Chapter-I

OBJECT OF THESIS
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The marriage is treated, in Islam, as a contract of permanent relation based on mutual consent on the part of man and woman. At the same time, both the parties to this contract are given equal liberty to dissolve the contract in a valid way, if it is impossible and unsafe to them to continue the marital ties as per the divine norms.

Therefore, the laws of divorce are given in the Divine Book, Holy Quran, as follows;

"And if you fear that the two (i.e. husband and wife) may not be able to keep the limits ordered by Allah, there is no blame on either of them if she redeems herself (from the marriage tie) .." (Holy Quran 2:229)

Explaining the divine commands more clear, Holy Prophet of Islam Hazrat Mohammad, ‘Sallalaho allah wa sallam’ (Grace & Peace of Allah be upon him) in the following words;

"Among lawful things, divorce is most disliked by Allah.” (Hadis: Abu Daud).

Islam trace hard upon the genuineness and seriousness of divorce though not insisting for publicity of grounds of divorce, unless required or questioned by the judicial authorities for verifying the genuineness of divorce. Obviously, unwanted publicity of grounds of divorce
may smear the character of divorcee, harming her future life. It does not mean that Islam views divorce lightly.

Literally, 'divorce' means taking off any tie or restraint and in law, it is the dissolution of the marriage tie by prescribed formula.

Unfortunately, due to rapid social changes, some bad practices of the divorce, like 'triple talaq' is developed in the Muslim Community, which is against the basic spirit of Islam. The ratio of divorce is also increasing day by day. This practice is disliked by all major schools but there is difference of opinion about giving legal effect to it. It is just like same thing that child marriage is now prohibited by law but still law recognizes it as a valid marriage. Likewise, majority of scholars are agree that the practice of 'triple divorce' is bad and should be discouraged but if at all anyone gives divorce in such form with the intention of giving 'irrevocable' and 'final' divorce, it must be considered as a valid divorce. However, minority view is that it must be treated as 'revocable' and 'interim', subject to the will of husband. Out of above 50 nations of Muslim domination, few nations like Turkey, Tunisia, Algeria, Iraq, Iran, Indonesia, Pakistan, and Bangladesh have tried to bring certain statutory provisions to discourage the practice of 'triple divorce' but situation is not yet changed.

Shias, who are in minority, believes that practice of 'triple divorce' is un-Quranic. They believe that recognized procedure of divorce is not completed until the completion of the Iddat period. Repeating the word "talaq"
during that period means nothing more than expressing the determination to fulfill the procedure and therefore bears no juridical consequences. According to them, it is the procedure that counts and not the actual words.

Indian Higher Judiciary has also given verdict against the 'triple divorce'. This topic is of matter of great concern of lawyers, intellectuals, social workers and women activists, hence worthy for this research study.

Therefore, at the outset, the very object of this research study is-

1. To study different modes of divorces prevailing in India,
2. To study minutely the legal and religious recognition of prevailing practice of so-called 'triple divorce' and its effects,
3. To collect and compare the verdicts of higher judiciary on this issue,
4. To collect and compare the existing laws of divorce prevailing in certain developed Muslim countries,
5. To collect and analysis the views of various legal eminent authorities on the problem and to draw certain conclusions, and,
6. To find out solutions for reformations in the laws of divorce.

Concluding, the socio-legal problem of laws of divorce of Muslims, in general, and problem of 'triple-divorce', in particular, is the research topic. The hypothesis is that the practice of 'triple-divorce' is religiously and socially bad and it must be regulated and discouraged by introducing necessary statutory provisions. The object of the thesis is to study the problems from all angles and to find out certain acceptable reformations. Although the doctrinal method of research is mainly adopted yet other methods are also adopted. Certain data, views, and information etc. collected to draw conclusions and certain suggestions are given to solve the research problem.