

# Nikah Halala Under Muslim Personal Law: A Critical Appraisal

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## ARTICLE INFO ABSTRACT

The practice of 'Nikah Halala' under Muslim personal law, which mandates that a woman divorced through an irrevocable 'Talaq' must marry another man and consummate that marriage before she can remarry her original husband, is often misinterpreted and misused. Initially intended to prevent hasty divorces by complicating remarriage, Nikah Halala was designed to deter men from impulsively divorcing and then easily reconciling with their wives. However, the practice has been corrupted into a form of exploitation, termed 'Halala-fixing,' where the process is manipulated to force women into exploitative and abusive situations. These arranged marriages are not genuine unions but rather transactions aimed at circumventing remarriage rules, leading to severe psychological, physical, and financial abuse of women. Such malpractices have been likened to rape under the Indian Penal Code and Bharatiya Nyay Sanhita, as they involve coercing women into sexual relations not as acts of marital intimacy but as responses to arbitrary divorces. This paper analyzes Nikah Halala's legal aspects and examines the trauma experienced by women coerced into such practices under the guise of religious observance. It seeks to uncover the deep-seated issues and implications of distorted Nikah Halala practices, emphasizing the urgent need for critical examination and reform to protect women's rights. The exploration highlights the necessity of understanding and addressing the legal and ethical challenges posed by such practices within the context of women's rights and societal impact.

**Keywords:** Muslim Personal Law, Shariat, Law Reform, Women's Rights

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## Introduction

Nikah Halala is a long-standing customary norm within Muslim Law that facilitates remarriage with a previously divorced spouse. Nikah Halala is widely viewed as a law that is often misunderstood and causes unjust discrimination and exploitation of women. However, it is crucial to thoroughly examine the origins of this practice and identify the deviations that make it unsuitable for contemporary times. According to the Quran, Islam strongly supports marriage and does not endorse celibacy. In Islam, marriage is a legally binding contract known as Nikah between two individuals. The bride must voluntarily agree to the marriage, making an official, obligatory agreement essential for a Valid Islamic marriage. The presence of two Muslim witnesses is required for the validity of marriage. According to Muslim law, marriage is considered as a civil contract. Islam highly regards marriage, as evidenced by its extensive treatment in the Holy Qur'an and the Sunnah of the Prophet Muhammad (PBUH). It is referred to as a sign of God, a practice followed by prophets, and in the Sunnah of Muhammad (PBUH). In the Quran, a metaphorical comparison is made between spouses and garments to illustrate their relationship's interdependent and enhancing nature. Moreover, the Quran mandates that spouses exhibit utmost kindness and thoughtfulness toward one another. It also assigns distinct responsibilities to each partner to ensure the efficient operation of the family that arises from the marital agreement. However, when discord among spouses is irreconcilable, divorce becomes inevitable. The Prophet proclaimed that among all the things sanctioned by law, divorce is the most detrimental. Given the negative consequences associated with divorce, it should be actively avoided wherever. However, there are certain circumstances where this evil force becomes unavoidable. When it becomes impracticable for

individuals in a marriage to sustain their relationship with shared fondness and affection, it is preferable to grant them the freedom to separate rather than forcing them to coexist in an environment of animosity and alienation. In Islamic law, divorce is mostly based on the spouses' inability to coexist, rather than on any specific fault or guilt of one side, which prevents them from living together. A divorce can be initiated by either the husband or the wife. Multiple methods of divorce exist within the framework of Muslim law. Suppose a divorce results in irreversible separation and the woman wishes to remarry her ex-husband. In that case, she must marry another man, consummate that marriage, receive a divorce, and observe the iddat period before remarrying. In Islamic law, this practice is referred to as "Nikah Halala" or "Tahleel marriage." The term "Halala" is derived from the Arabic word "halal," which means lawful or permissible. In his book *Nikah Halala: Sleeping with a Stranger*, Ziya Us Salam highlights that the Quranic approach to Halala prohibits temperamental husbands who, in pre-Islamic Arabia, would divorce their wives in fury and then take them back, only to divorce them again in anger. This restriction empowers Muslim women to make their own decisions.

### Historical Roots of Nikah Halala

Before the advent of Islam, various pre-Islamic cultures, particularly those in the Arabian Peninsula, practiced many of which were significantly altered or abolished with the establishment of Islamic teachings. The specific practice of Nikah Halala, as understood within the Islamic framework, does not have documented evidence in pre-Islamic societies. It is important to note that pre-Islamic Arabia, known as Jahiliyyah (the period of ignorance), featured various marital practices that were often patriarchal and could include elements such as polygamy and easy divorce. Islamic reforms introduced by Prophet Muhammad (PBUH) significantly altered these practices by emphasizing the sanctity of marriage and the significance of women's consent and rights within marriage. The concept of Nikah Halala was part of these broader Islamic reforms aimed at bringing fairness and dignity to marital relationships, which were often lacking in pre-Islamic customs.

Prophet Muhammad, the founder of Islam, established a system where women had equal rights and opportunities to men in all legal capacities and roles. Reforms related to the practice of "marriage by agreement" were introduced during his prophethood. However, the term "Nikah Halala" is not explicitly mentioned in the Holy Quran. Some Hanafi scholars have deduced the practice from a Hadith of the Prophet, which states, "she (the divorced wife) must now taste the sweetness of another."

In the Quran, the term "Halala" is derived from the word "Halal," which means "whatever is regarded as proper or permissible within the confines of Islam." The term "Haram," which translates to "what is forbidden by Allah," directly opposes the concept of "Halal." According to the Quran, after a woman has been divorced by her husband, she is considered "Haram" for him. For her to be deemed acceptable to her former husband again, she must marry another man. Only after this new marriage has been consummated and subsequently dissolved by the second husband can she remarry her former husband.

The practice known as Nikah Halala aims to educate men that they should not impulsively utter "Talaq" under the influence of anger or intoxication, as doing so makes it difficult for them to reconcile with their divorced wives. Patriarchy often reinterprets and reshapes religion to its advantage, distorting customs and religious teachings to maintain control over women and meet patriarchal societal norms. As a result, it is crucial to recognize that Nikah Halala cannot be pre-engineered. Arranging a marriage against one's will is a form of psychological and emotional abuse. If the divorced wife marries a second husband in a pre-planned Halala, both her marriage to the second husband and any subsequent remarriage to her original husband after performing Halala are considered illegitimate. The Prophet has cursed those who participate in such arrangements. During the era of the second Caliph, Hazrat Umar, it was decreed that the death penalty could punish those engaging in pre-planned Halala through stoning.

When we analyze the concept of intervening marriage in the Quran, we find that while fixing Nikah Halala is not permissible, Nikah Halala without premeditation is allowed. The Prophet introduced this concept to liberate women from the cycles of divorce and remarriage prevalent in the pre-Islamic era. However, over time, this concept has been corrupted. Women are now falling victim to Nikah Halala, being subjected to forced marriages, forced divorces, and Rape under the guise of Nikah Halala.

### Understanding the Notion of Nikah Halala

Nikah Halala is a compound term consisting of "Nikah," which refers to marriage, and "Halala," which denotes the act of rendering something permissible or halal. According to this practice, if a woman has been divorced by her husband through Triple Talaq and wishes to remarry the same person, she must undergo a specific process. As part of the process, a divorced woman must marry another man, consummate the marriage, and then get divorced again before she can remarry her original husband. This practice ensures that she cannot remarry her ex-husband until she has consummated the marriage and received a divorce from her subsequent husband. The underlying idea is to "punish" the husband for impulsively divorcing his wife by making him confront the discomfort of seeing his former wife with another man.

The practice of Halala, in its current form, is undeniably a malevolent and harmful tradition. The term "malevolent and harmful tradition" does not refer to the concept of remarriage within Islam itself. Rather, it pertains to a custom observed among some Muslims, where a divorced woman is encouraged to enter into a

temporary marriage with another man to regain eligibility to remarry her previous spouse. This practice is widely criticized for its exploitative implications.

### **Prospective of Quran and Hadith on Nikah Halala**

According to the Holy Quran, engaging in Nikah Halala with the intention of divorcing and remarrying the original spouse is prohibited. It is crucial to note that Nikah Halala must not be premeditated. The Quran explicitly condemns those who enter into a marriage solely to facilitate Halala, including both the person who marries for this purpose and the person for whom the arrangement is made.

Quran Al-Baqarah, Sura 2, Verse 229 states that a husband may revoke a divorce twice; after that, he must either maintain his wife with dignity or part from her amicably. Husbands are prohibited from reclaiming any portion of the dowry given to their wives, unless there is genuine concern that the couple will not be able to adhere to the limits set by Allah. If there is doubt that they can follow Allah's commands, it is permissible for the woman to offer compensation to the husband to secure a divorce. These are the boundaries established by Allah, and one should not transgress them. Those who exceed these boundaries are the actual wrongdoers.

Quran Al-Baqarah, Sura 2, Verse 230 states that if a husband divorces his wife irrevocably (three times), he is prohibited from remarrying her until she has married another man and that marriage has been consummated and subsequently ended in divorce. They may reconcile if they believe they can adhere to Allah's boundaries. These are the boundaries established by Allah, which He elucidates for those who possess understanding.

Quran Al-Baqarah, Sura 2, Verse 231 advises that upon divorcing women who are nearing the completion of their waiting period (iddat), it is advisable to either maintain a respectful relationship with them or let them go in a dignified manner. However, one should refrain from keeping them merely to cause harm or take advantage. Engaging in such behavior undoubtedly harms one's own soul. Do not underestimate the significance of Allah's revelations—Recall Allah's blessings, including the divine scripture and profound knowledge He has revealed to guide you. Be conscious of Allah, and know that Allah is fully aware of everything.

Analyzing the surahs from the Quran, it is evident that there is no concept of forced marriage intended to make a woman eligible, or 'halal,' for her previous husband. The Quran clearly instructs that one should either retain a wife respectfully or let her go respectfully. There is no honor or respect in the forced practice of Nikah Halala. The Quran provides two opportunities for the husband to either respectfully retain his wife or let her go honorably. If he divorces her irrevocably (three times) after the waiting period and reconciliation is not possible, he must let her go honorably.

The practice of Nikah Halala was explicitly banned and condemned by Prophet Muhammad, as documented in Sunan Abu-Dawood, Hadith 2071. Prophet Muhammad (PBHU) is quoted as saying, "Curse be upon the one who marries a divorced woman to make her lawful for her former husband and upon the one for whom she is made lawful." This Hadith underscores the prohibition against manipulating marriage laws to facilitate remarriage to a previous spouse, reflecting the ethical stance that marriage should not be used as a tool for legal loopholes. Prophet Muhammad explicitly criticized the practice of Halala, declaring that "Allah's curse is on the one who makes a contract or agreement for Halala (both the one who carries out Halala and the one for whom it is done)."

Furthermore, 'Abdullah ibn Mas'ood reported a Hadith (2076) where the Prophet said, "The Messenger of Allah cursed the one who marries a woman and divorces her so that she can go back to her first husband." The Muhallil the one who marries a woman and divorces her so that she can go back to her first husband and the muhallal lahu is the first husband. This condemnation highlights the ethical view that manipulating marriage to circumvent Islamic law is grievously wrong.

### **Some Scholar's views on Nikah Halala**

Safiyat Naseem, a Muslim Scholar on the Quran and Hadith, points out that "The unsavory practice of Halala is a dark manifestation of toxic male entitlement and the perpetuation of a patriarchal ethos. The important thing to understand is that if Triple Talaq lacks religious authorization, then there is no justification for using Halala as a means to do damage control, so to speak." Kecia Ali, a senior research analyst, in her chapter in "Progressive Muslims and Islamic Jurisprudence: The Necessity for Critical Engagement with Marriage and Divorce Law", points out that the practice of Halala deprives women of their freedom of choice and reduces their identity to that of a mere object, successively possessed by different males. Halala significantly neglects women's choices and identity. In his article, "The Practice of Halala and Human Rights of Muslim Women," Sanjiv Kumar Singh highlights that Halala has been severely criticized because it harms the dignity of women by forcing them into compromised sexual relationships, which amount to nothing less than Rape. He explains that there is no basis for Halala in the Quran, and that Nikah Halala is a misinterpretation of the Hanafi fiqh derived from the Quran. In his article "Halala: A Practice Invented by Sexual Perverts," Aslam Abdullah, a Muslim Scholar, argues that Halala is a cruel and horrendous customary practice that is completely unrelated to divine instruction. He describes the practice as savage, based on ideologies that view women solely as objects of sexual gratification. Abdullah highlights the continued existence of this practice in Muslim culture as an indicator of widespread corruption within Islamic organizations. He asserts that Halala is non-Islamic and should not be associated with divine guidance, as it contradicts the principles of human dignity and mercy from Allah. Abdullah characterizes the Halala practice as one invented by sexual perverts. Halala is considered to be non-Islamic and should never be linked to divine direction because of its opposition to principles of human

decency and divine mercy. In his article, "Muslim Law Board's Stand Sought on Nikah Halala," Ziya Us Salam describes the All India Muslim Law Board's (AIMLB) stance on Nikah Halala, describing it as "a mockery of religion" in its current practice in India.

In his book "Understanding the Islamic Laws of Divorce," Dr. Furqan Ahmed explains that Prophet Muhammad sought to abolish the cruel and uncivilized pre-Islamic custom of repeatedly divorcing and mistreating wives. The Prophet made it clear that the practice of Triple Talaq should not be perpetuated indefinitely, as it results in an irrevocable dissolution of marriage. Therefore, if a husband wishes to reconcile with his wife after using Triple Talaq, he must adhere to Nikah Halala's guidelines. Failing to do so means that a third declaration of Talaq, following two previous reconciliations, will serve as an ultimate barrier to remarrying the same woman. Maulana Maqsood-ul-Hasan Qasmi, the leader of the Imam Council of India, has expressed strong disapproval of the Halala practice. During discussions, he pointed out that "This is lust. It's not permissible in Islam. This is a criminal offense committed in the name of religion." His statement highlights the ethical and legal concerns associated with Halala, emphasizing its contradiction to Islamic principles. Zafar Sareshwala, the chancellor of Maulana Azad National Urdu University, attributes the persistence of the regressive practice of Nikah Halala in Islam to personal laws. He argues that those who participate in such practices should be incarcerated, highlighting the need for legal repercussions to deter this abuse of religious practices. Maulana Ansar Raza, from the Gharib Nawaz Foundation, has called for the immediate expulsion of religious experts who voluntarily engage in Nikah Halala. He stated, "They should be beaten with shoes and thrown out of mosques. They should be charged with Rape. Nikah Halala is a regressive, un-Islamic practice." His strong condemnation underscores the urgency and severity with which he views the need to address this issue within the community.

Nikah Halala, a practice not sanctioned by the Quran, has drawn severe criticism from various Islamic scholars and community leaders who argue that it exploits and objectifies women. The Holy Quran emphasizes the dignity of maintaining or parting from a spouse respectfully, while the Prophet Muhammad explicitly condemned the practice as sinful, underscoring its misuse as a legal loophole. Scholars like Safiyat Naseem and Kecia Ali criticize Halala for perpetuating toxic patriarchal norms and stripping women of their autonomy. Legal and ethical opposition is strong, with figures such as Maulana Maqsood-ul-Hasan Qasmi and Zafar Sareshwala calling for criminal actions against participants, and Maulana Ansar Raza advocating for the expulsion and punishment of those facilitating such practices, labeling Halala as fundamentally un-Islamic and a distortion of religious teachings.

### **Contemporary Instances of Nikah Halala in India**

Within the context of contemporary India, the practice of Nikah Halala has been subjected to misuse and manipulation. The dark side of Nikah Halala was exposed by the India Today group, which reported that some maulvis charged between 20,000 to 1.5 lakh for facilitating what has been described as legalized Rape. Despite the Triple Talaq ruling, a woman, after receiving Triple Talaq, was expelled from her house. She reported the incident to the police on December 18, 2023. According to PTI, the police intervened and successfully resolved the conflict between the parties involved, reuniting the woman with her in-laws on December 30, 2023. Nevertheless, when she returned, she was denied entry to the residence, citing the practices of Triple Talaq and Nikah Halala. On January 1, 2024, she was reportedly forced to participate in a Nikah ceremony with her brother-in-law, Mohammad Nizam. Subsequently, Nizam allegedly pronounced a Triple Talaq, enabling her to reunite with her previous spouse, Tasauvvar. On January 10, her husband reportedly took her to a private hospital to terminate her two-month-old pregnancy. Despite this, her family members continued to subject her to repeated harassment to extract dowry, as stated in her complaint to the police.

Some other gruesome incidents have exposed the harsh realities of Nikah Halala. In a recent 2022 case reported by a newspaper, an innocent woman, a victim of an illegal Triple Talaq by her husband, was subjected to Nikah Halala on the instruction of the Islamic cleric Guddu Haji. She was gang-raped by her former husband, his brother, the current husband, other family members, and a cleric. The case was registered against five individuals for gang rape, unnatural sex, etc. In 2021, a Muslim woman in Meerut, Uttar Pradesh, subject to illegal Triple Talaq, was gang-raped by two men under the pretext of Nikah Halala.

A Bareilly woman claimed to have undergone serial Halala. The case came to light in 2019. She married her husband in 2009 and was given Triple Talaq in 2011. The family forced her to undergo Nikah Halala with her father-in-law. When she refused, they sedated her and performed Nikah Halala. Her father-in-law raped her for 10 days before giving her Triple Talaq. After that, she remarried her former husband. Again in 2017, her husband divorced her, and this time she was forced to undergo Nikah Halala with her brother-in-law. A case of gang rape, among other charges, was registered against the culprits. In October 2016, an Indian Muslim woman claimed that she had been sexually abused by an individual familiar with her spouse. Her husband, having lost her to his friend in a gambling game, felt obligated to divorce her. To win back his wife, the husband asked his friend to engage in sexual intercourse with his former spouse, describing the practice as "Nikah Halala" to enable her to remarry him.

These Instances present a stark portrayal of the misuse of Nikah Halala in contemporary India, highlighting its transformation into a tool for exploitation and abuse under the guise of religious practices. The narrative exposes cases where women, already victims of illegal Triple Talaq, are further subjected to forced marriages



and sexual violence, often orchestrated by religious figures and family members. These incidents underscore a disturbing trend where patriarchal norms and financial incentives perpetuate such abuses.

### **Halala in the light of the Constitution and other laws**

In the Quran, "Nikah" is translated as "Misaqan Ghaliza," signifying a solemn and strong bond, a covenant of deep commitment between individuals. This bond is not to be dissolved frivolously, as it requires justifiable reasons and a proper procedure for dissolution. However, the practice of Nikah Halala has not only led to grave injustices but also contradicted the fundamental rights enshrined in the Indian Constitution. Article 14, which embodies the right to equality, asserts that no individual should be above the law and that all individuals are equal before it, irrespective of gender or religious belief. Yet, under the practice of Nikah Halala, it appears that only men are afforded the right to unilaterally pronounce divorce. In addition, the dissolution of a marriage, which should ideally be a mutual decision, is often enforced upon women without their consent, thereby undermining the principle of equality.

Furthermore, Nikah Halala contravenes Article 15(1) of the Constitution, which prohibits discrimination on various grounds, including religion and gender. This practice effectively reduces women to mere subjects of male authority, stripping them of their rights and autonomy, particularly in the aftermath of a Talaq. Such discrimination is not only unjust but also unconstitutional. Article 21, revered for upholding the right to life and personal liberty, is also violated by the notion of Halala. This practice compromises the dignity and autonomy women are entitled to under the Constitution. The Quran itself calls for respect towards women and discourages unjust abandonment. By forcing women into Halala, their fundamental rights are disregarded, leaving them devoid of agency and subject to arbitrary practices that have no Quranic basis.

Moreover, freedom of religion, as guaranteed by Article 25(1), does not extend to practices that infringe upon the fundamental rights of individuals. While Muslim personal law governs marriage and divorce within the Muslim community, it is crucial that these laws can not violate the basic rights of Muslim women. Nikah Halala, as it stands, does not fulfill any religious obligation to uphold a woman's dignity; rather, it subjects her to further indignity and injustice.

The ruling in the case of Shayara Bano v. Union of India, which declared Triple Talaq unconstitutional, sets a precedent for the need to reevaluate and abolish Nikah Halala. Given the current societal context and the constitutional mandates, Nikah Halala must be recognized as a violation of the Constitution, one that undermines the principles of equality, justice, and dignity for all.

The Government has adopted a highly appreciating position against the widespread practices of polygamy, Triple Talaq, and Nikah Halala, which are prevalent under the Muslim personal law in India. The act of practice of Triple Talaq was found to violate the Constitution, and legislation has been passed to criminalize the practice of Triple Talaq. As to the Supreme Court's order, the petition against the other two shall be considered distinctly., Pakistan and Bangladesh, have already discarded comparable practices. This will be accomplished without digging into the assertions made on the freedom of religion

Nikah Halala also attracts the Indian penal code, 1960 Section 375 which deals with Rape. When a divorced woman, who is without a companion and in a state of poverty, considers the idea of reconciling with her former husband to save her marriage, she is willing to sacrifice her dignity and undergo a forceful sexual encounter justified by religious beliefs. This situation may accurately be described as non-consensual. According to Section 375 of the Indian Penal Code, 1860, the offense of Rape is defined as the act of penetration by a man without the consent of the woman, which is punishable by law. Explanation 2 to Section 375 provides a precise definition of the term 'consent'. It states that consent is an explicit and voluntary agreement where a female willingly expresses her willingness to engage in a specific sexual act. This definition disregards the absence of physical resistance by the female as a determining factor for consent or voluntariness to participate in the sexual act. The central focus in rape proceedings involving two adults is the concept of 'Consent'. In the case of Uday v. State Of Karnataka, the Supreme Court has cited many judgments that provide detailed explanations of the word 'Consent'. In a prosecution for Rape, the defense of consent from a woman necessitates her voluntary involvement after making an informed decision based on the circumstances and voluntarily choosing between resistance and agreement. Therefore, the word 'Consent' may be defined as the voluntary agreement between individuals who participate in a sexual act. Noor Zaheer, a writer, and researcher, in her book, "Denied by Allah", points out that "Halala is nothing but the vilest of rapes".

### **Nikah Halala in other Countries**

Noor Zaheer, in her book "Denied by Allah," sheds light on the practice of Nikah Halala within Europe's Muslim communities. She reveals how some muftis have set up what they see as a service to the Muslim Ummah by providing "Halala services." These services entail marrying women temporarily to legally enable them to remarry their former husbands as per Islamic law. Disturbingly, Zaheer reports the establishment of a "Halala center" by a certain Mufti, catering particularly to men with volatile temperaments or those wealthy enough to treat women as concubines for short periods. This exploitation frames Nikah Halala not as a religious practice but as a business exploiting vulnerable women under the guise of religious facilitation. In his book "Nikah Halala: Sleeping with a Stranger," Ziya Us Salam, a noted literary and social critic, discusses the prevalent and accessible nature of Nikah Halala services in Pakistan. He reports that it is relatively easy to find such services on request, with several Maulanas justifying the practice as a way to 'discipline' husbands who act impulsively.

In the case of *Sameena Begum v. Union of India* Sameena Begum, herself a victim of Triple Talaq, has taken a bold step by legally challenging the practices of Nikah Halala and polygamy, highlighting a critical ongoing lawsuit. She argues that these practices violate fundamental rights guaranteed by the Indian Constitution, including the right to equality (Article 14), prohibition against religious discrimination (Article 15), and the right to life and personal dignity (Article 21). Notably, Begum contends that Nikah Halala equates to rape as defined under Section 375 of the Indian Penal Code, given that it coerces a woman into sexual relations under duress of religious mandates. This case is particularly significant as it scrutinizes the compatibility of Nikah Halala with modern legal and ethical standards, questioning its legitimacy and challenging its constitutional validity. The outcome could have profound implications for the interpretation and reform of Muslim personal law in India, potentially leading to enhanced protections and rights for Muslim women.

### Conclusion

The discussion surrounding the practices of the Islamic community, particularly in India, reveals profound complexities and challenges within Muslim personal law. This practice deeply rooted in traditional interpretations of Muslim personal Law, has sparked significant debate due to their contentious nature and the considerable impact they have on women's rights and dignity. Nikah Halala, a practice not found in the Quran but developed through jurisprudential interpretations, compels a divorced woman to marry another man and consummate that marriage before she can remarry her previous husband if the couple wishes to reconcile. This practice, which has been subject to misuse, effectively subjects women to exploitation under the guise of religious adherence.

The landmark *Shayara Bano* case<sup>1</sup>, which resulted in the prohibition of instant Triple Talaq, marks a critical turning point in Indian jurisprudence and Muslim personal law. It highlights the Indian judiciary's role in addressing practices within Muslim personal law that conflict with the Quran, Hadith, and constitutional guarantees of Rights of equality, non-discrimination, and dignity. This case, along with ongoing legal challenges against Nikah Halala and polygamy, signifies a broader movement towards reevaluating and potentially reforming aspects of Muslim personal law that are deemed incompatible with contemporary human rights standards.

Legal reforms to codify personal law by abolishing polygamy and Nikah Halala, striving for a balance between religious practices and the rights and dignity of women. These reforms are crucial for addressing specific grievances and aligning religious practices with constitutional values that advocate for equality, justice, and human dignity. The need for such reform is underscored by the evolving dynamics of society, where laws must be adaptable and progressive to effectively serve their purpose. As society changes, so must the legal frameworks that govern it to prevent laws from becoming obsolete or oppressive. This adaptability is especially pertinent in contexts like India, where diverse religious practices intersect with a secular legal framework. Moreover, the debate over Nikah Halala extends beyond legal dimensions to involve ethical and moral considerations. It raises questions about the interpretation of religious texts and the role of religious authorities in perpetuating or challenging practices that may harm certain segments of the community, particularly women. The ongoing judicial and societal scrutiny of these issues is part of a larger discourse on how religious laws and practices fit within the broader aspirations of a society striving for gender equality and justice for all its members. To conclude, the discourse surrounding Nikah Halala indicates a broader struggle within many societies to reconcile religious traditions with modern equality and human rights values. The challenges faced by Muslim women under these practices highlight the urgent need for legal and social reforms. These reforms should address the immediate injustices caused by such practices and ensure that all religious practices align with the fundamental rights and dignity that the Constitution guarantees every citizen.

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