



The Hindu Court: Mirroring Shariat System?

Combining religious disputes with political deals is something Indians have been practising since (or rather even before) the Partition of India. India is a secular country where religious matters must be kept separate from state and central government activities. However, it adds as well as shields law by giving importance to specific religions. Nowadays, a few extremists have gone to a whole new level in making reforms.

The Akhil Bharatiya Hindu Mahasabha established their first 'Hindu Court' in reaction to a Muslim body's plan to make Shariat Courts in all districts of the country to address the issues of Muslim family disputes, niqah (Marriage Ceremony), talaq (Divorce) etc.

Extremists gave notice to the government demanding to stop the practices of Shariat Courts as it violates the Constitution and the 'single judicial system'. Since no action was taken on this matter, they started their first Hindu court in Meerut, Uttar Pradesh. 'We had challenged the establishment of Shariat courts a few days ago because there should be one Constitution for all. We had told the government in a letter, if our demands are not met, we will set up a similar court for Hindus. Since no action was taken in our favour, we set up the first Hindu Court here," said Ashok Sharma, the head of the five-member Sangrakshak Mandal of the Hindu court. They will be appointing five judges in five different parts- Aligarh, Hathras, Mathura, Firozabad, and Shikohabad on 15th November. He further said that they have planned to establish altogether fifteen courts in the country at the earliest. These courts will have proper jails and punishments, including the death penalty.

What the issue here is that these people don't know the real meaning of a Darul Qaza which is mistranslated as Shariat Court. A Darul Qaza is merely a counseling center and not a judicial system. Now, talking about the actions taken against Shariat Courts, the Supreme Court had once filed a petition in July 2014 contending that they must be declared 'illegal and unconstitutional' on the regards of the divorce case of Imrana.

On June 6, 2005, in a village of Uttar Pradesh, a 28-year-old Indian Muslim woman was sexually assaulted by her father-in-law. As a response, the village elders and Shariat gave a Fatwa nullifying her marriage. Passing such Fatwas is sanctioned illegal by the Supreme Court. However, the Union Government told the court that Muslims are not bound to the Fatwa passed by the Shariat Courts, they have no legal authority and cannot enforce the Muslim citizens to follow it. It was further stressed that there is a need for such centres to reduce the burden on the courts by solving civil disputes with amicable settlements. The Hindu Court is establishing their own 'court' while the Darul Qaza has been just a mediator.

There are a lot of controversies happening between the audience on this topic as well. Some believe that it is a well-thought-of plan to get some workload off of the judiciary and lighten their burden by the Alternate Redressal System and a few believe that it will give rise to threats towards other religions, mob lynching, and other problems. A lot of people are unaware of the practices of the Darul Qaza (Shariat Court) and are simply opposing it without any proper information.

Observing this from a layman's point of view, there must be no extrajudicial system which judges and takes the matter in its hand. Also, the Muslim and Hindu extremists must understand that this is not a matter of religion but of civil justice. As a call to all those who support the way of getting demands addressed by these extremists, two constitutional wrongs don't make one constitutional right. Religions are something which must be confined to our homes and not dragged towards the political level.