

TRIPLE TALAK: ANALYSIS THROUGH JUDICIARY AS WELL AS CUSTOM.

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Abstract

In this examination we will be analysing the Triple talak Judiciary as well as customs. As we all know in Islam Divorce often takes so many forms. The old categories that are described for divorce from the side of legal reforms are talaq that can be performed the repudiation from the side of the Husband, Khula which can be said as the buying of the freedom of wife as well as mubarat that is done with the permission of both the sides. The rules and regulations that are in relation to divorce has been always in the governance of the Sharia, as according to the interpretation of the traditional as well as old Jurisprudence of the Islam. However, the practices that are done mostly don't match with the real soul as well as spirit of the Islamic community. Although Quran has been egalitarian as well as justiced its cornerstone, but the idea of gender inequality that has been followed by the pre-Islamic times in regards to the divorce are still been followed by the people as well as are still existing in vogue. With the help of all the reasons, especially women are the communities that will be vulnerable. Triple talaq has been facing so much of criticism as well as controversies and debates on its account that this practice is correct or not. The criticism that it has to face has been completely on the aspects of gender inequality, human rights as well as justice that should be given to every gender. The India Supreme Court in the judgement that is being considered as landmark in the year 2017 on August 22, stated that the exercises that are related to triple talaq are non constitutional as well as it does not fall under the supervision of the constitution as well as gave the Government of India power to perform the process of legislation in regards to these issues. Since, the practice that was banned by the Supreme Court of India was that the version in which the Husband speaks the phrase talaq three times and ultimately the bond of marriage breaks.

Keywords: Quran, triple talaq, Nikah, Islamic law, Hadith, etc.

Introduction

Triple-Talaq

Triple Talaq as the name is already suggesting that it gives permission to the husbands for giving divorce to their wife by just performing the repeating the word talaq which is having a meaning as Divorce, in any type of form which will include text as well as the emails in any form. The Supreme Court of India passed an order and in that order this practice as well as all the aspects related to it was considered as unconstitutional in the year 2017 as also leave all the other aspects that were not decide on the government as well as gave them power to perform the necessary legislations and declare the decision as soon as possible.

The supporters of this were saying this is the new method for supporting the women who belongs to the Muslim Community. Opponents of these stated that the punishment can be considered as harsh as well as it has been open for the misuse. Men who will be founded opposing these laws that has been newly implements will be punished with the punishment of jail of around 3 years. The first tabling of this bill was in the year 2017 and has been stopped in the Parliament after the opposition of some of the MPs who were calling it unfair for the people.

The party who was ruling the Country at time as well as in today's time also BJP that stands for Bhartiya Janta Party were in the support of the bill, on the other hand the main opposition of the BJP i.e. Congress were in the opposition of the bill as they were calling it unfair for the people along with some of the MPs from other parties also who were present in the Parliament. Bhartiya Janta Party was not having the majority in the upper house of the bill. After few days the bill related to triple talaq was passed by the 99 votes to the 84 after few of them walked out as well as abstentions. The current Honourable Prime Minister Narendra Modi has been very quick in the celebration of the votes that they got as he stated that it is a victory to a justice of the gender.

Honarvar,N. (1998).Behind the Veil: Women's Rights in Islamic Societies. *Journal of Law and Religion*. 6 , (2). p. 365

A political leader named Asaduddin Owaisi, who is also a Member of Parliament from the party in the opposition named All India Malis-e-Ittehadul Muslimeen party, stated that the new

law that has been enforced is the another attack that has been done on the Muslim Community under the governance of the Bhartiya Janta Party after it has come in the Government of India in the year 2014.

Sharia: Meaning as well as Its philosophy

Approximately 14.12% or in other words around 17.33 million population India according to the census that was taken in the year 2011 has been following the religion of Islam, and accordance to this the population in these subcontinents of Muslim has been guided by the Muslim Personal Law Act of the year 1937 at large extent. According to the law it will be accepting that the Muslim population that has been accepted in the Country should be governed under the provisions of personal laws in accordance to the Section 2 under the provisions of Sharia Act of the year 1937, which can be defined as the duty of the Courts existing in India that the application of the Personal Laws of Muslims that are having relations to marriages as well as dislocation of the marriage. It stated that the law that has been conveyed will be the aspect as well as important regulation of the decision in those cases in which the people involved are belonging to Muslim Community. The things that was stated by the Act was “Notwithstanding any of the customs or any type of usages for the contrary, in terms of all the cases that will be having relation with the adoption, legacies of women, wills, inheritance rights, property that is especially for the females with the inclusion of the property that has been obtained or inherited under the provisions of any contract or got as a gift under the guidance of any personal law that is related to marriage as well as dislocation of the marriage also. The main rule in regards to the decision that will be made in those case in which the parties involved are Muslims should be under the provisions of Muslim Personal Law act.

Sharia in accordance to the definition are having an evolution that has been built under the meaning and that cannot be rigid also. The laws that are stated in Sharia are not small laws, if we talk in an ordinary sense then it is an infallible directions to the ethics of the community.

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In the form of duties that are doctrine a code of obligations, with this Sharia relegates considerations that are legal as well as rights of each and everyone at a secondary position. As a result of the continuous process of the evolution as its existence approximately 14 centuries, the Sharia laws as it is having existence in today's time represents the order that is

related to moral values of Islam. The Sharia laws states that the fyzee but they cannot be considered as a code that is symmentic, but it is said to be living as well as with the help of a increasing growth organism. The foundation of the Sharia laws in history has been an essential in regards to Normative, whose development is dated back since the 7th century to the present i.e. till today's time. So, for viewing the Sharia laws as something that is static as well as rigid will be for ignoring as well as disregarding to the centuries of the legal rules as well as the literature of the Judiciary, the fruits of the laboured in regards to the Juristic analysis of the Muslims as well as the interpretations that they are having.

The old tradition of the Sharia Laws consists of the literature of the judiciary that can be considered, most of them will be illustrating that people in the judiciary that often beyond the scripture, utilizing of their discretion in different types of ways for performing the articulation of the law which will be balancing the requirements of the authority, discretion as well as the legitimacy in accordance to the way that will be ensuring an instant outcome under the provisions of those circumstances.

However the Quran can be said as ipsissimaverba as well as al-furqan are the basic interface as well as the philosophy in accordance to the Sharia can be said as egalitarian. Till today the concept of the Justice has been ingraining in the teaching that has been taught in the Islam. The concept of Quran has been emphasising on both the rights as well as duties for seeking as well as doing justice to the people. So many controversies has been raise on the question that Is the Islamic law which is also known as Sharia law has been compatible with the equality among the genders?

Allegations that were put on the Islamic law proved that they are not in the cohabitation of the soul as well as spirit that is to be followed by the Right of Humans, and if we talk specifically then the rights that women have.

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So many voices are there that has been raising in opposition to the discrimination that are in the existence in opposition to women, albeit the women who are Muslims in the particular domains of the community as well as the laws that are followed in the family, specifically in the areas of marriage as well as divorce leaving behind the statements that has been cleared in

the Quran, Quran states that each and everyone belonging to Muslim Community irrespective to their gender are having equal rights as well as duties and also the punishment as well as regards in-front of the God. Shabeen Ali Sardar in the year 2008 brought fourth point and lighted that the Quran is having versus in large number, which gives permission as well as the validity to the creation as well as forcing to implement as well in accordance to the Hierarchies on the basis of gender but these are to considered that are very few in term of number, in real there are so many. Since, 1 point is in existence that deserves the attention at the time when we are delegation men for the rights as well as an authority over a women, more six versus that are very similar to it has been enjoining the males who are muslims and should be remaining equally responsible for the caring of the orphans, needy as well as poor. She filed a petition on how as well as why these six verses has been outweighing the other 6660 that are in remaining? Researchers has been contending that the discrimination that is in the opposition will not be emanating as well as the interpretations in regards to the Quran which will be leading to the discrimination in the opposition of the women who belongs to the Muslim Community. Discrimination in the opposition of the women in accordance to the status that is inferior has been resulting in the interpretations of the restrictions in accordance to the versus present in the Quran. In the History, there were only Men's in all the fields that are related to the leaders of religions, interpreters, jurists as well as the commenters who will be maintaining the sway on the religious as well as scriptures that are governed by the authority. Hence, it becomes so often that these Men who belongs to Muslim Community will be interpreted on the basis of rulings in religions in accordance in the favour for the maintenance of the hegemony on the rights of women.

Emon, Anver M. (2008). *Islamic Law and the Canadian Mosaic: Politics, Jurisprudence and Multicultural Accommodation*. Retrieved 28th July, 2017,

Problem Statement

Triple Talaq, name is already suggesting that it gives permission to the husbands for giving divorce to their wife by just performing the repeating the word talaq which is having a meaning

as Divorce, in any type of form which will include text as well as the emails in any form. The Supreme Court of India passed an order and in that order this practice as well as all the aspects related to it was considered as unconstitutional in the year 2017 as also leave all the other aspects that were not decide on the government as well as gave them power to perform the necessary legislations and declare the decision as soon as possible.

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Objective of Research

In this section I will be telling you about the objectives of my research, what I had in my mind at the time when I chose this topic and when I started to read as well as find more about these things. In order to this I will be contenting some of the objectives what was in existence at the time of performing the research.

- The first and for most objective was to know about the Triple Talaq practice as well as what is being followed, what are the actions that are taken in order to give talaq with the help of this method and Is this method is legal or is illegal.
- Is there any right in the favour of women who has been facing this practice from the side of her Husband and if she has been given talaq then what any women can do after the effect.
- Other objective was to know what the Court as well as legislation of our country think of this as what are the aspects that are considered for the decision and what bills has been passed in regards to this from the side of the legislation body.
- What are the after effects of the separation wit this technique and if someone is facing problems after the separation then who is responsible for the problem as well as what are the solutions to those problems.

- What is the process of Marriage as well as Divorce according to the Islamic Community as well as are those processes are legal or illegal.
- All the rulings that Judiciary has passes in this case as well as were those rulings were implemented properly or they were in vain.
- Know about the Sharia laws which is also called as Islamic laws, and the philosophy it follows.

These were the few objectives that I had in my mind while taking topic as well as starting with the topic. These are very important aspects of the triple talaq technique, and all the things that are related to it. Once these things will be clear, everyone will be having all the important aspects that is having relation to triple talaq. Triple talaq has been declared as non-constitutional by the Supreme Court of India and all the other things were left on the legislative bodies of the Country.

Hyphothesis

The old categories that are described for divorce from the side of legal reforms are talaq that can be performed the repudiation from the side of the Husband, Khula which can be said as the buying of the freedom of wife as well as mubarat that is done with the permission of both the sides. The rules and regulations that are in relation to divorce has been always in the governance of the Sharia, as according to the interpretation of the traditional as well as old Jurisprudence of the Islam. However, the practices that are done mostly don't match with the real soul as well as spirit of the Islamic community. Although Quran has been egalitarian as well as justiced its cornerstone, but the idea of gender inequality that has been followed by the pre-Islamic times in regards to the divorce are still been followed by the people as well as are still existing in vogue. With the help of all the reasons, especially women are the communities that will be vulnerable. Triple talaq has been facing so much of criticism as well as controversies and debates on its account that this practice is correct or not.

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Around 17.33 million population India according to the census that was taken in the year 2011 has been following the religion of Islam, and accordance to this the population in these subcontinents of Muslim has been guided by the Muslim Personal Law Act of the year 1937 at large extent. According to the law it will be accepting that the Muslim population that has been accepted in the Country should be governed under the provisions of personal laws in accordance to the Section 2 under the provisions of Sharia Act of the year 1937, which can be defined as the duty of the Courts existing in India that the application of the Personal Laws of Muslims that are having relations to marriages as well as dislocation of the marriage.

As being in the form of a cornerstone to the culture that has been followed by the Islamic community, which means the marriage in the form of an institution can be considered as its standing in the favour of the protection accordance of the society as well as all the member that are having its foulness as well as the chasity of the related things also. In accordance to the continuation in regards of the human race, it has been promoting life of the normal family as well as the legitimizes the children.

Emon, Anver M. (2008). *Islamic Law and the Canadian Mosaic: Politics, Jurisprudence and Multicultural Accommodation*. Retrieved 28th July, 2017,

With the help of the being in between of the contract, in the marriage in Islam, such type are very reputable in nature i.e. there is nothing that can be considered as immoral in the domain of Divorce. Although it has been recognized by the laws in Islam the rights that the Husband

is having for taking the divorce with the nonetheless morality of the Islam will be having a requirement of the decision that men can take divorce only after they have presented a reasonable decision as well as that is been demonstrated to be real. Hence, everyone should be remembering what the statement of the Supreme Court of India has been struck down as a practice of the phrase triple talaq only or also the utterance of the word Talaq three times in one sitting.

Mehtodology

In this section I will be telling you about the methodology I followed while gathering the information about the topic as well as knowing about all the aspects that are related to it and also having any kind of important in this topic. As we all know Research Paper are the best source of giving information about any of the specific topics. In the process of gathering the information I gone through so many research papers that were having relation with this topic as well as its aspects.

- Firstly I fetched the research papers that were having any introduction about the technique of triple talaq and what are the actions that has been done if any wife is getting divorce with the process of triple talaq from the Husband Side.
- Secondly I gathered information about the Judiciary reforms about this topic as well as what were the decisions that were taken in regards to the aspects of triple talaq.
- Researchers has been clearly mentioning all the things about the triple talaq technique so those processes as well as the researches helped me a lot in gathering the essential information as well as facts and data that were involved in Triple Talaq cases before the court.
- I also gathered information that what are the process as well as methodologies that were followed in the processes of Marriage as well as the process of divorce .

These were some of the process and methodologies that I followed for the gathering of information and facts about the cases that are under the banner of triple talaq and also all the aspects that are related to it. These also helped me to know about the Judiciary reforms that has been performed in the cases of Supreme Court. Order of the Supreme Court was simply that they have banned the uttering of the word Talaq will be sufficient for the divorce, they

banned that only and all the other aspects were leaved on the government so that they can find what is better for the society as well as the people of the country.

Literature Review

In this section I will be telling you what were the experience while reading the literatures which includes the Research Papers, Books, PDFs and many more things are there that can be considered as a Literature. These things are becomes very esesential at that time when you are researching on any topic and also wanting to get the best as well as accurate information about your topic so that you don't have to move here and there for the searching . In this section I will be mentioning some of the research papers which helped me in the process of searching the information gathering it as well as taking it with all the aspects that will be related to it. All the research papers which i will mention were having the most relevant information about the topic, other than them I will mention all the names of the Research Papers as well as books in the References Section.

Literature that I Cited for the gathering in regards to the information about the Triple Talaq as well as the Judiciary action that has been taken by them were:

- Hosseini, Ziba M. (2009). Towards Gender Equality: Muslim Family Laws and the Shari'ah. Retrieved 24th July, 2017,
- Emon, Anver M. (2008). Islamic Law and the Canadian Mosaic: Politics, Jurisprudence and Multicultural Accommodation. Retrieved 28th July, 2017, from
- The second primary source of Sharia is Sunna, which means "tradition," referring to the oral teachings or practical traditions and model of behaviour of the Prophet Muhammad. Mashhour,A.(2005). Islamic Law and Gender Equality: Could There Be a Common Ground? A Study of Divorce and Polygamy in Sharia law and Contemporary Legislation in Tunisia and Egypt, Human Rights Quarterly,27(2). p. 566.
- Considered as a third source of laws after the Quran and the Sunna, consensus or „ijma“ represented the ultimate sanctioning authority which guaranteed the ultimate infallibility of those positive legal rulings and methodological principles that are universally agreed upon by Sunni scholars. Hallaq, Wael B. (1997). A History of

Islamic Legal Theories - An Introduction to Sunni Usul al-Fiqh. (p.75). U.K: Cambridge University Press.

- Qiyas, translated as analogical deduction is the fourth source of Islamic law. As a source of law, it comes into operation in matters which have not been covered by a text of the Quran or Tradition of the Prophet ..., nor determined by consensus of opinion. Sardar, S.(2008). Conceptualising Islamic Law, CEDAW (United Nations Convention on the Elimination of All Forms of Discrimination against Women)and Women`s Human Rights in Plural Legal Settings: A Comparative Analysis of Application of CEDAW in Bangladesh, India and Pakistan. Retrieved 24th July, 2017

Marriage and Divorce in Islam

Although the process of marriage or the process of Nikah in the community of Islam can be considered as the contract, nowhere the women is having any rights to social status according to the Islamic laws. In the connotation of the marriage that is legal can be said as a contract between two people along with the sense that will be remaining and will be having dependency on a proposal as well as consent and it also gives permission for the breaching as well as it also allows for the modification as well as the revision for the case as well as things that are important for the case. Marriage is named as Sunnah in accordance to the prophet in a positive manner will be providing encouragement to it as well as it will be joined further with the contend of the statement that “No monkey is existing in the Islam”. As being in the form of a cornerstone to the culture that has been followed by the Islamic community, which means the marriage in the form of an institution can be considered as its standing in the favour of the protection accordance of the society as well as all the member that are having its foulness as well as the chasity of the related things also

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nothing that can be considered as immoral in the domain of Divorce. Although it has been recognized by the laws in Islam the rights that the Husband is having for taking the divorce with the nonetheless morality of the Islam will be having a requirement of the decision that men can take divorce only after they have presented a reasonable decision as well as that is been demonstrated to be real.

The has been ordained that the men don't have any option as well as any kind of power to for abusing the power of the divorce as well as if it has been followed then the rules should be there that will be exaggerating and also it should be considered in the form of conformity along with the more need as well as requirement in regards to moral and principles that are ethical. The excercises that are related to the divorce in accordance to the frivolous as well as trivial ground has been highly condemned as it has been destroying the unit of the families as well as fabric that has been occurring socially. Divorce should be in the process of condem with the help of a type of project as some things in the opposition of the Prophet as well as something that cannot be in the execution should also be enforced and it have to be make sure that the Husband are not having any kind of rights that will be abusing the gender equality as well as the abusiveness of the power of the Women who is the part of the relationship and has been suffering from that consequences as well as she has also been facing the insult as well as discrimination from the side of the society as well as on the behalf of the women we have to think that she is also having equal right as well as for being in the relationship as well as also having some amount of control over the relationship.

Triple Talaq and Judicial Rulings

There are so many evidences in the circle of the legality for showing in regards that the Court that are in Existence in India at different amount of time has been given so many rulings that are significant for them in order to the rulings on the beliefs of Muslim communities in regards of religion as well as also the practices that has been done on the name of religion and also they are illegal activities. In new times, it has been shedding down it significance in regards to the issues that has been raise controversially on the topic of triple talaq. The issue that is related to the triple talaq is having a nature as contagious and it will be performing the exhibition how

the patriarchy as well as interpretations that has been imposed by the patriarchy will be prevailing as well as in the place of the contemporary Society.

In the opposition as well as the response of the petition that has been filed in opposition of the practices related to triple talaq the All India Muslim Personal Law has been defending strongly that the practice is on the name of a community as well as a religion. The Board also made a declaration that the Sharia Laws as well as the Islamic laws has been declaring that it given rights to the Husband involved in that relationship a right to take divorce from the relationship has been dependent on the Men because they are having more importance as well as more power in the domain of the decision making area. Such types of statements has been made from the custodians of the manifests that belongs to the religion as well as it is having the complete disregard due to some reason as well as the sensitivity also due to the reason that the Quran has been granting the equal rights, duties, rewards as well as punishments to the people who belongs to the Muslim Community so nobody is having power to perform discrimination to the people as well as in between the husband and his wife. When any type of authority makes any types of gender will be making any power to any gender the power to discriminate between the genders as well as give any gender any type of special.

With the decription of the triple-talaq a popular fallace, a bench of a single judge in the year 2016 on 5th November has been keeping a note that the practice which is related to the triple talaq cannot be considered as a consonance with the letter as well as the spirit of Islam. The exercise has been practiced should be considered as contrary as well as opposition in the relation of the Quran as well as the prophet because of the process of taking divorce is also possible only if the circumstances that has been stated in it are at very high extent as well as very bad to the people.

The has been ordained that the men don't have any option as well as any kind of power to for abusing the power of the divorce as well as if it has been followed then the rules should be there that will be exaggerating and also it should be considered in the form of conformity along with the more need as well as requirement in regards to moral and principles that are ethical. The excercies that are related to the divorce in accordance to the frivolous as well as trivial ground has been highly condemned as it has been destroying the unit of the families as well as fabric that has been occurring socially.

Furthermore the Court made an observation that the Sharia law which is also known as the Islamic law has been giving permission as well as more priority to the man in regards to the faculty that has been involved in marriage, and if the faculty of wife with the help of her indocility as well as is having bad character, make the life after the marriage unhappy for both the person that has been involved in that process , but if the people are not having any reasonable reasons as well as cause then no man will be having justification for a divorce which the help of any type of law as well as any type of religion.

Althoug, the issues that has been declared by the triple talaq non constitutional don't hacc anything to do with the civil code that is uniform for all the people. The right for following any of the personal law in his or her regards has been given which means the right gives you guarantee with the help of any type of constitution as well as this type of right don't have the option to be performed in any other type and that type cannot be given as the name of the uniform civil code. The attempts that has been made for the implementation of the Uniform Civil Code through the length as well as the breadth of India in the Indian domain, and it stated that it will make sure that it is sure that it will kill the ethos that ar prulal in accordance of the Country India. In a lecture that is public has been subjected on the Uniform Civil Code (UCC). Although it has been recognized by the laws in Islam the rights that the Husband is having for taking the divorce with the nonetheless morality of the Islam will be having a requirement of the decision that men can take divorce only after they have presented a reasonable decision as well as that is been demonstrated to be real.

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It has been a truth customary practices which will be divergent with regards to the values as well as along with the principles of the Quran has been emerging as well as triple talaq has been considered to be among them. Although the practices that has been supposed to be sinful from the side of Hanafi School of Islamic thought. The exercise has been considered manifestly arbitrary after the break of the marital bond with the capriciously as well as whimsically without performing any attempt at the time of reconciliation.

The has been ordained that the men don't have any option as well as any kind of power to for abusing the power of the divorce as well as if it has been followed then the rules should be there that will be exaggerating and also it should be considered in the form of conformity along with the more need as well as requirement in regards to moral and principles that are ethical. The excercies that are related to the divorce in accordance to the frivolous as well as trivial ground has been highly condemned as it has been destroying the unit of the families as well as fabric that has been occurring socially.

Hence, everyone should be remembering what the statement of the Supreme Court of India has been struck down as a practice of the phrase triple talaq only or also the utterance of the word Talaq three times in one sitting.

On the other hand, it means that the talaq is having are still valid no judgement has been put on them. Hence, it has not been for the first time that the Judiciary has been standing in the opposition of the Triple Talaq. Before this also in the year 2016 a bench which was having around single judge in the High Court of Kerala Stated that the exercise of the Triple talaq cannot be considered as valid in accordance to the Quran and also as a result these practices will be an punishable offense according to the provisions that has been followed by the Indian Panel of Code.

Not as similarity to the court the High Court of Kerala has been taking a step in the field and also declared the power that has been given to Men in regards to say Talaq thrice and get divorce and it should be take away from the Men community and also the decision will be taken by the court only.

Conclusion

So with this I conclude my paper and I contend that all the facts as well as information that has been written in this paper are real and don't have any kind of change in phrase of the languages. Triple talaq has been a very wrong practice, it was in the opposition of the gender equality, human rights, rights of each and every women of the country as well as the world. It was performing violation to many things in relation, it has been a un predictable offence and nothing can be predicted by anyone that what will be happening in the case after it has been filed in the Court or Supreme Court of India.

The old categories that are described for divorce from the side of legal reforms are talaq that can be performed the repudiation from the side of the Husband, Khula which can be said as the buying of the freedom of wife as well as mubarat that is done with the permission of both the sides. The rules and regulations that are in relation to divorce has been always in the governance of the Sharia, as according to the interpretation of the traditional as well as old Jurisprudence of the Islam. However, the practices that are done mostly don't match with the real soul as well as spirit of the Islamic community. Although Quran has been egalitarian as well as justiced its cornerstone, but the idea of gender inequality that has been followed by the pre-Islamic times in regards to the divorce are still been followed by the people as well as are still existing in vogue. With the help of all the reasons, especially women are the communities that will be vulnerable. Triple talaq has been facing so much of criticism as well as controversies and debates on its account that this practice is correct or not.

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The supporters of this were saying this is the new method for supporting the women who belongs to the Muslim Community. Opponents of these stated that the punishment can be considered as harsh as well as it has been open for the misuse. Men who will be founded opposing these laws that has been newly implements will be punished with the punishment of

jail of around 3 years. The first tabling of this bill was in the year 2017 and has been stopped in the Parliament after the opposition of some of the MPs who were calling it unfair for the people.

Around 17.33 million population India according to the census that was taken in the year 2011 has been following the religion of Islam, and accordance to this the population in these subcontinents of Muslim has been guided by the Muslim Personal Law Act of the year 1937 at large extent. According to the law it will be accepting that the Muslim population that has been accepted in the Country should be governed under the provisions of personal laws in accordance to the Section 2 under the provisions of Sharia Act of the year 1937, which can be defined as the duty of the Courts existing in India that the application of the Personal Laws of Muslims that are having relations to marriages as well as dislocation of the marriage. It stated that the law that has been conveyed will be the aspect as well as important regulation of the decision in those cases in which the people involved are belonging to Muslim Community. The things that was stated by the Act was “Notwithstanding any of the customs or any type of usages for the contrary, in terms of all the cases that will be having relation with the adoption, legacies of women, wills, inheritance rights, property that is especially for the females with the inclusion of the property that has been obtained or inherited under the provisions of any contract or got as a gift under the guidance of any personal law that is related to marriage as well as dislocation of the marriage also.

Marriage is named as Sunnah in accordance to the prophet in a positive manner will be providing encouragement to it as well as it will be joined further with the content of the statement that “No monogamy is existing in the Islam”. As being in the form of a cornerstone to the culture that has been followed by the Islamic community, which means the marriage in the form of an institution can be considered as its standing in the favour of the protection accordance of the society as well as all the member that are having its foulness as well as the chastity of the related things also. In accordance to the continuation in regards of the human race, it has been promoting life of the normal family as well as the legitimizes the children. With the help of the being in between of the contract, in the marriage in Islam, such type are very reputable in nature i.e. there is nothing that can be considered as immoral in the domain of Divorce. Although it has been recognized by the laws in Islam the rights that the Husband is having for taking the divorce with the nonetheless morality of the Islam will be having a requirement of the decision that men can take divorce only after they have presented a

reasonable decision as well as that is been demonstrated to be real. Hence, everyone should be remembering what the statement of the Supreme Court of India has been struck down as a practice of the phrase triple talaq only or also the utterance of the word Talaq three times in one sitting.

Thank you for reading this paper hope you found the information relavent.

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