Chapter-VII

TRIPLE DIVORCE
(TALAQ-E-BIDDA(T))
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Talaq-ul-Biddat, (i.e. of innovation ) is not in conformity with the orders of Quran and Sunnat so far as the object or mode or manner of giving divorce is concern hence treated as a sinful act. However, there is difference of opinion on its legal effect, if at all given by anybody. It is given in different manners, viz.,

1. Three pronouncements of Talaq made during a single tuhr (period between two menstruation) either in one sentence or in separate sentence, e.g. saying- “I divorce you thrice” or saying as, “I divorce you”, “I divorce you”, “I divorce you”, or

2. A single pronouncement during tuhr (period between two menstruation) period clearly indicating an intention to dissolve the marriage irrevocably, e.g. saying- “I divorce you irrevocably” (sec. 311 (3) of Principle’s of Mahomedan Law by Mulla)

Such Talaq becomes irrevocable immediately it is pronounced, irrespective of iddat. As the Talaq becomes irrevocable at once hence it is also called as a talaq-e-bain, that is, irrevocable Talaq.

It is wrongly developed practice of giving divorce. In this form the husband is not careful and serious while exercising his right of divorce.
The communication of divorce is necessary when the divorce is given in the absence of the wife.

In this form, husband is directly pronouncing irrevocable divorce, verbally or written, without referring the dispute to any arbitration for conciliation. This practice is condemned by all Schools and by majority of Islamic scholars. But less or more the practice is being followed in India and some other Muslim dominating countries. Therefore, certain cumulative efforts may be taken to curb such practice.

The center point of this thesis is to find out and investigate the bad effects of this practice of divorce particularly on the women class.

Conflicting views about ‘triple divorce’:

There is absolutely uniformity in all Jurists, irrespective of ideological schools, on the point that the practice of ‘triple divorce’ is not according to the sprite of Quran and Sunnat. The Holy Prophet has expressly condemned it, hence it is a bad and sinful act.

There is difference of opinion amongst the jurist only on the following issues,

Issues:

1. Whether such three pronouncements of divorces at one time (as discussed above) should be considered as ‘three’ (leading to irrevocable divorce) or must be treated as ‘one’ only (meaning to revocable form)?
2. Whether such irregular divorce breaks down the marital ties? And what is the legal effect of such divorce?

**Majority View of all four Schools of Sunni Sects:**

The gist of majority of opinion of Sunni Scholars is that the divorce should be given in the form which is prescribed by the Quran and Sunnat only (i.e. Talaq-e-Ahsan or Talaq-e-Hasan) and the practice of 'triple divorce' (Talaq-e-biddat) is bad, hateful and according to some sinful and punitive, hence should not be adopted. But they are of view that husband should be very serious in exercising the right of giving divorce. Once he has given three divorces he is not permitted to take back his decision. This is so because he should not play with his right of divorce and he should not put the life of wife hanging in between two situations that he is neither properly keeping her with him not permanently liberalizing her. Once he has expressed his mind by giving an irrevocable divorce in clear terms, the divorce is taken place.

"It is well established that 'triple divorce' is still applicable in many Muslim Countries, including Saudi Arabia. After considering the entire legal and jurisprudential literature on the subject the 'Permanent Commission of Academic Research & Adjudication' has considered this topic and decided;

1) This practice was prevented in Prophet's time
2) Hazrat Umar (R.A.) (second Caliph) conferred formal legal recognition on triple divorce and his decision was later followed by the entire community and so

3) It is established law that triple divorce effects three divorces.”

("Triple Talaq An Analytical Study with Emphasis On Socio-legal Aspects"-Page 118 by Furqan Ahmed)

Concluding the majority view, it is the firm and unshaken faith and belief of all Sunni Muslims of the world that all four Caliphs (spiritual predecessors of the Holy prophet) namely, hazrat Abu Baker, hazrat Umar, hazrat Osman and hazrat Ali (R.A.) are occupying chronological highest position in the Muslim Umat (community), after the Holy Prophet. It is trusted that they all being closer to the Holy Prophet, were having the highest sense of accurate interpretation of Holy Quran and Sunnat. Therefore, the fact that Caliph hazrat Umar has recognized the legal effect of triple divorce (despite of condemning it) itself is more than sufficient for giving legal sanctity to the triple divorce without requiring any further evidence.

His grant of sanction of legal effect of triple divorce is just like grant of sanction of a factual recognition of divorce (factum valid) It is like ‘irritable breakdown of marriage’ principle as laid down by the Hon’ble Supreme Court of India unwillingly.
Minority view:

1. Minority view of some Sunni scholars is that the intention of the husband in pronouncing divorce will be material. If he has pronounced one or more than one divorces with clear intention of giving irrevocable divorce, (without leaving any scope for reconciliation), then it will be counted according to his intention only. However, where the husband has no intention of irrevocable divorce and due to passions, he uttered such words and now feels sorry for it, his intention will be seen. He may reconsider his decision, that too within the period of expiry of iddat.

2. While few scholars (other than four schools of Sunni sects) are of view that since there cannot be a divorce by pronouncement of three or more divorces at a time, (hence question of his intention is immaterial) and such pronouncement of three or more divorces at a time should be counted as ‘single revocable’ divorce. (refer book, A critical study of Triple divorce- by Furqan Ahmed and articles published by Asgar Ali, Engineer)

Any how, they will also agree on the point that if the husband has given three or more divorces at a time and he is not ready and willing to take back his wife, and the period of iddat is also lapsed, the relation between the spouses has irritably broken down, it is a de-facto, (though improper) “irritable breakdown of marriage” and there remains no meaning in
derecognizing it and continuing the relation between them as husband and wife. We are more concern with protecting the rights of divorcee after the divorce, which we should provide her. We cannot compel them to continue to be husband and wife.

**Authorities on triple divorce:**

Certain basic authorities on triple divorce are quoted below.

The relevant verses of Holy Quran concerning with the manner of giving divorce are interpreted and commented in following manner,

The intention of this verse is further explained by a few other Ahadith which have been reported from the Holy prophet (upon whom be Allah's peace) and some of the major Companions. Nasa'i has related that the Holy Prophet was informed that a person had pronounced three divorces on his wife in one sitting. He stood up in anger and said: "Are the people playing with the Book of Allah, although I am present among you?"

Seeing the Holy Prophet's extreme anger on this occasion, a person asked: "Should I not go and kill the man?"

Abdur Razzaq has reported about Hadrat `Ubadah bin as-Samit that his father pronounced one thousand divorces on his wife. He went before the Holy Prophet (upon whom be peace) and asked his ruling on it. The Holy Prophet said: "By the three divorces the woman stood separated from him along with Allah': disobedience, and 997 pronouncement
remained as acts of injustice and sin, for which Allah might punish him if He so willed and forgive him if He so willed."

In the details of the incident concerning Hadrat `Abdullah bin `Umar, which have been related in Daraqutni and Ibn Abi Shaibah, another thing also is that when the Holy Prophet commanded Hadrat `Abdullah bin `Umar to take his wife back, he asked: Had I pronounced three divorces on her, could I have taken her back even then? The Holy Prophet replied: No, she would have stood separated from you, and this would have been an act of sin." In another tradition the Holy Prophet's words are to the effect: "Had you done this, you would have committed disobedience of your Lord while your wife would have been separated from you."

The legal rulings reported from the Companions in this regard are also in complete conformity with the Holy Prophet's injunctions. According to a tradition in Mu'watta, a person came to Hadrat `Abdullah bin Mas'ud and said: "I have pronounced eight divorces on my wife. Ibn Mas'ud asked: What legal opinion have you been given in this regard? He said: I have been told that the woman stands separated from me. Ibn Mas'ud said: The people have said the right thing: the legal position is the same as they have told you."

'Abdur Razzaq has related from 'Alqamah that a person said to Ibn Mas'ud: "I have pronounced 99 divorces on my wife. He said: Three divorces separate her from you; the rest are (acts of sin) excesses."
Waki' bin al-Jarrah in his sunah has reported this very viewpoint of both Hadrat 'Uthman and Hadrat 'Ali. A person came to Hadrat 'Uthman and said: 'I have pronounced a thousand divorces on my wife-'. He replied: "She stood separated from you by three divorces." When a similar problem was presented before Hadrat 'Ali he replied; 'By three divorces she stood separated from you. You may distribute the rest of your pronouncements on the rest of your wives if you so like."

Abu Da'ud and Ibn Jarir have related, with a little variation in wording, a tradition from Mujahid, saying: "While I was sitting with Ibn Abbas, a person came and said: 'I have pronounced three divorces on my wife.' Ibn 'Abbas heard it but kept silent for so long that I thought he was perhaps going to return his wife to him. Then he said: "One of you first commits the folly of pronouncing the divorces; then he comes and says: O Ibn 'Abbas, O Ibn 'Abbas! whereas Allah has said that whoever fears Him in whatever he does, He will open a way for him out of the difficulties. You did not fear Allah; now I do not find any way for you: you have disobeyed your Lord, and your wife stands separated from you."

Another tradition, which also has been reported from Mujahid and related with a little variation in wording in mu'watta and Tefsir by Ibn Jarir, says: "A person pronounced a hundred divorces on his wife; then he asked Ibn 'Abbas for his opinion. He replied: 'By three divorces she stood separated from you. With the other 97 you made a Jest of the Revelations of
Allah!' This is according to Mu'watta. According to Ibn Jarir the words of Ibn 'Abbas were to the effect: "You disobeyed your Lord, and your wife stood separated from you, and you did not fear Allah that He might open a way for you out of the difficulty."

Imam Tahavi has related that a man came to Ibn 'Abbas and said: 'My uncle has pronounced three divorces on his wife. He replied: Your uncle has disobeyed Allah and committed a sin and followed Satan. Now, Allah has left no way open for him out of the difficulty.'

According to a tradition in Mu'watta and Abu Da'ud, a man pronounced three divorces on his wife before the consummation of marriage; then desired to remarry her, and came out to know the legal aspect of the matter. The reporter of the Hadith, Muhammad bin Iyas bin Bukair, says: 'I accompanied him to Ibn 'Abbas and Abu Hurairah. The reply each one gave was: 'You have let slip from your hand whatever opportunity was there for you.'" Zamakhshari has stated in al-Kashshaf that Hadrat 'Umar used to beat the man who would pronounce three divorces on his wife (at one and the same time) and then would enforce his divorces.

Sa'id bin Mansur has related this very thing from Hadrat Anas on sound authority. In this connection the general opinion of the Companions which Ibn Abi Shaibah and Imam Muhammad have related from Ibrahim Nakha'i (may Allah bless them) was: "The Companions (may
Allah be pleased with them) approved of this method that one may pronounce a single divorce on the wife and leave her alone till she completes three monthly courses." These are the words of Ibn Abi Shaibah. The words of Imam Muhammad are to the effect: "The approved method with them was that in the matter of divorce one should not exceed one divorce till the waiting-period is completed."

The detailed law that the jurists of Islam have compiled with the help of these Ahadith and traditions in the light of the above mentioned Qur'anic verse, is as follows:

"The Hanafis regard divorce as of three kinds: Ahsan, hasan, and bid'i. The ahsan form of divorce is that one may pronounce only one divorce on one's wife during a tuhr (purity) period in which one must refrain from sexual intercourse and leave the wife to complete her waiting-period. The hasan form of divorce is that one may pronounce one divorce in each period of purity: in this case pronouncement of three: divorces, one each in three periods of purity, is also not against the Shari'ah, although the best approved method is to pronounce only one divorce and leave the wife to complete her waiting-period. The bid form of divorce is that one must pronounce three divorces in a single sitting, or pronounce three divorces at different times during the same period of purity, or pronounce divorce during menstruation, or pronounce it in the period of purity during which one has had a sexual intercourse. Of these whichever course one may adopt one will be guilty a sin. This is the law in respect of the woman Marriage with whom has been consummated and who has regular courses. As for the woman
marriage with whom has not been consummated, she can be divorced both in the state of purity and during menstruation, and this is according to the Sunnah. And if the woman is such a one marriage with whom has been consummated who no longer menstruates, or the one who has not yet menstruated, she can be divorced even after the sexual intercourse for there is no chance of her being pregnant. And if the woman is pregnant, she also can be divorced after the sexual intercourse, for her pregnancy is already established. But the method of pronouncing divorce on these women according to the Sunnah, is that the divorce may be pronounced at the interval of one month in each case. However, the ahsan method is that only one divorce may be pronounced and the woman left to complete her waiting period. (Hedayah, fath al Qadir, Ahkam al-Qur an (Al-Jassas), 'Umdat al-Qari)"

"As for the consequences of talaq as-Sunnah (regular form of divorce according to the Sunnah) and, talaq al-bid i (irregular form of divorce) the difference is this: In case one or two divorces have been pronounced, the divorced woman and her former husband can re-marry by mutual consent even if the waiting-period has expired. But if a man has pronounced three divorces, resumption of marital relation is neither possible within the waiting-period, nor after the expiry of the waiting period, unless, however, the woman marries another person, the marriage is duly contracted and consummated, and then either the second husband divorces her or dies; then if the woman and her former husband wish to re-marry by mutual consent, they can do so. In most collections of the Ahadith a tradition has been reported on sound authority, saying that the Holy Prophet (upon whom be Allah's peace) was asked: "A man pronounced
three divorces on his wife, then the woman married another man and the two had privacy but there was no intercourse; then he divorced her. Now, can this woman re-marry her former husband? The Holy Prophet replied: "No, unless her second husband has enjoyed her just as her first husband had enjoyed her." As for the pre-arranged marriage (tahlil) which is meant to legalize the woman for her former husband, so that she would marry another man, who would divorce her after having had sexual intercourse with her, this is invalid according to Imam Abu Yusuf, and according to Imam Abu Hanifah, the woman would become lawful for her former husband by this ceremony but such a thing is reprehensible to the extent of being unlawful. Hadrat 'Abdullah bin Mas'ud has reported that the Holy Prophet (upon whom be Allah's peace) said: "Allah has cursed both the legaliser (Muhallil) and the one for whom legalization is performed (mnhallil lahu)." (Tirmidhi, Nasa'i) Hadrat 'Uqbah bin 'Amir says that the Holy Prophet (upon whom be Allah's peace) asked his Companions: "Should I not tell you as to who is a hired bull?" The Companions said that he should. He said: "It is he who performs tahlil (legalization of marriage) Allah's curse falls both on the muhalil (legalizer) and on the muhallal lahu (the one for whose sake marriage is legalized)." (Ibn Majah, Daraqutni).

In his well-known book, *The Lawful and the Prohibited in Islam*, Sheikh Yusuf Al-Qaradawi, states:

"The Muslim is allowed three chances, that is to say, three pronouncements or acts of divorce on three different occasions provided that each divorce is pronounced during the time when the wife is in the period of purity and he has had no intercourse with her.
Those Muslims who utter three divorce pronouncements at one time or in one statement are rebels against Allah's law and are deviating from the straight path of Islam. Once the Prophet (peace and blessings be upon him) was informed about a man who had pronounced three divorces at one time, he got up in anger, saying: "Is sport being made of the Book of Allah while I am (yet) among you?" As a result, a man stood up and said, "O Messenger of Allah, shall I not kill him?" (Hadis: an-Nasa'i)

As for the ruling on the triple divorce and whether it is counted as one divorce or three, Sheikh Ahmad Kutty, a senior lecturer and an Islamic scholar at the Islamic Institute of Toronto, Ontario, Canada, states:

"There remains the question: Whether the triple divorce pronounced concurrently by the husband shall be considered as a single divorce or three separate divorces. If it is considered as three separate divorces, then the couple cannot be married again unless someone else has married the woman, and he has, on his own free will, divorced her.

According to scholars such as Ibn Taymiyyah and Ibn al-Qayyim, triple divorces that are pronounced concurrently shall be considered only as a single divorce. They base themselves on the evidence that it was treated by the Prophet (peace and blessings be upon him) as single divorce. It is further supported by other clear evidences from the Qur'an and the Sunnah."

Shedding more light on the issue, we'd like to cite the words of Sheikh Sayyed Sabiq in his well-known book, Fiqh As-Sunnah. He writes:

"Muslim scholars maintain that the one who divorces his wife
three times in one occasion has committed a sin. It is reported that the Prophet (peace and blessings be upon him) became very angry when he was informed that a man had divorced his wife by pronouncing it three times on one occasion.

However, jurists differ as to whether the divorce pronounced three times in succession is to be counted as one divorce pronouncement or three separate divorces. The majority of scholars state that if the husband pronounces the divorce of his wife three times on one occasion, it will be counted as three divorces. This is the opinion of many of the Prophet's Companions, the majority of the successors, and the imams of the four schools of fiqh.

Other scholars including Ibn Taymiyyah, Ibn al-Qayyim are of the opinion that it should be counted as only one pronouncement of divorce. This is also reported by Ibn al-Munzir from 'Ata', Tawus, Ibn Dinar. Ibn Mughith also reported this opinion of 'Ali ibn Abi Talib, Ibn Mas'ud, 'Abdur-Rahman ibn 'Awf, Az-Zubayr from among the Companions of the Prophet (peace and blessings be upon him).

They quote the following hadith in support of their view: "Ibn 'Abbas (may Allah be pleased with him) reports that the (pronouncement) of three divorces during the lifetime of Allah's Messenger (peace and blessings be upon him) and that of Abu Bakr (may Allah be pleased with him) and two years of the caliphate of 'Umar ibn Al-Khattab (may Allah be pleased with him) was treated as once. But 'Umar ibn Al-Khattab (may Allah be pleased with him) said: "Verily the people have begun to hasten in the matter in which they are required to observe
respite. So if we had imposed this upon them (i.e. regard the divorce pronounced three times in succession as irrevocable divorce, it would have deterred them from doing so)!" So he regarded it as such. This latter view is believed to be the most correct." (www.islamonline.net/servlet/satellite?)

In most reliable books of Fatawas followed in the Indian continent namely, Fatāwā Alamghīriyyah Vol.1 Pg.353, Rashdīyyah and Fatāwā Mahmudīyyah Vol.12, Pg.425, Fāruqīyyah similar views are expressed on the topic of effect of 'triple divorce'.

Now days due to adventment of science many Islamic institutions and scholars giving answer to the questions asked on the law of Islam on websites. Accordingly, the researcher has visited some of such reliable websites and tried to get their verdicts on triple divorce. Particularly, all suni Imams and scholars in majority opined that when husband has given three talaq to his wife and same is communicated to her, there will be irrevocable divorce. For example;


2. Fatwa: 446/376/B=1431) of Darul Ulum Deoband is quoted below:

"When he pronounced three talaq, the three took place. In the age of the holy Prophet Muhammad صلى الله عليه وسلم a sahabi named Hadhrat Owaimir Ajlani (رضي الله تعالى عنه) gave his wife three talaqs in front of the holy Prophet Muhammad صلى الله عليه وسلم. The holy Prophet Muhammad صلى الله عليه وسلم implemented all the three ones, the words of hadith are as follows: فطلفها ثلاث نطلبان عند رسول الله صلى الله عليه وسلم ، فأذهبه رسول الله صلى الله عليه
This hadith is *sahih*. After giving three talacs it is not lawful to take wife back without *halalah*. The holy Quran says it clearly:

وَإِنْ طَلَّقْهَا فَلَا تَحْوَلْ لَهُ مِنْ تَوْلِيدٍ حَتَّى تُنْكَحَ وَرَجَعَتْ. [الفرغة : 230]

Thereafter, if he divorces her, she shall no longer remain lawful for him unless she marries a man other than him."

"Allah (Subhana Wa Ta'ala) Knows Best."


3. International Islamic University of Maleshiya has published a *risala of Maliki fiq* on its website -

www.iiu.edu.my/deed/lawbase/risala_maliki/page52.html. following ruling on triple divorce

"32.14b. Triple divorce is an innovation

It is an innovation (bid'a) to divorce a wife by a triple divorce said on one occasion but if it happens it is nevertheless binding.

[The command is contrary to that even though it did occur in the time of the Prophet. Part of that is that he heard that a man had divorced his wife with three divorces together. He got up in anger and then said, "Do you play with the Book of Allah Almighty while I am among you?" However it is binding when it is done all at once.]"

4. World Fatwa Management & Research Institute of University Sains Islam of Malaysia (USIM) has released following very studied and significant Fatwa on the topic of divorce under the title as “*Triple Divorce: Did Umar oppose the Prophet ?*”.

"Question

Ath-Salamu `alaykum. I have read your fatwa " Ruling on Triple Divorce ", where I saw that `Umar ibn Al-Kattab opposed and contradicted the teachings of Prophet
Muhammad (peace and blessings be upon him). How could ʿUmar offer ijtihad and contradict the Prophet's teachings and cause division among Muslims? ʿUmar regarded triple divorce as three (separate) divorces, whereas the Prophet (peace and blessings be upon him) himself regarded it as one divorce.

Pleased, comment on the above in the light of the following two narrations:

1. Once the Prophet (peace and blessings be upon him) was informed about a man who had pronounced three divorces at one time. He got up in anger, saying: "Is sport being made of the Book of Allah while I am (yet) among you?" (An-Nasa'i)

2. Ibn ʿAbbas (may Allah be pleased with him) reported that the (pronouncement) of three divorces during the lifetime of Allah's Messenger (peace and blessings be upon him) and that of Abu Bakr (may Allah be pleased with him) and two years of the caliphate of ʿUmar ibn Al-Khattab (may Allah be pleased with him) was treated as once. But ʿUmar ibn Al-Khattab (may Allah be pleased with him) said: "Verily the people have begun to hasten in the matter in which they are required to observe respite. So if we had imposed this upon them (that is, regard the divorce pronounced three times in succession as irrevocable divorce), it would have deterred them from doing so!"
Answer:

Wa `alaykum As-Salamu wa Rahmatullahi wa Barakatuh.
In the Name of Allah, Most Gracious, Most Merciful.
All praise and thanks are due to Allah, and peace and blessings be upon His Messenger.
Dear brother, we commend your eagerness to become well acquainted with Islam and its teachings, which is the way Allah has chosen for the welfare of His servants.

As for your question, you have to bear in mind that `Umar ibn Al-Kattab (may Allah be pleased with him) never violated the teachings of the Prophet (peace and blessing be upon him). As for the point your referred to in your question, there are many other proofs that indicate that the Prophet (peace and blessings be upon him) regarded triple divorce as three divorces. In response to your question, the eminent Muslim scholar Sheikh `Abdel Khaliq Hasan Ash-Shareef, the renowned da`iyah, states:

"Dear brother in Islam, thanks a lot for your question. As for the issue of triple divorce and `Umar ibn Al-Kattab's ijtihad (personal reasoning) on it, consider the following points:

1. According to the hadith you referred to, the Prophet (peace and blessings be upon him) became angry when he was told that a man had pronounced three divorces at one time. Did you ask yourself why the Prophet (peace and blessings be upon him) got angry at that action? The
man who divorced his wife three times at once violated the teachings of the Qur'anic verse: "Divorce must be pronounced twice and then (a woman) must be retained in honor or released in kindness" (Al-Baqarah: 229). This Qur'anic verse guides Muslims that divorce should be two separate times, and then if the spouses cannot live together, the last divorce could be pronounced. Therefore, the person who pronounced three divorces at once violated the guidance of this Qur'anic verse.

2. There are other proofs that maintain that the Prophet (peace and blessings be upon him) regarded the triple divorce as three divorces. In his Zad Al-Mi`ad, Ibn Al-Qayyim states about 22 proofs to that effect. Also, this is the opinion of many of the Prophet's Companions, the majority of the successors, and the imams of the four schools of fiqh (Islamic Jurisprudence).

3. The Prophet (peace and blessings be upon him) ordered us to follow the guidance of the Rightly-Guided Caliphs, saying, "Follow my Sunnah, and that of the Rightly-Guided Caliphs after me."

4. What `Umar ibn Al-Khattab did was meant to preserve the community and protect it. He, as the Caliph of the Believers, had the authority to do that. There is a golden maxim in fiqh that says that the command of the imam puts an end to ikhtilaf (disagreement among scholars). In Arabic this is "amr al-imam yarfa` al-khilaf." Sometimes, the Muslim community would be in need of resolving the ikhtilaf over a given issue; otherwise dissension and
disorder may creep into the society. The main responsibility to resolve ikhtilaf falls on the shoulders of the community leaders and those in charge of the people affairs."

Conclusions:

After minute study of different conflicting views the researcher has come to the conclusion that the problem of recognition of 'triple divorce' is very similar to the recognition of 'child marriage' or concept of 'irritable breakdown of marriage'. Although, child marriage is prohibited by law and also made punitive act yet if at all it is performed, law recognizes it as a valid marriage. We are also constrained to recognize their Children as legitimate. We apply the principle of 'factum valid'. Since, child marriage, though bad and prohibited, establishes the marital ties between the spouses. We can't ignore this 'factual position' and hence we are constrained to respect the personal liberty of man to marry. Law can't separate them. Law is, therefore, constrained to recognize it unwillingly. It is just like the concept of 'partnership at will'.

Right 'to separate' is included in the right 'to marry'. We can't take out this right. At the most we can regulate it to some extent. But when, a person has taken a firm decision of separation, no law can forcibly keep them together. Therefore, probably, the 'triple divorce' is recognized as de-facto break-down of marriage.

Same analogy is now recognized by the Supreme Court in a case of divorce under Hindu Law, Naveen Kohli vs. Neelu Kohli (2006), under a new term as, 'break down of marriage' and now the Union Cabinet approved the introduction of a Bill, namely, the Marriage Laws (Amendment) Bill, 2010 in coming monsoon session of Parliament to further amend the Hindu Marriage Act, 1955 and Special Marriage Act, 1954 to provide therein "irretrievable breakdown of marriage" as a new ground of marriage.