

Knowledge level regarding the procedure of Divorce as per Quran: A Study on Muslim Women of Twin City (Chhattisgarh)

Aakriti Dewangan,¹ Archana Yadav²

¹Kalinga University, ²Guru Ghasidas Vishwavidyalaya

INTRODUCTION

The divorce and divorce laws affect the female section of the population the most. Hindu women outnumber Muslim women by 5 times, and also, Muslims are 27% less likely than others to divorce or separate (Dommaraju, 2016). However, the differential impact of divorce across genders is higher for Muslims than for Hindus and women than for men. Also, as per Bhartiya Muslim Mahila Andolan (BMMA), there has been surveying done for divorce rates in India, but not to the extent of Triple Talaq among Muslim communities. Therefore, the Muslim community has a much higher percentage of divorce rates, in contrast to the census report, i.e. 11% (Desk, 2017). Awaz-e-Niswaan has done one more study, an NGO of the Muslim women community-based in Mumbai, which revealed that 65% of divorce cases belong to Triple Talaq (Islam, 2021). So, it can be found that Triple Talaq, also known as *Talaq-e-biddat*, is a major problem among Muslims, especially women. It is a form of divorce that is unapproved in Islam and the Quran and is given by a Muslim husband as per his will at any time to his wife by only uttering the word '*talaq*' thrice in one sitting, instantaneously by any means like physical contact, phone, mail, etc. Furthermore, there is no time for rethinking either spouse about this decision and the divorce becomes final instantaneously. Singh & Srivastava (2020) have described this ill practice as 'a one-sided engine of oppression', meaning a right that is granted only to Muslim men and not women. Further, Muslim males generally escape the liability of paying compensation for this ill practice. This left the Muslim woman helpless in all terms.

Muslim women are helpless and even incapable of making daily decisions due to the heavy influence of patriarchal structures and Muslim organizations, so how can they save their marriages through Triple Talaq (Agrawal & Paul, 2019)? Further, divorcees are mistreated all over the world as they used to be considered a burden on others for their endurance, and if children are involved, then the situation becomes worse. They are not given equal status and position in society, and their children are also seen as having a downward status. Overall, there is an identity crisis for Muslim divorced women (Singh & Srivastava, 2020).

Here the question arises: what is the reason behind the prevalence of this inhuman ill practice? Saujan (2019) has claimed the lack of knowledge on the part of Muslim women as a major factor, while Cheema (2019) has blamed the Muslim scholar's lack of understanding behind the practice of Triple Talaq on how to apply the valid Islamic rules to the varied socio-cultural context. Also, scholars who are knowledgeable and competent enough to apply the principles of Islam in real life, benefiting all sections of society, lack the moral courage to do

so. This lack of courage leads to making a wrong impression of Islam all over the world. Consequently, the Muslim community and hence Muslim women have started to lose faith in justice through Islam. Further, besides the Quran, one more source of Islam has been generally taken into consideration by Muslims, i.e., *Sunnah (hadith)*. It compiles the deeds and activities of the Prophet during his lifetime. The authenticity of *Sunnah* has been approved by the Quran itself (Rawat, 2021). The *Hanafi Sunnis* are in majority in India (Census, 2011) and they follow *Sunnah* more regarding this as compared to other sects.

To curb this menace, the Government of India has banned the practice of *Talaq-e-bidder* or Triple Talaq by enacting the law i.e., the Triple Talaq Act 2019 better called The Muslim Women (Protection of Rights on Marriage) Act 2019. Many criticisms came for this legislation, especially from the Muslim Personal Law Boards, blaming the Government cannot modifying or altering anything that has been illustrated in the Quran, because it would then go against Article 25. Further, various laws and regulations have been enacted earlier but they were all proved to be unfair towards women (Dewangan & Yadav, 2021). Now, before going to the present legislation i.e., The Muslim Women (Protection of Rights on Marriage) Act 2019, it is very much essential to gain insight into the actual procedure of divorce and the knowledge level of respondents regarding the same as per the holy book Quran.

The research paper aims to reveal the status of knowledge of Married Muslim males ranging in age between 18-50 years regarding the actual procedure of divorce as per the Quran.

The Actual Procedure of Divorce as per the Quran

Khan (2014), Mattson (2021), Dewangan, Yadav & Bhanu (2022), Dewangan & Choubey (2022) and others have revealed that in *Talaq-e-has* a form of divorce, 90 days period of *iddat* (waiting period) is required, is revocable twice in a lifetime, and *Meher* (dower) use to be granted as a one-time compensation to that aggrieved Muslim women and if the child(ren) is/are there, then till the children reach the age of puberty.

Khan (2014) and others have revealed that *Talaq-e-Hasan* is the second most approved form of divorce as per the holy book Quran, which is revocable twice, has 30 days period of *iddat* (waiting period), and one time *Meher* (dower) has been granted to the aggrieved Muslim women as compensation amount.

Khan (2014) and others have revealed that *Talaq-e-biddat* is a form of divorce that is unapproved in Islam but carried out by the *Sunni* sect of the Indian Muslim population due to the certain historical background where it has been allowed to practice *Talaq-e-biddat* (Islam, 2021). But still, if *Triple Talaq* happens, then there is a provision of compensation in the form of a one-time *Meher* (dower) only and is irrevocable.

FINDINGS

Number of divorces prescribed and approved in the holy book Quran:

Overall, the majority of the respondents i.e., 76.78% (129) know only about one form of divorce, while 12.5% (21) of the respondents know about 2 types of divorce. Very few respondents, i.e., 7.14% (12) of the respondents don't know it.

The name of approved and prescribed forms of Quranic divorce as per respondents has been further classified into 3 criteria i.e., *Talaq-e-ahasan* and *Talaq-e-hasan*, *Talaq-e-ahasan* and *Talaq-e-biddat*, *Talaq-e-hasan* and *Talaq-e-biddat*. Out of those respondents who know about 2 types of Quranic forms of divorce, 52.38% i.e., 11 know about *Talaq-e-ahasan* and *Talaq-e-biddat*, 28.5% i.e., 6 know about *Talaq-e-ahasan* and *Talaq-e-hasan* and 19.04% i.e., 4 know about *Talaq-e-hasan* and *Talaq-e-biddat*. Out of those respondents who know only about one form of divorce, the majority i.e., 54.26% (70) know about *Talaq-e-ahasan* only; 37.20% i.e., 48 know about *Talaq-e-hasan* only and; 8.52% i.e., 11 know about *Talaq-e-biddat* only.

The duration of the *iddat* period required in the *Talaq-e-ahasan* form of divorce as per those respondents:

The majority of the respondents i.e., 68.88% (62) know that 90 days of the waiting period is required, while only 5.56% i.e., 5 respondents are in dilemma and say that *the iddat* period varies between 90 to 180 days. The same percentages of Married Muslim Female respondents are also in dilemma and prefer to say that it varies between 90 to 120 days. Only 2.22% i.e., 2 respondents prefer to answer 60 to 90 days. 3.4% i.e., 3 respondents know about 103 days of *iddat*. 4.45% i.e., 4 respondents know about 120 days, while 10% i.e., 9 of them don't know about the duration of the waiting period.

The existence of revocability provision in the *Talaq-e-ahasan* form of divorce:

The majority of the respondents i.e., 90.62% (87) know about the revocability provision in the *Talaq-e-ahasan* form of divorce, while 9.375% i.e., 9 respondents know that there is no such provision in this form of divorce.

The number of times; the *Talaq-e-ahasan* form of divorce can be revoked:

The majority of the Married Muslim Female respondents who are acquainted with the revocability provision of this divorce form i.e., 97.01% (65) know that *Talaq-e-ahasan* can be revoked twice in a lifetime. It is to be noted here that only 2.98% i.e., 2 Married Muslim Female respondents know that it can be revoked only once in a lifetime.

The provision of compensation in *Talaq-e-ahasan* form of divorce:

It can be observed that 87.5% i.e., 84 of the respondents agree that there is a provision of compensation in the said form of divorce, while 12.5% i.e., 12 of the respondents do not agree with that.

Awareness Level regarding the compensation amount and its duration provided to Muslim women after the *Talaq-e-ahasan* form of divorce

It can be observed that the majority of the respondents i.e., 62.65% (52) respondents are aware that *Meher* used to be provided to Muslim women divorcees which is granted only once. While the other responses are as follows: 14.45% i.e., 12 respondents - *Meher* and compensation till remarriage; 6.02% i.e., 5 respondents - Compensation and its duration are decided by husband; 7.22% i.e., 6 respondents – Decided by Spiritual Leaders; Only 3.61% i.e., 3 respondents - *Meher* for 3 months only; the previous same percentage of same respondents - *Meher* (either for 3 months or till remarriage); Only 2.4% i.e., 2 respondents do not know about it.

The duration of the *iddat* period required in the *Talaq-e-hasan* form of divorce as per those respondents who know about this form

The majority of the respondents i.e., 76.56% (49) know that 30 days of the waiting period is required, while only 14.06% i.e., 9 respondents are in dilemma and say that *the iddat* period varies between 30 to 60 days. Only 4.68% i.e., 3 respondents are acquainted with a 40 – 60 days waiting period in this form of divorce. Only 4.68% i.e., 3 respondents don't know about the duration of *the iddat* period in this divorce form.

The knowledge of respondents regarding the existence of revocability provision in the *Talaq-e-hasan* form of divorce

It can be observed here that the majority of the respondents i.e., 73.43% (47) know about the revocability provision in the *Talaq-e-hasan* form of divorce, while 21.87% i.e., 14 respondents know that there is no such provision in this form of divorce.

The knowledge level of respondents regarding the number of times; the *Talaq-e-hasan* form of divorce can be revoked

It can be observed from here that all respondents who are acquainted with the revocability provision of this divorce form know that *Talaq-e-hasan* can be revoked twice in a lifetime.

The respondent's awareness level regarding the provision of compensation in the *Talaq-e-hasan* form of divorce

It can be observed that 95.31% i.e., 61 of the respondents agree that there is a provision of compensation in the said form of divorce, while 4.68% i.e., 3 of the respondents do not agree with that.

The respondents' awareness level regarding the compensation amount and its duration provided to Muslim women after the *Talaq-e-hasan* form of divorce

It can be observed that the majority of the respondents i.e., 60.65% (37) of the respondents are aware that *Meher* used to be provided to Muslim women divorcees which are granted only once. While the other responses are as follows: 22.95% i.e., 14 of the respondents - *Meher* till remarriage; 3.27% i.e., 2 of the respondents – *Meher* decided by Spiritual Leaders;

Only 4.91% i.e., 3 of the respondents - *Meher* for 3 months only; Only 3.27% i.e., 2 of the respondents - *Meher* but don't know the duration; Only 1.63% i.e., 1 respondent – *Meher* as per the decision of husband and; Only 3.27% i.e., 2 of the respondents – Compensation and its duration are decided by husband.

Knowledge about the existence of the *Talaq-e-biddat* form of divorce

The majority of the respondents i.e., 96.42% (162) know about the existence of *Talaq-e-biddat* form of divorce.

The respondents' awareness regarding the provision of compensation in *Talaq-e-biddat* i.e., Triple Talaq

It can be observed that 47.53% i.e., 77 of the respondents know that compensation is being provided in this.

The awareness level of respondents regarding the existence of revocability provision in *Talaq-e-biddat* i.e., the Triple Talaq form of divorce

It can be observed that the majority 89.15% i.e., 148 respondents have a say that there is no such provision in Islam.

The awareness of respondents regarding the existence of divorce rights granted to Muslim women

It can be observed that the majority of the respondents 89.90% i.e., 169 of the respondents have a say that there is/are divorce rights granted to Muslim women in Islam.

The awareness level of those respondents who are acquainted with the divorce rights meted out to women regarding the name of that right

It can be observed here that the majority of the respondents 71% i.e., 120 of the respondents know about the *Khula* form of divorce rights granted to Muslim women in Islam.

SUGGESTION, CONCLUSION AND RECOMMENDATION

The very strong opinion of the respondents regarding the Triple Talaq Act 2019 depends on the knowledge level of the respondents regarding the actual form of divorce as per the holy book Quran, and also there is a need to assess their knowledge level regarding the Triple Talaq Act 2019.

The research study reveals that the majority of the respondents know only about one approved form of divorce, i.e., *Talaq-e-ahasan* or *Talaq-e-hasan*. Very few know that two forms of divorce are there and the majority of them claim them as *Talaq-e-ahasan* and *Talaq-e-biddat*. It can be concluded here that the majority of the respondents at least know that *Talaq-e-biddat* is not an approved form of divorce, while all of the clients in the case study are aware of the two approved forms of divorce as per the holy book of the Quran.

The research study reveals that the majority of the respondents who know about the existence of the *Talaq-e-ahasan* and *Talaq-e-hasan* forms of divorce are acquainted with the whole procedure and whereabouts of this form. Also, respondents are aware of *Talaq-e-biddat* or *Triple Talaq*, and especially that it is unapproved in the holy book Quran. While regarding knowledge of gaining compensation, only 50% of the respondents correctly know that *meher* is to be provided in any form of divorce to the aggrieved women.

The only way to incorporate knowledge among the respondents and Islam always encourages the education of all regardless of sex, and at the time of the Prophet, there were numerous women scholars (Khatun, 2022).

SOCIAL WORK INTERVENTION

Due to the ill practice of Triple Talaq, Indian Muslim women are in a pathetic condition today. There is a dire need to make them so capable that they can help themselves. One of the aims of social workers is to empower individuals to help themselves. First, the ground realities have to be ascertained. That's why the research has done an empirical study to assess the knowledge of the Muslim community regarding the *Triple Talaq*. The social worker can intervene in the Muslim community via awareness generation programs, community work and individual approach. The relevance of social work with the concerned research can be illustrated as –

- i. The research study reveals that the majority of the respondents have knowledge regarding any one approved form of divorce as per the holy book Quran i.e., *Talaq-e-ahasan* or *Talaq-e-hasan*. As a social worker, the only way to sort out this is to motivate the clients to read the holy book Quran by themselves only to gain the knowledge of proper procedure of divorce and to find out which one is prohibited by the Prophet.
- ii. The dower i.e. *Meher* use to be return to the respective women in any type of divorce. But research reveals that only 50% knew about it. Here, the social workers along with the Spiritual Leaders can make a proper observation and prohibit such practice and shall give knowledge to Males of the Muslim community regarding their liability them to compensate their respective females with *Meher*. Social workers can engage with any such type of non-governmental organizations that work for the Muslim community like that of Bhartiya Muslim Mahila Andolan.
- iii. However, very few of the respondents think that the practice of *Triple Talaq* is good under certain circumstances and that it is also approved in the Holy book Quran. The social workers, along with the Spiritual Leaders can aware the community regarding the approved and unapproved forms of divorce to the community via speeches, and gatherings and it should be done without any hesitation and as per the need of hour.

- iv. The research reveals that the amount of *Meher* has been found to be insufficient for the victims of *Triple Talaq* because it is only one-time compensation and the majority of the clients are not that educated to get any vocation. A social worker can imbibe among the community members the importance of education especially for Muslim females and by getting any reputed job how the standard and thinking of that particular family can change positively. An awareness campaign can be launched by the social workers for it and also live examples can be illustrated.

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