



Q/A The recent High Court judgment on Talaaq passed by the Srinagar High Court has generated a lot of debate among the religious scholars of Kashmir. Representing the petitioner Bilquees in High court is Advocate Shabnam Lone. She believes that the judgment is accurate and says it is an excellent journey of

justice where in the judge has untiringly referred and cited the detailed Hadith and Sunnah. While talking to Rising Kashmir reporter M Owais Gurkoo, she talks about the case and its genesis.

What is the case all about?

Bilquees got married on 24 august 2002 and gave birth to a baby girl on 6th June 2003. The case before the trial Court is that her husband was not happy that she had begotten a female child. He subjected her to inhumane treatment and threw her out from the marital home along with the child. Immediately she had filed petition 488 for maintenance.

What are your views on the HC judgment?

High court has rightly gone ahead and given justice to a most deserving woman who has none and nothing to fall back upon. It is an excellent journey of justice where in the judge has untiringly referred and cited the detailed Hadith and Sunnah. It is on this premise that whole judgment of Justice Masoodi is based and I fully support the contention that this cannot be the reason for divorce as our religion prohibits this sort of inhuman behavior. Moreover if there is no reason to support divorce, going into the labyrinth of absolute power to give Talaaq raises many questions. If a man is married to a woman and he sees another beautiful woman can it give him absolute power to pronounce Talaaq and seek refuge and it is his purview to do so.

Is there anything for society to learn from this case?

In my opinion the most important point that needs to be redressed is if a Muslim woman gives birth to a female child does it give the husband the unbridled power to divorce her.

What about the opinions by different sections of society?

Facts of the case should not get lost nor the grave injustice caused to her by debating the case at many levels. I respect the reasons given by different Ulemas and I myself feel very privileged to feel part of the Ummah. However, we need to draw a harmonious constructions of views not based on extreme, where our daughters, mothers and sisters are given respect. They should feel stable in their married life and live with utmost dignity and honor. In the rush to give opinions one thing of utmost importance is this poor woman and her baby girl who have suffered untold misery by the betrayal of her husband.

What if the absoluteness of Talaaq persists?

Entire generation of daughters, sisters will be vulnerable if this view of absoluteness of talaaq is allowed to persist that no reason be given, that no witness be present simply go all hog talaaq talaaq talaq... impairing their dignity and honor. Kashmir does not live in dark ages; we are very vibrant, culturally and religiously, sensitive society where our women have been historically given lots of respect since times immemorial. I take strong exception to the example cited in the court about Bertrand Russell, how his wife in his old age divorced and sort maintenance leaving him in penury. Distinctness of Kashmiri woman being hardworking and honorable needs to be appreciated. Maintenance is their right and such examples only denigrate woman. 