

**LAW OF TALAQ UNDER MUSLIM PERSONAL LAW IN INDIA AND RECENT
DEVELOPMENTS (A PILOT STUDY)**

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ABSTRACT

This study aims to review the prevailing practice of talaq and how deep the gap exists between theory and practice, which may lead to exploring the elements of deterrence on the unilateral ability of a Muslim man to utter talaq, its structures, and perception of Muslim women. The goal is to describe the view and perspective exhaustively as to how Muslim women feel their opinion about the practice of talaq, which is discriminatory towards women, and what to do to endorse gender equality and progressive treatment. The researcher opted for a qualitative research approach to fetch opinions of the Muslim women, with the help of a semi-structured individual interview schedules tool for collecting data. Research is important as it contributes to the themes that emerged as how Muslim women feel about the law of talaq and the improvement they need in law to encourage gender justice and equality, which may also help improve gender relations under Muslim personal law by serving as a roadmap to resolving conflict in future.

Introduction

Personal laws are a collection of rules that regulate the areas of the personal sphere, such as succession, marriage, guardianship and divorce. From a narrow sense, the law is a body of rules and regulations to control human activities and lay down the code of conduct in various situations. From a broader aspect, it denotes a whole process by which organized society establishes and preserves peaceful relations between the people in that society.

Every personal law has a progressive and regressive outlook. No personal law is full proof of rationality, fairness and gender justice. Muslim personal law in India is no exception. However, looking at the codification of family-related matters, Muslim personal law lags far behind the codified laws of Hindu, Christian and Parsi. Legislation in the field of Muslim law is mostly of a regulating, administrative or procedural nature and not of a substantive nature. Muslim Personal Law (*Shariat*) Application Act, 1937, Wakf Validating Act 1930, Dissolution of Muslim Marriage Act 1939 and Muslim Women (Protection of Rights on Divorce) Act 1986 are some legislations

relating to Muslim personal law and major area fall under uncodified sphere leaving scope for gender discrimination and various interpretation.

The phrase 'Islam' denotes submission, and the term 'Islamic law' refers to two distinct concepts: Islamic normativity in the fields of rites, morals, and law, or Sharia in its whole, and legal normativity of Sharia, or Sharia in its narrowest meaning.¹ According to Joseph Schacht, "Islamic law is the epitome of Islamic thought, Islamic way of life, and the core and kernel of Islam itself."² The term *Islamic law* can be used interchangeably with *Sharia*. It is mostly used in the latter sense- Sharia in the narrower sense. According to *Islamic jurisprudence*, Sharia is the divine guidance that God communicates via his prophet, Muhammad. God imparted these instructions through his words as recorded in the Quran and Muhammad's sayings and actions (Sunna).³ Sharia evolved from the Quran and the Sunna, which uses human thinking and logic to formulate the norms it was intended to transmit and is based on the Quran and Sunna. Fiqh is the human endeavour to determine these laws.

Thus, the *Sharia* is the normative guide⁴ and system of duties for Muslims as it taught him what he should believe, how he should behave, what he should do and abstain from doing⁵. Thus, the *Sharia* includes duty, morality, law, protocol, faith and religion in one⁶. It is also the basis for the *Islamic law* and legal system. But today, it has now been significantly displaced, in most Muslim countries, by statutory laws which were inspired by the Western legal system.

In several nations, Muslim personal law has undergone a significant codification and reform process; these codified laws have brought uniformity in the application of law and effected reforms to varying extents, mainly in bigamy, divorce and women's rights. These reforms, in the fitness of things, have a persuasive value for the interpretation of the law of *talaq* in India.

Many Muslim countries have drastically reformed Islamic law, mainly the provisions for divorce on the line of gender equity and fairness. In Bangladesh, Indonesia and Pakistan following legislations were enacted to codified Muslim personal law- Bangladesh Muslim Family Law

¹ Rudolph Peters and Peri Bearman (eds.), *The Ashgate Research Companion to Islamic Law 1* (Ashgate 2014)

² Joseph Schacht, *An Introduction to Islamic Law 1* (Oxford University Press 1964)

³ Rudolph Peters and Peri Bearman (eds.), *The Ashgate Research Companion To Islamic Law 1* (Ashgate 2014)

⁴ Id. at 2

⁵ Joseph Schacht, *An Introduction to Islamic Law 3* (Oxford University Press 1964)

⁶ Supra note 3 at 2

Ordinance, 1974, Bangladesh Muslim Marriage and Divorce Registration Law, 1946, Pakistan Muslim Family Law Ordinance, 1961, Pakistan Muslim Marriages and Divorce (Registration) Act, 1974, Indonesian Marriage Law, 1974(No.1/74), Indonesian Marriage Regulation, 1975.

India has implemented The Muslim Women (Protection of Marriage Rights) Act 2019. The bill was introduced in the Lok Sabha by Mr. Ravi Shankar Prasad, the Minister of Law and Justice, on December 28, 2017. Now, it has been enacted and provides that all declarations of talaq be void if they result in instant and irrevocable divorce⁷. Additionally, the Act makes the declaration of talaq a crime that is punishable by law and not subject to bail. It stipulates a fine and a maximum sentence of three years in prison declaration of such instant and irrevocable divorce⁸. But indirectly, it retains and affirms the unilateral power of the husband to pronounce talaq at any time without any reason, as it makes illegal only that form of *talaq* that provides for instant and irrevocable divorce. But when we look from a gender equity point of view, talaq in any form is discriminatory and arbitrary towards Muslim women as it provides unilateral power to the husband. Mere penalizing is not sufficient; It may not help the women who became and remain destitute by *talaq*. Thus, it is necessary first to explore and identify the basic problems and understand how a woman perceives this practice to examine the element of deterrence on the practice of *talaq* within *Islam*.

The purpose of this empirical paper is to provide the status of the law of talaq as practice under Muslim personal law in India and how Muslim women perceive the law of *talaq*. It offers a grassroots inspection of the applicability of the law of talaq in order to conduct a pilot study for the views and opinions of Muslim women.

For a variety of reasons, many Muslim women are reluctant to engage, and thorough research and studies that would give Muslim women a forum to do so and voice their ideas are lacking.

Scope and Extent of the Study

It was a pilot study by using the qualitative research method to understand the perspectives of the local population selected by way of sampling. The research was conducted in an area of Delhi. The study was limited to the views of the Muslim women of a particular area, so it may be difficult to generalise any theme, but it may be used to explore the grassroots problem of the law of *talaq*.

⁷ Ibid.

⁸ Ibid.

Literature Review

The study was different from the previous study as the previous study dealt with the conceptual or fundamental aspect of Islamic law and the law of talaq, but no study dealt with the practical applicability of the law of talaq (specifically in Delhi). In the current study, the researcher did qualitative research to assert the perception of Muslim Women towards the current development of the law of *talaq* and how they understand it.

Furqan Ahmad⁹ surveyed the views of Muslim jurists and reputed men of learning belonging to various schools of law on the criticism of triple *talaq*. However, in this study, the researcher retrieved the views and perceptions of common Muslim women and the situation at the ground level through qualitative research.

The history and overview of the Islamic legal system are included in both of Joseph Schacht's works, which helps the researcher understand Islamic law and accomplish one of the study's goals. Instead than discussing the current legal systems of the nations where Muslims reside, this book focuses on the distinctive phenomena of Islamic law as such. The author attempted to comprehensively link the evolution of Islamic law with the evolution of Islamic society.

Rudolph Peters and Peri Bearman¹⁰ edited a compilation volume on *Islamic law* to present classical *Islamic law* through analysis of the Western scholar, understanding of the subject, and key debates that have formed the field and provoked new ways of thinking. The compilation is meant to open the eyes to the challenge posed by the past to reinterpret and revise the ideas and a conceptual understanding of the subject. It comprises an introduction that defines the nature of *Sharia*, its origin and authenticity, *and the Islamic school of jurisprudence; chapters* delve into the exposition of the substantive law relating to legal status, family law, penal law etc, *Sharia* after the advent of colonial enterprise and contemporary debates.

Norman Anderson¹¹ provides an overall summary of reforms in Muslim world in coherent and comprehensive way. Its significance lies in the light it sheds on the sociological amalgam of the medieval and modern, the indigenous and the alien, which characterizes so many of the country. To appraise the reforms, it is necessary to refer the relevant legislation together with the history,

⁹ Furqan Ahmad, *Triple Talaq An Analytical Study with Emphasis on Socio-Legal Aspects* (Regency Publications, New Delhi 2009)

¹⁰ Rudolph Peters and Peri Bearman (eds.), *The Ashgate Research Companion to Islamic Law* (Ashgate 2014)

¹¹ Norman Anderson, *Law Reforms in Muslim World* (University of London 1976)

sociological significance and juridical basis. The author gave a detailed overview of law reforms in Muslim world.

Abdur Rahim¹² sheds light on pre-Islamic Arab practices, the Islamic legal system, Islam's place in India, Muhammadan law in India under the reign of Muhammadan rulers and British rulers, and an overview of Anglo-Muhammadan law, including its cosmopolitan ties and extraneous origins. The researcher finds it useful to assess India's Muslim Personal Law.

Tahir Mahmood¹³ edited a compilation of papers presented in a seminar on Islamic Law in Modern India, related to Islamic law and contemporary issues related to it in the backdrop of the Constitution of India. It includes the article authored by Krishna Iyer, JND Anderson, Danial Latifi, Tahir Mahmood, about reform of Muslim Personal Law in India as per rights guaranteed by Constitution of India, contemporary issues and a sociological interpretation of reforms.

Research Questions

The practice of law of talaq was varied from country to country and sect to sect among Muslims. Although the Sharia provided different laws of dissolution of marriage for men and women, it is the absolute power of Muslim husbands to pronounce talaq, which is prevailing and has become very controversial because of a lack of uniform interpretation. The practice of triple talaq among Sunnis made the issue worse in India. This research study is an attempt to investigate and analyze the opinions and Muslim women's experience to understand how they perceive the prevailing practice of talaq.

To assist determine suggestions for this research study, the main research question may be divided into the following three sub-research questions:

- Whether the Muslim women feel that it is discriminatory towards women?
- Is it necessary to reconsider and analyze religious texts from the Quran in order to promote gender equality?
- Can religious bodies play a significant role in promoting gender equality?

Aims or Objectives of the Study

¹² Abdur Rahim, the principles of Muhammadan Jurisprudence According to the hanafi, maliki, shafi and hanabali schools [All Pakistan Legal Decisions, Lahore 1958(reprint)]

¹³ Tahir Mahmood (ed), *Islamic Law in Modern India* (N. M. Tripathi Pvt Ltd, Bombay 1972)

This research project aims to document Muslim women's perspectives and experiences. Other intended results consist of:

- To determine the extent of the knowledge gap on the Quran and its impact on Muslim women
- To demonstrate how patriarchy and customs might limit women's rights in the Quran;
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- To bring out the religious consciousness and understanding of Muslim women.
- In order to achieve gender equality reforms via Muslim women, it is necessary to read over, revisit, and redefine previous patriarchal theological interpretations in a contemporary setting.

Limitation

The following factors restrict the research study's findings:

1. The sample methods used in this study can be a drawback. It could be challenging to extrapolate significant patterns and themes from the data due to the tiny sample size. The sample did not accurately represent Muslim women as a whole.
2. The instruments employed for data collection could make it more difficult for the researcher to fully analyze the findings. It's possible that the questions' phrasing was unclear and difficult to understand.
3. Only individuals who met the study's predetermined selection criteria were included in the research study. Only Muslim women who were enrolled on the elector list and were at least eighteen years old met the selection requirements.
4. The researcher could assume or forecast things incorrectly.

Overview of Pilot Study

A pilot study is a tiny fraction of a full-scale investigation. It is a short but very helpful. The research study is founded on the concept that it is necessary to fetch the views of the persons for which Act or law is introduced. This pilot study used various techniques to develop a deeper knowledge of Muslim women and gender equality. Additionally, the pilot research was very useful in gathering input to add questions on topics that came up during the study, reword questions that were deemed unclear and confusing, and remove questions that were deemed unneeded and extraneous.

Methodology: The qualitative research method was used so as to comprehend the problems of Muslim Women related to talaq from their perspective. Reason for employing this method was to understand a given research problem from the viewpoint of the local population¹⁴. Qualitative research is especially effective in obtaining ethnically particular information about the values, opinions and social contexts of particular populations.¹⁵

Sampling: To represent the entire universe, a small group is chosen.¹⁶ Its goal is to gather trustworthy and accurate knowledge about the cosmos.¹⁷

Population: denotes the parent group, or the entire research group, from which a sample is to be taken.¹⁸ Here, for this study, a Muslim woman in Delhi is the universe from which a sample is to be formed.

Sample: The term sample means a set of units or portion of an aggregate of material which has been selected on the faith that it will be representative of the whole population¹⁹. Thus, the sample is a set of units of an aggregate.

Method of sampling: probability sampling, which gives the possibility that a sample is representative of the population and each person has an equal probability of being included in the sample.

Multi-Stage sampling: When a researcher does stratification, the population's phases are often available inside a group or population.²⁰

Stratified sampling: A smaller group (the strata) is drawn at an unplanned (random) predetermined number of units from each stratum, which the researcher divides his population into depending on some peculiarity.²¹

Simple random sampling: when every component of a population unit has an equal and separate chance of being included in the sample.²² The researcher used the lottery method.

¹⁴ Qualitative Method available at <https://course.ccs.neu.edu/resources/qualmethod.pdf> (visited on 22-10-2021).

¹⁵ Ibid.

¹⁶ Prabhat Pandey & Meenu Mishra Pandey, *Research Methodology: Tools and Techniques* 40 (Bridge Center 2015)

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Id. at 41

²⁰ Id. at 51

²¹ Id. at 49

²² Id. at 47

Systematic Sampling: The entire population's information is needed for the procedure.²³ Every member of the population should have their information recorded in an organized manner.²⁴

Details: The pilot research study was conducted between Jan-Feb 2022.

According to information made public by the Indian government during the 2011 census, Delhi is an urban agglomeration under the category of a megacity and governed by a municipal corporation. [Delhi Religion Data – Census 2011 <https://www.census2011.co.in>]

Delhi is stratified as per Delhi's district administration to select a sample by stratified sampling. Though there are eleven districts in Delhi, as per census 2011, Delhi was divided into nine districts²⁵. The researcher selected two districts because of the higher percentage of the Muslim population than other districts. These districts are North East Delhi, which has 29.34% of the Muslim population, and South Delhi, which has 16.32% of the Muslim population. The researcher chose the northeast Delhi district because of the high percentage of the Muslim population, resulting from convenience sampling.

North East Delhi

There are 18 towns or sub-divisions, out of which 5 are Muslim-populated towns, according to the 2011 census. The researcher chose a town through simple random sampling using a lottery method. It is a census town city in the district of North East Delhi, with a total population of 127,167 Hindus (21.62%) and Muslims (78.05 %). It is divided into 3 wards of sub-division. One ward was selected by using the lottery method of simple random sampling. Again, that ward was divided into different parts, and the researcher selected one part using the lottery method. That part is also divided into six *gali*. The researcher selected one *Gali* using the lottery method.

For the purpose of the pilot study, the universe of the study is Muslim women, so the researcher had to select women only. There was a total of 277 enrolled men and women in the electoral roll²⁶ of the selected *gali*. From this electoral roll, the researcher made a list of 114 Muslim women enrolled under this electoral roll and selected 20 women by systematic sampling by choosing every 5th woman from the list. (Note: 6 women are not available for the sample; thus, the researcher selects the next women in the list so that round-off data is available for the purpose of analysis). Thus, a total of 20 Muslim women over the age of eighteen and enrolled in electoral roll

²³ Id. at 48

²⁴ Ibid.

²⁵ Census 2011, Delhi available at <https://www.census2011.co.in> visited on 30 Dec, 2021

²⁶ Electoral Roll List available at <https://www.ceodelhi.gov.in> visited on 30 Dec, 2021.

participated in the pilot phase. Participants were selected using the above sampling method. The respondents were assured of confidentiality regarding their name, address, and response.

Tools of Data Collection: Research requires many data-gathering tools or techniques²⁷. The researcher has to select the tool for collecting data for research questions.

Interview: A semi-structured interview schedule was developed using closed and open-ended questions. The researcher could examine, explore, and describe their opinion through the interview.

Procedures: with the help of a local social worker, the purpose of the study is explained. Some women were unable to meet, so a telephone call was placed. Introductory information on the research project was provided to the participants. Participants were made aware that they were under no obligation to respond if they felt that any risk, harm, or repercussion was involved. However, they were assured of the confidentiality of their answers.

Findings and Outcomes: Understanding Muslim women's perspectives and experiences required doing the pilot research project. It was crucial to gather data and samples from the pilot research in order to get Muslim women's perspectives. The results from the pilot study were encouraging.

The interaction was built by gaining confidence and comfort throughout the method. Using an interview as a tool for collecting was fundamental in revealing the opinions of the participants. Though the participants easily understood the interview schedule, nevertheless, Participants misunderstood several of the questions, therefore they had to be reworded.

Views of Muslim Women

²⁷ Supra note 20 at 57

Age

18-25	5
26-30	3
31-35	2
Above 35	10

50% of the women interviewed were above the age of 35. The highest age a woman has is 66 years.

Marital status

Married	14
Unmarried	4
Divorcee	0
Widow	2

70 % of women are married, and 20% are unmarried. Though no divorcee (*talaqsuda*) woman is part of the study most of them personally or otherwise know women given *talaq* (came to know from the supplementary question if they know anyone or heard about it).

Awareness Section

Which mode of dissolution of marriage is mainly used?

<i>Talaq ahasan</i>	0
<i>Talaq hasan</i>	0
Triple <i>talaq</i>	20
<i>Khula</i>	0
Any other form	0

They exactly did not know but thought that triple *talaq* was the prevailing form of *talaq*.

What is the proper method of *talaq* according to you?

<i>Talaq ahasan</i>	2
<i>Talaq hasan</i>	0
Triple <i>talaq</i>	0
Any other form (<i>Khula, mubarat</i> etc.)	2
Not know	16

Here again, the shocking fact revealed that most of the women did not know the different types of *talaq*. Only a few women know a little about the different forms of *talaq*.

Law of *talaq* is codified in India (the researcher gave a common introduction)

Yes	0
No	4
Not know	16

The study reveals the fact that most of the women did not know that Muslim Personal Law regarding triple *talaq* is now codified in India, and a number of women said that it is not codified; thus, the data shows complete ignorance. Some of the women came to know through the newspaper that the government had done something about the *talaq*.

The law of *talaq* is codified in other countries (Pakistan, Bangladesh, Indonesia, etc.)

Yes	4
No	0
Not know	16

Again, most of the women are not aware that the Muslim law of *talaq* is codified in some Islamic countries like Pakistan and Bangladesh.

OPINION SECTION

Age of marriage for girls among Muslims

Above 15year of age	5
Above 18year of age	6
Above 21year of age	9
Above 25year of age	0

The study reveals that an overwhelming of women felt that the age of marriage for girls should be above 21 years of age. A number of women felt that the age of marriage should be 18 years and above. Only 25% women says that marriage should be at the age of 15 years (upon attaining puberty)

Fixation of *mehr*

With the consent of the bride	4
With the consent of the bride's family	0
With the consent of the groom	0
With the consent of the groom's family	0
By <i>qazi</i>	0
According to the status of the bride's family	0
According to the status of the groom's family	12
According to the qualities of the bride	4

Most women say that *mehr* should be based on the groom's status and family. 20 % of women say it should be decided with the consent of the bride based on the qualities of the bride. 20% feel that it should be based on the bride's qualities. The surprising fact was that no one wanted to decide according to Qazi's advice.

Can a second marriage be allowed for a Muslim husband when 1st marriage is subsisting?

Yes	2
No	16
Not know	2

The study indicates that an overwhelming of women agreed that a man should not be allowed to remarry during the subsistence of his first marriage. Only 10% of women agree that a man should be allowed to remarry during the subsistence of the first marriage as it was allowed by the almighty God itself.

Should the law ban bigamy?

Yes	16
No	2
Not know	2

Same as above, most of the women agreed that bigamy should be banned by law.

Whether triple *talaq* is unfair and prejudiced towards the women

Yes	10
No	4
Not know	6

50% of women said that triple *talaq* is unfair and prejudiced towards women, and 30% did not know whether it is unjust and prejudiced towards women or not. And 20% said that it was not unfair as it was a tradition followed by their ancestors.

Any ordeal or example of triple-*talaq* heard and saw by them earlier(open-ended question)

The gist of the answer given by the women: The *talaq* was given without any cause, without any restriction, even if there was no mistake by the wife (one of the participants said that her cousin, who was handicapped, was given triple *talaq*. She came to her parent's home. When she called her husband to take her, he said that he gave *talaq* to her. She and her father went there, but they did not let them enter the house and were reluctant to talk. She also had a son. No *mehr* or maintenance was released. They also went to the *Qazi*, but all in vain. The husband uses the power of *talaq* to

threaten the wife. Sometimes, it was the method of extorting the dowry from the wife's parent. The husband did not release any maintenance and sometimes did not even release the dower (mehr bakashna) even though the mehr is too nominal, like five hundred rupees. It provides no reasonable (*zayaj mauka*) opportunity to hear the wife and her family. The main objection of all the women is that the wife remains financially vulnerable.

Why triple *talaq* is not unfair and prejudiced towards the women (open-ended question)

The substance of the answer given: It is the right given by *Allah*. When a husband wants to get rid of his wife, then he has to give triple *talaq* as there is no other way. *Talaq* is good solution than daily fighting and confrontation between husband and wife. (as one respondent gives, e.g. of one woman who was beaten by her alcoholic husband, given triple *talaq*, and now opens a beauty parlour by the amount of *mehr* and maintenance). One participant said that it is an easy method for both husband and wife (though they have concerns about the children, if any, and the financial vulnerability of the wife). There are sufficient guidelines to check the unfairness, such as the control of *Maulvies* and *Qazis*. The amount of *mehr* is also control over the husband as he has to release the amount of *mehr* when he pronounces the *talaq*.

Is triple *talaq* ban and illegal in India?

Yes	12
No	4
Not know	4

Overwhelming women replied that the government bans it. 20% said that they don't know whether it is banned or not, and the other 20% said it is the only way to get a divorce; there is a need to provide some method to dissolve a marriage.

Should the husband who pronounces triple *talaq* to his wife be punished?

Yes	8
No	5
Not know	7

A decisive situation arises as only 40 % of women think that the husband should be punished for pronouncing triple talaq to the wife. Some women are not able to decide whether a husband should be punished or not. Few of them believe that a husband should not be punished and they provide no reason for that.

The codified law of talaq provides better protection and justice to women than earlier uncodified law (Before this Q, the researcher provided background on the codification of talaq law in India).

What is your opinion?

Yes	16
No	0
Not know	4

Overwhelming women agreed that the codification of the law of *talaq* helps women to get better protection and justice.

Can there be a need to re-examine and reinterpret *Quranic* religious passages to improve gender equality?

Yes	13
No	3
Not Know	4

Most of the women accept that there is a need to re-examine and interpret *Quranic* religious passages to improve gender equality. Thus, most women want to interpret the *Quran* in favour of their rights. Around 15 % of women said that religious heads had already settled it.

Before *talaq* is finalized, the process of negotiation and conciliation should be mandatory

Yes	18
No	0
Not know	2

The study shows that almost all women agreed that the arbitration process should be made mandatory before talaq is granted, as it was not followed in every *talaq*.

Who, according to you, should frame draft for the codification of Muslim Personal Law in India

Parliament	4
Religious bodies	4
Experts and scholars, in general	0
Parliament, with the help of religious bodies	12
Any other way	0

Most of the women agreed that parliament should help the community to codify the law of talaq but with the help of the religious bodies. It is necessary for religious bodies to reinterpretation and re-examine the Quran or religious practices by taking into consideration the needs of the society.

What one change do you have to make in the law of *talaq*

A certain procedure	8
Compulsory conciliation and negotiation	0
Compulsory financial provision for women	12
Equal right to give <i>talaq</i>	0
Punishment for husband who give <i>talaq</i> without reason	0

It shows that most of the women want a compulsory provision related to financial assistance to the women. Some women want a certain procedure to be laid down and followed by the husband while pronouncing the *talaq*.

How and what financial provision will be included? (Supplementary open-ended question)

Response by some of the women is eye-opening that it is the nominal amount of mehr (dower) a husband promised on the occasion of marriage, e.g. 500 rupees (as most dower is paid on *talaq* in their society). According to them, fixation on the huge amount of dower in *talaq* may deter most

husbands from pronouncing the unreasonable *talaq*. Even then, if the husband pronounces *talaq*, the religious bodies must force him to release the dower, which may be helpful for women not to live in destitution.

Conclusion

Though there has been an increase in the movement of Muslim women's quest for gender equality, there has been a complete ignorance of law, procedure and rights within the Islamic framework to the Muslim Women who are the victims. Muslim women believe *Islamic* divinity promotes gender equality for all believers, as well as proposes Muslim women the chance to reconsider and reinterpret *Quranic* religious passages in a modern-day context. As Muslim women constantly struggle with how they can acquire gender equality within *Islam* without separating religion from culture, it is necessary for the experts, scholars and experts to interpret or re-examine the Quran to seek practical ways to highlight Muslim women's rights guaranteed to them within *Islam*.

The wording of the questions may not have been clear and comprehensible. As the sample size is too small, it may be difficult to generalise patterns and themes from the data. The sample did not represent the total population of Muslim women, but some new themes emerge here. First, on the one hand, we propose to evolve the breakdown theory of divorce as if there was a complete breakdown of marriage, then the other spouse need not prove any default of the other spouse but may get a divorce on proving complete breakdown and non-resuming relations. When we see the law of *talaq* from this perspective, it provides a simple procedure to get a divorce, but the problem arises when sometimes the husband uses the power unreasonably and arbitrarily. However, the Quran itself provides checks on this power, but it was not applied and followed. Therefore, Parliament enacted the Muslim Women (Protection of Rights on Marriage) Act 2019. It was a matter of interpretation and lack of will on behalf of the religious community responsible for providing interpretation according to the time and needs of the society. The goal of gender equity may be achieved within the framework of Islam itself. Further, the provision of Mehr may effectively be used as a deterrence on the unilateral power of the husband. It should not be a nominal amount but an actual substantive amount. Moreover, the religious community may play an important role in resuming the Quranic practice or substantive reforms of the law of *talaq*, as Muslim women have faith in them.

According to Norman Anderson, there are two types of reforms- restricted and revolutionary in Islamic law and specifically in the law of *talaq*. The reform introduced by the Act²⁸ comes under the category of restricted reform as it retains the unilateral power of the husband to pronounce *talaq* at any time without any reason and declares that only instant and irrevocable divorce is void and illegal. It is not the reforms that solve the problem but the execution of reforms, whether restricted or revolutionary, that ultimately solve the problem. Muslim women hope that the new law will resolve the basic problem of arbitrary talaq and provide better financial sustenance for women.

²⁸ Supra note 8