

**Short Note on
Talaq of Muslim Women and
Condition of Hindu Women in India**

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As the impression is created that the Muslim women are suppressed is not actually the case. It is only in Islam that Prophet Muhammad (SAW) who gave proper importance and rights to women.

In the Qur'an, it is said that on Judgment Day "buried girls" will rise out of their graves and ask for what crime they were killed.

Part of Muhammad's (SAW) legacy was to end infanticide and establish explicit rights for women. Islam teaches that men and women are equal before God. It grants women divinely sanctioned inheritance, property, social and marriage rights, including the right to reject the terms of a proposal and to initiate divorce.

Muhammad (SAW) himself frequently counseled Muslim men to treat their wives and daughters well. "You have rights over your women," he is reported to have said, "and your women have rights over you."

Muhammad (SAW) once remarked that, "Heaven lies at the feet of mothers."

Following the Battle of Uhud (625), in which scores of male combatants died leaving unprotected widows and children, Muhammad (SAW) and the Qur'an decreed that, in order to protect the orphans of such families, men might take up to four wives. The permission itself is surrounded with language that discourages the very thing it permits, saying that **unless a man can treat several wives equally, he should never enter into multiple marriages.**

Ibn `Umar reported - The Prophet Muhammad (SAW) said:

"With Allah, the most detestable of all things permitted is divorce."

Regarding recent Supreme Court Judgment on Triple Talaq:

- AIMPLB (All India Muslim Personal Law Board) was trying to prove that Triple Talaq is not unconstitutional
- Supreme Court Verdict → Triple Talaq is unconstitutional
- Media → Just to increase its TRP presented the issue as if:
 - i) All Muslim women had been suffering from discrimination
 - ii) Every single Muslim women are subjugated to Triple Talaq

The data/information received from different surveys/sources has shown that the percentage of divorce in Muslims is very little whereas the cases/percentage of Triple Talaq (Talaq in one go or instant) is very rare:

Masjid Committee and Darul Qaza Kerala

Muslim in Kerala has very organised systems of Nikah, Khula & Talaq controlled by Jama Masjid. Details of Marriage, Divorce & Khula of last 15 years are as follows:

S. No.	Details (of 15 Years)	Numbers	Percentage
1	Total Nikah Solemnized	18,837	100
2	Total Talaq	781	4.15
3	Total Triple Talaq	0	0

Divorce rate & Polygamy more in Hindus:

Zoya Hasan Professor of Languages Jawahar Lal Nehru University and **Ritu Menon** together conducted a survey on Divorce and Polygamy in 12 States - 40 Districts were surveyed and 9641 women were surveyed, 80% were Muslims and 20% were Hindus, 60% were rural and 40% were urban:

S. No.	Details	Percentage
1	Ratio of divorce in Muslim	0.41
2	Ratio of divorce in Hindus	0.47
3	Polygamy in Muslims	2.91
4	Polygamy in Hindus	4.05

The percentage of divorce in India in last five years among Hindu, Sikh, and Christian is 94.8% and the percentage of divorce of Muslim is 5.2%. Whereas the Muslim population of is 14%. The 5.2% includes all divorces single double & triple. Therefore, the percentage of triple divorce is still meager. The biased angle of government and media can be seen in portraying divorce as major issue.

In polygamy also Muslim stands last as World Development Report states. Percentage of Polygamy in India is as given below:

S. No.	Details	Percentage
1	Tribal	15.25
2	Buddhist	7.97
3	Hindus	5.80
4	Muslims	5.73

Survey was aimed at obtaining the rate/practice of Divorce in Muslim Community, Women's problems of Domestic Violence and Dowry, finding out levels of awareness about counselling centers, helpline & Darul Qaza and collecting the burning issues of Muslim Community. Total Number of women was surveyed 13000 Brief details of income status & Educational Status was also obtained.

Findings:

(1) All Muslim Women were found in favor of Muslim Personal Law and did not want Uniform Civil Code.

(2) The Total number of known cases of divorce in family/ relatives was 100 out of which 40 cases were of Khula, 20 of Talaq Ahsan, 12 Triple Talaq, 18 Divorce through Darul Qaza, and 10 Divorce through court.

Results of a Survey of 20671 individuals (16860 men and 3811 women) of CRDDP* (Centre for Research and Debate in Development Policy) between March to May, 2017 showing percent:-

Extract of the Survey:

Of the 331 talaqs (divorces) reported by both women and men respondents in Dr Shariff's survey, just about a quarter had occurred through the intervention of religious institutions such as the qazi and dar-ul-qaza.

Most strikingly, however, the survey found that the incidence of the so-called "Oral Triple Talaq" (where 'talaq' is uttered thrice at one go, without any witnesses or record) among the 331 cases was just 1 — or a mere 0.3%.

Table: Percentage of Talaq taken by Muslim Women Every Year in different ways in India

S. No.	Method of Talaq	Percentage
1	Women take Talaq going with family	36.2
2	Women take Talaq (Khula)	24.7
3	Talaq from Court	21.1
4	Talaq from Panchayats	16.9
5	Triple Talaq in one go	0.3

This survey also shows about Hindu women in India:

- 19 lakh Hindu women are abandoned every year
- Marital Rape (is not a rape by court) – Much higher percentage than Triple Talaq
- Every 30 minute a rape is reported (how many are unreported not known)
- Every 90 second a women is tortured for dowry

Khaap Panchayat (not legal) passed so many judgments. One judgment of Khaap Panchayat says:

If a man rapes a women – sister of this man (who rapes) will be raped by all other men of the locality for thirty days.

All this data/information shows that the condition of married Muslim women is far better than Hindu women in India.

Source:

1. https://www.pbs.org/muhammad/ma_women.shtml
2. <http://www.aaiil.org/text/had/manhad/ch21had.shtml>
3. <http://www.ironyofindia.com/2017/05/numbers-of-divorce-through-triple-talaq-nearly-doesnt-exist-in-india-survey/>
4. Authentic data collected from different family courts (Under RTI) - Prepared & Compiled by, Muslim Mahila Research Kendra in Co-ordination with Shariah Committee for Women, Hyderabad- 28
5. Survey of CRDDP (Centre for Research and Debate in Development Policy) between March to May, 2017