

## Shayara Bano, triple talaq crusader

The fight against triple talaq, though supported by a number of women's rights activists and constant media attention, was led by the victims themselves.

Shayara Bano, a 35-year-old woman from Uttarakhand, emerged as the defining persona in the legal battle against the patriarchal custom that, though not as commonly followed, was judged unconstitutional by the Supreme Court recently.

### Why this fight?

Ms. Bano was the original petitioner in the case after she approached the court in 2016 demanding that the *talaq-e-biddat* pronounced by her husband be declared as void. She also contended that such unilateral, abrupt and irrevocable form of divorce be declared unconstitutional, arguing that the practice of triple talaq violated the fundamental rights of Muslim women.

"Since my student life, I didn't like the anti-women social traditions like triple talaq and *halala*. But when it happened to me... it [the dislike] grew. Normally, these things do not happen, but when it hits you, you realise how bad this practice really is," says Ms. Bano

### What happened to her?

Her battle against triple talaq was spurred by her own experience. She was a victim of the custom. Married in April 2001 to the Allahabad-based property dealer Rizwan Ahmed, she endured domestic violence and physical torture at the hands of her husband and in-laws, who allegedly demanded additional dowry and a car from her parents. Her father, a low-earning government employee, had made special efforts to arrange her marriage beyond his capacity.

As per her claim, she was often beaten and kept hungry in a closed room for days. The final cut came in October 2015, when her husband sent her a divorce note by speed post. The letter contained a pronouncement of instant triple talaq. The custody of her two children, 11 and 13, was kept by the husband. When something "so wrong" happened, she thought that there must be a law to prevent this.

### Did she face challenges?

It was never going to be easy for Ms. Bano and the other women to garner support from the community as they were seen challenging the male dominance of Shariat laws, and was suspected by a section of anti-BJP groups and male Muslim intelligentsia of playing into the saffron party's strategy to communalise the discourse ahead of the 2017 Assembly elections in Uttar Pradesh. Ms. Bano says she faced several challenges during the course of her fight. The biggest came in the form of mental harassment. A member of the AIMPLB asked her to withdraw her case, saying she was going against Islam.

### Did she think of quitting?

Though she felt discouraged, the thought of giving up the fight didn't occur to her even once. Ms. Bano is thankful to the women activists who supported the cause, her lawyers and the media for highlighting her experience. However, the biggest source of support came from her family, especially her father and brother.

Her legal battle received more coverage after other victims of triple talaq also approached the court, though she was the first petitioner.

Ms. Bano, who completed her M.A. before marriage, is now pursuing an MBA, for which she regularly attends classes. She hopes to get employed some day.

### **What does it mean to women?**

Described as historic, women activists believe it is a step forward in the empowerment of Muslim women in India.

Ms. Bano says that though the ruling will be beneficial to Muslim women and help them avail themselves of maintenance, the real change will come only when a law is enacted making arbitrary talaq illegal.

Ms. Bano says her fight is against the social customs that give men power to abandon women on a whim, sometimes through a flimsy text message or a phone call. Women who received triple talaq lived worse than dogs and without maintenance, she points out.

She has appealed to the BJP government not to take undue credit for the decision or politicise it. "It was a social fight, not a political one. It should not be made into a political agenda," Ms. Bano insists.

Omar Rashid

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