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India: “secular” reform of Muslim divorce law makes things worse for women and children

Role of right wing forces in the aftermath of triple talaq judgement

Wednesday 16 May 2018, by [Bebaak Collective](#) (Date first published: 6 April 2018).

In abolishing Muslim mens’ right to instant (‘triple talaq’) divorce, India’s Supreme Court failed to consider the ramifications for the wives and children concerned. Some find themselves in a legal limbo. Can they demand financial support? Are they now married, separated, abandoned? Women’s groups based in the Muslim population were not consulted. Progressive reform of Islamic family law should be led by the women concerned. In the current Indian climate, calls for secularism are sometimes Hindu majoritarian attacks on minority rights.

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We, Bebaak Collective and concerned individuals who have been following the triple talaq judgement in various proportions and have been associated with various social movements, urge our fellow women’s groups and human rights groups to reflect on the role of conservative right wing forces in the aftermath of the triple talaq judgment of 22nd August 2017.

The honorable Supreme Court of India invalidated the practice of instant one-sided triple talaq in its three-two division bench historic judgment implying that the Muslim couple continues to be wedded even when the man utters talaq arbitrarily. However, the standing government took a step ahead and introduced a Bill criminalizing the practice and bestows power in the hands any third party to complaint against the errant husband; this is a blatant move to criminalize the community without taking cognizance of the living struggles of Muslim women or questions of their social security. This Bill is introduced without going into any participatory process of consultation with women’s groups, or with expert committee. Besides, it is leaving no stone unturned to pass the Bill, and whoever critiques government’s move is being maligned.

In the aftermath of this Bill, there is also serious backlash from various progressive voices and incessant mobilization of humongous numbers of Muslim women by conservative Muslim forces often led by AIMPLB (All India Muslim Personal Law Board) and other religious organizations, who are claiming the streets proclaiming ‘Islam is in danger’ and vociferously challenges the criminalizing Bill as is introduced by the government. These images of women occupying streets bring back the memory of Shah Bano’s times when Muslim men took out rallies demanding an overturn of the Shah Bano judgement of 1986. We strongly oppose the criminalization of Bill, but are not against interference in the Muslim Personal Law, which curbs women’s rights.

While we unequivocally resist government’s move to criminalize the practice as we firmly believe that gender rights cannot be equated with criminalization of violence, we equally resist the role of

conservative Muslim voices who are mobilizing women to defend the patriarchal practices and equating women's rights with protection of the religion. Our engagement with AIMPLB has been for several years now, and it is astounding how they are mobilizing women now and did not occupy streets to protest beef ban or demand implementations of Sachar Committee report that talks about educational, livelihood and economic condition of minority women. This framing of Muslim women within the context of marriage reinforces marriage institution as the sole contention of the women's lives and marital crisis as the primary sites of violence going beyond the economic exploitation or other structural violence that disempowers her.

We strongly believe that the right wing groups have united with various political parties and religious organizations to oppress the voices of all the progressive Muslim women who created democratic spaces for themselves, are talking differently and opposing the bill from a gender rights perspective, which is indeed away from the religious perspective and does not talk about taking pride in sharia. AIMPLB along with all other religious groups drew a conspiracy and mobilized Muslim women in the name of religion, by giving a call, Islam Khatre Mein Hai which is not just problematic but also propagandic as it sidelines the women's issues and highlights the religious faith. Whenever women stepped and voiced their struggles, their issues have been forcibly shadowed by the arguments of 'threat to religion'. These groups have become successful in implementing their propaganda by mobilizing women to support the rallies and post photos of themselves saying 'My Sharia My Pride', who claim to be progressive and feminists. This is not just saddening but also threatening to the struggles of all Muslim Women who have been fighting against the patriarchal practices that occur under the blanket of religion by questioning the Personal Law and religious groups and also repressive praxis of state sponsored violence.

We also believe that these majoritarian right wing groups feed the minoritarian right wings and give them strength to exhibit their tokenistic approach towards women's rights by pushing away women's voices in leadership/decision-making roles, in total. The role of AIMPLB, religious groups and political parties in the issues of Muslim women threatens the decades of Muslim Women Movement's struggles and tries to further oppress Muslim women.

In this conundrum, government's equating of gender rights with retribution and AIMPLB's face as the protector of Islam poses political impasses. The right wing government threatens criminalization which inadvertently makes Muslim women more vulnerable and treats them as the pawn in their larger Hindutva agenda, the conservative voices within the community move to protect religion, equating reforms in Personal Law with debilitation of faith and religion. While each of the stakeholders shows concern for gender rights and poses numerical strength to advocate its agenda, the history of women's movement, which has imagined and re-imagined social realities of women, is getting muted. It is the connivance of the Hindu right wing forces and the conservatives of the community that mars the complexity of Muslim women's lived realities, discredits the female leadership of the community and also erodes the democratic spaces that have been created by them. We seek our fellow groups and concerned individuals to introspect the way things have unfolded and imagine newer ways in which gender justice can be articulated.

Bebaak Collective

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P.S.

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