Invalidating Triple Talaq

What is the issue?

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- Among recent uproar on the triple talaq issue, the All India Muslim Personal Law Board (AIMPLB) had informed the Supreme Court that it was considering reforms and the gradual giving up of instant talaq.
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- Critics, however, are of the opinion that earlier promises of reforms by the Board did not materialise into effective actions.
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What is the reason for this indifference?

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- The four major schools of Sunni law — Hanafi, Maliki, Shafi'i and Hanbali — differ from one another in the way it interpret and derive law from the Koran and the Prophet's sayings.
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- The resistance to change stems from two general concepts, which are **'uncritical acceptance of a school of thought**' and **'idealisation of a school'**.
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- The rigid belief that only the interpretation of their school is correct makes the followers indifferent to the demands for change in law.
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- In India more than 90% of Indian Muslims are Hanafis by which all Muslims in India are obliged to follow the Hanafi legal school.
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- This has led to a debate in Supreme Court wherein the issue of instant talaq is reduced to a question of whether or not it is a part of the Hanafi faith.
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- This **dichotomy between the philosophical proposition and individual rights view** is complicating the issue.
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What is the way forward?

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- The founder of the Hanafi school, Imam Abu Hanifa, was himself a model of **independent reasoning and flexibility.**
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- Hanifa’s own students did not indulge in blind following of the teachings but instead self validated and then adopted them.
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- Moreover there are **enough legal devices within India’s dominant Hanafi school** jurisprudence to invalidate instant triple talaq.
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- Above all, AIMPLB must be willing to model itself on Koranic universalism rather than legal conformism.
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- Modern interpretations within the framework of Islam's original sources would respond to the requirements of a multicultural society like India and ensure individual right and dignity.
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Source: The Hindu

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