

THE POSITION OF TRIPLE TALAQ IN ISLAM: A CRITICAL ANALYSIS OF TRIPLE TALAQ BILL

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ABSTRACT

Triple-Talaq is a form of *Talaq-ul-bidat* in which the husband repudiates his wife by three pronouncements at once, or where he repeats the sentence separately thrice, within one *Tuhr*. It is denoted in Arabic as *Mugallazah*, means very hard-divorce which is most disapproved and which does not conform to *Talak-us-Sunnat*. The divorce becomes irrevocable and dissolves the marriage immediately on the very pronouncement and does not leave any discretion to the husband to cancel it. However there is a great controversy with regard to the effect of triple talaq. According to majority of Sunni jurists, pronouncing the word "talaq" three times in succession, equates with three "talaqs". They hold three repetitions of divorce to be final. On the contrary, according to Ibn Taimiyah and, Ibn al-Qiyam, the Shia and Ahli Hadees, three pronouncements of the word talaq in one session equals to only one talaq. Most Arab countries as well as many Muslim countries while formulating their own laws followed Ibn Taimiyah's position in this issue. India introduced Muslim Women (Protection of Rights on Marriage) bill in its Parliament in 2017. The bill is yet to become a law in the country. But the Muslim leaders all around the country are not happy with the bill. According to them it will further victimize the Muslim women than to empower them.

This research work will first look into historical background of triple talaq, whether it is an approved form under Islamic law of divorce, what reforms have been introduced by Muslim countries to regulate this practice and finally will critically evaluate the Triple Talaq bill to ascertain that whether the intended law will result in the alleviation of the sufferings of Muslim women..

Keywords: *Triple talaq, Reconciliation, Iddat, Single Divorce.*

INTRODUCTION

Islam attaches great importance to the institution of marriage and it has been regarded as an act of devotion. The Prophet (SAW) has said, “Marriage is My Sunnah”. But inspite of this, it is not considered as sacrament neither is it purely a civil contract. A Muslim marriage partakes of the nature of both a sacrament and a civil contract. Being commended by religion it tends to be treated as a holy injunction. But so far as the rights and obligations are of the parties in relation to each other are concerned, they are governed by the ordinary law of contracts.¹

Muslim law does not compel the spouses to lead a miserable life when their marriage has proven a failure, but grants them the right to separate. At the same time it does not contemplate separation on frivolous and trivial grounds. In Islam divorce, when not absolutely necessary, is strongly disapproved and discouraged. The Muslim law, while it permits divorce, insists that there shall be some guarantee that the husband or wife is not acting from caprice or frivolity or on the impulse of a momentary provocation. For this purpose certain restrictions are imposed by the law upon the spouses’ right to dissolve their marriage. The object of these restrictions is to ensure that the spouses should not act in haste such as under the influence of wine, anger, excitement and that an opportunity is provided to the parties for reconciliation. This cautious attitude towards divorce forms the basis of the Al-Talaq Al-Sunnah under which marriage is terminated only after a minimum period of three terms of the wife’s menstrual courses from the time of the pronouncement of divorce. During this period the husband has the option to take the wife back. However, it is very unfortunate that most people are ignorant about this proper way of divorcing wives. It is generally thought that a wife stands separated from her husband if the divorce is declared thrice in the same meeting. This notion is against the Quran which says that a lady must be divorced by just one declaration to the effect. Therefore it becomes very important to counsel married and to be married people to follow the Sunnah in marriage and talaq and to remove the misunderstanding and doubts among the general masses with regard to the Islamic law of divorce. If the procedure pertaining to divorce is strictly adhered to, there will not be the evil practice of triple divorce. The State in consultation with Muslim jurists can regulate the practice of divorce by way of legislation. But the legislation introduced must be in consonance with the true Islamic law of divorce and should follow the

¹ The Muslim Law of Divorce, by K.N. Ahmed, published by Kitab bhavan New delhi, Page No. 2

precedent of other Muslim countries who have reformed the triple-talaq in one form or the other. At the same time, it is very important the Muslim community in general should be acquainted with the proper method of divorce. And also to be made aware that resorting to this method of triple-talaq is a sin. The Muslim Women (Protection of Rights on Marriage) bill, 2017 commonly known as Triple talaq bill could have been a good step towards the reformation and abolition of triple talaq had it been in consonance with the injunctions of Islam. But unfortunately the bill will not in any way restrict the practice of triple talaq but will further aggravate the situation. Before analyzing the pros and cons of the bill, a brief concept of Islamic law of divorce and historical evolution of the practice of triple talaq is necessary.

CONCEPT OF MARRIAGE AND DIVORCE IN ISLAM

Marriage in Islam is the lawful union of a man and woman based on mutual consent. It is a contract that results in the man and woman living with each other and supporting each other within the limits of what has been laid down for them in terms of rights and obligations. It is a mutual contract between a man and a woman whose goal is for each to enjoy the other, become a pious family and a sound society. Islam has attached great importance to marriage and has laid down clear instructions to strengthen pious relationship between the spouses. Almighty Allah says in Quran, *“And of His signs is that He created for you from yourselves mates that you may find tranquility in them and He placed between you affection and mercy”*² In a reported Hadith, Prophet (SAW) explicitly told believers that marriage completes half of religion. Thus Islam treats marriage as an everlasting institution with specific rights and responsibilities assigned to each partner. In spite of its emphasis on marriage and its preservation, Islam does not rule out dissolution of marriage as a last resort for estranged couples. It gives both the partners the right to terminate their marriage contract if they fail to fulfill the primary objectives of marriage. The Islamic Law has given the right to divorce to the husband because he alone bears the marriage expenses, pays mahr to his wife and takes the responsibility of sustaining and maintaining her. A wife can demand divorce for her husband i.e. known as KHULA. If the husband refuses to grant khula to his wife, then the wife can approach the Shariat court (Darul Qaza) and get the marriage annulled by the Judge (Qazi); this is known as Tafreeq or Fask. Although Islam gives permission for divorce, it has been

² Alm Quran: Chapter 30 Ayat 21.4

declared as an undesirable act. The Prophet Muhammad (Peace and blessings of Allah be upon Him and His family) is reported to have said:

1. Of all the things permitted in Law, Divorce is the most hateful thing in the Sight of Allah. (Abu Daud)
2. Marry and do not divorce undoubtedly the Throne of The Beneficent Lord shakes due to divorce. (Tafsir Al-Qurtubi, Vol.1)
3. A women seeking divorce unnecessarily will be deprived of the scent of Paradise. (Tirmidhi, Abu Daud)

However there is lot of confusion and misunderstanding among the general masses with regard to the Islamic concept of divorce. It is generally believed that a Muslim husband can divorce his wife at will and when he likes without any reason. This notion is completely wrong and a Muslim husband is not free to exercise the right of divorce on the “slightest disgust”. The law has put many limitations upon the exercise of this power. It is only after all the efforts of reconciliation will fail, then only the option of divorce can be opted. An in depth study of whole divorce law with all its forms reveals that Islam does not allow the husband to use divorce as mockery and takes extra precautions for the welfare of wives.

PROCEDURE OF TALAQ IN ISLAM

Islam provides system of divorce with great care and caution, Allah in Quran says, “*Either hold together on equitable terms or separate with kindness*”³ Accordingly, if differences arise between husband and wife then following points should be taken into consideration:

- Sit together and try to remove the differences if any, and resolve the matter.
- Put a responsible and well wishing member between you to resolve the conflicts.
- If differences have exceeded the limit, then seek an arbitrator from respective families just to reunite the couple. Qur’an says: “*if you fear a breach between them, appoint two arbiters, one from his family and other from hers, if they wish for peace, Allah will cause their reconciliation*”.⁴

³Al-Baqarah:229

⁴Al-Nisa:35

After taking these steps, if ending marriage seems necessary then divorce should take place in presence of elders and proper procedure has to be followed, i.e.:

- If you have not given Meher, then give it to her.
- Check in which condition your wife is. If she is in menstrual period then wait till it ends
- Now give one divorce in presence of two elders. By this divorce is complete and iddat period starts (a period of three months). During iddat husband has to bear the maintenance and she has to stay at her husband's house. During iddat period, husband may at times feel resentment on his previous decision and might think of going with the same wife instead of marrying another woman. For this it's enough to say "I make you my wife again" or by doing something as to restore the pious relationship. This is called *Rojuu*. It has to be within iddat period and not afterwards.
- However, if iddat period has elapsed without making *Rojuu* and he wants to take her back as wife, then he has to go for a fresh Nikah with same woman, with new Meher.
- Sometimes it may happen that hostility or conflicts again begin after reconciliation, then husband may divorce her second time in the same manner as described above. In this case too he can retain her either within iddat period or after iddat has expired through a new marriage contract.
- But it may happen that although he is reconciled with his wife after second divorce, he may later divorce her for the third time. If this third divorce takes place it's not permissible for the husband to return to his wife during her iddat, nor can he remarry her after the iddat.

This is the complete procedure and the most approved form of divorce in Islam and has been recognized under both Sunni and Shia law. However, it is very unfortunate that there is lot of confusion among the Muslim Community of India about the procedure of talaq. They think and are also made to understand that unless and until three talaqs are not pronounced, the talaq would not be valid. It is necessary to remove this misconception from the mind of the Muslim masses and educate them the correct method of talaq which has been prescribed by the Quran and the Sunnah. One should ponder and try to understand that when the purpose of divorce is accomplished with pronouncing talaq just once, there is no necessity of pronouncing it thrice which is nothing but a foolish act. Moreover pronouncing talaq thrice in one sitting is highly

condemned, disapproved and even declared sinful under Islam but nevertheless it is considered legally effective. It is an irregular, heretical and is considered to be an innovation within the fold of Islam. Apart from this the divorce made within the menstrual courses is also considered biddat form of divorce.⁵ Therefore the appropriate procedure for divorce, according to the Holy Quran and Hadith, is that a person should pronounce one divorce outside the time of the wife's menstrual period. Those Muslims who pronounce divorce against the injunctions of the Holy Quran and Hadith are rebels against Allah's laws and are deviating from straight path of Islam.

MEANING AND NATURE OF TRIPLE TALAQ

Triple Talaq means a husband saying Talaq three times in one sitting and instantly divorcing and breaking off all the marital relations with immediate effect without any recourse to arbitration or reconciliation. This sort of divorce is considered too rash, unfair and condemnable. Hidayat defines it as a divorce where husband repudiates his wife by three divorces in one sentence or where he repeats the sentence separately thrice within Tuhr⁶. Thus he may pronounce, I divorce you, I divorce you, I divorce you or he may say, I divorce you thrice.⁷

It is, however, not necessary that the husband should repeat the pronouncement three times in order to constitute triple divorce. The triple repetition is only one of the many forms by which a divorce can be effected and the same result can be obtained by other method recognized for the purpose. A husband can effect such a Talaq by only one pronouncement if he makes it clear that he was pronouncing a Talaq al-Bain, i.e., a irrevocable divorce. Thus, to effect such a Talaq the husband may say you are repudiated thrice. He can only convey his intention of pronouncing three divorces by saying, "You are divorced so many times and by showing three fingers at the same time which will result in Talaq al-Biddat. In this form of Talaq after pronouncement, if parties wish to reunite, they cannot do so till the wife undergoes Halala i.e. wife goes through another marriage which is consummated and subsequently dissolved. This condemned form is considered heretical because of its irrevocability. This has been a customary form of divorce in pre-Islamic Arabia. Neither does the Holy Qur'an mention this

⁵ But where unconsummated marriage is repudiated it is not biddat.

⁶ *Tuhr* is a period when a woman is not in her menstrual period and is pure.

⁷ *The Hedaya*; Translated by Charles Hamilton; Vol. 1, P. 73 (1985) Kitab Bhawan, New Delhi.

form nor does it seem to have been recognised or sanctioned by the Holy Prophet (PBUH) who, on the contrary, strictly disapproved it.

Triple divorce was not allowed during Prophet's (PBUH) lifetime, during the first Caliph Abu Bakar's reign and also for more than two years during the second Caliph Hazrat Umar's time. Later on Hazrat Umar permitted it on account of a peculiar situation. When the Arabs conquered Syria, Egypt, Persia etc. they found women there much more beautiful than their own women and hence were tempted to marry them. But those women who were not knowing about Islam's disapproval of triple divorce in one sitting, would insist that before marrying them they should pronounce divorce thrice to their existing wives which they would readily accept to do (as they knew Islam had abolished triple divorce and that it would not be effective) and marry the Syrian or Egyptian women and would also retain their earlier wives. When the Egyptian and Syrian women discovered that they had been cheated, they complained to second Caliph Hazrat Umar. The Caliph then enforced triple divorce again in order to prevent its misuse by the Arabs. He had done so to meet an emergency situation and not to enforce it permanently and to contravene express provisions of Holy Qur'an and saying of Holy Prophet (PBUH). But later Jurists declared this form of divorce valid and gave religious sanction to it.⁸

The reason for legitimizing this form of divorce by Caliph Hazrat Umar seems to be restrictive rather than permissive. He held it permissible to impose certain restrictions on loose tendencies to divorce which had crept in during his regime. Hazrat Umar's object in making effective three divorces pronounced on one occasion was to warn the people that they would have to take evil consequences of following an un-Islamic practice but the result was contrary to what he intended. Henceforth, it became a general practice to pronounce divorce thrice on a single occasion dissolving the marriage immediately and irrevocably.

EFFECT OF TRIPLE TALAQ

There is a great controversy regarding the effect of triple pronouncement of divorce at one and the same time. The difference in the opinions of Islamic scholars is due to difference in their interpretation and application of the law. According to majority of Sunni jurists, pronouncing

⁸ Syed Khalid Rashid: *Muslim Law*: P.22: 3rd ed., (1996), Eastern book Co. Lucknow.

the word "talaq" three times in succession, equates with three "talaqs". On the contrary, according to Ibn Taimiyah and, Ibn al-Qiyam, the Shia and Ahli Hadees, three pronouncements of the word talaq in one session equals to only one talaq. Some Sunni jurists are of the view that if second and third pronouncements were made merely to emphasize the first pronouncement, then only a Ghair Mughallazah or revocable divorce shall be effected. They apply the same rule when the second or even third pronouncement was made under a momentary excitement without the intention to pronounce a Mughallaza divorce. However, other category of the Jurists are of the view that Mughallaza, a final divorce shall be effected as soon as the third pronouncement is made irrespective of the fact whether it was made intentionally or unintentionally or merely to emphasize the first pronouncement.

REFORMS INTRODUCED IN THE MUSLIM WORLD

In the preceding sections we discussed the proper procedure of divorce as provided in Islam and the historical background of Triple Talaq which brings out a clear picture as to the nature of divorce under Islamic law. Furthermore, it becomes important to discuss the reforms introduced by some Muslim countries to regulate the practice of Triple Talaq. The provisions of many Muslim countries either abolished the Triple Talaq or made this formula ineffective or impracticable. The position of Ibn-Taimiyah on this issue has influenced most of the legislation in majority of Muslim states. According to Ibn-Taimiyah, three pronouncements of the word talaq in one session equals only one talaq. Among the Muslim countries which changed their law pertaining to triple talaq, Egypt was the first country to introduce reforms in their personal law. According to their present Egyptian Code of Personal Law, a talaq accompanied by a number, expressly or impliedly, shall not be effective except as a single divorce. It also provides that every divorce is revocable except when three talaqs are given, one in each tuhr. Further, the symbolic expressions of talaq i.e., words may or may not bear the implications of divorce, shall not effect a divorce unless husband actually intended it. In Sudan and Jordan also the position is similar; section 3⁹ of Sudanese Manshur-i-Qadi al-Qudat, and Section 6¹⁰ of Jordanian Code of Personal Status, 1976 respectively provide that triple-talaq

⁹ A formula of divorce coupled with number, expressly or impliedly, shall affect only one divorce.

¹⁰ "A divorce coupled with a number, expressly or impliedly, as also a divorce repeated in same sitting, will not take effect except as a single divorce.

shall be considered as one. Countries like Iraq, Morocco, North Yemen, Syria, Kuwait, Afghanistan, Libya, adopted similar laws. Besides this, Saudi Arabia, UAE, Qatar and Bahrain have also embraced Ibn-Taimiyah's views on Triple Talaq. To this list Pakistan and Bangladesh may also be added wherein Section 7 of Muslim Family Law Ordinance (in force in Bangladesh also) states, "any man who wishes to divorce his wife must immediately after the pronouncement of talaq in any form whatsoever, given the chairman of the union council notice in writing of the talaq. The effect of the notice is to freeze the talaq for 90 days, during which time the chairman of the council plus representatives of both the husband and wife constitute an arbitration council for the purpose of bringing about reconciliation. After the expiry of 90 days the talaq takes effect unless conciliation has been successful". Section 7 therefore, has converted the talaq al-biddah into a revocable divorce.

Thus in the above Muslim countries a divorce in triple pronouncement is no longer considered "*Mughallazah*" or final and it is open to spouses to continue the marriage if reconciliation is brought about between them within the prescribed period. It is important to remember that once such a law (i.e., three pronouncements of talaq in one sitting amount to, in fact, one or two only) is passed by the relevant legislature of a Muslim state, then it becomes binding even for those scholars who had disagreed with it before the promulgation of such a law. The reason being that under the Islamic theory of legislation only the state has monopoly over new legislation through "fresh ijtiḥad" and not individual scholars who must follow such legislation.

POSITION IN INDIA

India is a multi – religious nation. Here the followers of Hinduism are in an overwhelming majority and Muslims constitute numerically the biggest minority. Though in minority, Muslims in India are the third largest concentration in the world, with 18 crore strong presence which amount to one seventh of India's total population. Muslims here are governed by their religious laws in their personal matters. However a major portion of Muslim Personal Law remains uncodified till this day. Due to non-codification the personal law of Indian Muslims is lagging behind the progress as has been made by the major part of the Muslim world except that few High Court or Supreme Court judgments have been there as measure of reform in Muslim Personal Law. As far as Triple talaq is concerned its constitutional validity was

challenged in a recent case¹¹ in the Apex court of India. Five victims of triple talaq from different parts of the country had separately petitioned the apex court in 2016, to ban the practice of triple talaq. Thereafter the Union of India and the women rights organizations supported the petitioner's plea and became a party in the suit. The All India Muslim Personal Law Board (AIMPLB) and Jamiat Ulama-I-Hind defended the case on the other side. On 22 August 2017, Supreme Court delivered its judgement and declared the practice of triple talaq as invalid by 3:2 majority. However the judgment itself was a complex one. Two judges struck down triple talaq as arbitrary and hence, unconstitutional. A third struck it down as un-Islamic and hence, not an integral part of the Islamic Shariat or Muslim personal law. The remaining two upheld it as an integral part of personal law, which they said was a fundamental right protected by the Constitution. However, these two judges also laid down an injunction against the practice for six months and directed the government to come up with a law by then, which would invalidate instant triple talaq. Acting on this directive the government drafted a law making triple talaq a criminal offence, punishable with a maximum sentence of three years. The bill was introduced in the Lok Sabha on 28 December 2017 and passed the same day, but could not be passed in the Rajya Sabha. The bill has been criticized by many organizations and intellectuals because of its flaws and inherent contradictions. It is pertinent here to examine the provisions of the bill.

The "Muslim Women (Protection of Rights on Marriage) Bill 2017" was introduced in the parliament by the present government ostensibly to alleviate the sufferings of Muslim women and to grant them relief against the irrevocable arbitrary divorce. It was presumed that the Bill will consider triple pronouncement as single divorce and thereby making way for reconciliation. By paving way for reconciliation marriage between the couples could be preserved and thereby reducing the sufferings of Muslim Women. However, the draft bill totally lacks this objective and provisions of the bill are contradictory with one another making it devoid of any legal sense.

The first contradiction in the said bill is that it defines talaq under Section 2(b) as "any form of talaq having the effect of instantaneous and irrevocable divorce pronouncement by a muslim

¹¹ *Shayara bano v. UOI and others* AIR 2017 SC

husband”. Under Section 3 talaq pronounced by any muslim husband has been made void and illegal. Now the contradiction is that when talaq is defined as having the effect of instantaneous and irrevocable divorce then how can it in the same bill be declared void? The definition is tautological and therefore section 3 and the bill are vulnerable to being meaningless.

Secondly, Section 4 makes any pronouncement of talaq referred to in Section 3 as punishable offence with an imprisonment of 3 years and fine. The question arises that how can punishment be prescribed for an Act the effect of which has been nullified in the preceding section. How can law punish a man for an action that has no legal effect? This section totally negates the objective of the bill that is to preserve the marriage and provide opportunity for reconciliation between the spouses to lead a happy life. When the husband is imprisoned it rules out every possibility of reconciliation between them. No husband will wish to return to the wife who sent him to jail for three years. But legally speaking, as per the Bill, the marriage remains intact. But practically, their marriage is over.

Chapter III of the Bill which contains three sections is totally contradictory to logical understanding and one wonders as to what purpose it would serve. Section 5 and 6 provides for the post divorce issues such a subsistence allowance and custody of minor child. One wonders that how the Bill could talk of post divorce issues when talaq has already been nullified under section 3. The nullification provided under section 3 means that divorce has not taken place and both the spouses have to live together as husband and wife. How can the question of child custody arise when husband and wife are living together? As far as subsistence allowance is concerned, it is impracticable that a person who has been jailed for 3 years can provide for subsistence allowance.

Section 7 of this Bill makes the offence cognizable and non-bailable. A cognizable offence is one in which the police can arrest the accused without any warrant (according to section 154 of the Code of Criminal Procedure, 1973). When all the other offences relating to marriage – according to the First Schedule of Classification of Offences – have been kept in the category of non-cognizable offence (i.e, a warrant is necessary to make an arrest), this particular offence has been made, despite being an offence relating to marriage, a cognizable one. This amounts

to the selective targeting of the people of a particular religion with stringent laws¹². Moreover making offence cognizable also means that anyone can accuse a Muslim man of violating this law (not just the wife) and the police has to take cognizance, make an arrest and hold the man without bail. This can be considered as an attempt of the government to saunter into the marital homes of the “hapless married Muslim woman” and can prove to be a “ruthless destroyer” of the institution of marriage.

With these inconsistent provisions the only option before the Central Government is to withdraw the Bill immediately as it doesn't serve the objective for which it was introduced. The Government should either introduce a new bill with proper consultation with all the stakeholders or should modify this bill with suitable amendments so that it will be acceptable to Muslim community and will result in the empowerment of Muslim women.

CONCLUSION AND SUGGESTIONS

Thus from the above discussion, it becomes clear that divorcing a woman instantaneously by the simultaneous pronouncements of three divorces is an extremely sinful act and a clear violation of Quranic mandates and the traditions of Holy Prophet (SAW). According to the proper procedure of divorce laid down in Quran only one divorce is to be pronounced by the husband which is to be compulsorily followed by a waiting period of three months or if the wife is pregnant till the child is born. If during this period the spouses change their mind and want to stay married, the divorce can be revoked by the husband. If no revocation takes place within the waiting period, divorce is considered to be complete. Thus only one divorce is enough to dissolve a Muslim marriage and anyone giving three divorces is playing with Islamic canons. To put an end to the evil practice of triple talaq preventive legislative measures have been taken by the various Muslim countries which represent to some extent the spirit of Islamic law of divorce. No doubt in India the practice of triple talaq has to be regulated by a legislative act, but the provisions of the above bill will do more harm than help. The bill should have been drafted after proper consultation with the Muslim jurists and religious scholars as was done in

¹² Triple Talaq: The Bill And The Blunders -Posted by Avinash Giri in Human Rights, Politics, Society (January 9, 2018) <https://googleweblight.com/i?u=https://www.youthkiawaaz.com/2018/01/the-bill-and-the-blunders/&hl=en-IN>

1939 when dissolution of Muslim Marriage Act was passed with the help and advice of renowned Islamic scholar of that time Maulana Ashraf Thanvi. The Act provided a great relief to suffering women who could now get their marriage dissolved by the Court. For the regulation of triple talaq a comprehensive law codifying the practice of divorce among Muslims on the lines of the 1939 Act is needed. It will give great and much needed relief to Muslim women. Following are some suggestions in this regard: -

1. The Bill should lay down the correct procedure for pronouncing talaq. For instance, it should provide, “that no matter how many times a husband pronounces talaq during the wife’s tuhr [when she is not menstruating, called the period of purity], it should be counted as one. By doing so, the door of reconciliation remains open and the husband could revoke the divorce.
2. The Government may consider something similar to Sections 7(1), (3), (4) and (5) of Pakistan’s Muslim Family law Ordinance, 1961. According to these clauses, ‘any man who wishes to divorce his wife shall, after the pronouncement of talaq in any form whatsoever, give the chairman of the state-appointed Union Council notice in writing of his having done so, with a copy submitted to the wife. Within 30 days of receipt of notice, the chairman should constitute an arbitration council that comprises himself and a representative of each of the parties, for the purpose of bringing about a reconciliation between the parties. And talaq shall not be effective until the expiration of 90 days from the day on which notice is delivered to the chairman. If the wife is pregnant at the time of the pronouncement, talaq shall not be effective until the termination of her pregnancy’.
3. Another way to regulate the practice of triple talaq is to give it instantaneous and irrevocable effect but the act must be made a punishable offence so as to form deterrence to other people.
4. The provision of subsistence allowance and custody of child should be made operative only if the reconciliation attempt has failed and divorce has taken effect.
5. In addition to this it is suggested that government should make a compulsory provision in Nikahnama which explicitly states that in case a marriage needs to be dissolved triple talaq will not be considered as an option.

6. The Muslim Personal Law Board and other such organisations should launch an awareness movement educating Muslim men about desisting from this sinful form of divorce and resort to the Qur'anic form of divorce. Community organizations must organize marriage workshops where married or to be married people are counseled to follow the correct the Islamic way in marriage and in talaq.



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