

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

LOK S A B H A

UNSTARRED QUESTION No. 1157

TO BE ANSWERED ON WEDNESDAY, THE 25TH JULY, 2018.

Triple Talaq

1157. SHRI ASADUDDIN OWAISI:
SHRIMATI KIRRON KHER:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether Honourable Supreme Court has pronounced that the practice of triple talaq is invalid and if so, the details thereof and reasons advanced by the court in support of its judgement;
- (b) whether keeping in view the judgement, Government proposes to bring forward a legislation in this regard and if so, whether all the stakeholders were consulted before drafting such legislation;
- (c) if so, the details thereof and if not, the reasons therefor and the way in which Muslim women are likely to be benefited by the new legislation;
- (d) the number of cases of triple talaq recorded in the country and the State-wise distribution of these cases;
- (e) the number of complaints that have been lodged by Muslim women after being divorced through triple talaq; and
- (f) the details of distress caused to Muslim women as a result of triple talaq?

MINISTER OF STATE FOR LAW AND JUSTICE

AND CORPORATE AFFAIRS

(SHRI P.P. CHAUDHARY)

- (a) Yes, Madam. The Constitution Bench of the Supreme Court in the matter of Shayara Bano Vs. Union of India and Others [Writ Petition (Civil) No. 118 of

2016] and other connected matters, on 22nd August, 2017, in a majority judgment of 3:2 set aside the practice of '*talaq-e-biddat*'- triple *talaq*. The Court found that the said practice of divorce is manifestly arbitrary in the sense that the marital tie can be broken capriciously and whimsically by a Muslim husband without any attempt at reconciliation so as to save it. The full text of the judgment is available in the website of the Supreme Court <https://www.sci.nic.in/judgments>.

- (b)& (c) In order to prevent the continued harassment meted out to the married Muslim women by their husbands, who are still resorting to *talaq-e-biddat* to divorce them in spite of the same having been set aside by the Supreme Court, the Government has introduced, a Bill, namely the Muslim Women (Protection of Rights on Marriage) Bill, 2017, in Lok Sabha on the 28th December, 2017 and the same was passed by that House on the same day. Presently, the Bill is pending in Rajya Sabha. Comments/views have been sought from all the State Governments/ Union territory Administrations before the same was introduced. The Bill, *inter alia*, protects the rights of married Muslim women and children and prohibits divorce by pronouncing triple *talaq* by their husbands.
- (d) So far approximately 160 cases have been reported from various parts of the country after the judgment of the Supreme Court.
- (e) The Government does not have any details of the complaints that have been lodged by Muslim women after being divorced by triple *talaq*.
- (f) This cannot be explained by any mode of accuracy as the distress may not be similar in all cases.