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Criminalization of Triple Talaq in India: Impact and Challenges

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The Supreme Court ruled that triple talaq is unconstitutional and void in India. The President of India promulgated the Ordinance, and the Parliament of India legislated the Muslim Women (Protection of Rights on Marriage) Act, 2019, which criminalized triple talaq. Crimes such as triple talaq were made criminal offences by the Parliament, punishable with three years' imprisonment and a fine. After enacting the Act of 2019, there has been a sharp decrease in triple talaq cases. The article examines the modes of talaq under the Quran and Hadees. An analysis of the 2019 Act has also been conducted. The Act is discussed in terms of its impact on the evil practice of triple talaq. It mainly highlights challenges in implementing the Act of 2019 faced by the executive. The problem Muslim women face in accessing justice is also discussed since they do not have access to legal aid pursuing triple talaq cases.

Keywords: *triple talaq, criminalization, marriage.*

INTRODUCTION

The Supreme Court of India in *Shayara Bano v Union of India & Others*¹ has declared triple talaq void and unconstitutional. As a result, the Indian parliament passed the Muslim Women (Protection of Rights on Marriage) Act, 2019 (*hereinafter as the Act of 2019*), which criminalized

¹ *Shayara Bano v Union of India & Others* (2017) 9 SCC 1

triple talaq. The Act of 2019, has made instant triple talaq void and illegal. The husband declaring triple talaq shall be liable to three years imprisonment and a fine.²The legislation enacted intends to fulfill the Constitutional goals of gender justice and gender equality for married Muslim women.³Triple talaq comprises a one-time three pronouncements of talaq, and it has stayed open to Muslim husbands as a way of separation. It was instantaneous, irreversible, and became effective instantly upon declaration.⁴Triple Talaq is a '*biddat*', and it is against the postulates of the Quran and Hadees. '*Biddat*' means addition in the Quranic law. More than 23 nations throughout the world have eliminated the custom of triple talaq.⁵However, triple talaq has existed for decades and violated the fundamental rights of Muslim women in India. In order to end this evil practice, Muslim clerics have never taken any concrete steps. Triple talaq was finally declared unconstitutional by the Supreme Court of India. It is estimated that about 82 percent of triple talaq cases have decreased since the legislation criminalized it.⁶

FORMS OF TALAQ UNDER QURAN AND HADEES

Talaq is an Arabic term that originated from the expression '*talaq a'* in its literal sense signifies "*taking off any relation or bonds*", and in Islamic law, it implies the dissolution of marriage instantly or ultimately.⁷Talaq is a generic name for all sorts of divorce but is mainly applied to the abrogation by or on behalf of the husband.⁸ The *talaq* would be assumed to have taken effect on the date wife came to know about it.⁹Communication of *talaq* becomes mandatory in some instances, such as when the spouse has to observe *iddat*, and the dower becomes

² 'Triple Talaq Bill passed by Parliament' (*India Today*, 31 July 2019)

<<https://www.indiatoday.in/india/story/triple-talaq-bill-passed-in-rajya-sabha-1575309-2019-07-30>> accessed 03 July 2022

³ Muslim Women (Protection of Rights on Marriage) Act, 2019

⁴ Sir Dinshaw Fardunji Mulla, *Principles of Mahomedan Law* (20thedn., LexisNexis 2013) 390

⁵ 'India's Muslim neighbours among 23 countries that have banned triple talaq' (*Hindustan Times*, 19 September 2018) <<https://www.hindustantimes.com/india-news/india-s-muslim-neighbours-among-23-countries-that-have-banned-triple-talaq/story-18b9HkOCwdMAIWyscwXZMK.html>> accessed 03 July 2022

⁶ 'Two years of Triple Talaq Law: All About the Legislation That Banned Instant Divorce by Muslim Men' (*News 18*, 1 August 2021) <<https://www.news18.com/news/india/two-years-of-triple-talaq-law-all-about-the-legislation-that-banned-instant-divorce-by-muslim-men-4033220.html>> accessed 03 July 2022

⁷ Syed Khalid Rashid, *Muslim Law* (5thedn., Eastern Law Book Company 2010) 106

⁸ Aqil Ahmad, *Mohammedan Law* (24thedn., Central Law Agency 2012) 167

⁹ *Ful Chand v Nazab Ali Choudhary* (1909) ILR 36 Cal. 185

obligatory during *iddat*.¹⁰ A revocable declaration of *talaq* does not terminate the marriage till the period of *iddat* has expired, but an irrevocable declaration terminates the marriage directly on its pronouncement.¹¹ Under Islamic law, different methods of *talaq* are provided, which may be affected by the husband to terminate the marriage.

i) Ahsan: is a method of *talaq* which is as per the traditions of the Prophet Mohammad (S.A.W.). It is the 'best' form of *talaq* in which the man communicates divorce in a single sentence.¹² The communication requires the wife to be in a state of cleanliness (*tuhr*); the wife is free from menses. The spouses have to wait until the *iddat* period ends and must withdraw from copulation. *Iddat* is a period during which a woman cannot remarry, and it is for three months. *Talaq-ul-Ahsan* is revocable throughout *iddat*, but after the termination of *iddat*, the divorce becomes immutable. A *talaq* in the *ahsan* form may be declared during menses if the marriage has not been consummated.¹³ If the woman is beyond the age of menstruation; the stipulation of *tuhr* is also not applicable.¹⁴ Quran also provides that 'the divorced woman should keep themselves in waiting for three courses.'¹⁵

ii) Hasan: In Arabic, 'hasan' means good.¹⁶ *Talaq-ul-Hasan* is based on the Quranic injunctions – "Divorce may be pronounced twice, then keep them in good fellowship or let (them) go kindness. So, if the husband divorces her third time, she shall not be lawful to him afterward until she marries another person".¹⁷ *Talaq-ul Hasan* consists of three pronouncements of *talaq* by the husband made during a successive period of cleanliness (*tuhrs*); no copulation is taking place during any of the three *tuhrs*.¹⁸ In the case of a non-menstruating wife, the pronouncement should be

¹⁰ Syed Khalid Rashid (n7)

¹¹ Aqil Ahmad (n8)

¹² Richa Taneja, 'Triple Talaq and Other forms of Muslim Divorce' (NDTV, 28 December 2017) <<https://www.ndtv.com/india-news/triple-talaq-and-other-forms-of-muslim-divorce-explained-1793123>> accessed 17 April 2020

¹³ *Chand Bi v Bandesha* (1960) 62 BOMLR 866

¹⁴ *Ibid*

¹⁵ Verse 228, Surah Al Baqarah, Al-Quran

¹⁶ Aqil Ahmad (n 8) 170

¹⁷ Verse 229 & 230, Surah Al Baqarah, Al Quran

¹⁸ Sir Dinshaw Fardunji Mulla (n 4) 394

addressed throughout the successive periods of 30 days.¹⁹ After the third pronouncement *talaq* becomes irrevocable.²⁰

iii) Ila: is an oath taken by a husband in the name of Allah abstaining from coitus with his wife.²¹ The Quran provides that “those who abandon their wives (by pronouncing *ila*) must wait for four months; then if they change their mind, Allah is forgiving and merciful.”²² Moreover, if they determine upon divorce, then Allah is undoubtedly knowing.²³ Consummation of marriage is an essential requirement for a valid *ila*. If the husband resumes sexual intercourse within four months, the barrier to the continuation of marital relations will be eliminated. *Ila* is not practiced in India.²⁴

iv) Zihar: is an Arabic word that means “you are just like my mother”. *Zihar* is a form of *talaq* in which the husband relates his wife to his mother or any other woman within prohibited degrees.²⁵ It is not allowed for a husband to have copulation with his wife except if he recompenses by releasing a slave or fasting for two consecutive months or serving sixty starving people.^{26,27} Cases of *Zihar* are unknown in India, but the law of *Zihar* has now received statutory recognition in s.28 of the Shariat Act, 1937.²⁹ The Quran states that “whoever pronounces *Zihar* to sever the ties with their wives - they are not consequently their mothers. Their mothers are none but those who gave birth to them. Moreover, indeed, they are saying an objectionable statement and a falsehood. But indeed, Allah is pardoning and forgiving”.³⁰

¹⁹ Aqil Ahmad (n 8) 170

²⁰ *Ibid*

²¹ Muhammad Jawad Mughniyya, ‘Divorce according to five schools of Islamic Law’ (*Al Islam*) <<https://www.al-islam.org/divorce-according-five-schools-islamic-law-sheikh-muhammad-jawad-mughniyya/al-ila>> accessed 17 April 2020

²² Verse 226 & 227, Surah Al Baqarah, Al Quran

²³ *Ibid*

²⁴ Sir Dinshaw Fardunji Mulla (n4) 185

²⁵ *Ibid*, 402

²⁶ Muhammad Jawad Mughniyya (n 21)

²⁷ Verse 3 & 4, Surah Al Mujadila, Al Quran

²⁸ Shariat Act, 1937, s 2

²⁹ Muhammad Jawad Mughniyya (n 21)

³⁰ Verse 2, Surah Al Mujadila, Al Quran

v) **Khula:** is a method of talaq in which a wife can divorce her husband, by returning the dower or something else that she obtained from her husband.³¹ It is a divorce at the instance of the wife, in which she returns *mahr* to the husband for her release from the marriage tie.³² It is, in fact, a right of divorce purchased by the wife from her husband.³³ If the wife is incapable of paying the dower, then it does not invalidate the divorce.³⁴ The source of Khula is an injunction from the Quran “but if you fear that they cannot keep within the limits of Allah, there is no blame on them for what she gives to become free thereby”.³⁵

vi) **Mubarat:** is a *talaq* by mutual agreement of husband and wife. If the dislike is two-sided, and both the individuals aspire for a divorce, it is called *mubarat*. In *mubarat* divorce, the wife or the husband may propose a divorce but once accepted the dissolution of marriage is complete.³⁶ It is an irrevocable method of divorce, and the *iddat* becomes obligatory. The property which the husband gets in *mubarat* divorce should not surpass the *mahr* of the wife. During the waiting period of *mubarat* divorce, if the wife changes her mind and does not give *mahr* to the husband, he can take her back as a wife without *nikah*.³⁷

vii) **Talaq-e-Tafweez:** *Tafweez* means to 'delegation of power'. *Talaq-e-Tafweez* includes a husband who can delegate his right of separation to his wife or any third party.³⁸ The delegation, as mentioned above, can be secured at the time of *nikah* through a prenuptial contract.³⁹ The power to give divorce, which fundamentally belongs to the husband may be delegated to the wife either entirely or conditionally.⁴⁰

³¹ Jamal J.A. Nasir, *The Status of Woman under Islamic law and Modern Islamic Legislation*, (23rd edn., Brill, Leiden 2009)

³² Syed Khalid Rashid (n7)

³³ *Ibid*

³⁴ *Monshee Buzul-ul-Raheem v Luteefutoon Nissa* (1861)

³⁵ Verse 229, Surah Al Baqarah, Al Quran

³⁶ Aqil Ahmad

³⁷ *Ibid*

³⁸ Kaniz Fatima, 'What is Delegated Divorce?' (*New Age Islam*, 7 September 2019)

<[https://www.newageislam.com/islamic-q-and-a/what-is-delegated-divorce-\(talaq-e-tafweez-or-talaq-e-tafwid\)?/d/119683](https://www.newageislam.com/islamic-q-and-a/what-is-delegated-divorce-(talaq-e-tafweez-or-talaq-e-tafwid)?/d/119683)> accessed 25 April 2020

³⁹ *Ibid*

⁴⁰ Aqil Ahmad (n 8) 400

viii) Lian (False Charge of Adultery): When a husband accuses his wife of adultery, but the charge is false, the wife is entitled to a divorce. The mere charge levied by the husband will not automatically dissolve the marriage. The wife must apply to the court for the dissolution of her marriage.⁴¹

ix) Faskh (Cancellation of Marriage): Muslim law allows a woman to dissolve her marriage by approaching a Qazi. Quran says that husbands are responsible for treating their wives properly. The wife is also obligated to obey her husband's orders. If the husband and wife both conclude that they cannot live as a husband and wife, they can refer the matter to a Qazi who, after careful examination, terminates the marriage.⁴²

TRIPLE TALAQ: ORIGINATION

Islamic law stipulates a procedure and period for divorce and mandates that the husband shall maintain her wife after the divorce during the iddat period.⁴³ There is a sufficient and reasonable check on the unilateral power of the husband to divorce his wife in practice. Divorce is not recommended by Islam and is only permissible in rare instances.⁴⁴ Unless the situation was highly intolerable, Prophet Muhammad (S.A.W) discouraged divorce.⁴⁵

Neither there was sanction for triple talaq in the Holy Quran, nor is it sanctioned by the Holy Prophet Muhammad (S.A.W.). It was also not allowed in the reign of Caliph Abu Bakr and the first two years of Caliph Umar Al Khattab. Later, Caliph Umar permitted it due to a peculiar situation. The triple talaq originated during the Arab conquest of Syria, Egypt, Persia, and others. Consequently, the men were forced to live there for more extended periods, leaving their wives behind. They desired to marry Egyptians and Syrians to satisfy their sexual desires. Adultery is prohibited in Islam, so Arabs were not allowed for unlawful relationships. They opted for marriage. Egyptians and Syrian women, however, insisted on divorce in one

⁴¹ *Ibid*, 190

⁴² *Ibid*, 191

⁴³ Furqan Ahmad, 'Understand the Islamic Law of Divorce' (1983) 45(3/4) Family Law Special Issues Journal of the Indian Law Institute, 484-508 <<https://www.jstor.org/stable/43951877>> accessed 07 July 2022

⁴⁴ *Ibid*

⁴⁵ *Ibid*

sitting if they were to marry them. In Islam, divorce is permissible only twice in two periods of tuhr, and its repetition at one sitting is un-Islamic, void, and unenforceable. Their existing wives could also be retained by marrying the women this way. Caliph Umar was informed of this fact. Caliph Umar decreed that even repeated talaq, talaq, and talaq in one sitting would dissolve a marriage irrevocably and prevent unscrupulous husbands from taking advantage of the religion. Nevertheless, it was more of an administrative measure implemented by Caliph Umar to meet an emergency, not to become permanent law. Later, Hanafi jurists declared this form of divorce valid and paved religious sanction to it due to this instant administrative order of the second Caliph.⁴⁶

Muslim personal law (Shariat) Act of 1937 is the legal framework that governs Muslims in India. In India, all Muslims were subject to this law. Likewise, the British Government passed the Dissolution of Muslim Marriage Act, 1939, to protect Muslim wives' rights. There were detailed provisions concerning divorce in these acts, and Triple Talaq was one of them; thus, it was common practice among Indian Muslims to dissolve their marriages through Triple Talaq. The Special Marriage Act of 1954, permits Muslim couples to register their marriage as a private matter unless they decide otherwise since these historic factors preclude India from implementing measures placed by governments of other countries to check the unilateral right of divorce of husbands, such as the prohibition of triple talaq.⁴⁷

CRIMINALIZATION OF TRIPLE TALAQ IN INDIA

The Constitutional Bench of the Supreme Court of India has declared triple talaq, as a form of divorce, to be unconstitutional and void under Article 14 and Article 13 (1)⁴⁸ of the Constitution.⁴⁹ Furthermore, the court held that the Muslim Personal Law (Shariat)

⁴⁶ Aqil Ahmad (n 8) 174-175

⁴⁷ Umair, 'Triple Talaq Explained' (*Legal Services India.com*)

<<http://www.legalservicesindia.com/article/2466/Triple-Talaq-Explained.html#:~:text=Triple%20Talaq%20origination%3A,three%20divorces%20in%20one%20go>> accessed 27 July 2022

⁴⁸ Constitution of India, 1950, art.14 and art.13(1)

⁴⁹ Shayara Bano (n 1)

Application Act, 1937 is void where it acknowledges and enforces triple talaq.⁵⁰ The Supreme Court ruled that the exception in Article 25⁵¹ does not protect triple talaq as an essential part of Islam.⁵² As discussed above the Act of 2019 was passed by the President of India through Second Ordinance 2019, which makes triple talaq a criminal offence.⁵³ Talaq declarations, written or electronic, are void and illegal under the Ordinance. The Ordinance declares talaq a cognizable offence with three years' imprisonment and a fine. The Ordinance provides that the Magistrate may grant bail to the accused after hearing the victim woman. Muslim women can also claim maintenance from their husbands. The woman is also entitled to custody of her minor child from her husband.⁵⁴ With this the Indian Parliament on July 31, 2019 passed the Muslim Women (Protection on Rights on Marriage) Act, 2019⁵⁵ to protect the rights of Muslim women and prevent their husbands from pronouncing triple talaq for divorce to them.

The word "talaq" is defined in the Act under section 2 (c) means "*talaq-e-biddat or any other similar form of talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband*".⁵⁶ It is illegal for a Muslim husband to pronounce triple talaq in writing, electronically, or in any other manner. The guilty husband shall be liable to three years imprisonment and a fine under s. 4⁵⁷ of the Act. The offence of triple talaq under s. 7⁵⁸ of the cognizable and compoundable, woman or his relative can file a complaint to the police authorities. Under the Act, the woman is also entitled to maintenance for herself and her children. Furthermore, minor children may be taken into custody by the woman. Section 8(1)

⁵⁰ Debalina Roy, 'Shayara Bano v Union of India Case Summary' (*Law Planet*, 22 September 2022) <<https://lawplanet.in/shayara-bano-vs-union-of-india-case-summary-2017-scc/>> accessed 27 July 2022

⁵¹ Constitution of India, 1950, art.25

⁵² *Ibid*

⁵³ 'Triple Talaq Ordinance approved by President Ram Nath Kovind' (*Scroll*, 21 February 2019) <<https://scroll.in/latest/914127/triple-talaq-ordinance-approved-by-president-ram-nath-kovind>> accessed 07 July 2022

⁵⁴ 'The Muslim Women (Protection of Rights on Marriage) Ordinance, 2019' (*PRS Legislative Research*, 12 January 2019) <<https://prsindia.org/billtrack/the-muslim-women-protection-of-rights-on-marriage-ordinance-2019>> accessed 07 July 2022

⁵⁵ Muslim Women (Protection on Rights on Marriage) Act, 201

⁵⁶ Muslim Women (Protection on Rights on Marriage) Act, 2019, s 2(c)

⁵⁷ Muslim Women (Protection on Rights on Marriage) Act, 2019, s 4

⁵⁸ Muslim Women (Protection on Rights on Marriage) Act, 2019, s 7

of the Act also repealed the Second Ordinance of 2019 on Marriage (Protection of Rights for Muslim Women).⁵⁹

TRIPLE TALAQ CRIMINALIZATION: IMPACT

To protect the fundamental rights of Muslim women, the Indian Parliament criminalizes triple talaq. It was necessary to criminalize triple talaq to end its evil and deter others from committing it. Triple talaq is now a cognizable and compoundable crime. A significant reduction in triple talaq cases has been observed since Parliament enacted the legislation. Muslim women in India have benefited from the criminalization of triple talaq.

i) Reduction in Triple Talaq Cases: Since the Parliament criminalized the practice of triple talaq, there has been a dramatic decrease in cases. According to the Prime Minister of India, there has been an 80 percent⁶⁰ decline in triple talaq cases in the last three years. It is the criminalization of triple talaq that is primarily responsible for the huge reduction in triple talaq cases. Criminalizing triple talaq is intended mainly to reduce its prevalence. Generally, human beings do not commit crimes for fear of punishment, which is the cardinal principle of criminal law. The goal of criminalizing triple talaq is not to punish innocent people but to have a deterrent effect of reducing the number of cases of triple talaq. There have been fewer triple talaq cases in the last three years since the Act of 2019, was enacted shows a sign of relief for Muslim women.

“State wise data collected by Muslim Rastriya Manch over the past reveals that the lowest number of cases were found in Assam: 17, and the highest was recorded in Uttar Pradesh, 1,034, out of which in only 265 cases arrests have taken place. Madhya Pradesh, which ranked number 8 had 32 cases.

⁵⁹ Muslim Women (Protection on Rights on Marriage) Act, 2019, s 8(1)

⁶⁰ ‘Cases of Triple Talaq decreased by 80 per cent after enactment of law’ (*The Indian Express*, 28 February 2022) <<https://indianexpress.com/article/india/pm-modi-mann-ki-baat-live-updates-7792758/>> accessed 07 July 2022

West Bengal had 201 reported cases while Maharashtra recorded 102. Rajasthan, Tamil Nadu, Haryana, and Kerala had 83, 26, 26, and 19 cases".⁶¹

ii) Protection of Fundamental Rights of Muslim women: The Act of 2019, protects the fundamental rights of women. The triple talaq has violated the fundamental rights of Indian Muslim women for decades. Women were regularly subjected to mental cruelty and harassment by their husbands. In the case of triple talaq, the Muslim husband has the power to end the marriage instantly and without any explanation. Indian Parliament's criminalization of the triple has been a historic step towards ending this evil practice. It has successfully protected Muslim women's fundamental rights as the number of triple talaq cases has decreased significantly. The right to life and equality of women are guaranteed at present. In the aftermath of the criminalization of triple talaq, husbands can now get a divorce through the '*Talaq-ul-Hasan*', which allows them to reconcile.

MUSLIM WOMEN (PROTECTION ON RIGHTS ON MARRIAGE) ACT, 2019: CHALLENGES IN ENFORCEMENT

Laws are designed to make it easier for people to access justice. The number of triple talaq cases has decreased since Parliament criminalized triple talaq. However, it is impossible to end it. The instances of triple talaq will remain there even if they are criminalized. Getting justice for triple talaq victims becomes essential. Several challenges have been encountered in enforcing the legislation in the past three years. Challenges include:

i) Filing of an FIR is a struggle: Filing a First Information Report (F.I.R.) in India is a struggle for the women and impoverished. It is challenging for Muslim women. Due to negligence, law enforcement agencies generally fail to register F.I.R.s for other crimes. To enhance Muslim women's access to criminal justice, law enforcement agencies must streamline the process of filing a police report.

⁶¹ Ismat Ara, 'A Year Later, Are Instant Triple Talaq Culprits Actually Going to Jail' (*The Wire*, 23 October 2020) <<https://thewire.in/religion/a-year-later-are-instant-triple-talaq-culprits-actually-landing-in-jail>> accessed 07 July 2022

ii) *Inordinate Delay in Submitting Chargesheet:* There is a common practice in India that law enforcement agencies delay submitting the charge sheet within the stipulated timeframe, which slows the criminal trial process. It has been reported that in several triple talaq cases in the last three years, the charge sheet has not been filed in time. These procedural irregularities prevent Muslim women from accessing criminal justice.

iii) *Compounding of Offences:* In the last three years, it has been noted that in most cases of triple talaq the woman is forced to compound the offence. The Muslim population in India is predominantly male-dominated, so woman faces difficulty in pursuing the triple talaq case. The accused unlawfully forces the Muslim woman to compound the offence. Because of this the accused are not convicted, and the right to justice for Muslim women is compromised, undermining the Constitution.

LEGAL AID AND PROTECTION OF MUSLIM WOMEN'S RIGHTS

In India, every citizen has a fundamental right to access justice under the Constitution of India. To solve the problem of women and poor citizens accessing justice, the Constitution was amended in 1976 to add Article 39A⁶² mandates that the state shall provide legal aid to every citizen. Further to enforce this Directive Principle of State Policy, the Indian Parliament has enacted the Legal Service Authority Act, 1987, under which legal service authorities are established at the National, State, and District level to provide legal aid to the impoverished. The Act also mandates that under s. 12 (c)⁶³, women are eligible to free legal aid at the state expense, and section 13⁶⁴ also provides that whoever fulfills the eligibility criteria under s. 12⁶⁵ is entitled to free legal aid to prosecute or defend. Even the Supreme Court of India, in various leading judgements, has held that the right to legal aid in criminal cases is also part of the right to life under Article 21⁶⁶ of the Constitution. The Code of Criminal Procedure, 1973 also mandates that legal aid is mandatory in criminal cases.

⁶² Constitution of India, 1950, art.39A

⁶³ Legal Service Authority Act, 1987, s 12(c)

⁶⁴ Legal Service Authority Act, 1987, s 13

⁶⁵ Legal Service Authority Act, 1987, s 12

⁶⁶ Constitution of India, 1950, art.21

Thus, Muslim women are eligible for free legal aid under the Legal Service Authority Act, 1987. Whenever there is a criminal matter, the first step is the registration of a First Information Report (F.I.R.). Thus, legal aid must be provided to everyone affected by triple talaq by the legal service authorities. Legal aid must be available during the criminal process from registration of a F.I.R. until the accused is convicted. It will be easier for Muslim women to access criminal justice with legal aid. It will facilitate access to justice for Muslim women without any obstacles. Then only the Act of 2019 will be enforced at the ground level. Legislation is the only task required of the legislature. Every citizen must take part in enforcing the law. Then only the fundamental right will be protected. The same atrocities will be perpetrated upon Muslim women otherwise.

CONCLUSION

Hence, it can be concluded that the criminalization of triple talaq was a historic step taken by the Indian Parliament after the enactment of triple talaq cases drastically decreased. However, the cases will remain there in the future also. So, it is more critical to protect Muslim women's rights. Enforcement of the Act requires access to free legal aid available to women at all stages. In this way, a Muslim woman can pursue his case, and the guilty will be convicted, which is the ultimate objective of the law. Law school clinics may also provide free legal aid and make Muslim women aware of their fundamental rights. A separate online facility should also be for filing complaints related to triple talaq. Data on the number of triple talaq cases registered, arrests made, and charges filed should be available. Data on offences reported for violating the Act of 2019 have not been available in the last three years. Legal aid must be available to victims of triple talaq to access criminal justice. There are still various gaps in the implementation of the Act which need to be fulfilled to protect the right to life of Muslim women. Various gaps remain in the implementation of the Act that must be filled to protect Muslim women's right to life.