

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 8 | Issue 6

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2025

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# Nikah Halala: The Tussle between Personal Laws and Constitutionality

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## ABSTRACT

*This paper traces the origins and intended purpose of nikah halala within the realm of Muslim Personal Law, focusing on its practice within the Sunni Hanafi school of thought. Halala originally, intended to establish a safeguard against impulsive pronouncement of divorce, and to protect marital sanctity by mandating a formal process before a divorced couple could lawfully reconcile. Over time, however, the practice has been widely misconstrued, often resulting in detrimental and exploitative consequences for Muslim women. Focusing on the Hanafi school and the broader Sunni tradition, this paper explores the shifting legal, social, and religious interpretations surrounding halala and triple talaq. Through an analysis of the historical context, judicial interventions, and recent statutory reforms, this paper assesses the state's role in mediating between religious autonomy and the protection of individual rights within Muslim personal law.*

## I. HISTORICAL BACKGROUND (PURPOSE AND INTENT)

While the term ‘*halala*’ itself does not appear in the Quran, it is derived from the root word ‘*Halal*’, meaning “that which Allah has made permissible”<sup>2</sup>. *Halala* is a practice where after a divorced woman marries another man with the solemn intention of living with him, but even this marriage ends, due to the latter’s death or divorce, she is permitted in Islam to remarry her former husband, if she wishes to reconcile.<sup>3</sup> The source of the concept, however is inferred from the Quranic verse 230 of *Surah Al-Baqarah* which reads, “So, if a husband has divorced his wife for the third time (irrevocably), then he cannot marry her until after she has married another husband. And if the latter husband divorces her or dies, there is no blame upon the woman and her former husband for returning to each other.”<sup>4</sup> This establishes a definitive restriction evidenced by the phrasing, “divorces her or dies”, indicating that once a woman has been divorced three times, she cannot remarry her first husband unless she marries another man, and

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<sup>2</sup> Zakia Soman & Shriya Maini, *MARTYRS OF MARRIAGE- Taking a Closer Look at the Practice of Nikah Halala*, 6(1) GNLU Law Review 221 (2019).

<sup>3</sup> Shagufta Omar, *Dissolution of Marriage: Practices, Laws and Islamic Teachings*, 4(1) Policy Perspectives 91 (2007).

<sup>4</sup> Abdullah Yusuf Ali, *The Holy Quran English translations of the meanings and Commentary* (1990).

the second marriage ends either through divorce or the death of the second husband. This must be read alongside verse 229 of *Surah Al-Baqarah*, which states that “A husband may separate from his wife after each of the first two counts of divorce or at the end of her waiting period with dignity. If he chooses to stay with her after the first two counts of divorce then divorces her a third time, the marriage is terminated at the end of her third waiting period.”<sup>5</sup> When reading both verses in conjunction, it becomes apparent that marriage between husband and wife becomes irrevocable when she is divorced for the third time. The Quran, therefore, provides a protective mechanism for women against impulsive divorces by creating a substantial hurdle for a husband seeking to reinstate the marriage after a third divorce. Meanwhile, it also has a fallback mechanism, allowing for the possibility of reconciling with the first husband but only under legitimate conditions, i.e., only under the unfortunate conditions of divorce or death of the second husband.

However, it must be simultaneously ensured that the second marriage occurs not as a pretext to return to the former husband. A temporary marriage or a marriage for the purpose of making her permissible for her first husband, only to divorce her later, is both haram and invalid. Abu Dawud reiterates the Prophet saying that “Allah has cursed the *muhallil* (man who marries a woman in order to make her remarriage with former husband permissible)<sup>6</sup> and the *muhallal lahu* (former husband)”.<sup>7</sup> The way then that the Quran and Hadith speak of this concept, presents it as a protective measure, intending to offer remedy to women. It protects women from men who have “zero control over their temper or passion”<sup>8</sup> and divorce their wives in a fit of anger and then retract the divorce, only to divorce again, thus perpetuating a cycle of marriage and divorce reminiscent of one of the many barbaric pre-Islamic practices.<sup>9</sup> Women at that time were objects of pleasure and were married and divorced according to the whims of the men, over and over again. The Quran put an end to this by limiting the number of divorces in a *nikah* to three, thereby fully liberating women trapped in such marriages. This change was a part of a broader transformation being introduced in the pre-Islamic Arabic society, often referred to as the “*Jahiliyyah*” or the Age of Ignorance. During this time, marital customs were largely patriarchal, featuring practices like limitless divorces, polygamy, and that taking of concubines, often without granting them the same rights as wives. As a messenger, Prophet Muhammad introduced Islamic reforms, transforming these customs by “emphasizing the sanctity of

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<sup>5</sup> Abdullah Yusuf Ali, *supra* note 3.

<sup>6</sup> Sri Abhigna Pillalamarri, *Nikah Halala: Law in theory v. Law in practice*, 4 (3) International Journal of Law Management & Humanities 1313 (2021).

<sup>7</sup> *Id.*

<sup>8</sup> Ziya Us Salam, *Nikah Halala Sleeping with a Stranger* 8 (Bloomsbury Publishing, 2020).

<sup>9</sup> *Id.*

marriage and the significance of women's consent and rights within marriage”<sup>10</sup>. One such reform was the *Nikah Halala*, aimed at promoting fairness and restoring dignity to marriages, addressing the inequities prevalent in pre-Islamic customs.<sup>11</sup> The institution of marriage is thus sacrosanct in the Shariah Law and what differentiates this holy matrimony from zina (adultery), is that it is a permanent contract, openly announced, and entered into with the mutual consent of both parties, to remain together unless dissolved by divorce or death.<sup>12</sup> Any conditions that do not conflict with these fundamental criteria can be made part of the contract.<sup>13</sup> The distorted interpretation of *Halala*, which significantly differs from the Quranic concept, involves making the second marriage temporary by premeditating the divorce. This practice undermines the pillars of a valid marriage, as it contradicts the principles of permanence and sincerity that are fundamental to Shariah. Such a precondition is thus impermissible and cannot be made part of the marriage contract, making this practice haram (forbidden) in Islam.

## II. DIVORCE IN ISLAM

A thorough understanding of *Nikah Halala* necessitates familiarity with the concept and various forms of divorce in Shariah Law. The contract of marriage may be dissolved at the husband's discretion and this form of divorce is known as *talaq*.<sup>14</sup> The Hanafi school of Sunni Law recognizes two kinds of *talaq* which can be executed: *talaq-us-sunnat* and *talaq-ul-biddat*.<sup>15</sup> The former refers to the forms of *talaq* which are in conformity with the dictates of the Prophet, i.e., *talaq-e-ahsan* and *talaq-e-hasan*. The latter being the disapproved form known as *talaq-ul-biddat*<sup>16</sup>, which is a man-made innovation introduced by the Ommeyyade monarchs.<sup>17</sup>

*Ahsan* is the most approved form of divorce<sup>18</sup> where there is a single pronouncement of *talaq* by the husband during *tuhr*<sup>19</sup> (between two menstruating cycles of a woman, also known as cycle of purity) followed by a period of *iddat* (three months of abstinence from conjugal relations).<sup>20</sup> Once this period lapses, the divorce becomes irrevocable. However, during the *iddat* period, the divorce remains reversible, i.e., the divorce may be revoked by express words or conduct (consummation). If there are two revocable pronouncements, the third results in an

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<sup>10</sup> Aishwarya Kamyia Singh & Dr. Sufiya Ahmed, *Nikah Halala Under Muslim Personal Law: A Critical Appraisal*, 30(5) Educational Administration Theory and Practice 4346 (2024).

<sup>11</sup> *Id.*

<sup>12</sup> Zafar Iqbal Kalanauri, *Marriage, Divorce and Re-Marriage (Halala) in Islam* (2020).

<sup>13</sup> *Id.*

<sup>14</sup> Dinshaw F. Mulla, *Principles of Mahomedan Law* 389 (LexisNexis, 2014).

<sup>15</sup> *Id.*

<sup>16</sup> Asaf A.A. Fyzee, *Outlines of Muhammadan Law* 120 (Oxford University Press, 2008).

<sup>17</sup> Dinshaw F. Mulla, *supra* note 13 at 394.

<sup>18</sup> Asaf A.A. Fyzee, *supra* note 15 at 120.

<sup>19</sup> Abdullah Yusuf Ali, *supra* note 3. (Verse 228 of *Surah Al-Baqarah*).

<sup>20</sup> Dinshaw F. Mulla, *supra* note 13 at 394.

irrevocable dissolution and now the wife is not lawful for the husband.<sup>21</sup> It is essential to note that if there is only a single pronouncement, the prescription of *nikah halala* does not apply.<sup>22</sup> *Hasan* on the other hand is the less common but accepted form of divorce that occupies a grey area.<sup>23</sup> It is unclear whether the husband must make three pronouncements of *talaq* during three successive *tuhrs*,<sup>24</sup> ensuring that no intercourse has taken place between them, or if he can pronounce *talaq* during *tuhr* once, reconcile and resume cohabitation, then repeat the process two more times, with the third pronouncement counting as the final *talaq* that irreversibly dissolves the marriage which means she is now completely haram.<sup>25</sup> However, it is clear that the third pronouncement results in the final and irrevocable dissolution of the marriage, rendering the wife impermissible for the husband and requiring her to undergo *halala* in order to become permissible for him once again.<sup>26</sup>

*Talaq-ul-biddat* remains widely prevalent and in vogue in the Indian subcontinent and other Sunni Hanafi jurisdictions. A significant majority of Muslims in India have “had recourse to the severance of their matrimonial ties by way of *talaq-i-biddat*, as a matter of their religious belief and faith”<sup>27</sup>. While Muslims continue to seek oversight of a *Qazi* for *talaqs* effectuated in the *Hasan* or *Ahsan* mode, the simplicity and convenience of *talaq-i-biddat*, coupled with limited knowledge of Islamic jurisprudence among the lay Muslim population, has contributed to its widespread acceptance as the preferred form of dissolving marriages.<sup>28</sup> *Biddat* can be carried out in two ways. Either three pronouncements made within a single *tuhr* or by a single pronouncement expressing the intent to render the *talaq* irrevocable immediately.<sup>29</sup> Since the contract of marriage is very sacrosanct in Islam and the Prophet Muhammad did not favor the institution of *talaq*,<sup>30</sup> the molding of marital laws to render a *talaq* irrevocable in a single setting without having a period of possible reconciliation, *talaq-ul-biddat* is considered to be sinful.<sup>31</sup> For these reasons, along with arguments surrounding individual autonomy, unconstitutionality, and the absence of any grounding in the Holy Quran, the practice of triple *talaq*, which functioned as *talaq-ul-biddat*, was read down by the Supreme Court in a 3:2 majority decision.<sup>32</sup>

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<sup>21</sup> Furqan Ahmad, Understanding the Islamic Law of Divorce’ (2003) 45(3) Indian Law Institute 491.

<sup>22</sup> *Mrs. Sabah Adnan Sami Khan v. Adnan Sami Khan*, AIR 2010 Bom 109.

<sup>23</sup> Asaf A.A. Fyze, *supra* note 15 at 120.

<sup>24</sup> Dinshaw F. Mulla, *supra* note 13 at 394.

<sup>25</sup> Maulana Ashraf Ali Thanvi, Heavenly Ornaments (Bahishti Zewar) A Classic Manual of Islamic Sacred Law 430 (Zam Zam Publishers, 2005).

<sup>26</sup> Asaf A.A. Fyze, *supra* note 15 at 395.

<sup>27</sup> *Shayara Bano v. Union of India*, AIR 2017 SC 1.

<sup>28</sup> *Shayara Bano v. Union of India*, *supra* note 26.

<sup>29</sup> Dinshaw F. Mulla, *supra* note 13 at 395.

<sup>30</sup> Asaf A.A. Fyze, *supra* note 15 at 120.

<sup>31</sup> *Rahmtullah v. State of UP*, 1994 SCC OnLine All 1072.

<sup>32</sup> *Shayara Bano v. Union of India*, *supra* note 26.

Following this, the Muslim Women {Protection of Rights on Marriage} Act, 2019<sup>33</sup> was enacted, defining ‘*talaq*’ as “*talaq-e-biddat or any similar form of talaq with the effect of instantaneous and irrevocable divorce*”<sup>34</sup>. The Act rendered such *talaq* to be void and illegal<sup>35</sup> and imposed penalties of imprisonment and fines on any Muslim husband who pronounced such instantaneous and irrevocable *talaq* upon his wife.<sup>36</sup>

### III. ARBITRARINESS LEADING TO HELPLESSNESS

There is a lot of grey area which leaves scope for exercise of judicial discretion leading to inconsistent outcomes, even when the facts were almost identical. This included confusion pertaining to irrevocability of *talaq-i-ahsan* and the effect of triple *talaq*. Before the Act, the legal effect of triple *talaq* was uncertain. Some Sunni schools of jurisprudence, also known as the *fiqh*, considered that triple *talaq* pronounced in a single instance resulted in an immediate and irrevocable dissolution of the marriage,<sup>37</sup> while others interpreted it as a single revocable pronouncement of *talaq*.<sup>38</sup> With respect to different interpretations of the courts when looking at irrevocability of *talaq* in the *Ahsan* mode, the court had a much milder approach when addressing the same in *Adnan Sami v. Adnan Sami*<sup>39</sup>, where the court held that “*merely because Talak in the Ahsan mode becomes irrevocable, does not necessarily mean that the rigors of irrevocable Talak by triple pronouncement are applicable and Halala is mandatory*”<sup>40</sup>. While the same court when dealing with another case of *talaq* in the *Ahsan* mode which had been rendered irrevocable, mandated the performance of a *halala* even if the husband wished to remarry her, give her the status of his wife, and their child as his own, without the performance of *nikah halala*. The husband had repudiated the marriage by three pronouncements but not conveyed such repudiation. The husband and wife’s remarriage subsequent to such repudiation and the fact of cohabitation for 15 years was held to be invalid and irrelevant. Moreover, the five children born to them during the period of cohabitation were held to be illegitimate. The three judge bench had held that “*acknowledgements of the status of the woman and of her children were ineffective in the absence of evidence of facts which might have made a marriage lawful*”<sup>41</sup>, i.e., *halala*. These differing approaches are driven by the discretion afforded to the courts, but also reflect the primary fact that colonial courts and the early Indian judiciary tended

<sup>33</sup> The Muslim Women {Protection of Rights on Marriage} Act, 2019.

<sup>34</sup> The Muslim Women {Protection of Rights on Marriage} Act, 2019 s.2(c).

<sup>35</sup> The Muslim Women {Protection of Rights on Marriage} Act, 2019 s. 3.

<sup>36</sup> The Muslim Women {Protection of Rights on Marriage} Act, 2019 s.4.

<sup>37</sup> *Rashid Ahmad v. Anisa Khatoon*, AIR 1932 (34) BomLR 475.

<sup>38</sup> *Masroor Ahmad v. State (NCT of Delhi)*, 2007 SCC OnLine Del 1357.

<sup>39</sup> *Mrs. Sabah Adnan Sami Khan v. Adnan Sami Khan*, AIR 2010 Bom 109.

<sup>40</sup> *Mrs. Sabah Adnan Sami Khan v. Adnan Sami Khan*, *supra* note 38.

<sup>41</sup> *Rashid Ahmad v. Anisa Khatoon*, *supra* note 36.

to adhere to a more orthodox, conservative, and restrictive interpretation of Shariah resulting in ratios like *Rashid v. Anisa* (1938). With the efflux of time, however, courts have increasingly embraced a more sociological approach, with more progressive and forgiving interpretations of Shariah principles. This shift in judicial approach characterized by reluctance to be bound to conservative schools of thought, such as those prescribed by Dinshaw Fardunji Mulla, explains the judicial outcomes of cases like *Masroor Ahmad v. State*<sup>42</sup> (2007) and *Sabah v. Adnan*<sup>43</sup> (2010). While this shift reflects a progressive development, it has also resulted in certain ambiguities, leaving women in a state of uncertainty, unsure whether they remained lawfully married or rendered impermissible for their husbands. In case, the husband's unilateral decision to separate was deemed final, remarriage could only occur under strict condition of the woman having to marry another man, consummating the marriage, and then that marriage ending either through divorce or death. Only then could she remarry her former husband. If these conditions were not met, the remarriage and proof of cohabitation, regardless of its duration, and the children born during this time, would be disregarded, rendering the children illegitimate.<sup>44</sup>

Article 14 prohibits arbitrariness in State action, ensuring fairness and equal treatment.<sup>45</sup> The principle of reasonableness fundamental to equality and non-arbitrariness embodied in Article 14, establishes a fundamental standard, while Article 21 requires that any procedure affecting these rights must also be fair, just and reasonable. If a procedure or law does not meet these standards and is manifestly arbitrary, it would violate Article 14. In the *Shayara Bano* case, it was held that “*what is manifestly arbitrary is obviously unreasonable and, contrary to the rule of law*”.<sup>46</sup> Applying the standard of manifest arbitrariness here, it becomes evident that, much like the case of triple talaq, the practice of *nikah halala* as conducted today has deviated significantly from its intended path and purpose, and lacks the backing of *sunnah*. It has evolved into a distorted practice, to serve the man’s will, while the *sunnah* explicitly condemns any premeditated *nikah halala* arrangement, warning that “*it incurs the wrath of God*”<sup>47</sup>. The practice clearly fails the test of reasonableness and manifest arbitrariness and therefore undermines the principles enshrined in Article 14, which guarantees equality and fair treatment.

#### IV. VIOLATION OF ART.21 & EROSION OF WOMEN’S BODILY AUTONOMY

Many Muslim women activists, have gone as far as calling the permissibility of *nikah halala* as

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<sup>42</sup> *Masroor Ahmad v. State (NCT of Delhi)*, *supra* note 37.

<sup>43</sup> *Mrs. Sabah Adnan Sami Khan v. Adnan Sami Khan*, *supra* note 38.

<sup>44</sup> *Rashid Ahmad v. Anisa Khatoon*, *supra* note 36.

<sup>45</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

<sup>46</sup> *Shayara Bano v. Union of India*, *supra* note 26.

<sup>47</sup> *Id.*

the state-sanctioned rape, equating it to consented violation of women's personal autonomy. What the judgement in *Rashid v. Anisa*<sup>48</sup> did was, in a way; compel the wife to undergo a *halala* as a prerequisite for a lawful remarriage, despite the mutual agreement between both the spouses to forego the practice. This ruling aligned with s. 336(4) of Mulla's Principles on Mahomedan Law which interpreted and prescribed that "*sexual intercourse between the divorced couple is unlawful after the divorce has become irrevocable. The offspring of such an intercourse is illegitimate and cannot be legitimated by acknowledgment*"<sup>49</sup>. Once compelled to observe *halala*, some women are urged to undergo the practice with relatives. In particularly troubling cases, the subsequent husband may refuse to grant the premeditated divorce, entrapping the woman in an undesirable marriage.<sup>50</sup> Women who resist *halala* face intense humiliation from both sides of the families and are often pressured to forfeit custody rights over their children. This pervasive fear has driven many Muslim women to submit to this abhorrent practice.<sup>51</sup> This is where concerns around coercion/rape emerge, as the requirement for a woman to undergo *nikah halala*, mandating consummation with a third party before she can remarry her former husband, imposes undue and involuntary submission rather than true consent.

Section 375 of the IPC defines the term 'consent' as "*a voluntary agreement wherein the willingness of the female to participate in sexual activity is clearly expressed and discards the proof of absence of physical opposition by the female to the act of penetration as a test to determine the consent of the female to engage into the sexual act*"<sup>52</sup>. In certain cases of *nikah halalas*, it becomes challenging to discern whether a woman's participation amounts to free will or coercion. Undergoing a *halala* can be deemed to be an exercise of free will as it is "a voluntary participation, after the free exercise of intelligence by the woman"<sup>53</sup> to enter into an intervening marriage necessitating consummation. However, at the same time, it is acknowledged that this consummation is a reluctant compliance driven by social and legal compulsion, thereby lacking genuine voluntariness. In the case of *Deelip Singh v. State*<sup>54</sup>, a distinction was sought to have been laid down between free consent and submission where it was held by the Punjab and Haryana HC that, "*a mere act of helpless resignation in the face of inevitable compulsion, non-resistance, when the ability to make autonomous decisions is*

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<sup>48</sup> *Rashid Ahmad v. Anisa Khatoon*, *supra* note 36.

<sup>49</sup> Dinshaw F. Mulla, *supra* note 13 at 264.

<sup>50</sup> Sri Abhigna Pillalamarri, *Nikah Halala: Law in theory v. Law in practice*, 4(3) International Journal of Law Management & Humanities 1313 (2021).

<sup>51</sup> *Id.*

<sup>52</sup> Indian Penal Code 1860, s.375.

<sup>53</sup> Zakia Soman & Shriya Maini, *supra* note 1.

<sup>54</sup> *Deelip Singh v. State of Bihar*, 2004 SCC OnLine SC 1398.

*vitiated by duress, cannot be deemed to be consent*"<sup>55</sup>. It needs to be borne in mind that there is a distinction between 'will' and 'submission'.<sup>56</sup> Thus, when women consent to *halala*, hoping to reunite with their former husbands, their submission to the process should not be construed as lawful consent but rather as an act of desperation. The legal and social mechanisms surrounding *halala* create an environment where women's autonomy is effectively undermined, positioning compliance as their only recourse to reclaim their former marital status.

A forced *halala* opens a woman up to the possibility of pregnancy and forced pregnancy is not tenable. The phrasing of verse 230 in *Surah Al-Baqarah* clearly reads "if the latter husband divorces her or dies"<sup>57</sup> implying that it is only divorce initiated by the second husband which can terminate the intervening marriage, making the woman permissible for her former husband. However, other forms of divorce within *Shariah* such as *khula*, *mubarat*, or seeking a statutory divorce under the Dissolution of Muslim Marriages Act<sup>58</sup>, would not make her *halal* for her former husband. So, if there is an instance of the intervening husband refusing to pronounce the premeditated divorce, the woman is placed in a precarious position; where if she initiates a divorce herself, she still cannot remarry her first husband, and if she submits, she is perpetually entrapped in this marriage with a stranger until he releases her of his own volition. This compromises her bodily autonomy. Additionally, although *halala* was intended to serve as a lesson to men, encouraging them to avoid making hasty decisions in a fit of anger, it ultimately places the burden on the woman. When the husband or both spouses wish to reconcile, it is the woman who is expected to make the ultimate sacrifice. She must either willingly, under duress, or out of fear of losing custody of her children, consummates the intervening marriage in order to restore her purity for her first marriage. This stands in contradiction with the holding in the *Sabarimala* judgment, which emphasized that "*standards of purity and chastity solely from women cannot be demanded*"<sup>59</sup>. The burden of atonement falls disproportionately upon the woman, where purity and chastity is demanded solely from the woman who "*must refine herself by consummating her marriage with another man, while her first husband awaits her return*"<sup>60</sup>. Such inequality, codified and sanctioned in practice, is neither reasonable nor justifiable. Since consummation in an intervening marriage is required after pronouncement of an irrevocable divorce, this effectively "*enables forced sex on the wife which is obviously a severe and gross violation of the woman's bodily autonomy*", as recognized in the ruling of *T. Sareetha v. T*

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<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> Abdullah Yusuf Ali, *supra* note 3.

<sup>58</sup> The Dissolution of Muslim Marriages Act 1939, s.2.

<sup>59</sup> *Indian Young Lawyers Association v. The State of Kerala*, 2019 11 SCC 1.

<sup>60</sup> *Zakia Soman and Shriya Maini, supra* note 1 at 226.

*Venkata Subbaiah*<sup>61</sup>. *Nikah halala* thus not only discriminates against women, violating Article 14, but also infringes upon their right to life and personal liberty entailed in Article 21.

## V. CONCLUSION

The practice of *nikah halala* has devolved into a deeply troubling and exploitative system, far removed from its original intent as a safeguard against impulsive divorces. Instead of serving as a deterrent, it now disproportionately burdens women, subjecting them to indignity, loss of autonomy, and systemic inequality. The process, often coerced, is horrifying and not without risk of sexually transmitted diseases, unwanted pregnancies, refusal by second husband to grant divorce. This places women in an inescapable double bind. If she initiates divorce in the second marriage through permissible forms such as *khula*, *mubarat*, or statutory divorce, she remains ineligible to remarry her former husband, as *nikah halala* requires that the second marriage end either with the second husband pronouncing *talaq* or his death. Conversely, if she refrains from initiating divorce, she remains entrapped in a marriage with the intervening husband, where the decision to release her from this coerced bond lies entirely at his discretion, leaving her agency and autonomy subdued, and subject to his will. To add to this, the detestable practice has been commercialized, with middle men facilitating these ‘one night marriages’ in exchange for lump sums of money. This further dehumanizes women and reduces *nikah halala*, originally intended to safeguard women, to a mere financial transaction. This commodification highlights the distortion of religious principles at the behest of patriarchy that has allowed and turned *halala* to become a tool of oppression rather than protection.

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<sup>61</sup> *T. Sareetha v. T Venkata Subbaiah*, AIR 1983 AP 356.