



Indian Muslims for Secular Democracy
Equality Justice Compassion Peace

Press release

IMSD --

- **Applauds SC verdict: in favour of Islam, against the patriarchal ulema**
- **Salutes Muslim women for their gritty long march from Shah Bano to Shayara Bano. Felicitates Muslim women for breaching the dam of Male Supremacism**
- **Accuses Maulana Mehmood Madni of inviting contempt of Supreme Court and fuelling Hindutva**
- **Calls upon the ulema to realize that change will no longer remain in chains. Invites them to be partners in reform, not obstacles in the way.**
- **Warns citizens against any attempt to communalise and/or politicize a secular verdict**

IMSD applauds the majority 3:2 judgment of the Supreme Court, “setting aside” the practice of instant triple talaq among Indian Muslims. Two of the judges have held the practice to be “un-Constitutional” while a third has deemed it “un-Quranic”.

We welcome the fact that each one of the three separate judgments reflecting the views of all the 5 members on the constitutional bench have made it clear that the verdicts are concerned only with the practice of instant triple *talaq* (“*talaq, talaq, talaq*”).

The verdict does not in any way interfere with other forms of talaq – talaq *ahsan* and talaq *hasan* -- which are based on reasonable grounds for separation, provide for a 3-month “cooling period” and stipulate genuine attempts at reconciliation.

Clearly, therefore, the apex court’s verdict is not against Islam or the Quranic principle of divorce. It’s against the ulema who are perpetuating patriarchy in the name of Islam.

Given this context, we are alarmed by the virtual instigation of Indian Muslims to continue with the practice of instant triple talaq by Maulana Mehmood Madni of the Jamiat ulema-e-Hind. Not only does this amount to contempt of the Supreme Court it also adds fuel to the Islamophobic propaganda that Muslims don’t respect the laws of the land.

IMSD salutes the individual Muslim women survivors of triple talaq and also the Muslim women’s organizations who petitioned the Supreme Court and have emerged victorious.

Equally, IMSD acknowledges the role of numerous Muslim women who individually and collectively have battled in and outside the courts in the past few decades in their difficult journey from Shah Bano to Shayara Bano.

IMSD calls upon the All India Muslim Personal Law Board and other Muslim religious bodies to at least now read the writing on the wall. Muslim women have at last breached the dam of Male Supremacism and the tide of time can no longer be halted.

Last year the Bharatiya Muslim Mahila Andolan won for women the constitutional right to equal access to sacred space in the Haji Ali Dargah case in the Bombay High Court and the Supreme Court. Now, instant triple talaq stands abolished.

The yes-but-more demands of Muslim women and men for change can no longer be denied. We call upon the ulema to be partners in progress, not obstacles in the way.

In their judgment, Justices Rohinton F Nariman and UU Lalit have observed that “**there is something astonishingly modern**” about the over 14-century-old marriage system in Islam. We call upon the ulema to introspect on how and why things have come to such a sorry pass that the courts of secular India have to quote the letter and the spirit of the Quran to those who are meant to be Islam experts.

IMSD condemns all communal and majoritarian forces who are already, or planning to give an anti-Islam and/or anti-Muslim twist to a secular verdict. To that extent, we applaud the judgments of Justices JS Khehar, S Abdul Nazeer and Joseph Kurian for emphatically reaffirming that other than being subject to restraints under Article 25 and 26, the right to freedom of religion is “absolute.” However, we are also seriously concerned over the way freedom of religion has been interpreted by them.

IMSD is concerned that following the SC verdict, there is considerable confusion in the mind of Muslims and others over the exact status of cases where an instant divorce was pronounced in the recent period or does get pronounced in the coming months. An unofficial advisory suggests that for now Muslim women victims of instant triple talaq should take recourse to the Protection of Women from Domestic Violence Act, 2005. We hope the situation is clarified at the earliest in this regard.

While striking a defiant note, Maulana Madni has stated that if Muslims accepted the decision of the Supreme Court on instant triple talaq, the next to go would be nikaah halala and polygamy.

Since inception, IMSD has campaigned for the declaration of instant triple talaq, nikaah halala and polygamy as unconstitutional and for the codification of Muslim Personal Law. While welcoming the verdict of the apex court, we reiterate our commitment to promoting gender justice and gender parity in all spheres of life.

Besides IMSD spokespersons, the press conference was also addressed by representatives of Bhartiya Muslim Mahila Andolan (BMMA), Bebaak Collective and Awaaz-e-Niswan.

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