

Social Issues arising out of Divorce (TALAQ)♦

1. Discerning, adult boys and girls are independent and free to make decisions regarding their marriages and without their consent their marriage is not valid. If they get married against the consent of their parents, their marriage is valid. However as per the guidelines of the Shariah, the best way for adult boys and girls is to get married by consent of their parents. Neither should the children reject the experience of their parents in this regard, nor choice of the parents, neither should the parents reject the choice of their children outright. However according to Imam Malik even the adult female child has to attain the consent of her guardian for her marriage.
2. Talaq or divorce in Islam has been permitted with a strong dislike and therefore it should be avoided to the extent possible. Therefore it should be resorted to only if the relationship between the husband and wife reaches a point of no return. Hence it is not right that the parents of the male force their son to divorce his wife for reasons of their dislike for her. The son is not bound to obey the parents in such a matter.
3. Since maintenance for the divorced female, by the former husband beyond the period of the Iddah –time ordained by Shariah, is not ordained by Shariah and therefore not binding on the husband, it is not permissible to resort to the courts for the same and hence the amount thus fixed by the court is not Halal, or permissible for her to use.
4. Islam encourages the marriage of divorced women, therefore if the lady is self-dependant she should bear the expenses of her marriage, otherwise the expense for her marriage should be borne by her guardians and the onus is on the guardians to get her married again.
5. If the divorced lady is self-sustaining her maintenance is to be borne by her only after the lapse of the period of Iddah. But if the divorcee can't support herself the onus of the maintenance is on the guardians. If the guardians do not meet her expenses they would be committing a sin but if the guardians have no means the responsibility rests on their relatives and the society however even if they are not able to meet the same, the onus would be on the regional Waqf Board.
6. When it becomes impossible to live in conjugal peace and a divorce is pertinent then only a single Talaq should be pronounced and the relationship should be broken, But if someone divorces by uttering the Talaq word or the

sentence three times at one go and says that he meant to divorce her only once but repeated the same only for confirmation wherein the intention was only one Talaq, then in this situation the Mufti should declare it only one that is Talaq Rajyi after taking his affidavit or statement. However Mufti Muhammad Usman Bastawi opines that there should also be the condition that the wife should have complete trust on the affidavit or the statement under oath by the husband.

Note: Mufti Neamatullah Qasmi, Maulana Akhtar Imam Aadil Qasmi, Mufti Abdur Razzaq Qasmi (Amroha), Musti Yusuf Ali Sahab (Assam), Mufti Junaid Falahi (Indore), Maulana Mehboob Farogh Ahmad Qasmi and few others have the opinion that in this situation three Talaqs is evident. Whereas Mufti Junaid bin Muhammad Palanpuri opines that only a single talaq actually occurs but the lady should not allow her husband to take possession of her and that she should strive to request a separation and do away with the marriage through Khulaá.