Concerns with Sharia Courts

What is the issue?

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- In India there are proposals for establishing Sharia courts as an alternative dispute resolution mechanism.
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- But there are heated debate over the sharia courts by women activists across UK.
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What are Sharia courts?

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- Darul Qaza (sharia courts) are not courts in the strictest sense of the term but counselling or arbitration centres.
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- According to SC's judgement "Sharia courts are not courts" because the Indian legal system does not recognise a parallel judicial system, but the court also refused to deem them unconstitutional.
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- They are accessible, useful, informal and voluntary institutions that provide speedy and inexpensive justice to the poor.
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- In 2008, the UK set up five sharia courts whose rulings are enforceable with the full power of the English judicial system.
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- A majority of women consult these courts to get divorce or to seek the dissolution of their marriages.
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- These courts never grant triple divorce, they always prefer the Quranic procedure of divorce. Click here to know more
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What are issues with Sharia courts?

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- The UK’s sharia councils have been a subject of heated debate with any number of women’s rights and human rights groups.
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- It is after case to allege that “both the intent and the process of the sharia courts is abusive and discriminatory.
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- There are also concerns that these courts promote the full range of fundamentalist goals such as strict gender segregation, imposition of hijabs and other dress codes.
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- After UK’s spirited “One Law for All” campaign UK administration was forced to appoint a Review Committee to examine the validity and reliability of sharia law.
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How women’s are affected by sharia courts?

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- Majority of women who reach sharia courts have experienced abuse and violence in their personal lives and come from other minority faiths, in this case religious bodies such as sharia councils bids control over their lives
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- Many sharia councils are presided over by hard line or fundamentalist clerics who are intolerant of the very idea that women should be in control of their own bodies and minds.
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- Affected women do not wish to be judged by reference to fundamentalist codes that go against their core values of compassion, tolerance and humanity.
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- They demand the right to be valued as human beings and as equals before one law for all and the right to follow their own desires and aspirations.
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Source: Indian Express

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