

TRIPLE TALAQ: A SOCIOLOGICAL EXPOSITION, A SOCIOLOGICAL ANALYSIS OF TALAQ AMONGST MUSLIM WOMEN OF JAIPUR

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ABSTRACT

Sociologist and social anthropologists have paid comparatively little attention to the study of women's position in Muslim society in our country. For having a correct picture of the social scenario, we need to analyse the existing literature dealing with Muslim women and the question of their status. There are several ways one can look at the status of women in any society. During the last decade, if we take note of the studies done on Indian Muslim women, we find that they relied more on prescriptive norms than on empirical facts and so generalizations have remained factually inadequate. The idea commonly held is that women, especially women in Muslim society, are a most neglected lot having a miserable social status and hardly any opportunities to develop their personality.

Keywords: *Sociological Exposition, Triple Talaq, Indian Democracy, Muslim Society.*

Introduction

Muslims, as a whole, form the largest minority in the secular set up of Indian democracy making up more than 13 percent of the country's 1.2 billion population and Muslim women are a minority among minority being only 6.0 per cent of the total country's population. Talaq Talaq Talaq the 3 dreaded words if uttered by a husband in quick succession would, in less than a blink of an eye unilaterally bring to an end the marital life of a muslim women. However the quran does not prescribe this form of divorce at all.

Only one in 100 Muslim women are graduates, while an average of 37 percent of Indian women over all have had a tertiary education, it added. The study, which surveyed 4,710 Muslim married women across 10 Indian states found nearly 92 percent of respondents said a Muslim man should not be allowed to have another wife during the first marriage. The study has brought out a major injustice faced by Indian Muslim women through decades in the form of oral unilateral divorce or triple talaq¹.

Review of Literature

For having a correct picture of the social scenario, we need to analyse the existing literature dealing with Muslim women and the question of their status.

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The book "Caste and Social stratification among the Muslims" 1973 written by 'Imtiaz Ahmad has rightly opined that while we know something about the structural and organizational characteristics of specific Muslim groups, there is little sociological information on the social framework within which Muslim groups operate.

The book "Muslim Women in the changing perspective" 1992 written by S.Musi Raza : quoted by Talat Ara Ashrafi has also mentioned about the scarcity of sociological literature on Indian Muslims. He argues that the studies conducted so far on Indian Muslims. He argues that the studies conducted so far on Indian Muslims by different scholars of other branches of knowledge have either been partial or one sided in scope or historical and non-sociological in approach².

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Imtiaz Ahmed in his book "Caste and social stratification among the muslims" has highlighted that there is little sociological information on muslims in India. The same view has been expressed by S. Musi Raza in his book "Muslim women in the changing perspective" has highlighted that there is scarcity of sociological literature on muslim on Indian Muslim.

M. Indu Menon, "Status of Muslim Women in India" 1981, this book highlight that no systematic effort has been made so far to find out the factors behind the low status of Muslim women. She further argues that the theme of social status of Muslim women has comparatively been a neglected field of study in Indian sociology. Imtiaz Ahmad, along with some other scholars, has edited a series of books on social stratification, religion, rituals, kinship, marriage and trends of modernization among the Muslims in India. But even in these volumes, the social problems of Muslim women like divorce, separation, etc., are ignored. Siddiqui aptly holds the following view:

The whole body politic which projects and sustains a certain framework of value in a society, the attempts to explain various social issues including the status of women and the underlying ideological theoretical assumptions, has never been seriously questioned in India by any critical studies on women³.

Indu Menon in her book "Status of Muslim Women in India argues problems of Muslim women like divorce, separation are ignored.

Shibani Roy, "Status of Muslim Women in North India" 1979. This book highlight the data collected during the years 1970-72 from the two cities of Delhi and Lucknow, which are understood to have the Muslim way of life typical of North India⁴.

Shibani Roy in her book "Status of Muslim Women in North India" has given the emphasis that Indian society is undergoing transformation because of various factors like modern secular education and social legislation.

Talat Ara Ashrafi, "Muslim Women in changing perspective", 1992. This book highlight to study the Muslim women of urban areas. She has tried to find out how far the attitudes and out look of Muslim families are faith or tradition-oriented and how far reason-oriented. The author has also tried to find out the actual behaviour and practice of socio-cultural life among the Muslims in urban areas and the impact of education on Muslim women. According to her, Indian society is undergoing transformation because of various forces and factors like modern secular education, social legislation, etc⁵.

S.H. Moinuddin, "Divorce and Muslim Women" 2000. According to him the present study is an exploration of the practice of divorce among the Muslim women in India, with particular reference to West Bengal. It examines the incidence of divorce and separation, the manner in which it takes place, the social and other causes due to which it persists, and the position of the divorced and separated Muslim women in society. The nature and extent of the problem has been analyzed in the light of the empirical evidences collected by carrying out fieldwork in two gram panchayats of West Bengal. The study also looks into the socio-psychological problems of divorced and separated women. With its original data and fresh theoretical perspective, the book will interest social scientists and women activists alike⁶.

S.H. Moinuddin who in his book "Divorce and Muslim Women" who has worked at West Bengal looks into socio-psychological problem of divorce and separated women.

Dr. Shabnam Khan in her thesis "Talaq : A sociological exposition" A sociological analysis of Talaq amongst Muslim Women of Jaipur : 2015, According to her study the picture emerging out of this study depicts a traditional pattern of the Muslim society, governed by a rigid socio-religious code where in women are regarded to have a subordinate role to men. Domesticity remains their forte. Their personal laws, particularly on property rights and institution of mahr propose to give Muslim women a certain amount of security. However, in practice all these seem to be a paper tiger only. They seldom or never get their mahr and their share in the property⁷.

My research will be concentrated on the custom of Triple Talaq awaring muslim women in India and the factors which lead to divorce and the ill effect of triple talaq. If we see the 'Times of India' of 2 Aug. 2015, a survey shows find even today 90 percent of muslim women against the custom of triple talaq.⁸

If we see the 'Hindustan Time's of 18 May, 2016 Afreen Rehman from Jaipur, Rajasthan had a rude shock. Her Husband had sent his decision to divorce her and sent Talaq through Speed Post. Shocked and angry, Afreen, 28, knocked at the door of the Supreme Court on May 18, seeking justice. Afreen is the second woman to challenge the 'Triple Talaq' at the apex court; before her, 25-year-old Saira Bano from Uttrakhand had gone to the top court, seeking justice on Talaq. Afreen rehman (in chair,

right) from Jaipur, Rajasthan had a rude shock. Her husband had sent his decision to divorce her and sent Talaq through Speed Post. The Triple Talaq issue is one of the most sensitive and controversial topic among Indian Muslims.

Back in 1986, the Shah Bano case was instrument in getting the Muslim Women (Protection of Rights on Divorce) Act passed in the Parliament. The Shah Bano case had agitated Muslim organizations across the nation so much, as if this was the first incident in free India that garnered so much interest in the community. During that period, Muslim religious organizations made it a huge matter of prestige. Three decades back, the circumstances were different: but now, with education, the scenario has undergone a tremendous change. Today people from within the community has started questioning the validity of Triple Talaq. And their concern is not baseless. Among the followers of Islam across the globe, the attitude towards Triple Talaq varies. Some school of thought believe in the severance of a marriage with the repeated utterance of 'Talaq' three times by the husband; while some others challenge that the Holy Quran makes no mention of a Triple Talaq and that prophet Mohammad was strictly against such a practice of severing marriage.

Muslim countries, such as Pakistan, Turkey, Egypt, Iran, Libya and Tunisia prohibit Triple, Talaq. Today's educated lot from the community has started questioning the practice in India, citing the examples of such Muslim countries. The religious organization within India have no answers to their question, "Is Islam here different from the one followed elsewhere?" It's time the Muslim Personal Law Board takes up this issue seriously and takes rational steps so that there are no tussles with the Indian Court. Else, there will be more Saira Banos, Afreen Rehman and Shah Banos who will knock at the Supreme Court's door, to seek justice.

The Holy Quran upholds marriage as a strong bond, but unless the law board comes up with a deterring law, men will keep misusing it as a manipulative tool, and dispense it in the form of a Speed Post, or an SMS. It's imperative that the Muslim Personal Law look at ways to empower women by granting them more rights.⁹

Aims

- What are the factors responsible for triple talaq?
- What are the effect of triple talaq on divorcee respondents?
- Which background /class has more effect of triple talaq?
- To arise awareness among Muslim women of their constitutional safeguard?
- What are the role of political parties and religious organization such as Mosque, Muslim Personal Law Board, Waqf Board, Haj committee for Muslim divorcee women?
- To improve crucial problem such as healthcare, education, employment faced by the victims of Triple Talaq?

Theoretical framework

We will be using functionalism and conflict theory to understand the situation of Triple Talaq. Three theoretical perspectives suite sociological thinking on social problems. Functionalistic theory conflict theory. These Perspectives look at the same social problems, but they do so in different ways. Their views taken together after a fuller understanding of social problems than any of the views can after done.

Major Assumption

Functionalism: Emile Durkheim 1858-1917 Social stability is necessary for strong society and adequate socialization and social integration are necessary for social stability.

Conflict Theory: Karl Marx 1818-1889, Friedrich Engels 1820-1895 society is characterised by pervasive inequality based on social class, race, gender, and other factors. For reaching social change is needed to reduce or eliminate social inequality and to create an egalitarian society.

Functionalism emphasis the importance of social institutions for social stability and implies that that for reaching social change will be socially harmful.

Conflict Theory emphasis social inequality that suggests that for reaching social change is needed to achieve a just society. Patriarchal nature social encourages the man to pronounce, Talaq. Vulnerable position of women re-enforces the man to take this step.

Research Questions

Certain assumptions are formulated to provide direction to the study. Following are some of the major research questions on which it is based:

- To explore the differences in response to the issues involved in determining the status of women in the Muslim Community?
- What are the social characteristics of the respondents?
- What are the status and rights of a married Muslim women under Muslim Personal Law and how these rights are enforceable legally and customarily?
- What are the difficulties faced by the divorced women in obtaining mahr and maintenance?
- What are the rights given to a Muslim woman in the property of father and husband?
- How far the Muslim women have benefited under the property rights?
- What are the responses of the respondents towards the famous Shah Bano's case?

Methodology

The present study has been conducted at Jaipur city. In this study the area in focus is Ramganj Bazar from where all the respondents were selected because in this area, Muslim population is maximum. 'Snowball' Sample is used to study cases of Talaq among Muslim women of Jaipur. Snowball method will be used because the researcher knew couple of divorcee respondents and those divorced women gave the names of others in that category.

Triple Talaq will be studied taking around 500 respondent from Jaipur. Snowball method of sampling will be used and the study will be focused at Ramganj Bazaar where we find the maximum number of Muslim Population Interview, Observation and Case study method of data collection will be used. Further 20 well educated and well established women will be interviewed for some suggestion for the upliftment of Muslim women in Jaipur.

Snowball method will be used for 100 cases of divorce. 50 respondents belonging to higher economic group and 50 respondents belonging to lower economic group. In addition to these 20 women will be selected who are highly educated to give us some suggestions.

These 20 women will be selected from the following category:

- 5 Social activists
- 5 University/College Professors
- 5 Doctors/Nurses
- 5 Government Job
- 5 Educated well placed house wives

In this study, a part from collection data from secondary sources, the main technique used are "Unstructured Interview" and Observation. Unstructured interview gives us flow of question.

An unstructured interview or non-directive interview is an interview in which questions are not prearranged. These non-directive interviews are considered to be the opposite of a structured interview which offers a set amount of standardized questions. The form of the unstructured interview varies widely, with some questions being prepared in advance in relation to a topic that the researcher or interviewer wishes to cover. They tend to be more informal and free flowing than a structured interview, much like an everyday conversation. Probing is seen to be the part of the research process that differentiates the in-depth, unstructured interview from an everyday conversation.

Time frame 2 to 3 Years

Relevance of the Study

In this particular study the focus will be on Divorced Muslim women of Jaipur. To understand the importance of the study, it important first to know the social status of women, which is worse than that of Muslim men. Muslim women in Indian are disadvantaged thrice over

- As a member of minority community
- As a women
- As a poor women

Muslim are India's largest religions minority, making up more than 13 percent of the country's 1.2 billion population, yet government data shows they are among some of the most excluded and marginalized communities Literacy rate for Muslim women is just 50 percent compared to nearly 68 percent for Muslim men, and below the national average for women, of 53 percent, 37 percent of Indian Muslim women overall have had a tertiary education. Muslim women address as 'Legal Marginalisation group'.

Proposed Outputs

The fact of the situation is Muslim Men (those who practice Triple Talaq) selectively practice whatever suits their need. This particular category among Muslims violates the injunctions of Islam. They pronounce Triple Talaq without following the commands pertaining to it. The researcher feels that due to the practice of Triple Talaq, Islam is looked down upon by the world as the most anti-gender religion. It is time that this perception is changed and they stop using religion as an excuse for their misdemeanors.

Any change in this regard is resisted in the most vocal terms as became evident in the wake of the Shah Bano case. In order to protect their identity in a secular state, the minority community is turning towards the revival of Islamization. The combined political and social situation has put the Muslim woman in a dilemma and she is the ultimate sufferer.

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