

New Act for Indian Muslim Women and Sara Aboobakkar's Thinking

Arshiya¹ and Nagappa Gowda²

¹Research Scholar, Department of Kannada, SVP Kannada Adhyayana Samsthe,
Mangalore University, Mangalagangothri, Karnataka, India

²Associate Professor, Department of Kannada, SVP Kannada Adhyayana Samsthe,
Mangalore University, Mangalagangothri, Karnataka, India

E-mail: ¹arshiyaa920@gmail.com, ²nagappagowda.99@gmail.com

Abstract—Literature is like a mirror to human living. Human being's feelings and expressions are depicted in the literature. Indian Muslim women writers like Sara Aboobakkar, Tasleem Nasreena, Banu Mushtaq found ways to express and witness the resistance of female brutality. Sara Aboobakkar is a Muslim writer from Kasargod known for her unique feminine sensibilities. Her writings depict the atrocities, the struggle of life and violence in the lives of Muslim women in coastal Karnataka and Kerala. She has resisted the 'Triple Talaq' system through her literary works 'Sahana', 'Chardragiriya Theeradalli' and 'Vajragalu'.

The Act "Protection of rights on marriage bill 2019" is one of the subjects that is currently being debated in India. This study is an analysis on the concept of 'New Act for Indian Muslim women' which is already expressed in the novels of Sara Aboobakkar. Her thinking was much more advanced to this time. The new Act for the Indian Muslim women is the "Protection of Rights on marriage Bill 2019". It is an Act of the Parliament of India Criminalizing 'Triple Talaq'. This article depicts the pain and sufferings of Muslim women and injustice done to them because of 'Triple Talaq' system which was expressed much earlier by Sara Aboobakkar.

The objectives of my study are: To compare the application of Sara Aboobakkar's thinking and new Act for Indian Muslim women, to know the difference between Sara Aboobakkar's thinking and the new Act, to know the mind setup of the people on the new Act and to know the effects of new Act on Muslim women.

The methodology used in the study is descriptive, survey method and case study method.

On the whole this article focuses on the purpose of knowing the views of Sara Aboobakkar and the society about the new Act for Indian Muslim women i.e. about 'Triple Talaq' system. Sara Aboobakkar the novelist had concern towards Muslim women and regrets towards Talaq system. By this study the researcher would find a positive or negative effect on the Muslim women.

Key words: Sara Aboobakkar, handragiriya Theeradalli, Triple Talaq, Vajragalu, Sahana, Muslim women.

1. INTRODUCTION

Literature is like a mirror to human living. It is a work of illumination. One can get pleasure from literature. Human being's feelings and expressions are depicted in the literature. Indian Muslim women writers like Sara Aboobakkar, Tasleem Nasreena, Banu Mushtaq found ways to express and witness

the resistance of female brutality. Sara Aboobakkar is a Muslim writer from Kasargod known for her unique feminine sensibilities. Her writings depict the atrocities, the struggle of life and violence in the lives of Muslim women in coastal Karnataka and Kerala. She was born in Kasargod on June 30, 1936. Her major novels are, 'Chandra Giriya Theeradalli', 'Panjara', 'Sahana', 'Vajragalu', 'Suliyalli Sikkavaru', 'Kadana Virama', 'Thala Odeda Doni' etc.

The Act "Protection of Rights on Marriage Bill 2019" is one of the subjects that is currently being debated in India. This study is an analysis on the concept of 'New Act for Indian Muslim women' which is already expressed in the novels of Sara Aboobakkar. Her thinking was much more advanced to this time. Talaq system is fatal to Muslim girl's to lead a good family life. People twist the Islamic law as they please and make the girls' life hell. The Triple Talaq which is given without any forethought is an effective weapon to spoil the life of a woman. From several years, many innocent women have become the victims of Triple Talaq. There are many incidents where the Talaq is used for the prestige of family which has a seivour impact on the girl's life. Sara Aboobakkar has objected such acts in her literature decades ago [1-8].

2. OBJECTIVES

- To compare the application of Sara Aboobakkar's thinking and New Act for Indian Muslim women.
- To know the difference between Sara Aboobakkar's thinking and the New Act.
- To know the mind setup of the people on the New Act.
- To know the effects of New Act on Muslim women.

Purpose:

- To find the similarities and findings of Sara Aboobakkar's time and today.
- Knowing the views of Sara Aboobakkar and the society about the New Act.

3. METHODOLOGY

- The Methodology used in the study is descriptive, survey method and case study method.
- The sources used are :

The novels of Sara Aboobakkar-

1. Chandragiriya Theeradalli
2. Sahana
3. Vajragalu.

4. KEY FINDINGS

“The Muslim Women (Protection of Rights on Marriage bill, 2019)” and the decision of Triple Talaq in Sara Aboobakkar’s Novels.

The Muslim Women (Protection of Rights on Marriage bill, 2019). “The Muslim Women (Protection of Rights on Marriage bill, 2019)”. Is an Act of the parliament of India criminalizing Triple Talaq*. In August 2017, the supreme court of India declared the practice, which enables Muslim men to instantly divorce their wives, to be unconstitutional. The then Chief Justice of India, Jagdish Singh Khehar, asked parliament to pass legislation governing marriage and divorce in the Muslim Community. On 28th December 2017, citing the Supreme Court Judgment and multiple cases of Instant Triple Talaq in India, the Modi Govt. introduced the Muslim Women (Protection of Rights on Marriage) Bill, 2017. The bill proposed to make instant Triple Talaq in any form – spoken, in writing or by electronic means – illegal and void. Punishment for breach of the law was to include upto three years in Jail for the husband. This bill was passed by the Loksabha, the lower house of the Parliament of India on the same day, but was stalled by the opposition parties in the Rajya Sabha in the upper house. The bill was passed by Loksabha on 25th July 2019 and then by Rajya Sabha on 30th July 2019.

The Provisions of the Bill were:

- All declarations of Instant Triple Talaq, including in written or electronic form will be void and illegal.
- The offence will be cognizable only if information relating to the offence is given by the wife or one of her blood relatives.
- The offence is non-bailable. However there is a provision that the magistrate hearing the case may grant bail to the accused. The bail may be granted only after hearing the wife and if the Magistrate is satisfied that there exist reasonable grounds for granting bail.
- The wife is entitled to a subsistence allowance. The amount is to be decided by the Magistrate.

- The wife is entitled to seek custody of her minor children from the marriage. The manner of custody will be determined by the magistrate.
- The offence may be compounded (i.e legal proceedings halted) by the magistrate upon the request of the woman against whom Talaq has been declared [12].

Sara Aboobakkar’s thinking about Talaq System in her Novels:

Chandragiriya Theeradalli:

The first novel written by Sara Aboobakkar is “Chandragiriya Theeradalli” is about the horrific exploitation of women of getting divorce by following the hasty practice of Triple Talaq. It describes how male pride destroys the life of female. This novel questioned the ‘One Day Marriage’ of a woman. The main characters of the novel are Ahmed, leading the family by harassing his wife Fathima, who is the wife of Ahmed has adopted herself to the harassment of her husband, children Nadira and Jamila. Nadira married with a young man named Rashid and got a child in their happy married life. Ahmed went to ask money with his son-in-law Rashid during the time of marriage of his second daughter. When Rashid couldn’t give money, Ahmed took his daughter to his house. Rashid was worried when his wife does not return. He sent his mother and takes his baby. When Ahmed was boiling with anger, he urged his son-in-law to give up his daughter and wanted to tie up her marriage with a wealthy old man of his town. Nadira opposed this. After some time Ahmed becomes ill. He repents for the destruction of his daughter’s life and wanted her to re-marry Rashid. But, now it is destructed by religion. According to the theology of Muslims, if a girl wants to re-marry her previous husband, she should get marry with someone else for a night and get divorce from him. Nadira did not agree to be with a person for a night, despite of the desire to live with her husband “*If Allah is Merciful let us meet on the Day of Judgment*” (page 88) saying this Nadira jumped into the pool of mosque [1,10,11].

About Triple Talaq, Ahmed Khan explained his daughter what the maulvi said “Look, what in Quran is that once a person tells his wife ‘Talaq’ three times, the relationship between the husband and wife will ends.....” (Page 66). Regarding this matter Sara is given the Quran interpretation of Triple Talaq in her novel’s foreword. This explanation is mentioned in the 2 chapter of Quran verse 230. “And if he has divorced her (the third time), then she is not lawful unto him thereafter until she has married another husband. Then, if the other husband divorces her, it is no sin on both of them that they reunite,

***Triple Talaq:**

*It is also known as Talaq-e-biddat, instant divorce and Talaq-e-mughallazah (irrevocable divorce), is a form of Islamic divorce which has been used by Muslims in India. It allows any Muslim man to legally divorce his wife by uttering the word ‘Talaq’ (The Arabic word for “divorce”). Three times in oral, written or more recently, electronic form)**

provided they feel that they can keep the limits ordained by Allah. These are the limits of Allah, which he makes plain for the people who have knowledge". The concept of 'Triple Talaq in one sitting' or 'Instant Talaq' is alien to the Quran. It is clear that no Talaq can be effective without interference of reconciliation. It is clear from the quote that the concept of "Three Divorces" does not exist in the Quran. The Quran verses from 227 (Chapter 2) to 230 explains that the act of divorce has to happen on three separate occasions and most scholars say that a divorce in the heat of anger and the husband says: "I divorce you" it is not binding [7].

Sahana:

In the novel 'Sahana' another face of Talaq "Polygamy" is depicted. The heroine of the novel 'Naseema' got married to Anwarpasha when she was just 13 years old. She fell ill because of becoming mother in her tender age. Without proper care, she is rejected by everyone and left in her mother's house. When Naseema was bedridden and suffering from sickness, Anwar Pasha married second wife and enjoyed the life with a new wife. Later he gave 'Talaq' to the second wife and he came to accept Naseema when she recovered from sickness. But she says in angry "*If you have been sick and I have gone with someone else*" ----- (page 165). Her outrage is depicted as a voice of protest of a Muslim woman against Talaq and Polygamy. She decided to lead an independent life by going away from her husband's life. The money which she earned from rolling Beedi gave safety and security to her life [2-10].

Vajragalu:

The heroine of the novel 'Vajragalu' is Nafeesa. The Couple Mohammad Haji and Haleema of Sampigehalli has four daughters and two sons. The youngest daughter was Nafeesa. The three daughters were married to village boys. Mother Haleema was eager to get a son -in-law from town for the youngest daughter Nafeesa. More over Mohammad Haji loved his daughter very much. Accordingly with the help of the friend Ibrahim, Haji arranged his daughter's marriage with a rich person Badruddin, the son of Abdulla of Manthop. The "Mahr"* fixed in the marriage was just five rupees. At the end, Nafeesa was rejected by her husband and got 'Triple Talaq' because of her colour. Her second Marriage was also broken by her husband's son Usman who sent her 'Triple Talaq' in a fraud way. Finally she decided to live alone by cow farming and taking care of the female child who was abandoned by the neighbor's servant. The tragic survival of Nafeesa can be seen in the novel till the end. Here the 'Triple Talaq' given to Nafeesa for the silly reason is the base for her tragic end of life.

The black color and the innocence of Village girl Nafeesa become the reason to get 'Triple Talaq' and her life witness the male atrocity. She rejects the person Shafiyulla who came to give her life for the second time, in fear of losing her son. When her son was snatched away from her, she took the

responsibility of children of Usman as a second wife. But in deathbed of Usman his son sent the 'Triple Talaq' to the step Mother Nafeesa by forcibly putting the thumb impression of Usman. Even after knowing that the Talaq was not given by Usman, the Maulavis Considered that the rituals are more important than the humanity. Here is a distorted interpretation of religious law [8]

All the above mentioned novels depicted the life of the women who are illiterate, innocent and following the blind belief. In all the above novels women are protesting against the social system till the end of their life in one are the other ways. At the end, they protest against the social system. In the novel 'Chandragiriya Theeradalli' Nadira shows her protest by jumping in to the pool. This shows her helplessness. The outrage expressed in other novels is significance. The women in the present Society also Protest against the Talaq system by lodging the complaint in the police station. They also try to earn for their life to lead an independent life. The thinking of the present society, the protest of the present Muslim women was depicted in the Sara Aboobkar's novels decades ago [8,10].

5. MIND SET UP OF THE PEOPLE:

As per the survey conducted to the people, I came to the conclusion that there is a 'Positive' and 'Negative' response to the Act "Protection of Rights on Marriage bill, 2019". Around 60% of the people supported the law. At the same time around 40% still continued to the fundamental thinking and oppose the law. There is a positive thinking that Gender Equality and Human Rights must be protected in the 21 century. This law is a positive move towards achieving the same. There is also thinking that there is no need of new law for Indian Muslim Women related to "Triple Talaq". But it is necessary to give more education about the thinking of society towards women. Everyone should respect women. Then the law or "Shariyat"* is useful.

By the survey we can conclude that the Muslim Community is trying to accept the law and there is a positive response from the community though there is a opposition from some of the community members. There is no reference in the Quran about 'Instant Triple Talaq'. Hence the law of the nation is applicable to all the citizens. When the family and society think in a peaceful way, then there will be reduce in the Talaq system and the couple can lead a happy and peaceful life.

Mahr: In Islam "Mahr" is a mandatory payment, in the form of money or possessions paid by the groom, to the bride at the time of marriage.

Shariat: It is an Islamic law based on the teaching of the Quran and the traditions of the prophet (Hadith and Sunna), prescribing both religious and secular duties and sometimes retributive penalties for law breaking.

6. THE EFFECTS OF NEW ACT ON MUSLIM WOMEN:

Some of the incidents which occurred in India after the amendment of The Muslim Women (Protection of Rights on Marriage bill, 2019) are given below:

India today Dec 9, 2018.

Muzzafarpur: In one case of Bihar a Furious woman slaps husband for giving 'Triple Talaq' in a Panchayath court in Bihar. It is reported that it was a love marriage between the two but the man (Dulare) married another woman and gave Triple Talaq to the first wife (Soni khatoon) [13].

Indian express 4 August 2019

Guwahati: A man is Assam Tortures, poisons, wife for allegedly resisting divorce via Triple Talaq. This is a case of poisoning where the man forcefully administered a poisonous substance to the victim with the help of his brother [14].

Web Desk. August 19, 2019 16:38 IST

Lucknow: A 22 year old woman was set fire after she filed the complaint. She was burnt alive in front of her 5 year old daughter after she complained that she was divorced by her husband using 'Instant Triple Talaq'. The incident happened in Gadhra village of Sharavasthi District. According to experts, the victim's father alleged that his daughter was divorced by her husband by uttering Triple Talaq over phone on August 6. Though she had filed a complaint, the police refused to register a case, he said.

The Murder of the young woman was an example of how the 'Triple Talaq' law has been having a disastrous impact on women [15].

India T.V August 21, 2019:

Lucknow: In Lucknow a man allegedly gave 'Triple Talaq' to his wife inside the civil court premises in the presence of her advocate after she refused to accept a chewing gum from him [16].

The Hindu dated 4 October, 2019

Tiruchirapalli: Case is registered against a man for pronouncing 'Triple Talaq'. The Padukottai All Women Police have registered a case against a man after he allegedly assaulted his wife and Pronounced 'Triple Talaq' to separate from her. Though the incident is said to have occurred in Feb, the matter was reported to the Police on Thursday 3 Oct, by the affected 25 years old woman. The couple has 2 years old female child. Police sources said Sheikh Abdulla who is employed abroad was married 3 years ago and he is allged to have had an extra –Marital affair which was questioned by his wife leading to problems between the couple. The accused have not been arrested said the police [17].

Deccan Herald -10 Sept, 2019

Udupi: The first case under the new 'Triple Talaq' law in Udupi District was registered in Kundapura police station. In her complaint Alfiya alleged that her husband Sayyed, a resident of Hiriyadka in Udupi, had divorced her through 'Triple Talaq'[18].

Times of India – Oct 5, 2019

Bengaluru: A 38 year old HR manager is the first person to be arrested in Bengaluru on 4 Oct. 2019 under the law that penalizes 'Triple Talaq'. Police registered a case against him on Sept 15, under the Act and the couple has two children. According to the Police the wife Ayesha had been educated in Dubai and had has returned to Bengaluru after her marriage [19].

India Today – September 1, 2019

Agra: Agra records highest –number of 'Triple Talaq' cases since enactment of law.

Even after the passage of a law on 'Triple Talaq' in parliament, the first case came up in Agra Zone. This was registered in the Malpura Police station.

Ever since a law on Triple Talaq was brought there has been a rapid increase in the cases of Triple Talaq in Agra division in UP. Among the 6 districts in Agra Zone, the highest number of cases was registered in Taj Nagari. A total of 17 cases have been reported in the zone. Out of these 4 cases from Agra, 2 in Aligarh and 3 in Mathura. 'Triple Talaq' cases were also registered in Hathras, Ethah, Kasganj, Manipuri and Firozabad. There are 38 accused in a total of 17 cases, out of which 4 have been arrested and the remaining 37 are absconding [20].

In most of the cases victims are not getting justice. The delay of the judgment made the victims to suffer a lot. Regarding this the Uttar Pradesh Chief Minister Yogi Adithyanath met victims of 'Triple Talaq' in Lucknow on September 25. All victims from across the state have been called together at the Indira Gandhi Prathishthan in Lucknow. While addressing the gathering in Lucknow on September 25, CM Yogi Adhithyanath said that a new scheme should be introduced under which victims of 'Triple Talaq' as well as women who have been left by their husbands should be identified and given Rs 6000 per annum. They will be given this money till they get justice (Vijaya Karnataka - 26 Sept 2019).

From the above incidents we can conclude that 'Triple Talaq' is given for various reasons though it is criminalized .The 'Instant Triple Talaq' is practiced from the ancient time which is opposed by Sara Aboobakkar in her novels. She has protested against male violence. Female exploitation is an endless story. Though the Govt. has enacted 'The Muslim Women (Protection of Rights on Marriage bill, 2019)' Act, 'Triple Talaq' has been continued. If the women go against 'Triple Talaq', they are more likely to lose their lives. The

women are mistreated in the present society in one or the other way like the characters of the novels Nadira, Naseema and Nafeesa. The present law punishes the person who gives 'Instant Triple Talaq' but the society will torture the women mentally or physically when they go against the social system.

7. CONCLUSIONS

Till date Muslim women have been divorced by their husband orally or by Social Media. This are just by saying the words 'Talaq' Thrice. But after the amendment of new act, this practice of 'Instant Triple Talaq' has been reduced. But this success is not 'One Day' success; it is the struggle of the many Muslim women who fought for their rights and dignity. Being a Muslim Woman, Sara Aboobakkar is also one of the noteworthy personalities who struggled to stop this nasty 'Triple Talaq' through her writings. Her writings represent the voice of Coastal Karnataka Muslim women who struggle in the society.

The New Act for Indian Muslim women is not against the religion but to provide fundamental rights to its citizens. Divorce is common among all the communities. But 'Instant Triple Talaq' is a peculiar system of Muslim community. The aim of the government in introducing the new Act is to protect the rights of Muslim women from the cruelty and injustice done to her in the Muslim society. Even the intension of Sara Aboobakkar's writings is the same. But ultimate result is both in the literature and the present society woman is undergoing sufferings. It's not enough the government brings out "The Muslim Women (Protection of Rights on Marriage bill, 2019)". But also Muslim man should get educated in practicing Article No.15* of the constitution.

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Article No.15: The Article No.15 states that the state shall not discriminate against any citizen on grounds only of race, religion, caste, sex and place of birth.