

Muslim Women (Protection of Rights on Marriage) Act

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What is the Muslim Women (Protection of Rights on Marriage) Act?

- It is an Act to **protect the rights of married Muslim women** and to prohibit divorce by pronouncing talaq by their husbands and to provide for matters connected therewith.

What are the features of the Act?

- The Act makes all declaration of talaq, including in **written or electronic form**, to be void (i.e. not enforceable in law) and illegal. It defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a Muslim man resulting in instant and irrevocable divorce.
- It makes the declaration of talaq a **cognizable offence, attracting up to three years' imprisonment with a fine**. The offence will be cognizable only if information relating to the offence is given by: (i) the married woman (against whom talaq has been declared), or (ii) any person related to her by blood or marriage.
- The offence may be **compounded by the Magistrate** upon the request of the woman (against whom talaq has been declared). Compounding refers to the procedure where the two sides agree to stop legal proceedings, and settle the dispute.
- A Muslim woman, against whom talaq has been declared, is **entitled to seek subsistence allowance** from her husband for herself and for her dependent children. The amount of the allowance will be determined by the Magistrate.
- A Muslim woman, against whom such talaq has been

declared, is **entitled to seek custody of her minor children.** The manner of custody will be determined by the Magistrate.