAA violates the rights of democratic rights given by the Indian Constitution, strict actions should be taken for it.
3. **Promoting a Uniform Civil Code (UCC):** There should be a policy of a Uniform Civil Code to remove discrepancies on the basis of culture and tradition with an aim of maintaining national integration. The UCC would assist in eradicating unfair measures within people's groups to foster harmony and ethical standards in the country.
4. **Gender Justice in Personal Laws:** In this regard, it is imperatives to reform the personal laws. There should be change in the laws according to the provisions of the constitution to provide equality in personal laws regardless the community and gender.³⁷
5. **Prioritizing Gender Equality:** Thus, it is important to note that gender equality should be considered a more important factor than conservative religious interpretations. The change should therefore target and eliminate aspects of patriarchy including "triple talaq" and polygamy is a violation of a woman's rights.
6. **Support for Reform Movements:** The government and citizens should support movements that challenge patriarchy. Women's empowerment policies need to be effectively implemented at all levels (national, state, local), bridging the gap between policy and practice. Laws that are unconstitutional, like "triple talaq" and polygamy, must be abandoned.
7. **Amenities of the Indian Constitution:** Indian Constitution for all the citizens provides the rights of equality, non-discrimination and freedom of religion. These rights afford women the right to equal opportunities in as much as they are protected by the law against FOR discrimination on the basis of their religion or faith, in either the public or their private lives. The right to equality cannot be restricted by the personal laws, be it those based on the religion. While the existing Hindu laws have been changed to provide protection to women, the Muslim women should not be left to suffer under the patriarchy.³⁸

³⁶ Gayatri Chakravorty Spivak, Can the Subaltern Speak? in *Marxism and the Interpretation of Culture* 271, 295–297 (Cary Nelson & Lawrence Grossberg eds., 1988)

³⁷ Archana Parashar, *Women and Family Law Reform in India: Uniform Civil Code and Gender Equality* 22 (Sage Publ'ns, 1992).

³⁸ INDIA CONST. arts. 14–15, 21, 25.

IX. CONCLUSION

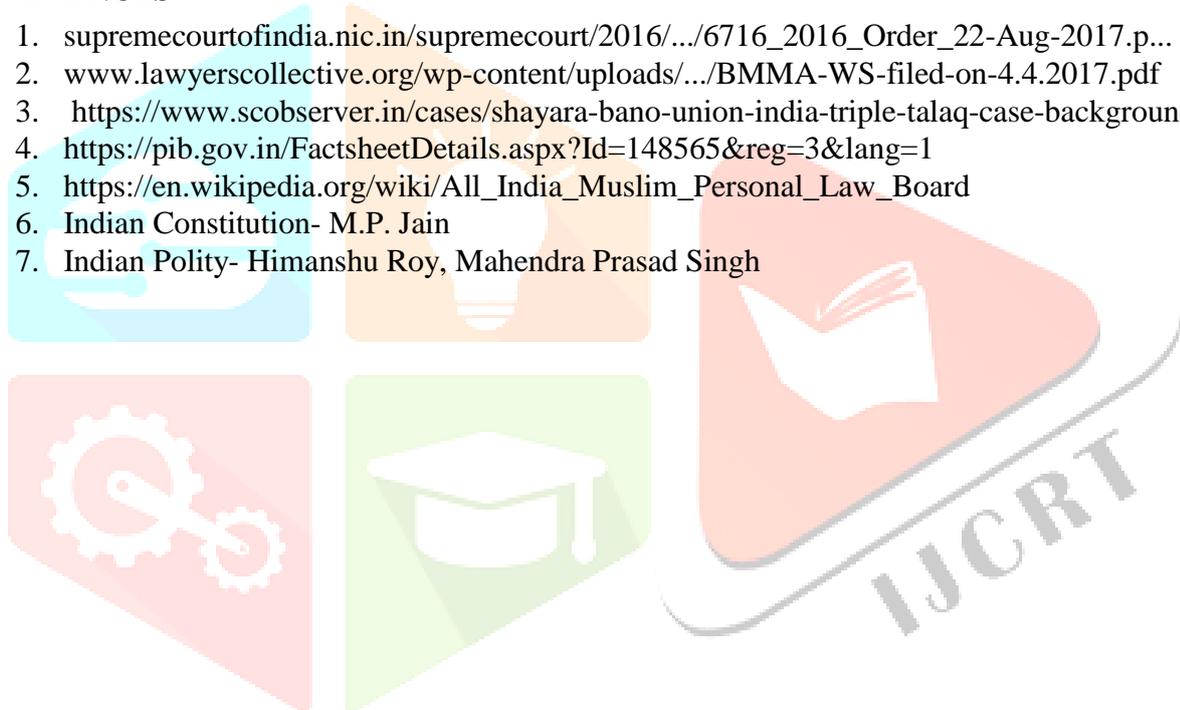
The debate on “triple talaq” is not a simple question of gender justice, religious freedom, or constitutional rights but it is a question of all three. It also becomes a prism through which other issues related to equality and human rights in society can be viewed. From this discussion, it is possible to deduce that eradication of “triple talaq” not only involves legal consideration but consistent struggle for social change.

The journey has highlighted the importance of engagement across the divide, tolerance and promotion of diversity, and the sanctity of human life particularly the female and non- Christian.³⁹

“Triple talaq”, thus, is a significant landmark in attempting to rethink these practices by principles of constitution. This paper affirms the importance of moving toward a transformative approach to the legal and social justice system in order to support the rights of women. This cannot be seen as legal reform alone but as a move towards the right direction towards achieving a more social justice society. It is critical to empower those women who are subjected to such practices to achieve the overall objective of the right of every woman and man to dignity.

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³⁹ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13