

Study on Legal Implementations of Triple Talaq in India

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Abstract: *This research paper delves into the landmark decision of the Indian Parliament to declare triple talaq unconstitutional, marking a significant moment in legal history. While human rights are often perceived as symbols of progress and freedom, their application may not always translate into liberation, especially for marginalized groups such as women. This paper sheds light on the intersectionality of gender discrimination within the framework of Islamic personal laws, focusing particularly on the contentious issue of triple talaq.*

The study provides an in-depth examination of triple talaq, elucidating its definition according to Muslim marriage and divorce law, as well as its evolution leading to its judicial invalidation. Legal intricacies surrounding triple talaq, including its compatibility with constitutional articles such as Article 25 (freedom of religion) and Article 14 (equality before law), are meticulously analyzed.

Furthermore, the paper discusses the legislative hurdles encountered in safeguarding the rights of Muslim women, emphasizing the challenges faced in garnering consent and enacting protective measures in both the Lok Sabha and Rajya Sabha. It also explores the Islamic perspective on triple talaq, questioning its alignment with religious principles and its constitutional protection.

Legislative amendments aimed at enhancing the rights of Muslim women are scrutinized, alongside ongoing debates within political factions and the Muslim community. The seminal Shah Bano case and its aftermath, including subsequent amendments and the prohibition of triple talaq, are examined in detail.

Moreover, the paper addresses enforcement challenges surrounding the ban on triple talaq, highlighting instances of illegal pronouncements and measures adopted by law enforcement agencies and the judiciary. The constitutional validity of legislative actions against triple talaq is rigorously evaluated.

Finally, through a nuanced analysis, the paper endeavors to assess whether the declaration of triple talaq as unconstitutional serves as a boon or bane for Muslim women, considering diverse perspectives and societal ramifications.

This research paper aims to offer a comprehensive understanding of the legal, social, and religious dimensions of triple talaq in India, providing valuable insights into its historical trajectory, legal implications, and impact on women's rights.

Keywords: Triple talaq, fundamental rights and unconstitutional, irrevocable talaq, and Islamic law

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