

'TRIPLE TALAQ' AMONG MUSLIMS IN INDIA: **CONTOURS OF THE DEBATE**

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Abstract

Triple *talaq* among Muslims is actually the practice of pronouncing *talaq* (divorce) three times in one single sitting, which is considered by *ulama* as equivalent to three *talaqs* in three separate sittings. Hence called as, the Instant Triple *talaq* but popularly known as the triple *talaq*. Since the beginning of the controversy there has been no unanimity among different scholars in India regarding the issue of supporting or banning triple *talaq*. It was Shayara Bano case of 2016 that once again renewed this debate in the country and led to the passing of triple *talaq* bill in Lok Sabha in 2017. This work intends to look into the issue of triple *talaq* in India in the light of the renewed emphasis upon progressive interpretation of Muslim personal laws. For this purpose different positions held by the major stakeholders in the debate will be analyzed with a look at their approaches which fall in the either of the two categories of conventional or progressive. These stakeholders include, AIMPLB (All India Muslim Personal Law Board), AISPLB (All India Shia Personal Law Board), BMMA

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(Bhartiya Muslim Mahila Andolan) and AIMWPLB (All India Muslim Women Personal Law Board). These organizations have different yet somewhat overlapping opinions, ideological background and strategies for reform. While some being in support of triple *talaq* categorically reject any reform in the already established Muslim personal laws; there are others who demand a complete abolition of the practice of triple *talaq* in the light of actual Qur'anic injunctions as is the case with the Muslim countries all over the world. The methodology adopted in the paper would be textual and literary analysis, while visiting and analyzing the official websites of concerned boards, press releases, and survey reports published by the respective organizations.

1. Introduction

The question of triple *talaq* has generated a lot of debate in the Muslim world. The debate seems to be entangled in different theological perspectives. One group of scholars repudiate the practice of triple *talaq* while another group favour pronouncing triple *talaq* in a single breath validating it as religiously legal. On the other side, is the group of scholars who are carrying out a hermeneutical reinterpretation of Qur'anic verses dealing with divorce. This group of progressive scholars has resorted to *Ijtihad*, i.e. applying independent reasoning for arriving at the conclusion that there is no scope for a unilateral divorce in Islam. Accordingly we find many Muslim countries like Morocco, Egypt, Yemen, Sudan, Libya, Kuwait, Qatar, Bahrain, Iraq, Morocco, Syria, Afghanistan and United Arab Emirates having responded to the debate by reforming their personal laws to ban the practice of triple *talaq*. However, there are certain countries like India, where the Muslim community is divided on this issue with the Muslim Personal Law Board completely in favour of the practice of triple *talaq*.

While *Qur'an*^{*} is more in favour of harmonious reconciliation when saying 'peace is better', Muslims however seem to be engaged in futile arguments in support of their respective preferred ways of separation. Thus when Muslims are divided upon the issue, how true Islamic injunctions regarding divorce can be maintained. In Islam divorce has to be the last resort for any husband and wife. Even when they come up to divorce, Islam prescribes a very rational and just way of dissolving a marriage. It demands conditions for equitable separation. However, with time the true Islamic values have been left to oblivion and what is practiced in the name of Islam is totally unIslamic, like the provision of ending a marriage by triple *talaq* in one sitting. It has also got entangled into the tussle of sects among Muslims. When majority Sunni jurists particularly those belonging to Hanafi sect[†], believe that when the word *talaq* is uttered by a husband three times in succession, it is regarded as the complete and valid *talaq*. However according to Ibn-Taimiyah (1263-1328) and Ibn al-Qayyim (1292-1350), the three pronouncements of the word *talaq* in one session is equivalent to only one *talaq*, which in order to be valid has to pass through the prescribed period for reconciliation, until the third final and irrevocable *talaq* is given. (rf.) The period in-between is actually meant for the reconsideration, arbitration, so that if the husband wants he can revert back to the marriage before the final and irrevocable *talaq* is given. In this regard Ibn-Taimiyah's position has been the main influence behind the legislations of many Muslim countries in the world except with the case of majority Muslims in India.

2. Position of AIMPLB

AIMPLB is a non-governmental organization with its origin in the modern era (1973) yet colonial in its essence as it is still governed on the basis of the pre-independence Muslim Personal Law (Shariat) Application Act of 1937. The organization was established for the sake of protecting and safeguarding religious interests of Indian Muslims especially in the realm of personal laws. The Board therefore, presents itself and is looked upon by most Indian Muslims as the representative body of Muslims in the country. The website of the Board presents its formation as a historic event in the history of the Indian Muslim community wherein it "was the first time in the history of India after Khilafat Movement that people and organizations of Indian Muslim community, belonging to various schools of thought, came together on a common

* Qur'an is the religious book of Muslims.

† It is one of the four major schools of Islamic jurisprudence built upon the teachings of Abu Hanifa.

platform to defend Muslim Personal Law.” After having taken up the pivotal position in the Muslim community, the Board has delineated its sphere of activities – social service, Babri Masjid issue, dispensing of justice by a Muslim jurist (*Qazi*) and exploring legal options for preservation of Islamic laws under the Indian judicial system. It is the Board’s Social Service committee that oversees issues related to the application of personal laws to Muslims. However, the manner in which these personal laws are applicable to Muslims has been the bone of contention and debate in India for a long time now. Hence, since its inception, the Board has specified its purely religious mandate which is nearly accepted by all the Indian Sunni Muslim populace. The debate which put AIMPLB on the forefront was the Shah Bano case of 1985 wherein the first instance of a fresh interpretation on the divorce laws prevalent in the post-colonial India can be seen. The petitioner, herein Shah Bano, a 62 year old woman, filed a Lawsuit in the Supreme Court of India in 1985 demanding maintenance from her husband after he divorced her and left her along with her five children. The Supreme Court’s final verdict of the case came after seven years in favour of granting Shah Bano alimony. Although hailed by few individuals as a victory for Muslim women all over the country but the majority opposed it bitterly. The judgment was seen as an encroachment by AIMPLB on the Personal Laws of Muslims which still was based on the Muslim Personal Law (Shariat) Application Act of 1937. It spearheaded a nationwide campaign to have the Supreme Court verdict set aside, an effort that successfully culminated in the passage of the Muslim Woman (Protection of Rights on Divorce) Act by the Indian parliament in 1986. (Zaman, 2012: 97) However, the judgment reversed what Muslim women had won after a bitter battle with patriarchal forces claiming to represent justice of Islamic principles. What is pertinent to note here is the role played by AIMPLB over the issue of maintenance to be given to Muslim woman after her divorce. The very success of this agitation brought much bad press to AIMPLB, however, with critics ranging from those castigating it for its hostility to improving the lot of Muslim women to those viewing it as the embodiment of the Muslim’s failure to align their interests with those of the greater Indian nation. (*Ibid.*)

The concern over the Muslim Personal law in India revolves around the question of identity. Lakhs of Muslims joined the Shah Bano movement after the case surfaced who were concerned more with their identity than the divine laws. It should also be kept in mind that the changes being demanded in Muslim Personal Law are intimately connected with women’s rights – i.e.

polygamy and divorce. (Engineer, 1994: 298) Even during the long two hundred year old colonial rule of Britisher's in India, one does not find them scrapping the personal law and keeping it intact as it would have been a risky affair for them. The passage of the Muslim Woman Act, however, did not deter the resolve of Muslim women to fight for their rights in the light of rigid stance taken by AIMPLB.

Muslim women still continue to fight for a fresh interpretation on certain aspects of personal laws. In 2016, a renewed impetus on re-looking at the Muslim personal laws of India on the basis of the new circumstances that arose in the era of use of social media for pronouncing *talaq*, came in. Many men are resorting to the practice of *talaq-i-thalatha* by using whatsapp as a medium for pronouncing the divorce. Since Indian Muslim personal law is still based on the Muslim Personal Law (Shariat) Application Act of 1937, a renewed emphasis on the issue of legality of triple *talaq*, therefore was raised when in 2016, Shayara Bano[‡] filed a case in Supreme Court of India against the practice of triple *talaq*. AIMPLB was under fire from both media and the government once again for failing to address the increasing frequency of triple *talaq* among the Muslim community in India. This can be gauged from the fact many Indian women complain triple divorce (*talaq-i-thalatha*), utterance of the word in thrice in a single setting) to be the sole reason behind their misery. Many of them have been divorced arbitrarily by their husbands with little institutional support on the part of Muslim Board to support them financially. In many a cases, being unemployed they find it difficult to make both their ends meet as even their parents and relatives are unable to support them. It is also beyond the reach of many Muslim women to go to court due to financial considerations. Moreover, in most of these cases the amount that had been fixed as *mehr* (the mandatory gift to be given by the groom to his bride at the time of marriage) is quite minimal as well. Therefore, the divorced woman finds herself without any defense whatsoever. Their condition is worsened with the hardened stand taken by the *Ulema's* of the country representing AIMPLB. The stance of AIMPLB has been that "a wife does not need to be present for *talaq*, or divorce, to occur." (Rabasa, 2004: 305) This stance taken by AIMPLB gives Muslim men an unconditional authority to divorce their wives on their own whim, which cannot even be questioned religiously. As per AIMPLB, the man is not bound by any religious

[‡] See Shalini Nair, "ShayaraBanu's fight against triple talaq", *Indian Express*. April.24, 2016.<<http://indianexpress.com/article/india/india-news-india/triple-talaq-supreme-court-ban-muslim-india-shayara-banu-2767412/>>

obligation to explain the reason for divorce to her wife. The problem assumes more complexity in view of the fact that the woman is not entitled to any maintenance after divorce in case she does not remarry. In view of the increasing proliferation of social media in everyday lives, men are now resorting to the practice of pronouncing triple *talaq* over emails, facebook and whatsapp. The stance taken by AIMPLB over this new problem is that they hold this practice of ‘e-*talaq*’ religiously valid which cannot be challenged in any religious body. However now, a redress for the same has only come with the proposed triple *talaq* bill, already passed in Lok Sabha in 2017 and tabled in Raj Sabha for its consent.

Also after having met severe criticism, AIMPLB finally decided to form a separate women’s wing for the first time in 2016 to be headed by Azma Zehra.[§] This women’s wing has been set up by the Board in order to expand the social reform activities among the Indian Muslim women community.^{**} The members of this women’s wing expressed their full support to AIMPLB stipulating that the “Shariah laws are divine laws and cannot be modified, changed or altered by any person or authority.” Moreover an India Muslim women helpline has also been launched so that counseling could be provided to Muslim women related to family related issues. There is also a “Triple *Talaq* Corner” on their website that seeks to mobilize both Muslim men and women to participate in the Board’s signature campaign and give their consent to the “Islamic laws, specially, on Islamic orders related to *Nikah*, *Talaque* (Divorce), *Khula*, *Faskh* and *Wrasat* (Inheritance)” and to declare that they are “fully satisfied with and strongly *deny the possibility of any type of change* in them.”^{††}

In this sense, AIMPLB has tried to project itself as a representative organization of Muslims^{‡‡} in India and therefore, it is alleged that “AIMPLB is seen to favour Sunnis over Shias, and is seen to propagate the views held by the Deobandis.” (Gopika, 2011: 300) However, while until 2004 the AIMPLB has been largely unrivalled as the representative forum of Indian Muslims, members of the Barelvi sect of Sunni Muslims linked with spiritual Sufism, the Shia clergy, and

§ See ‘*Is the women’s wing of the All India Muslim Personal Law Board too little too late?*’ <https://m.yourstory.com/2016/11/womens-wing-muslim-personal-law-board/>

** See <http://www.thehindu.com/news/national/AIMPLB-to-form-women%E2%80%99s-wing/article16669893.ece>

†† See <http://www.aimplboard.in/for-ladies.php>.

‡‡ As per the 2011 census, Indian Muslims constitute nearly 14.23% (17.22 crore) of the total population of the country.

the newly emerging Muslim women's organisations are much less favourably disposed toward this dominant Sunni body with its Deobandi-Wahabi orientation. (Tschalaer, 2017: 59-60)

3. Position of AISPLB

With time, some members claimed that AIMPLB became more staunch in its opinions and attitude towards challenges that are being faced by the Muslim community in the current century. Having felt neglected in AIMPLB, Maulana Athar representing Shia's of India formed their own board, the All India Shia Personal Law Board (AISPLB) in 2005. In an interview Athar said that AIMPLB "does not take into account the problems and demands of the others. Other religious groups, such as for example Barelwis and Shias, are not well represented. After my efforts to increase the representation of the Shias within the Board failed, I found myself compelled to establish our own Muslim Personal Law Board." (*Ibid.*) Moreover, Shia's and Sunni's interpret family law in different ways. Several Shia communities, and sects such as Bohras, Khojas, and Memons do not practice or sanction this form of divorce.

The fact that makes importance in the current discourse on Muslim women's rights in divorce can be gauged from the fact that the board has denounced the practice of triple *talaq* in one sitting. In November 2006 the All India Shia Personal Law Board (AISPLB) unanimously approved a model marriage contract (*nikahnama*) granting women and men more equitable rights in marriage and divorce. (Ruffle, 2012: 206) They came out with a *nikahnama* in 2016 that is in favour of a progressive interpretation of matters relating to divorce in the Muslim community. This unique *nikahnama* stipulates that until both husband and wife give their consent to divorce, a man has no right to unilaterally give *talaq* and that too in one sitting. The consequence of this model *nikahnama* is that both husband and wife retain the right to end the marriage contract, therefore there is no question of divorce being effected to by one party, i.e. husband in one sitting. In order to be more relevant to its aim, the Shia Board has also decided to launch a helpline for helping women suffering from domestic violence. Such a foray into legal arena of gender reform must be understood in terms of this group's effort to bring Shia-specific interpretations of the religious texts to the fore. (Tschalaer, 2017: 61-62) After an executive committee meeting of AISPLB held in April, 2017, Maulana Yaqoob Abbas, the spokesperson of the board said that the members of the board will campaign against the triple *talaq* so that the

legislation could be introduced to put an end to this practice just like sati system was ended in India.^{§§}

This makes it clear that the AISPLB's interpretation of triple *talaq* is more in tune with the progressive interpretation of divorce as stipulated in the Qur'an. The fact that the rights of a woman have also been given due importance in view of the changing nature of the role of woman in society has been taken up as the starting point of Shia interpretation over the question of triple *talaq*. Not only this, even in matters of inheritance laws the Shia board holds a different view from the Sunni board. In case a father is survived only by female heirs and not a male heir, the law of inheritance stipulates that the property shall be divided among the female heirs only and not the immediate male cousins of the female heirs. On the other hand, in Sunni law of inheritance, if the father is survived by only female heirs, their cousins are entitled to a share of their father's property. This comparison reveals how women are placed in a disadvantageous position when it comes to Sunni personal laws especially in matters of divorce and inheritance.

4. Position of BMMA

The Bharatiya Muslim Mahila Andolan (BMMA), an autonomous democratic organization is fighting for the rights of Muslims especially Muslim women in India. 'BMMA claims to be the first pan-Indian movement uniting Muslim women across the various existing castes and classes in Muslim Indian society.' (Schneider, 2009) BMMA is 'engaged in struggles to reformulate power relations at the local and national levels, thus challenging the dominant conception of Muslim women as a passive, homogenous group with a common set of interests.' (*Ibid.*) The organization is striving to ensure the practice of the values of justice as enshrined in Holy *Qur'an* and *Sunnah*^{***}. With this aim BMMA has continuously and vehemently contested the wrong practices carried on in the name of Islam and *Sunnah* by the Muslims in India.

^{§§} See <http://www.dnaindia.com/india/report-aisplb-to-demand-pan-india-ban-on-cow-slaughter-end-triple-2382996>

^{***} *Sunnah* means normal practice, customary procedure or action, or norm sanctioned by tradition. Among the first Muslims, the term was often used to describe common custom, but then it came to be used in

Muslims, despite being the largest minority in India, have been living under severe conditions with backwardness, illiteracy, poverty and marginalization determining their living status. Such harsh realities have exacerbated the need for efforts to ameliorate Muslims from such conditions. However the situation of Muslims in India is not only the result of the negligence of the successive regimes but also because of the unmodified Muslim laws that are determining the lives of the Muslims specifically their personal matters including family, marriage, divorce, custody of children etc. And Bharatiya Muslim MahilaAndolan is one such organization fighting for creating conducive conditions based upon the ideals of justice, equality and human rights for the Muslims in the country.

The BMMA since its inception in 2007 has been engaged in researching, surveying, documenting and advocating for the upliftment of the Muslim community especially Muslim women in India. It is 'creating a space for a conceptualization of identities that complicates the dichotomy between religious and gender-based interests and aims to reconcile the two in a manner that protects and promotes women's rights without denying the importance of religious identity. (Triple Talaq Report, 2016) Thus, it has remained to the forefront in all the controversies surrounding Indian Muslims. Hence, its stand with respect to the issue of triple *talaq* is worthy to be examined. BMMA has been on the forefront demanding a complete ban on the practice of triple *talaq* in one sitting, quoting it to be un-Islamic and discriminatory in nature. The BMMA came up with a survey report on triple *talaq* in 2015. The report is quite extensive, shocking and revealing as well. This report is the first hand account of the fact that how triple contrast to undesirable innovation, *bid'ah*. In the first centuries of Islam, *sunnah* was identified with the actions of the Prophet and his Companions. One often-quoted *hadith* urges Muslims to stick to the practices of the Prophet and the of the "rightly guided" caliphs. For the Sunni majority, prophetic *sunnah* is the second source of Islamic practice next to the Qur'an, and it serves a key role in communal visions of adherence to a common, moderate, agreed set of doctrines and practices; Sunnis have used the phrase *ahl al-sunnah wa al-jama'ah* (the people of the *sunnah* and the community), or just *ahl al-sunnah*, to define themselves.... (Leaman, 2007: 135)

talaq has rendered many Indian Muslim women destitute in one stroke. BMMA says in this report, ‘since January 2007, in the course of our work we have come across thousands of cases of oral *talaq* rendering women destitute with nowhere to go. We have been hearing numerous accounts of women being rendered homeless overnight along with their children as their husbands chose to unilaterally say *talaq talaq talaq*. In most cases the husband’s mindset as well as action is dictated by a common sensical understanding about their “right” to pronounce *talaq* and part permanently with the wife as “given by Islam”.’ (*Ibid.*) The situation is alarming when such heinous crimes are done and justified in the name of Islam. When the fact is that, it is totally in contrast to the actual Islamic injunctions regarding the divorce and is now prevalent in India only.

The fact that majority Muslims in India lack any understanding of the actual Islamic injunctions governing marriage and divorce, therefore speaks for what is prevalent is more cultural than Islamic. So, what is rational, just and important has been rendered irrational and unjust. Marriage in Islam is an important engagement in a believer’s life. When a marriage happens according to Islam, it has to happen in presence of some people who act as witnesses and advocates in support of it. Also the marriages according to Islam happen on certain terms legitimate for both men and women. Similarly if a marriage has to end, it has to end according to the certain stipulated conditions and duties of both men and women. Therefore Islam prescribes a very reasonable and equal way of parting away from a marriage. Hence, what has been majoritarily prevalent so far in India is contested. And BMMA has been on the forefront in this contestation. Since beginning it has been questioning the illiteracy and arrogance of the Muslim men, particularly that of the Muslim clergy upon the matter of triple *talaq*. While unfolding the actual tenets of Islamic laws regarding divorce the organization has come up with a comprehensive report highlighting the sorry state of the Muslim women in India.

While going through the report of BMMA on triple *talaq*, it is evidently shown that how this practice has degraded the status of Indian Muslim women. A thorough research conducted in almost eight states in India shows the pathetic situation and also highlights the importance of taking into cognizance this alarming situation. It reveals startling facts like 79% divorced women never got any maintenance from their husbands post-divorce, 40% of the interviewed women didn’t get their belongings including jewellery, clothes and other accessories back from their in-

law's, more than 50% didn't receive their *Mehr* (a mandatory marriage gift from a husband to his wife as decided at the time of marriage) and those who received, their *Mehr* was just a meager amount of few hundred rupees. The report also shows how in almost all the cases the divorce had happen unilaterally given by husbands either by sending divorce papers, informing the wives through their relatives or by mere SMS (short message service). Around 59% women were divorced orally by simply uttering the word *talaq* three times. And around 50% men remarried immediately after the divorce. The report has also given the testimonies of almost eighty eight cases of triple *talaq* from six states in India. Thus, making it more comprehensive and fact based. With such startling facts there should not be any further need of evidences that how triple *talaq* is harmful not only for the Muslim women in particular but also for the entire social structure. Therefore BMMA always demanded that there should be reforms in Muslim personal laws in India and such reforms must be in conformity with the principles in Islam as has been carried out by other Muslim countries around the world.

With Triple *talaq* being widespread in South Asia and that too specifically in India only, all other Muslim countries including Pakistan and Bangladesh have codified personal laws, wherein they have brought about a parity between the practicing personal laws and the real tenets in Islam. Thus when Muslims around the world are progressing by reforming their laws in conformity with Islam, Muslims in India are unfortunately the only exception. As several scholars have pointed out, the Muslim Personal Law prevalent in India is a large body of uncodified laws which have been a creation of the colonial British rule. It is applied to Muslims as a matter of legal policy and not as religious tenets. Therefore, 'reform would be a step forward in the direction of attaining Qur'anic justice and not the other way round as it is made out to be!' (*Ibid.*)

4. Position of AIMWPLB

The All India Muslim Women Personal Law Board is a breakaway faction of all India Muslim personal law Board. With its inception in 2005, the board has continuously worked for the upliftment of the Muslim women in India while calling them a minority within a minority. Believing in the slogan 'with knowledge comes the light of life', the board strongly supports the education of Indian Muslim women. It does believe that if women are educated and understand

Sharia and *Qur'an* themselves, there is nobody in the world who can subjugate and oppress them in the name of Islam. Thus giving more stress upon the education of Muslim women in India.^{†††} The board has been engaged extensively with the women related cases offering legal and religious help to the deprived women in many states of India. Hence it has got its mandate by offering support and services to Muslim women. While for going into the root causes of the degraded position of Indian Muslim women, the board has started a wider movement in support of them. As per its position on triple *talaq*, it is completely against the practice, citing it to be unIslamic in nature. AIMWPLB has always taken a tough stand against AIMPLB's arguments in support of triple *talaq*. It has highlighted the derogatory remarks of AIMPLB regarding women. The AIMWPLB also contested the claim of AIMPLB that Muslim men are superior to Muslim women.

The board is also engaged in rigorous study and research regarding the problems of Muslim women in India, believing that since AIMPLB has failed to take cognisance of their issues, therefore the onus lies upon Muslim women themselves to fight for their rights in Islam. In this regard the board believes in making Muslim women aware about their rights like their right to take *Khula*. *Khula* is the right given by Islam to the Muslim women whereby they can go for separation from their husbands if they ill treat them. However the situation of Muslim women in India is so pathetic that they don't even know about their rights including the right to take *Khula*. Hence, the board demands that Muslim women be given protection and rights under the constitution of India and the rights should be as per Islam.

5. Conclusion

With the analysis of all the contours of the debate, it becomes necessary to form a conclusion of what the debate is leading towards. The varying positions of the stakeholders had made the issue more difficult so as to reach towards any meaningful conclusion that could serve as guidance for a progressive change in the Muslim personal laws of the country. The debate as entangled in the

^{†††} See website of "All India Muslim Women Personal Law Board" available at <<https://www.aimwplb.com/>>

midst of two extremes, none of which seemed accommodative of the other, remained controversial, until a ray of hope could be seen only with the passing of the legislation in Lok Sabha in 2017 as the Triple Talaq Bill. While the bill still remains to be ratified by the Rajya Sabha in order to be made applicable, the solution to the issue lies not in engaging into any clash of interests of various bodies involved. Rather there should be a common realization of its larger significance and unanimous effort for the equitable progression. This would be important for the dignity and life of the women who have and are becoming the victims of the problem. While there can difference regarding viewpoints, however what should remain incontestable is that a large section of Muslim women have already become victims of the practice and that remains a fact to be accepted by all the stakeholders unanimously.

Also it becomes necessary that the Muslims in India come at par with the Muslims around the world. If all the Muslim countries of the world have abolished triple *talaq* and introduced subsequent legislations to this effect, why should the Muslims of India still be engaged in a colonial and backward practice.

Moreover, if Islam is claimed by those who support triple *talaq* to be a religion which is universal and relevant to all the future generations, then there needs to be a periodic assessment of the personal laws in the spirit of *ijtihad* i.e. independent reasoning. The periodic assessment can be carried out after a span of two decades that takes into consideration the changing social, economic, political, cultural and religious discourse of the time. This assessment has to be carried out from within the Muslim community so that the issue is not politicised by others from outside who neither belong to the religion nor are directly impacted by the practice of triple *talaq*. Before, any personal law is incorporated, it should be widely publicised through print, electronic media so that a common consensus is generated among Muslim masses. And the spirit of debate should be kept alive.

References

- 1) Angel, M. Rabasa ...(et al.). *The Muslim World After 9/11*. Rand Corporation: Pittsburg, 2004.
- 2) BMMA '*Triple Talaq Report*', 2016, available at <<https://bmmaindia.com>>

- 3) Engineer, Asghar, Ali. “*Status of Muslim Woman*” *Economic and Political Weekly* 29(6). Feb.5, 1994.
- 4) Gopika, Solanki. *Adjudication in Religious Family Laws: Cultural Accomodation, Legal Pluralism and Gender Equality in India*. Cambridge University Press: Cambridge, UK, 2011.
- 5) Leaman, Oliver and Ali, Kecia. *Islam: Key Concepts*. London and New York: Routledge, 2007.
- 6) Ruffle, Karen G. “*Islam in South Asia: Practicing tradition today*”, in Karen Pechillis and Selva J. Raj, eds. *South Asian Religions: Tradition and Today*. Routledge: New York, 2012.
- 7) Schneider, Nadja-Christina. “*Islamic Feminism and Muslim Women’s Rights Activism in India: From Transnational Discourse to Local Movement - or Vice Versa?*” *Journal of International Women's Studies* 11(1).November, 2009. 6-71.
- 8) Tschalaer, Mengia Hong. *Muslim Women’s Quest for Justice: Gender, Law and Activism in India*. Cambridge University Press: Cambridge, UK, 2017.
- 9) Zaman, Muhammad Qasim. *Modern Islamic Thought in a Radical Age: Religious Authority and Internal*. Cambridge University Press: Cambridge, UK, 2012.