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Q8(c)

Assess the impact of ban on 'Triple Talak' on marriage and divorce among the Muslim community in India.

UPSC Civil Services Mains 2018 · Sociology GS 2 · 15 marks · Systems of Kinship in India

Systems of Kinship in India: Lineage and descent in India; Types of kinship systems; Family and marriage in India; Household dimensions of the family; Patriarchy, entitlements and sexual division of labour.

Core demand of the question

- Assess the impact of the ban on 'Triple Talaq' on marriage and divorce among the Muslim community in India
- Keep to a 15-mark length

Revision summary

The 2017 Supreme Court ban on instant Triple Talaq is the 2018 legal fact.

It strengthened Muslim women's claim against a spoken instant divorce.

Other forms of divorce and desertion can still end a marriage.

Class, legal aid, and maintenance decide real impact.

Majoritarian politics can complicate internal gender reform.

Introduction

Instant Triple Talaq was set down as unconstitutional in 2017, a live 2018 fact for this paper. The impact on Muslim marriage and divorce is legal, gendered, and contested. A ban changes the public rule. It does not by itself equalise household power or end other forms of divorce and desertion.

Body

What the ban did

- Shayara Bano and the 2017 Supreme Court majority treated instant talaq as arbitrary and against constitutional equality.
- The practice lost legal legitimacy. Criminalisation debates followed as a further state step.
- **Constitutional morality**, in **Ambedkar**'s sense, was used to say that community custom cannot outrank equal civic worth.

Impact on marriage and divorce

- Women gained a stronger claim that a spoken triple formula is not a finished divorce.
- Some men shift to other talaq forms, khula bargains, or informal desertion, so harm can change shape.
- Marriage as a contract becomes more visible; so does fear among conservative leadership that personal law is under siege.
- **Internal caste and class matter:** poor women need legal aid, not only a judgment.

Limits of impact

- Seed-and-Earth-like honour in many families still polices women's exit.
- Maintenance, custody, and housing decide whether a ban is freedom or a paper shield.
- Majoritarian use of the issue can thicken community defensiveness and slow internal gender reform.

Assessment

- Positive for naming a unilateral instant divorce as illegitimate.
- Incomplete as a transformation of Muslim marriage, which remains diverse, regional, and patriarchal in many homes.

Flow diagram

2017 judgment ban -> Instant talaq illegitimate
Instant talaq illegitimate -> Women's legal claim
Other divorce desertion -> Limited social transformation
Community leadership fear -> Limited social transformation

Conclusion

The Triple Talaq ban's impact, as a 2017-18 legal fact, is to weaken instant male unilateral divorce in the eyes of the court and the public. Marriage and divorce on the ground still run on money, kin, and sect. Assess the ban as a necessary gender-rights puncture, not as a completed social revolution inside the community.

Facts & figures

Shayara Bano / 2017

Supreme Court setting down instant Triple Talaq, the key 2018-era fact.

Constitutional morality

Ambedkarite standard used to put equality above this custom.

Khula and other talaq

Alternative divorce paths that may absorb pressure after the ban.

Maintenance and housing

Material conditions without which a legal ban is a thin shield.