

# The Muslim Women (Protection of Rights on Marriage) Act, 2019

Need to Ban Evil Practice of  
Instant Triple Talaq



“The sword of Triple Talaq was hanging over the heads of our Muslim sisters. This fear was affecting their lives. Even Islamic nations had abolished it earlier. But we were hesitant in empowering our Muslim sisters. If we could raise our voice against child marriage and dowry, then why not Triple Talaq? Thus, capturing the spirit of the people of the nation and of the Constitution envisaged by Babasaheb Ambedkar, we took an important decision to do away with Triple Talaq. When we can ban Sati, when we can take strong steps against female infanticide, child marriage, then why not this?”

- Prime Minister on  
Independence Day speech  
(15th August, 2019)



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# What is Triple Talaq:

- Talaq-e-Biddat or Triple Talaq is a form of divorce that was practiced in Islam, whereby a Muslim man could divorce his wife by pronouncing talaq three times. The man need not cite any reason for the divorce and the wife need not be present at the time of pronouncement of talaq.
- Several instances from across the country were reported through the media where Muslim men granted instant Triple Talaq to their wives on very flimsy grounds like for becoming overweight or for not cooking the food properly or for getting up late in the morning.
- In addition, there were many more cases that never came to light, but which adversely affected the lives of Muslim women.

“ Take the help of law like me and have patience, faith and perseverance. I had no money. My kids are taken away. I suffered intense depression. And yet if I can fight a legal battle, why can't others? ”

- Shayara Bano, filed a petition against Triple Talaq



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Is it fair for a man to say "talaq" thrice over the phone and a Muslim woman's life gets ruined? This issue shouldn't be politicised.

”

-Narendra Modi



# Demand for banning Triple Talaq

- Banning of evil practice of Triple Talaq was a demand from Muslim women for a very long time. Due to religious influence and family pressure, most of the women who had faced such practice, could not raise their demand.
- Shayara Bano a woman from Uttarakhand, who suffered mental and physical torture by her husband and his family for not fulfilling their demand for dowry, was granted instant Triple Talaq by her husband through a letter, ending their 14-year marriage. Her husband also denied her the custody of her two children.
- Shayara Bano challenged this practice before the Supreme Court on the ground that the said practice is discriminatory and against dignity of women.





# Supreme Court verdict

- Supreme Court found that the said practice of divorce to be manifestly arbitrary, in the sense that, the marital tie can be broken capriciously and whimsically by a Muslim husband without any attempt to reconcile to save the marriage.
- Supreme Court, in a majority judgment rendered on 22nd August, 2017, set aside the practice of divorce by pronouncing instant Triple Talaq as violative of article 14 of the Constitution.
- Supreme Court judgment vindicated the position taken by the Government that talaq-e-biddat is against constitutional morality, dignity of women and the principles of gender equality, as also against gender equity guaranteed under the Constitution.



Judgment of the Hon'ble SC on Triple Talaq is historic. It grants equality to Muslim women and is a powerful measure for women empowerment.

-Prime Minister Narendra Modi (After Supreme Court set aside Triple Talaq)



# Demand for Reform: Vision of Modi Government Behind the Reform

- Even after the Supreme Court's order declaring this practice as unconstitutional, practice of Triple Talaq continued.
- From the date of judgment of Supreme Court, i.e., from 22nd August, 2017 up to introduction of the Bill in Parliament, i.e., up to 28th December, 2017, there were reported around 100 instances of pronouncing of Triple Talaq in the country.
- Because there was no law to punish those who continued to practice it and to provide legal remedies to the victims of such practice, a need has arisen to make a law for effective implementation of the Supreme Court judgement.

- Government led by Prime Minister Shri. Narendra Modi has taken several initiatives for the empowerment of women.
- The commitment of the Government to give gender justice, gender dignity and gender equality to the Muslim women was a major initiative behind this reform.

# Legislative Reform

- To give immediate effect to the verdict of the Supreme Court the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018 was promulgated on the 19th September, 2018 and two more Ordinances were promulgated thereafter.
- Finally, Lok Sabha passed the Muslim Women (Protection of Rights on Marriage) Bill, 2019 on 25th July, 2019 and the Rajya Sabha too passed it on 30th July, 2019. After receiving the assent of the President of India, the Muslim Women (Protection of Rights on Marriage) Act, 2019 came into force with retrospective effect from the 19th day of September, 2018 giving continued effect to the first Ordinance promulgated on 19th September, 2018.

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The judgement has come, but no action on Triple Talaq has been taken. That is why we have brought this law, because the law is a deterrence. This is beginning of a transformation in India.

-Shri Ravishankar Prasad, Former Hon'ble Minister for Law and Justice, Communication and Electronics & Information Technology (After passing of the Bill in Rajya Sabha)





After the decision of the Supreme Court, the government has stepped up to enact a new law on our raised voice. The victims are happy to have a law after the bill is passed in the Rajya Sabha. The enactment of the law will teach those who unnecessarily destroy the lives of the divorced women.

-Farhat Naqvi, President Mera Haq Foundation



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An archaic and medieval practice has finally been confined to the dustbin of history. Parliament abolishes Triple Talaq and corrects a historical wrong done to Muslim women. This is a victory of gender justice and will further equality in society. India rejoices today! This is an occasion to salute the remarkable courage of those Muslim women who have suffered great wrongs just due to the practice of Triple Talaq.

- Prime Minister after passing the Bill in Rajya Sabha (30th July, 2019)







Today is a great day for India's democracy. I congratulate Hon'ble Prime Minister Shri. Narendra Modi ji for fulfilling his commitment and ensuring a law to ban Triple Talaq, which will free Muslim women from the curse of this regressive practice. I thank all parties who supported this historic Bill.

Shri. Amit Shah, Union Home Minister after passing of the Bill in Rajya Sabha on 30th July, 2019.



# Act & Provision for imprisonment:

- The Muslim Women (Protection of Rights on Marriage) Act, 2019 declares the instant divorce granted by pronouncement of talaq three times as void and illegal. It provides for imprisonment for a term up to 3 years and fine to the husband who practiced instant Triple Talaq.
- Muslim woman, upon whom Talaq was pronounced also granted custody of children and subsistence allowance to be paid by the husband.
- Muslim women now have a legal protection against the whimsical and irrational pronouncement of Triple Talaq. This reform also works as a deterrence for husbands who intend to divorce their wives in this manner.

# Quantifying the Benefits:

- Triple Talaq issue was very long pending reform. Interest of gender justice, gender dignity and gender equality was achieved when the Muslim Women (Protection of Rights on Marriage) Act, 2019 was passed prohibiting pronouncement of Triple Talaq. From various sources including State police authorities, several media reports show that there has been substantial reduction in the Triple Talaq cases due to legislative intervention by the present Government headed by Hon'ble Prime Minister of India, Shri. Narendra Modi.

# Qualitative Changes

- Legal protection for women is a Constitutional mandate and the Triple Talaq law brought the same to the hapless Indian Muslim women who were the victims of this regressive practice for the last several decades. This legal reform will improve the existing conditions of Muslim women and will help them to come out of domestic violence and discrimination they are facing in the society.



# The malpractice of Triple Talaq has ended

-Prime Minister on the occasion of centenary celebrations of Aligarh Muslim University.  
(22nd December, 2020)



# Triple Talaq abolition- a long term direct and indirect impact on society

This is a historic reform towards empowerment of Muslim women, which will not only make them more confident in the society to speak up against injustice but also will secure them from patriarchal exploitations by their husband and family members. This would reduce the vulnerability of Muslim women and their children to such inhuman religious practices.



As per the new Muslim Women (Protection of Rights on Marriage) Act, divorcing through instant Triple Talaq is illegal, void and will attract a jail term of three years for the husband. “It is the victory of Shayra Bano, Ishrat Jahan, Afreen Rahman, Gulshan Parveen and Atiya Sabri and of course of the Bhartiya Muslim Mahila Andolan, that waged this long battle against misogyny, patriarchy and entrenched vested interests. We fought it out on the streets, in the media, in our homes and at our centres! Ordinary Muslim women finally have a law by their side today. No man will now dare to give divorce without following the due process of arbitration. It’s a relief also to many Muslim brothers and fathers who have stood by the women who faced this horrendous practice.

-Dr. Noorjehan Safia Niaz. One of the founders of Bhartiya Muslim Mahila Andolan.



One year ago on 30th July, 2019, Shri. Narendra Modi government abolished Triple Talaq. It has contributed to women empowerment and given them the dignity they deserve in our society. Now, Triple Talaq Cases have dropped by 82 per cent since the law was enacted.

- Shri Prakash Javadekar, Hon'ble Minister for Environment, Forest and Climate Change, Information & Broadcasting and Heavy Industries & Public Enterprises.





A year has gone by since the law against Triple Talaq was passed and there is about 82 per cent decline in Triple Talaq cases thereafter. If any such case was reported, action was taken under the law. Commitment of the Government is “Politic Empowerment and not Political Exploitation”. Several bold and big reforms are a reflection of our honest and effective efforts, which have delivered better results.

- Shri Mukhtar Abbas Naqvi, Honble Minister of State (Independent Charge) Minority Affairs.



Passage of the Triple Talaq Bill is a victory for millions of Muslim women and it is a true testimony to “Sabka Saath, Sabka Vikas, Sabka Vishwas.

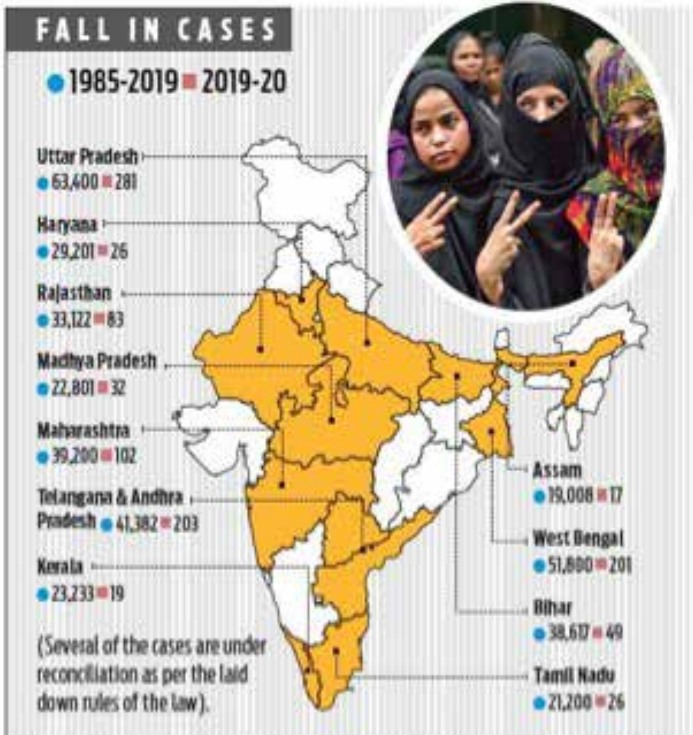
- Smt. Smriti Irani, Hon’ble Minister for Women and Child Development and Textiles.



# Vision Linkage of Prime Minister

With the enactment of the Muslim Women (Protection of Rights on Marriage) Act, 2019, Shri Narendra Modi, Hon'ble Prime Minister of India will go down in history as a social reformer in improving the social conditions of Muslim women.





- The Indian Express daily, 31st July, 2020).





Ministry of Information and Broadcasting  
Government of India