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## The All India Muslim Personal Law Board and the “triple talaq”

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Although, the triple talaq or instant divorce has been phased out across most of the Muslim world, it is still being practised in India. Unfortunately, when the present government filed an affidavit in Supreme Court against this medieval cruelty against the women, the All India Muslim Personal Law Board had launched a vicious signature campaign against the stand of the government. What is worse - they are said to be coercing the women to sign the document.

It appears that the Muslim Personal Law in India which justifies triple talaq is rooted to the anti-women creed propagated by the Sufi Islamists whose disciples carried forward this legacy until this day. Stubborn in their refusal to introduce any reform in the medieval Islamic laws against the women they stood in the way of any social and educational progress of the community.

The medieval ideology of the Sufi Islamists who insisted on rigid adherence to Shariat is also an anti-women creed which is second only to their concept of hate- qafir (non-Muslim) ideology. Strangely these Islamists tried to convince the fellow believers that strict adherence to the Islamic laws is the only way to show and sustain their cultural and religious superiority. They had thus managed to obstruct any kind of social reform in the society. It was therefore not surprising that the All India Muslim Law Board fiercely started a campaign against the move of the government on any social reform that would endanger their grip on the innocent masses.

During the Muslim rule in Indian sub-continent the qafir-hater Islamists like Imam Abu Hamid al-Ghazali (1058-1111), Imam Ibn Taymiyya (1263-1328), Shaikh Ahmad Sirhindi (1564-1624) and Shah Waliullah Dehlavi (1703–1762) launched a campaign of communal writings equating Islam with the Persio-Arabic culture, tradition, values, things, ideas of that region, Urdu language and rigid adherence to Shariat which forbids the right of equality to the women.

Most of the hate monger Sufi mystics followed Naqshbandiya order of Sufism founded by Baha-ud-Din Naqshband (1318-89) of Turkistan who insisted on rigid adherence to Shariat. Since this Sufi Islamist was the ancestral 'Pir' (spiritual guide) of Moghul rulers, his disciples propagated his concept of Shariat under the patronage of the ruling Moguls.

'The conquest of India by Babur in 1526 gave considerable impetus to the Naqshbandiyya order.' (Saiyed Athar Abbas Rizvi, History of Sufism in India, vol. 2, 1992, p.180). Khwaja Mohammad Baqi Billah Berang whose tomb is in Delhi introduced the Naqshbandi order in India. His disciples remained loyal to the throne because of the common Turk origin. With the royal patronage of most of the Mogul rulers, the Naqshbandi order served the cause for revival of Islam in its pristine form. Though, the Sufis of this order were lying low during the period of Akbar, Khalifa Shaikh Ahmad Sarhindi, (1564-1624), a favourite disciple of Baqi Billah gave increasing importance and popularised this order when the great Moghul became bed ridden. Baqi Billah, nicknamed him as 'Mujaddid' (Reformer or reviver of Islam for the second millenium).

With the advent of the British, a fresh criminal code was framed for running the administration. Yet they allowed the Muslim personal laws to continue. When India became a sovereign republic, its constitution gave the right to gender equality. Accordingly Hindu Personal Laws were changed after the passage of Hindu Code Bill. But the Muslim Personal Laws were left on the plea that in due course of time the community leaders will reconcile with the modern ideas and will reform their archaic laws. But this never happened.

The reason was that the Islamic clerics believed that by only strictly adhering to the Muslim Personal laws could they retain the identity of the community and in the process continue to have complete control over the community. The archaic and atrocious practice of the triple talaq or instant divorce was one such instance.

When some Muslim women activists raised this issue as the violation of their constitutional right to gender equality and approached Supreme Court, the latter asked for an affidavit from the government. It was then that the government filed the affidavit making its stand clear against triple talaq. The present day disciples of the medieval Islamists seem to have sensed a danger to their hold on the community and hence the hue and cry against it. These self-serving narrow minded Mullahs see the demand of the women for gender equality as "anti-Muslim". They do not understand that the concept of Islam as a religion of peace is contradictory when their women are not given their equal rights.

There is no mention of instant talaq (divorce) in Quran and Shariat that was compiled after 120 years of the death of the Prophet. Yet the followers of the Nakshbandi order of Sufism had continued to brainwash the “converted” on the basis of a supremacist, intolerant, exclusivist theology of Baha-ud-Din Naqshband and thus the triple talaq continued to be practised in India.

Anti-women creed of Islamic laws appear to be the worst chapter of the Islamist history which “preaches that women are inferior to men; having lower intelligence, lesser inheritance rights... are to be subjugated to polygamy with little right to divorce their husbands, .... ( <http://www.islamreform.net/new-page-187.htm> <sup>[1]</sup> and <http://www.islamreform.net/new-page-65.htm> <sup>[2]</sup>) Islam

Rigidity of the Islamists against introducing reform in Islamic laws is the real problem of Indian Muslims. In fact, their propaganda bleeds India continuously since partition. Their sole ambition is to confront the Qafir led government till it is finished as they believe that Qafir dominated India is “an unfinished chapter of Islamic conquests”.

In view of many anti-women laws being practised in different countries, the United Nations convened the Fourth World conference on Women in Beijing from 4 to 15 September 1995 which adopted the Beijing Declaration and a Platform for Action and recommended to the General Assembly of the United Nations at its fiftieth session that it affirms its commitment. . It said

“The equal rights and inherent human dignity of women and men and other purposes and principles enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development;....”. ( <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> <sup>[3]</sup>).

Sadly, even after over two decades of this declaration, the Muslim Personal Law in India which discriminates the Muslim women on the issue of prevailing triple talaq (instant divorce) and is even against the constitutional right to gender equality was continued to be practised.

Even the Government of India that had set up the Department of Women and Child Development, hardly took any initiative against the medieval practice of triple talaq that was not only cruel in concept but also unconstitutional until prodded by the some Muslim women activists and the Courts.

Jacqui Hunt, the London director of Equality Now rightly said,” Justice is the foundation stone for equality and without it, women and girls are enormously disadvantaged politically, economically and socially”. “At a minimum, legal equality gives women and girls a level playing field from which to build their capabilities and make meaningful contributions to society”. (<http://www.marieclaire.co.uk/reports/the-world-s-10-worst-anti-women-law...> [4]).

But the failure on the part of the successive political establishments in India to ensure equality to women in Muslim society under the law suggests that they were not serious to make any significant initiative at any level to half of over one hundred and fifty million Muslim population of the country.

According to some media reports, a significant number of Muslim feminist groups have appealed to the Prime Minister Narendra Modi for reform in the existing Muslim Personal Law. Some of the activists have even alleged that the AIMPLB in its nationwide signature campaign “to save and protect Shariat Laws” — related to marriage, divorce and inheritance has even forced the women to sign a form supporting triple talaq. (<http://naradanews.com/2016/10/muslim-women-victim-of-half-baked-thinking...> [5]).

Sultan Shahin, Founding Editor, New Age Islam while speaking in UN Human Rights Council, Geneva on behalf of Asian-Eurasian Human Rights Forum on Agenda Item 9, General Debate, 26 September, 2016 expressed that “in my own country, India, Muslim husbands can utter the word talaq, meaning divorce, thrice in a row, and legally throw their wives out of their homes in less than a minute”. He also said that “*While these are gross violations of human rights, they also amount to denigrating the religion of Islam.*(emphasis ours) <https://rethinkingislamwithsultanshahin.wordpress.com/2016/10/12/sultan-...> [6]

Noted professor and former member of Law and National Minorities Commission Tahir Mahmood in a statement said, "The practice of dissolving a marriage by uttering the word Talaq thrice, which is rampant in the society in India, is not a part but a caricature of the Quranic law on divorce. The so-called triple-Talaq is an absurdity that militates against the words and spirit of the Quran and sayings of the Prophet" ([zeenews.india.com/news/india/triple-talaq-against-spirit-of-quran-tahir-mahmood\\_1880283.html](http://zeenews.india.com/news/india/triple-talaq-against-spirit-of-quran-tahir-mahmood_1880283.html)”).

Needless to say that it is the duty of the Muslim intellectuals in India to counter the anti- women creed of Islam-supremacist messages propounded by Mullah Islamists like al-Ghazali, Ibn-e-Taimiyya, Abdul Wahhab, Sheikh Sarhindi, Shah Waliullah , Syed Qutb and Maulana Maududi that had created a fear in the mind of Indian Muslims that if the anti women Muslim Personal Laws are reformed, a day may come when the Hindu dominated government would scrap the Shariat completely and dilute the identity of the Muslims in the country.

“God is the essence of pure love and to utilize any God to terrorize, rape and subjugate women is an affront to God. All the thousands of anti -woman teachings of Islam are true hate crimes” (<http://nocompulsion.com/islam-teaches-hate-crimes/#> [7]).

In spite of the fact that a number of Muslim intellectuals have sought a ban on triple talaq and have even termed it against the spirit of Quran, the All India Muslim Personal Law Board has launched a nationwide drive against the stand of the government on this issue. Since the continuing practice of instant talaq against Indian Muslim society is the greatest challenge for the community intellectuals, they should fight this challenge of medieval Darkness of ignorance by spreading the modern Light of Knowledge. *There is no political issue involved.* The law that is absurd and against the gender equality should be changed. Change it must and the intellectuals in the community have a duty to do so.

Muslim women activists who are fighting against the triple talaq are hopeful that they would get justice from the highest judiciary. They believe that “God is on the side of those who work hard, those who are truthful, those who are just, and those who are fair.”

<https://www.theguardian.com/world/2016/oct/20/talaq-and-the-battle-to-ba...> [8]

The women’s activist group has already had one major victory this year: winning a case to overturn a ban on women entering the inner sanctum of the 15th century Haji Ali shrine in Mumbai. Now they are fighting against triple talaq and hope to win the battle. Let all right thinking people support their just cause!

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- [7] <http://nocompulsion.com/islam-teaches-hate-crimes/#>
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