

Concerns in Passing Triple Talaq Bill

Why in news?

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Muslim Women (Protection of Rights on Marriage) Bill has not been passed by the Rajya Sabha.

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What is Muslim Women bill about?

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- The Muslim Women (Protection of Rights on Marriage) Bill makes all declaration of talaq, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal.

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- It defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce.

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- Talaq-e-biddat refers to the practice under Muslim personal laws where pronouncement of the word 'talaq' thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.

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What are the significant provisions of the bill?

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- **Offence and penalty** - The Bill makes declaration of talaq a cognizable and non-bailable offence.

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- A cognizable offence is one for which a police officer may arrest an accused person without warrant.

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- A husband declaring talaq can be imprisoned for up to three years along with a fine.

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- **Allowance** - 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.

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- The amount of the allowance will be decided by a First Class Magistrate.

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- **Custody of minor children** - A Muslim woman against whom such talaq has been declared, is entitled to seek custody of her minor children.

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- The determination of custody will be made by the Magistrate.

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What is the present status of the bill?

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- The Muslim Women (Protection of Rights on Marriage) Bill which is most commonly known as Triple talaq bill was introduced in Lok Sabha by the law ministry in 2018.

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- The bill was successfully passed in Lok Sabha and it was pending before the approval of Rajya Sabha.

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- As there was no consensus on the Bill the legislation was failed to pass in the Rajya Sabha.

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- The ruling party claimed the Bill criminalises the practice of instant triple talaq but the Opposition has been maintaining that the Bill brings a criminal angle to a legislation on civil matters.

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- The Opposition had urged the Union to send the Bill to a select committee.

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- Thus the speaker of Rajya Sabha cleared that triple talaq Bill would need a border consensus and it need to be discussed among the floor leaders of various parties.

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Source: Business Line, PRS India

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