

One Divorce in a State of Intoxication (*Talāq-e-Sakran*)[♦]

The issue of *Talāq-e-Sakran* (Divorcing in a state of intoxication) was amply discussed and pondered over during the Twelfth Fiqh Seminar held under the aegis of the Islamic Fiqh Academy between in February 2000 at Basti (UP). The following resolutions were passed after an intensive and in-depth debate amongst the delegates attending the Seminar. All the delegates unanimously accepted five clauses of this resolution while a difference of opinion emerged with regard to the sixth clause. The details are as mentioned hereunder.

- 8.1 A person consumes an permissible intoxicant unknowingly and becomes inebriated thereafter. If he gives "*Talāq*" to his wife then the *Talāq* would not hold good.
- 8.2 A person consumes an impermissible intoxicant as a drug in such a situation where the specialist Muslim physicians feel that the treatment of the ailment could be carried out only with that drug or in the other case where he consumes an intoxicating substance because of an unavoidable need for food or water (in the event of not getting any permissible substance) in order to save his life and gets intoxicated. In such a situation of intoxication, if the person gives *Talāq* to his wife, it would not hold good.
- 8.3 In case a person is forced to consume liquor or any other intoxicating substance or such a situation of duress and coercion is created wherein it gets permissible for him to consume an impermissible substance, under such circumstances, he consumes the intoxicant and gets inebriated in the process, during this period, if he gives "*Talāq*" to his wife, it would not hold good.
- 8.4 If a person gets intoxicated by consuming a permissible substance and in such a situation, if he gives *Talāq* to his wife, it would not hold good from the point of Shariah.
- 8.5 A person consumes liquor or any impermissible intoxicating substance knowingly on his own and thereafter he goes into a state of inebriation. However, if he is in the initial state whereby a slight dizziness hovers while his senses are intact, under such circumstances, if he gives "*Talāq*" to his wife, then the *Talāq* would certainly hold good.

[♦] 12th Fiqhi Seminar (Basti) 11-14 Feb 2000.

8.6 Nevertheless, if the dizziness takes the form of an intense intoxicated condition and the person concerned loses his senses and control, under such a situation, if he utters the word “*Talāq*”, the delegates hold two different views on the point whether the *Talāq* will be legally valid or not.

(a) The following scholars are in favour of the *Talāq* holding good:

1. MI. Burhanuddin Sambhali
2. *Mufti* Abdur Rahman, Delhi
3. *Mufti* Mahboob Ali Wajeehi
4. *Mufti* Habeebullah Qasmi
5. MI. Abu Sufiyan Miftahi
6. MI. Mehfoozur Rahman Shaheen Jamali
7. MI. Abu Bakar Qasmi
8. MI. Abu Jandal
9. MI. Akhtar Imam Adil
10. MI. Tanveer Alam Qasmi
11. MI. Abdul Lateef Palanpuri
12. *Mufti* Saeed-ur- Rahaman, Mumbai
13. MI. Abdul Qaiyyum
14. MI. Abdullah Muzahiri, Basti
15. Qazi Kamil Sb
16. MI. Nazeer Ahmad Kashmiri
17. MI. Ahmad Delvi
18. MI. Jamaluddin
19. Mohammed Hamza, Gorakhpur
20. MI. Abrar Khan Nadvi and more

(b) Apart from the above-mentioned delegates, rests of the participants are of the opinion that under the aforesaid condition, the *Talāq* does not hold well, whatsoever. The prominent ones amongst them are:

1. MI Qazi Mujahidul Islam Qasmi
2. MI. Syed Nizamuddin (*Ameer-e-Shariat* Bihar & Orissa)
3. MI. Yaqub Ismail Munshi
4. Qazi Abdul Jaleel
5. MI. Obaidullah Asadi
6. MI. Ateeq Ahmad Qasmi
7. MI. Abul Aas Waheedi
8. *Mufti* Junaid Alam Nadvi (*Mufti* Imarat-e-Shariah)
9. MI. Mohammad Salman Husaini Nadvi
10. MI. Khaleelur Rahman Sajjad Nomani
11. MI. Zubair Ahmad Qasmi
12. *Mufti* Jameel Ahmad Nazeeri
13. MI. Sultan Ahmad Islahi
14. MI. Sabahuddin Malik

15. *Mufti* Naseem Ahmad Qasmi
16. Ml. Khursheed Ahmad Qasmi
17. Ml. Shafeeq Ahmad Muzahiri, Bardawan
18. Ml. Mubarak Husain Nadvi, Nepal
19. Ml. Khursheed Anwar Azami
20. Ml. Ijaz Ahmad Qasmi
21. Ml. Qari Zafarul Islam
22. Ml. Rashid Hussain Nadvi
23. Ml. Riyaz Ahmad Salafi
24. Ml. Asrarul Haque Sabeeli

