

Sharia divorce better than murdering unwanted wives, says Indian Muslim Law Board

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A group campaigning for gender equality in India has called on the country's Supreme Court to end Muslim Personal Law to protect women from "fundamentalists" operating sharia courts, as defenders of sharia say it is better than burning unwanted wives alive.

In an affidavit to the Supreme Court, which has received several prior petitions against the practice of triple talaq, under which a man can unilaterally divorce his wife, the Muslim Women's Quest for Equality said that sharia "should be abolished to save the country and Indian Muslims from ... fundamentalists".

[Reuters reported](#) that in some case of triple talaq women have been arbitrarily divorced via postcard or telegram.

The group also called for wholesale reform in education and "a complete change" in the madrassa education system and reforms to ensure "worldly education" for Indian Muslims.

"Some people and NGOs are misusing the freedom given by the constitution. They want to keep Muslim education in Muslim extremist's hands, entirely free from the government control."

Clerics were leaving Muslims unsure about whether the country or their religion came first, the affidavit said.

But advocates for Muslim Personal Law in India said that the existing practice should remain and unilateral divorce should be the right of men, and not women, because husbands were less likely to become 'emotional.' The All India Muslim Personal Law Board told the Indian Supreme Court that sharia divorce was best left in place because it was better than "criminal ways of getting rid of [an unwanted wife] by murdering her" or burning her alive.

The Board, which is responsible for overseeing Muslim Personal Law in India, said that religious 'rights' couldn't be questioned by secular courts and that "Courts can't supplant" religious law from the Quran.

The Muslim Women's group called for the Muslim Personal Law Board to be abolished.

Under the Sharia Application Act 1937 matters including divorce, marriage and inheritance between Muslims can be settled in sharia courts under Muslim Personal Law.

But in 2014 the Supreme Court ruled that fatwas issued by sharia courts are not legally binding. The Court also found that no sharia court can issue a fatwa "touching upon the rights, status and obligation of an individual unless such an individual has asked for it."

"The decision or the fatwa issued by whatever body being not emanating from any judicial system recognised by law, it is not binding on anyone including the person, who had asked for it."

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