

Statement from Bebaak Collective against All India Muslim Personal Law Board's affidavit claiming triple talaq is Islamic

Monday, 5 September 2016

We, as part of women's movement and practising feminists working with Muslim community and the women of the community for years in India, take the liberty to write this statement condemning the recent affidavit posed by All India Muslim Personal Law Board. The facts of this affidavit is that,- first, abolition of triple talaq is (un)Quaranic; second, since women lack decision making abilities, it is only men of the community who should have this right; third, polygamy is Islamic though not promoted and this practice ensures marital rights for Muslim women, banning of which will tantamount to promiscuous sexual practices or murder of women in hands of their husbands; fourth, the honorable Supreme Court of India has no right to intervene in the religious law of the community. The occasion of this statement issued by the organization is the growing numbers of Muslim women's petitions challenging the constitutionality of triple talaq in the apex court.

We strongly condemn this statement based on all the four premises issued by the organization. First, whether the practice of unilateral triple talaq is validated by religion or not is not our contention, rather it is gender discriminatory and epitomises patriarchal values and therefore must be abolished should be emphasized. Second, the belief that women lack decision making qualities dilutes the citizenship rights of Muslim women in India who have been exercising their electoral rights for more than sixty years now. Third, polygamy ensures marital rights for Muslim women and prevents death threats; and its erasure will increase promiscuous sexuality is not only conservative but also challenges the principle of 'equality' enshrined by our Indian Constitution for women who are being treated as second class citizens as compared to their male counterparts of the community. Fourth, that Supreme Court cannot intervene in the personal law eliminates the possibility of Article 14 which promises equal rights to the citizens within Indian territory across religion, race, caste, sex, or place of birth.

It is no surprise that All India Muslim Personal Board has not progressed over the decades and reiterates the same position which reverberates the patriarchal conservative ideas of the community. However, we envision a gender just law for the community where women's question of social security and rights promised by the Indian Constitution will be practised. We do not believe in progressive or regressive interpretation of religion or codification of Muslim Personal Law for we believe that in every community there are multiple realities of an identity, multiple practices of beliefs and pluralist envisions of family structure. We therefore, emphasize on acknowledgement of women's rights which are otherwise controlled in the name of religion, purity or chastity or even in the garb of 'protecting' women. This statement is not only an emphatic resistance to the religious organizations like All India Muslim Personal Board but also a call to reiterate feminist vision of gender just laws for Muslim women who are also rightfully Indian citizens.

— On behalf of Bebaak Collective (Voices of the Fearless)

Bebaak Collective
