



OPINION OF HIGHER SECONDARY GIRLS ON INSTANT TRIPLE TALAQ BILL TO EMPOWER MUSLIM WOMEN: A STUDY IN MAU (U.P)

Dr. Shakera Parveen

Asst. Prof, Dept. of Education & Training, E-mail:shakera4manuu@gmail.com

Abstract

Islam considers both man and woman to be two equally important wheels on which life moves. It has been clearly stated that men and women are equally respectable and responsible members of human fraternity. Islam regards marriage as a most sacred institution. Unfortunately the practice of Instant Triple Talaq by a negligibly small section of the people in the Muslim community made the life of a woman miserable. Nowhere in the Quran is mentioned about Instant Triple Talaq. Very recently the Loksabha hastily passed a bill criminalizing Talaq-e-biddat (Instant Triple Talaq) on 28th December 2017 and a number of people both Muslims as well as non-Muslims were quite outraged.

The Quran mentions of husbands divorcing their wives and lays down rules regarding how to divorce, what treatment to give after the divorce, such as maintenance to the divorcee and the upbringing and custody of the children if any, etc. The Hadiths mention wives seeking divorce from husbands and also divorcing them and have laid down rules regarding it.

The investigator conducted a Survey to know the "Opinion of Madarsa and School girls at Higher Secondary Level on the need for Instant Triple Talaq Bill to Empower Muslim Women". Sample consisted of 200 girls from four schools and four madarsas at higher secondary level (100 Madarsa girls; 100 school girls) in Mau, U.P. Simple random sampling technique was adopted. The study was carried out with the following objectives: (i) to find out the opinion of madarsa girls at higher secondary level on the need for Instant Triple Talaq bill to empower muslim women. (ii) to find out the opinion of school girls at higher secondary level on the need for Instant Triple Talaq bill to empower muslim women.(iii) To find out the significant difference between opinion of higher secondary school girls and Madarsa girls on the need for Instant Triple Talaq Bill to empower Muslim women in MAU (U.P)

An opinionnaire was developed on Instant Triple Talaq with 30 items in it. Reliability and validity of the tool was maintained. Findings of the study are discussed in detail in the research study.

Due to the practice of Instant Triple Talaq by few, a Muslim woman lives under a constant feeling of uncertainty. Muslim community has survived many traumatic experiences being in minority. It is time that Rational and Enlightened elements from Muslim community should come forward to analyze the sensitive issues of Islam.

Keywords: opinion, Instant Triple Talaq Bill, women empowerment, higher secondary level-madarsa and school girls.

INTRODUCTION:

"The most hateful of all lawful things in the sight of Allah is Divorce".----Prophet Mohammad(PBUH).

People think that the sword of Instant Triple Talaq hangs precariously, like the sword of Damocles on the head of Muslim woman. As regards the pronouncement of triple talaq in one sitting, it has been highly discouraged as a wrong process which is expressly against Shariat.

Although scholars opine that Talaq would take place even if it is pronounced in this way, but it would be a grave sin, on the part of the husband because he has disobeyed Allah's command. The whole Muslim society must realize the extent of harm they do by breaking God's injunctions. By following Quranic Injunctions we have a hope of creating a just society where women are installed to their due place of respect and dignity, free from oppression of all kinds and free to steer their life's ship in a dignified way.

Muslim Personal Law is that branch of civil law which is applied to persons of the Muslim religious community. There are four sources of the Muslim personal law, namely shariat or fiqh, laws made by legislations; previous judgments' and custom. The word shariat literally means "the road to the watering place or the path to be followed". The **holy Quran, Sunna** (the prophet's sayings and practice), **Qiyas**(analogy) and **Ijma**(consensus) from the body of shariat. Whereas the first two sources are divine, the second semi-divine according to some-the last two are human. According to the last two sources that many schools of Islamic Jurisprudence came into existence. The Quran is divided into 114 surahs, 6,234verses/ayat. Of these 80 relate to personal laws, **27 to divorce**, 177 to women, 10 to marriage, 03 to inheritance and 06 to orphans. Let us have a look on some of Prophet Mohammed's sayings on woman:

- ✚ "The best of you is he who behaves best to his household."
- ✚ "Women are the twin-halves of men."
- ✚ "The world and all things in it are valuable; but the most valuable thing in the world is a virtuous wife"
- ✚ "Those men who beat their wives do not behave well. He is not of my way who teaches a woman to stray."
- ✚ "That is the best of Muslims whose disposition is best; and the best of you are they who behave best to their wives.
- ✚ "The thing which is lawful, but disliked by God, is divorce."
- ✚ "God enjoins upon you to treat women well, for they are your mothers, daughters and aunts."
- ✚ "The rights of women are sacred. See that women are maintained in the rights granted to them."

Men are judged in many ways. But the best scale to judge the character of a man is to see how good he is to the members of his family, especially to his wife. There is a need for action oriented research which ought to have a grassroot level component focusing on muslim women's sensitive issues. The investigators made an attempt to do so.

REVIEW OF RELATED LITERATURE:

A survey was conducted by Bharatiya Muslim Mahila Andolan (2017) with 4710 sample from economically weak strata of the muslim community. Findings revealed that the divorce rate is 11.14% among **economically weak strata muslims**, and among them 8.67% divorces are given by instant triple talaq(talaq-e-biddat).

The Indian Express reported on (5 May, 2017) Among women, the divorce rate is the highest for the Buddhist community (6.73 per1000 marriages), followed by Christians (5.67) and Muslims(5.63 per1000). 'Other communities' (4.1),Jains (3.04),Hindus(2.60) and Sikhs(2.56)

Census report says the percentage of overall divorce rate among muslims is 0.14

20 October 2016 Ummid.com News says Among divorced Indian Women 68% are Hindus and 23.3% are Muslims(according to 2011 census data).More Hindu women in India are divorced than those belonging to the Muslim community-more than three times to be specific.

SIGNIFICANCE OF THE STUDY:

The process of nation's development would be incomplete if women are neglected because they constitute about 50% of the population. As the review of literature indicates that the research studies undertaken so far conducted on instant triple talaq is rather scanty. The significance of the present study lies in the fact that the opinion of higher secondary girls is likely to be associated with existing sensitive issue of muslim women and their empowerment. The result or outcome will help achieve equality; help teachers, parents and society to provide solid base for them to strive for muslim women empowerment.

OBJECTIVES:

- ✚ To find out the opinion of madarsa girls at higher secondary level on the need for Instant Triple Talaq bill to empower muslim women.
- ✚ To find out the opinion of school girls at higher secondary level on the need for Instant Triple Talaq bill to empower muslim women.
- ✚ To find out the significant difference between opinion of higher secondary school girls and Madarsa girls on the need for Instant Triple Talaq bill to empower Muslim women in MAU (U.P)

RESEARCH QUESTION: The present study has been designed with a view to find answer to the following question:

Is there any difference between opinion of higher secondary school girls and Madarsa girls on Instant Triple Talaq bill to empower Muslim women in MAU (U.P)

OPERATIONAL DEFINITIONS OF THE KEY WORDS:

Higher secondary girls:

madarsa girls studying in Alimiyat I & II(equivalent to xi & xii std)and school girls studying in xi & xii std are termed as Higher secondary girls.

Instant Triple Talaq Bill:

Bill passed in the Loksabha on 28th December 2017 on Instant Triple Talaq(the practice of divorce by unilateral pronouncement of Talaq in one sitting)

Empower Muslim women:

It is a multidimensional process which enables Muslim women to realize their full identity and powers in all spheres of life.

METHODOLOGY:

Descriptive survey method was used in the study.

Sample and Sampling Technique:

The Sample of 200 girls from four schools and four madarsas at higher secondary level (100 Madarsa girls; 100 school girls) in Mau, U.P was taken for the study. Simple random sampling technique was adopted.

Tools:

An Opinionnaire was developed on Instant Triple Talaq with 30 items in it. These test items are based on five point scale i.e. strongly agree, agree, un-decided, disagree, and strongly disagree. Reliability of the tool was established using split-half method and its reliability found to be 0.84 and its content and construct validity has been established by consulting experts in the field.

Statistical Techniques:

The statistical techniques such as percentages, t-test and graphical representation of the data were used.

DELIMITATIONS OF THE STUDY:

The study was confined to higher secondary school girls and madarsa girls from MAU, (U.P).

The study was confined to schoolgirls from four schools and madarsagirls from four madarsas at higher secondary level in Mau, U.P.

DATA ANALYSIS:

OBJECTIVE: 1 To find out the opinion of madarsa girls at higher secondary level on the need for Instant Triple Talaq bill to empower muslim women.

TABLE: 1 showing Opinion of higher secondary Madarsa girls on Instant Triple Talaq bill to Empower Muslim Women

Items	A to SA DA TO SD		
	SA	UD	SD
1. Instant Triple Talaq Bill can bring desirable changes in muslim society to empower women.	2	12	86
2. Instant Triple Talaq Bill itself is injustice to Muslim women. There is no chance to empower women.	90	0	10
3. There is less percentage of divorce in Muslims; therefore there is no need for Instant Triple Talaq bill or any law to empower women.	93	3	4
4. It is difficult to prove in court for a woman that her husband gave Instant Triple Talaq.	74	14	12
5. There is no need for muslims to follow and accept Uniform Civil Code to empower themselves.	65	25	10
6. Loksabha hastily passed a bill criminalizing Talaq-e-biddat(Instant Triple Talaq) on 28 th December 2017 in order to populate Indian jails with Muslims.	68	12	20
7. Instant Triple Talaq in any form spoken, written or even whatsapped is illegal and void and also provides a jail term of three years for husband which is right.	18	10	78
8. Make Instant Triple Talaq a punishable instead of criminalizing inorder to empower women.	50	20	30
9. Three year sentence for the husband on Instant Triple Talaq is not good. It is a civil matter and not a criminal matter.	70	20	10

10. Never accept changes in shariat because Quran clearly mentions of husband divorcing their wives and lays down rules regarding how to divorce.	100	0	0
11. It is good to have Instant Triple Talaq instead of making the life of a woman miserable.	10	0	90
12. There is no need for the government to interfere in Muslims sensitive issues. All India Muslim Personal Law Board and Muslim clergy should solve the problem.	100	0	0
13. Majority of Muslim women are against Instant Triple Talaq Bill.	90	10	0
14. Instant Triple Talaq Law will bring gender Justice and Empower Muslim women.	8	10	82
15. Instant Triple Talaq crime is greater than murdering wife. So the husband should be punished harshly for three years in Jail.	10	15	75
16. If we accept Instant Triple Talaq law then all Muslims are considered progressive.	2	6	92
17. Social evils in Muslim society will be abolished by Instant Triple Talaq Law and the women will be empowered due to the law.	0	25	75
18. I accept Instant Triple Talaq law when punishment comes as a civil crime and not as criminalized.	70	27	3
19. Instant Triple Talaq Law gives a Muslim woman total control on her man. She can anytime misuse the law and send her husband to jail for 3 year.	8	14	74
20. I think that the majority of the women did not feel happy to hear that the Instant Triple Talaq Bill passed in Loksabha.	79	12	9
21. Instant Triple Talaq Biil is unnecessary, dangerous and destructive to Muslim community.	83	5	12
22. Instant Triple Talaq Bill emancipates all the married Muslim women.	0	12	88
23. The Conjugal relationship deteriorates if the husband is sent to jail on Instant Triple Talaq for 3 years.	84	10	6
24. Instant Triple Talaq Bill is against Human Rights and how it can empower women.	81	14	5
25. If there is no Instant Triple Talaq Law The situation of Muslim women have been much worse.	3	9	88
26. This Instant Triple Talaq Bill gives a better status to All Indian Muslim women.	1	12	88
27. The Bill seeking to criminalize the practice of Instant Triple Talaq is illegal.	85	11	4
28. The Instant Triple Talaq Bill is against the constitution, the Shariat and Women rights.	84	9	7
29. The fact is that the state should not intervene too deeply into the private sphere of Muslim individuals such as marriages and divorce.	81	10	9
30. When Muslim marriage itself is civil Contract then its punishment should not be criminal.	83	10	7

OBJECTIVE: 2 To find out the opinion of school girls at higher secondary level on the need for Instant Triple Talaq bill to empower muslim women.

TABLE: 2 showing Opinion of higher secondary School Girls on Instant Triple Talaq bill to Empower Muslim Women

Items	A to DA		
	SA	UD	SD
1. Instant Triple Talaq Bill can bring desirable changes in Muslim society to empower women.	3	15	82
2. Instant Triple Talaq Bill itself is injustice to Muslim women. There is no chance to empower women.	88	10	2
3. There is less percentage of divorce in Muslims, therefore there is no need for Instant Triple Talaq bill or any law to empower women..	94	4	2
4. It is difficult to prove in court for a women that her husband gave Instant Triple Talaq	66	23	11
5. There is no need for muslims to follow and accept Uniform Civil Code to empower themselves.	74	14	12
6. Loksabha hastily passed a bill criminalizing Talaq-e-biddat(Instant Triple Talaq) on 28 th December 2017 in order to populate Indian jails with Muslims.	75	10	15
7. Instant Triple Talaq in any form spoken, written or even whatsapped is illegal and void and also provides a jail term of three years for husband which is right.	9	20	71
8. Make Instant Triple Talaq a punishable instead of criminalizing inorder to empower women.	65	25	10
9. Three year sentence for the husband on Instant Triple Talaq is not good. It is a civil matter and not a	70	20	10

criminal matter.

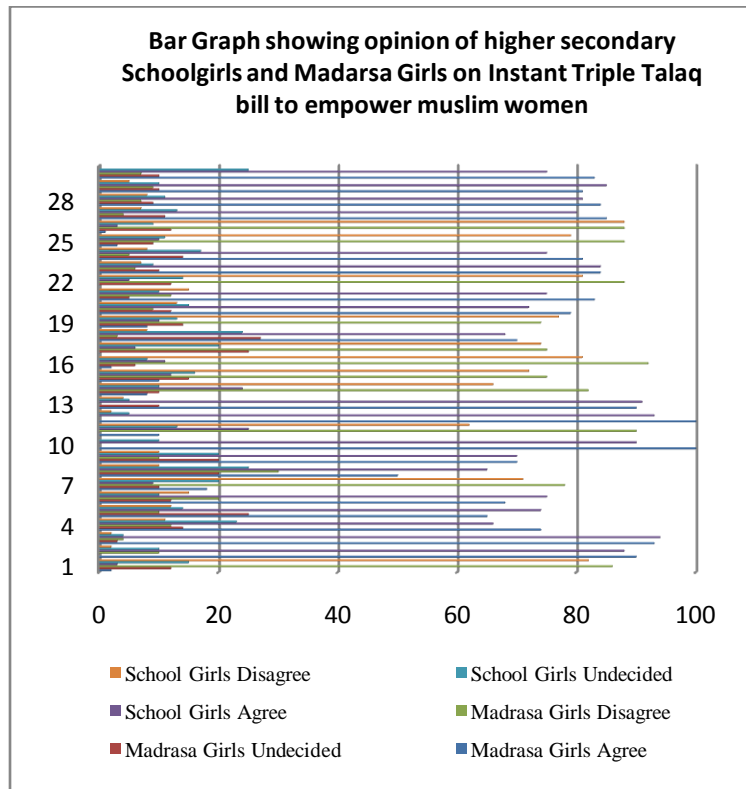
10. Never accept changes in shariat because Quran clearly mentions of husband divorcing their wives and lays down rules regarding how to divorce.	90	10	0
11. It is good to have Instant Triple Talaq instead of making the life of a woman miserable.	25	13	62
12. There is no need for the government to interfere in Muslims sensitive issues. All India Muslim Personal Law Board and Muslim clergy should solve the problem.	93	5	2
13. Majority of Muslim women are against Instant Triple Talaq Bill.	91	5	4
14. Instant Triple Talaq Law will bring gender Justice and Empower Muslim women.	24	10	66
15. Instant Triple Talaq crime is greater than murdering wife. So the husband should be punished harshly for three years in Jail.	12	16	72
16. If we accept Instant Triple Talaq law then all Muslims are considered progressive.	11	8	81
17. Social evils in Muslim society will be abolished by Instant Triple Talaq Law and the women will be empowered due to the law.	6	20	74
18. I accept Instant Triple Talaq law when punishment comes as a civil crime and not as criminalized.	68	24	8
19. Instant Triple Talaq Law gives a Muslim woman total control on her man. She can anytime misuse the law and send her husband to jail for 3 year.	10	13	77
20. I think that the majority of the women did not feel happy to hear that the Instant Triple Talaq Bill passed in Loksabha.	72	15	13
21. Instant Triple Talaq Bill is unnecessary, dangerous and destructive to Muslim community.	75	10	15
22. Instant Triple Talaq Bill emancipates all the married Muslim women.	5	14	81
23. The Conjugal relationship deteriorates if the husband is sent to jail on Instant Triple Talaq for 3 years.	84	9	7
24. Instant Triple Talaq Bill is against Human Rights and how it can empower women.	75	17	8
25. If there is no Instant Triple Talaq Law The situation of Muslim women have been much worse.	10	11	79
26. This Instant Triple Talaq Bill gives a better status to All Indian Muslim women.	3	9	88
27. The Bill seeking to criminalize the practice of Instant Triple Talaq is illegal.	80	13	7
28. The Instant Triple Talaq Bill is against the constitution, the Shariat and Women rights.	81	11	8
29. The fact is that the state should not intervene too deeply into the private sphere of Muslim individuals such as marriages and divorce.	85	10	5
30. When Muslim marriage itself is civil Contract then its punishment should not be criminal.	75	25	0

OBJECTIVE: 3 There is no significant difference between opinion of higher secondary school girls and Madarsa girls on the need for Instant Triple Talaq bill to empower Muslim women in MAU (U.P)

TABLE: 3 showing t-test on Opinion of higher secondary School Girls on Instant Triple Talaq bill to Empower Muslim women

HigherSecondary Girls	Mean	SD	Df	t-obtained value	t-critical value	H ₀
Madarsa Girls (N=100)	142.02	9.406	198	0.124	1.96(at.05 level)	Accept H ₀
School Girls (N=100)	144.8	8.473			2.58(at.01 level)	

Table 3 reveals higher secondary madarsa girls mean is 142.02 and SD is 9.406 whereas higher secondary school girls mean is 144.8 and SD is 8.473. for degrees of freedom 198 obtained t-value is 0.124 and critical value of t at 0.05 level is 1.96 and at 0.01 level is 2.58. The obtained t-value is less than the critical t-value. Therefore null hypotheses is accepted i.e., There is no significant difference between opinion of higher secondary school girls and Madarsa girls on the need for instant triple talaq bill to empower Muslim women in MAU (U.P)



MAJOR FINDINGS OF THE STUDY:

- ✚ 93% higher secondary madarsa girls and 94% higher secondary school girls expressed that there is less percentage of divorce in Muslims, therefore there is no need for instant triple talaq bill or any law to empower women.
- ✚ 90% higher secondary madarsa girls and 91% higher secondary school girls expressed that Majority of Muslim women are against Instant Triple Talaq Bill.
- ✚ 90% higher secondary madarsa girls and 88% higher secondary school girls expressed Instant Triple Talaq Bill itself is injustice to Muslim women, There is no chance to empower women.

- ✚ 85% higher secondary madarsa girls and 80% higher secondary school girls expressed The Bill seeking to criminalize the practice of Instant Triple Talaq is illegal.
- ✚ 84% higher secondary madarsa girls and 81 % higher secondary school girls expressed The Instant Triple Talaq Bill is against the constitution, the Shariat and Women rights.
- ✚ 84% higher secondary madarsa girls and 84% higher secondary school girls expressed The Conjugal relationship deteriorates if the husband is sent to jail on Instant Triple Talaq for 3 years.
- ✚ 83% higher secondary madarsa girls and 75% higher secondary school girls expressed When Muslim marriage itself is civil Contract then its punishment should not be criminal.
- ✚ 83% higher secondary madarsa girls and 75% higher secondary school girls expressed Instant Triple Talaq Bill is unnecessary, dangerous and destructive to Muslim community.
- ✚ 81% higher secondary madarsa girls and 85% higher secondary school girls expressed that the fact is that the state should not intervene too deeply into the private sphere of Muslim individuals such as marriages and divorce.
- ✚ 81% higher secondary madarsa girls and 75% higher secondary school girls expressed Instant Triple Talaq Bill is against Human Rights and how it can empower women.
- ✚ There is no significant difference between opinion of higher secondary school girls and Madarsa girls on the need for instant triple talaq bill to empower Muslim women in MAU (U.P)

IMPLICATIONS:

- ✚ All the efforts made by the Muslim society to restore the position of Indian Muslim woman so that she could play her role in nation building activities effectively.
- ✚ No amount of lip service will help in elevating her status to prescribed heights given in Islam. Since divorce rate among Muslims is too less when compared to their counterparts. More stress should be on education, employment and empowerment of minorities.
- ✚ Today's women need sympathy and understanding to solve their issues.
- ✚ Importance should be given to educate boys from Muslim weaker sections to increase their exposure to outside world.

CONCLUSION:

In Muslim families lot of eyes lighten up with hope because Instant Triple Talaq Bill has not passed in Rajyasabha. Not even a fool think that Instant Triple Talaq Bill will change the attitude of man into a positive towards his wife when his crime is criminalized or he is sent behind the bars for three years because of his foolishness.

Let us conclude by saying that Justice always rises up and not simply by passing such bills on sensitive Religious issues such as Instant Triple Talaq whose ratio is negligible

among muslims. Instead of wasting precious time on these issues one can think about other areas such as Education, Employment and Empowerment of minorities.

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