



# Muslim Women Rights Day

## Why in News

Recently, **1<sup>st</sup> August** has been recorded as “**Muslim Women Rights Day**” in the country’s history to mark **first anniversary** of the passage of **Muslim Women (Protection of Rights on Marriage) Act, 2019**.

- The law made triple talaq a **criminal offence**.

## Triple Talaq

- Triple talaq is a practice mainly **prevalent among India’s Muslim community** following the **Hanafi Islamic school of law**.
- Under the practice, a Muslim man can divorce his wife by simply uttering “talaq” three times but women **cannot** pronounce triple talaq and are required to move a court for getting divorce under the **Sharia Act, 1937**.
- Triple talaq divorce is **banned** by many Islamic countries, including **Pakistan, Bangladesh and Indonesia**.

## Key Points

- **Provisions of the Muslim Women (Protection of Rights on Marriage) Act, 2019**
  - The Act makes all declaration of talaq, including in written or electronic form, to be **void (i.e. not enforceable in law) and illegal**.
  - It also makes a declaration of talaq a **cognizable offence** ( only if information relating to the offence is given by a married woman against whom talaq has been declared), attracting up to **three years** imprisonment with a fine.
    - A cognizable offence is one for which a police officer may arrest an accused person without warrant.
  - The Magistrate **may grant bail** to the accused. The bail may be granted **only after hearing the woman** (against whom talaq has been pronounced), and if the Magistrate is satisfied that there are reasonable grounds for granting bail.
  - The offence **may be compounded** (i.e. the parties may arrive at a compromise) by the Magistrate upon the request of the woman (against whom talaq has been declared).
  - A Muslim woman against whom talaq has been declared, is entitled to seek **subsistence allowance** from her husband for herself and for her dependent children.
- **Constitutional Provisions:**
  - The Triple Talaq was held to be **violative of Article 14 (the right to equality)**, which is held by the Supreme Court from **Shah Bano case (1986) to Shayara Bano case in 2017**.
  - **Article 25** of the Constitution guarantees religious freedom as Freedom of Practice and

Propagation of Religion. Like all other Fundamental Rights, it is **subject to restrictions** and does not protect religious practices that can negatively affect the welfare of citizens.

- Hence, Article 25 is **overridden** by Article 14, which guarantees the Right to Equality as triple talaq denies a Muslim woman's equality before the law.
- Article 25 is also **subject to Article 15 (1)** which states that the State "shall not discriminate against any citizen on grounds only of religion, race, caste, sex..." Since triple talaq does not work in the favour of women, it violates Article 15 (1) of the Constitution.

## Way Forward

- The implementation of the Act has shown a **decline of about 82% in Triple Talaq cases** in India. It has strengthened "**self-reliance, self-respect and self-confidence**" of the Muslim women of the country.
- The law is a step towards ensuring **gender equality** and strengthening constitutional, fundamental and democratic rights of the Muslim women.

**[Source:PIB](#)**

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