



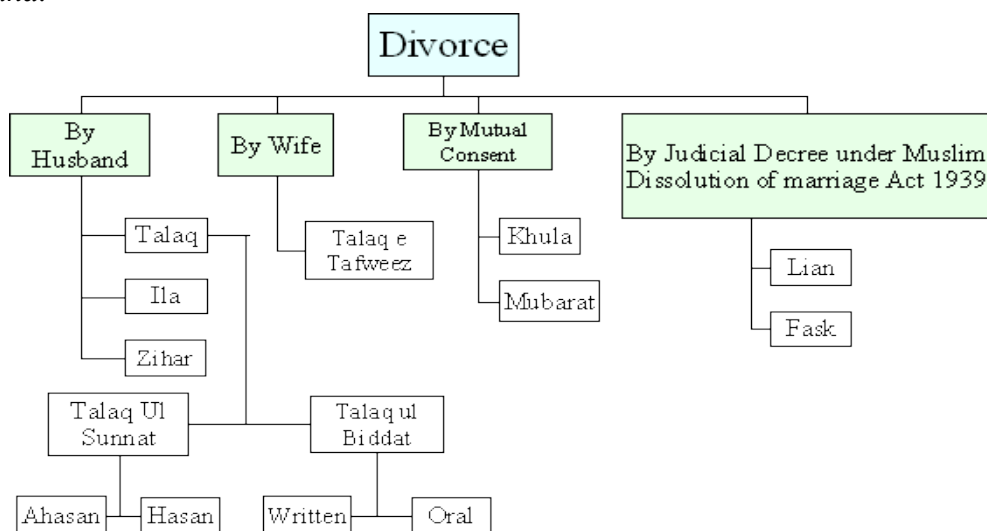
BJP PROCLAMATION FOR ABOLITION OF TRIPLE DIVORCE PRACTICED IN ISLAMIC CULTURE AND IT'S IMPACT ON UP VIDHAN SABHA ELECTION 2017

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Abstract

The word *Talaq* originally meant "repudiation" or "rejection". In Muslim law, it means release from a marriage tie, immediately or eventually. In a restricted sense it means separation effected by the use of certain appropriate words by the husband and in a wide sense it means all separations for causes originating from the husband. It is also generic name for all kinds of divorce but it is particularly applied to the repudiation by or on behalf of husband.



Talaq ul biddat - It is a disapproved and sinful form of *Talaq*. It was introduced by Ommeyyads in order to escape the strictness of law. To be of this form, it must satisfy the following conditions :

1. Three pronouncements may be made during a single "Tuhr" either in one sentence (e.g. "I divorce thee thrice.") or in three sentences (e.g. I divorce thee, I divorce thee, I divorce thee).
2. A single pronouncement made during a "Tuhr" clearly indicating an intention to dissolve marriage irrevocably (e.g. "I divorce thee irrevocably").

Who can pronounce Talaq (Divorce)?

As per Islamic law, only the husband has a right to pronounce *Talaq*. Under *Talaq-e-tafweez*, a husband may delegate the authority to the wife to pronounce talk on his behalf. The

husband must possess the following qualifications to be able to pronounce a valid Talaq -
Shia - He must be of sound mind and attained the age of puberty. It must be pronounced orally in the presence of two witnesses unless he is unable to speak. Further, Talaq must not be pronounced under duress or compulsion otherwise Talaq is void. It must be spoken in Arabic terms and strictly in accordance to sunnat.

Sunni - Only two requirements - Sound mind, attained majority. A Talaq pronounced under compulsion or intoxication is effective.

It causes child marriage, polygamy, Miser condition of women, Slave like behavior with female, Worst Post Divorce conditions of female, Triple divorce in Islam in unjustful to women, Practice of "HALALA" is physical exploitation of female, Female are considered as a thing for entertainment and machine for reproduction, Triple divorce is abolition of "right to equality, Being a matter related to religious belief, it is hard to be abolished. The said proclamation of BJP leaders was just a political stunt and game with the feelings of Muslim women.

Keywords: TALAQ, TALAQ-UL-BIDDAT, HALALA, Triple divorce, Social Practice.



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Introduction: Many people of other religions believe that a married Muslim man can dissolve his marriage at any time by saying to his wife: "Talaq, talaq, talaq" at one occasion of his own free will and desire. ("Talaq" means "I divorce you.") This motivated me to study the the actual existence of this method of dissolution of a marriage in Islam.

After solemnization of marriage between parties, if some problems arise, the husband may divorce his wife. The question is how he divorces his wife, and whether pronouncement of divorce three times at one occasion is valid.

Zeenat Shaukat Ali, Professor of Islamic Studies St. Xavier's College, Mumbai published an article in the *Indian Express* with title: "Divorce, Divorce, Divorce." He attempted to clear up misconceptions by Muslims and others about the triple pronouncement of Talaq. The main points in his article were:

1. Talaq and divorce are strongly condemned within Islam.
2. In case of difficulties within a marriage that the husband and wife cannot solve by themselves, each shall appoint an arbitrator or conciliator to resolve the matter.
(4:35): "If the fear Shiqaq (breach) between the Twain, appoint (two) arbiters, one from his family and other from hers, if they wish for peace, ALLAH will cause their reconciliation."

3. TALAQ-UL-BIDDAT or triple TALAQ: It is important to understand that the word "biddat" itself means disapproval or something the prophet never did or recommended.
4. Caliph Umer legitimized this form of divorce as an emergency measure.

Most Muslims believe that there shall be a interval of of one month between each "taliq" pronouncement. If the during these pronouncements, the wife disobeys the lawful order of her husband, he may divorce her. During this time of breach they should take measures to reconcile by themselves or with the help of their relatives etc. All efforts as provided in the Qur'an and Sunna should be made to avoid a breach of the marriage.

The triple pronouncement of TALAQ has been "*...banned by law in many nations, including Turkey, Tunisia, Algeria, Iraq, Iran, Indonesia, and Bangladesh. India still permits it.*" ¹ In all such countries arbitration councils and judicial interventions have been introduced to promote reconciliation.

The institution of marriage is as old as the history of mankind. But its termination came into vogue far afterwards. The termination of marriage or its separation remained foreign concept to various faiths, including 'Hinduism', an ancient Indian religion. According to Hinduism, 'The marriage is a bond between bone to bone & flesh to flesh'.

Islam, perhaps, is the first and foremost faith which introduced the concept of 'divorce' commonly known as 'Talaque' in Arabic language. Islam, as claimed 'is a way of life'. It covers almost all aspects of human life. Human nature, needless to add, is such that it is quarrelsome besides being gregarious circumstances, therefore, may compel these spouses to snap the marital tie. But the utterance of 'Talaque' should not be at the tip of tongue to be slipped, according to whims of the parties to marriage. Islam has taken into account the aforementioned aspects while laying down the laws of divorce.

'Talaque' or 'divorce' according to 'Quran' & 'Hadith' is the last resort while all possible means at the disposal of spouses stands exhausted.

Initially the idea of Triple 'Talaque' was alien to the Islamic Jurisprudence. According to 'Quran' 'talaque' is pronounced twice whereas 'Talaque' started to be pronounced thrice at the interval of three different 'tuhrs' (post menses ablution). The first 'Talaque' through, pronounced after having given serious thoughts to it was stands revocable. It was designed to serve as 'warning' to one's wife. If it did not work or one's wife did not mend her ways, it was followed by second one (second talaque) living under the same roof and continuously enjoying conjugal rights which came to an end in case of second 'Talaque', but marriage does not come to an end. Sexual relations are restorable after 'Nikah'. But

‘Talaque’ pronounced at third time becomes the irrevocable and remarriage, is only possible after ‘Halala’.

The ‘Talaque’ pronounced thice is one setting is known as ‘Talaque-e-bain’. This form of ‘Talaque’ is very much in practice now-a-days, especially in India, through it is the worst form of ‘Talaque’ which was looked down upon in mustim Jurissprudence.

Three different schools of thoughts- ‘Hanafi’, ‘Shafai’, ‘Hanbali’, ‘Malki’ have divergent view on this vexed problem.

Judicial Pronouncements on the Issue of ‘Talaque’ :

Basically the ‘Muslim Law’ is uncodified law. The legislation on this problem has been limited one. ‘Shariat Law’ can be cited in this behalf. But, perhaps, according to some jurists & judges, this law does not serve the purpose as it aught to have been.

Various rulings of the ‘Suprime court of India & the different High courts of states do not recognize ‘Talaque-e-bain’ which in their opinion is not as per the latter and spirit of Quaran.

The process of reconsideration and arbitration was considered to be a condition precedent to ‘Talaque’.

The Muslim community is chiefly governed by the Dissolution of Muslim Marriage Act, 1939 and the Muslim Personal Law or Shariat (Jain, 1979, 429)¹. According to Islam, a divorce is meant for the purpose of avoiding the evil consequences of an unhappy marriage. Quaran says “either retain her with humanity or dismiss her with kindness” (Husain, 1979, 138-139)²

According to the Muslim personal Law, a man can divorce his wife by pronouncing talaque even against her will. But a woman can demand a divorce from her husband only with his approval. The grounds for such a divorce would include impotency, cruelty, depriving her of her personal wealth, insanity, leprosy and if she is given in marriage before she has attained 15 years of age (Khan Aslam 1991, 39).³ Further the contract of marriage may be dissolved as in any of the three ways :

- (a) Talaq or by husband’s will
- (b) Khula or Mubarat i.e. by mutual consent of the husband and wife, and
- (c) by a judicial decree at the suit of the husband or wife (Kapadia, 1977, 71)⁴

The dissolution of Muslim Marriage Act, 1939 was passed in order to consolidate and clarify the provisions of Muslim law relating to suits for dissolution or marriage by women married under Muslim law. It is usually when the husband refuses to release a wife from the marriage that she resorts to the court of law.

The annual governmental records define media as use of modern means of communication for the dissemination of information. This includes Radio, T.V., Films, Press, Publication and Advertising. As a matter of fact these all have been developed from the traditional means of media that is folk arts.

Whether this huge circulation has influenced in qualitative form in educating people and if so to what extent they have been educated, could be an interesting query even for a common man. This small research paper would try to examine this question in the most politically awakened district of prosperous western U.P. in the politically surcharged environment of just concluded Vidhan Sabha elections 2017 . Before testing the hypothesis it would be relevant to look into the universe of study. With the above pen-sketch about the universe of study now we would examine how the local newsmedia catered the political news to people during the elections.

AS the election shifts from communally sensitive western UP to central, Bundelkhand and eastern regions — known for rigid caste-based political loyalties — the BJP's tactical caste calculations in selection of candidates and promotion of leaders will face its first test on Sunday. The rural belts dominated by Dalits and backward castes surrounding Lucknow and Kanpur cities had not elected any BJP MLA in the 2012 state polls. The region is often interpreted as BJP's weakest. The 69 constituencies going for polls on Sunday include 20 seats reserved for the Scheduled Castes, or nearly one-fourth of 84 such seats in the state. These are from an area with largest concentration of Dalits, especially non-Jatav castes like Pasi, who can swing the results in most constituencies of Sitapur, Hardoi, Unnao, Barabanki and Lucknow districts.

In the 2012 polls, BJP had won only one seat in Lucknow and four in Kanpur — all in urban areas. On the other hand, while BSP had won six and SP 55, Congress had won two. One seat had gone to an Independent. For the last one year, the BJP has been trying to woo castes like Pasi, Kori, Balmiki and Sonkar. It has chosen its Mohanlalganj MP, Kaushal Kishore, as the head of its state SC Morcha. A former communist, Kishore had joined the BJP before the 2014 Lok Sabha polls. He has been leading the campaign to woo Pasis — the second largest Dalit sub-caste in UP.

As the adrenaline subsides, a sense of fear among Modi's detractors will be followed by a realisation that the opposition to the PM in the mainstream and social media did nothing to diminish his charisma. The BJP's communication in the rural hinterland, through Hindi-speaking right wing cadre, was successful. A section of English media may have been soft on them, but the Congress, the BSP and the SP failed to persuade the poor, the day-wage

workers, the jobless young to vote against those they portrayed as the perpetrators of notebandi, communalism and Manuvad.

OBJECTIVES OF THE STUDY :

The main objectives of the present study are as follows :

- (1) To study the socio-economic conditions and backgrounds of the respondents.
- (2) To determine the Impact of Triple divorce abolition, proclamation by BJP leaders, on General Assembly Election 2017,
- (3) To determine the factors that are threat for Loktantra.
- (4) To ascertain the views of Muslim women about the politics for caste and religion.

Hypothesis:

- (1) Triple divorce abolition, proclamation by BJP leaders, on General Assembly Election 2017, affected the election extremely.
- (2) Muslim women found it a political and emotional cheat.
- (3) Such Practices related to religion and castism, must be checked by Election Commission of India for national integrity.

Methodology: The Research problem is a part of the wider social issue and is related to the national integrity so the **Diagnostic** research design opted for this case study, regarding the nature of the problem. 300 Muslim women from Unnao District of Uttar Pradesh are selected as respondents to collect the primary Data. Muslim women are made target, by using “Purposive Random Sampling Method.

Discussion, conclusions and results:

This election has proved that Modi is right: When all is said and done, what the marginalised will respond to and cheer – be it in films or rallies – is a spectacle. Lenin said of Stalin “This cook will give us peppery dishes”. In Uttar Pradesh and Uttarakhand, all the macho talk of nation building, tricolour flying, and Modi’s branding of the party has been like a peppery dish. People have lapped it up. In 2017, the peppery dishes he served, helped Modi reduce his opponents to figures of fun while allowing his party to gloss over several serious questions: The Ram Mandir, Kairana, beef ban and last, but not the least, demonetisation.

The responses of the respondents, against different questions are tabulated as follows:

Table1: “If the political proclamations related to the religious and caste affect the voting behavior, and you casted the vote with hope”

S No	Responses	frequency	Percentage
1	Yes	282	94.0
2	No	016	5.33
3	Neutral	02	0.67
	Total	300	100-00

Table2: “If Triple divorce abolition, proclamation by BJP leaders, was political and emotional cheat and must be checked by Election Commission of India for national integrity”

S No	Responses	frequency	Percentage
1	Yes	291	97.0
2	No	07	2.33
3	Neutral	02	0.67
	Total	300	100-00

Table 3: “Social practices which are against human rights, must be abolished like “Sati Pratha”and child marrages.and triple talak etc.”

S No	Responses	frequency	Percentage
1	Yes	288	96.0
2	No	07	2.33
3	Neutral	05	1.67
	Total	300	100-00

Table 4: “Ill Effects of Divorce (Views of Respondents)”

S No	Ill Effects of Divorc (Views of Respondents)	Preferences Provided by the Respondents (number/percentage)				
		Ist	IInd	IIIrd	IVth	Total/ Percentage
1	It causes child marriage	183(61.00)	111(37.00)	06(02.00)	-- (00.00)	300(100.00)
2	Divorce causes polygamy	300(100.00)	-- (00.00)	-- (00.00)	-- (00.00)	300(100.00)
3	Dependency of female	270(90.00)	18(06.00)	12(04.00)	-- (00.00)	300(100.00)
4	Miser condition of women	279(93.00)	06(02.00)	09(03.00)	06(02.00)	300(100.00)
5	Slave like behavior with female	189(63.00)	66(22.00)	42(14.00)	03(01.00)	300(100.00)
7	Worst Post Divorce conditions of female	201(67.00)	90(30.00)	09(03.00)	-- (00.00)	300(100.00)
8	Triple divorce in Islam in unjustful to women	240(80.00)	30(10.00)	30(10.00)	-- (00.00)	300(100.00)

						0)
1	Practice of "HALALA" is	300(1	--	--	--	300(100.00)
2	physical exploitation of female	00.0)	(00.0	(00.0	(00.0	
			0)	0)	0)	
1	Female are considered as a	177(5	120(4	--	03(01	300(100.00)
3	thing for entertainment	9.00)	0.00)	(00.0	.00)	
				0)		
1	Triple divorce is abolition of	300(1	--	--	--	300(100.00)
4	"right to equality"	00.0)	(00.0	(00.0	(00.0	
			0)	0)	0)	
1	Being a matter related to	270(9	24(08	06(02	--	300(100.00)
6	religious belief , it is hard to be	0.00)	.00)	.00)	(00.0	
	abolished.				0)	

The primary data mentioned and tabulated above shows that 282 (94%) Muslim women answered that the political proclamations related to the religious and caste affect the voting behavior, and they casted the vote with hope. 291 (97%) women respond that triple divorce abolition, proclamation by BJP leaders, was only a political issue and was an emotional cheat and must be checked by Election Commission of India for national integrity. 288 (96%) respondents accepted that Social practices which are against human rights, like "Sati Pratha" and child marriages and triple talak etc., must be abolished by the law strictly. More than 90% women (average) , as shown in table 4 ,accepted that "triple talak" practiced in muslim community in protection of religion, causes child marriage, polygamy, Miser condition of women, Slave like behavior with female, Worst Post Divorce conditions of female, Triple divorce in Islam in unjustful to women, Practice of "HALALA" is physical exploitation of female, Female are considered as a thing for entertainment and machine for reproduction, Triple divorce is abolition of "right to equality, Being a matter related to religious belief , it is hard to be abolished. The said proclamation of BJP leaders was just a political stunt and game with the feelings of Muslim women. Hence all the hypotheses are found to be true.

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नई दिल्ली। मिशन 2019 के तहत तीन तलाक के मुद्दे को निर्णायक मुकाम तक ले जाने में जोरशोर से आगे बढ़ रही भाजपा ने अब मुस्लिम समाज के पिछड़े तबके को साधने की ठोस पहल की है। विपक्षी दलों पर पिछड़े मुस्लिम वर्ग के विकास का रास्ता अवरोध करने का आरोप लगाते हुए पार्टी ने देशभर में अभियान चलाने का एलान किया है। खास बात यह है कि अभियान में आपसी मतभेदों को भुलाते हुए केंद्रीय अल्पसंख्यक मामलों के मंत्री मुख्तार अब्बास नकवी और भाजपा नेता शाबिर अली एक साथ आए हैं।