

- (h) as to the securities on which money belonging to wards may be invested;
- (i) as to the education of wards for whom guardians, not being Collectors, have been appointed or declared by the court; and
- (j) generally, for the guidance of the courts in carrying out the purposes of this Act.

(2) Rules under clauses (a) and (i) of sub-section (1) shall not have effect until they have been approved by the 22[State Government], nor shall any rule under this section have effect until it has been published in the Official Gazette.

Sections 51, 52 and 53 are repealed

Commentaries

This Act is in force in Bangladesh. In this Act minor means a person who is generally below eighteen years. 'Guardian' means a person having the care of the person of a minor or of his property or of both his person and property and 'ward' means a minor for whose person or property or both, there is a guardian.

On the application of the person desirous of being, or claiming to be, the guardian of the minor or any relative or friend of the minor or the collector of the district or other local area within which the minor ordinarily resides or in which he has property, and if the court is satisfied that it is for the welfare of a minor, the court may make an order for appointing a guardian of the minor's person or property or both or for declaring a person to be such a guardian. Court cannot appoint any person as guardian against the will of the minor. Chapter III of the Act prescribes duties, rights and liabilities of guardians towards the wards which directs the guardian to look after his ward and the property as his own. Violation of provisions of the Act makes them liable for removal from the authority given to them (section-39). On the application of the guardian or collector, the court can discharge them from the guardianship. The primary aim of this Act is to protect interest of a minor irrespective of any religion he belongs. Islam makes provision for guardianship of person, property and marriage of a minor.

APPENDICES

Appendix-I

The Shariyat (Application) Act, 1937

(Act XXVI of 1937)

An Act to make provision for the application of the Muslim Personal law (Shariat) to Muslims in Bangladesh.

Whereas it is expedient to make provision for the application of the Muslim Personal Law (*Shariat*) to Muslim in Bangladesh; it is hereby enacted as follows:—

1. Short Title and Extent.—

(1) This Act may be called the Muslim personal law (*Shariat*) Application Act, 1937.

(2) It extends to the whole of Bangladesh.

2. Application of personal law To Muslim.—

Notwithstanding any custom or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of personal Law, marriage, dissolution of marriage, including *talaq, il, zihar, lian, khula and mubaraat*, maintenance, dower, guardianship, gifts, trusts and trust properties, and *wakfs* (other than charities and charitable institutions and charitable an religious endowments) the rule of decision in cases where the parties are Muslims shall be the muslim Personal Law (*Shariat*).

3. Power to Make a Declaration.—

(1) Any person who satisfies the prescribed authority—

- (a) that he is a Muslim, and
- (b) that he is competent to contract within the meaning of section 11 of the Contract Act, 1872, and//

(c) that he is a resident of Bangladesh, may by declaration in the prescribed form and filed before the prescribed authority declare that he desires to obtain the benefit of (the provisions of this section), and thereafter the provisions of section 2 shall apply to the declarant and all his minor children and their descendants as if in addition to the matters enumerated therein adoption, wills and legacies were also specified.

(2) Where the prescribed authority refuses to accept a declaration under sub-section 91), the person desiring to make the same may appeal to such officer as the (Government) may, by general or special order, appoint in this behalf and such officer may, if he is satisfied that the appellant is entitled to make the declaration, order the prescribed authority to accept the same.

4. Rule Making Power—

(1) The (Government) may make rules to carry into effect the purposes of this Act;

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely—

(a) for prescribing the authority before whom and the form in which declarations under this Act shall be made;

(c) for prescribing the fees to be paid for the filing of declarations and for the attendance at private residences of any person in the discharge of his duties under this Act; and for prescribing the times at which such fees shall be payable and the manner in which they shall be levied.

(3) Rules made under the provisions of this section shall be published in the official Gazette and shall thereupon have effect as if enacted in this Act.

5. Dissolution of marriage by Court in certain circumstances.

Rep. by the Dissolution of Muslim Marriages Act, 1939 (VIII of 1939), section 6.

Appendix—II

THE MUSLIM FAMILY LAWS RULES, 1961

Preliminary

1. These rules may be called the Muslim Family Laws Rules, 1961.
2. In these rules, unless there is anything repugnant in the subject or context,—
 - (a) “Form” means a form appended to these rules;
 - (b) “Local area” means the area under the jurisdiction of a Municipal Corporation, Paurashava and Union Parishad;
 - (c) “Municipal Corporation” has the same meaning as defined in the Ordinance;
 - (d) “Ordinance” means the Muslim Family Laws Ordinance, 1961 (VIII of 1961);
 - (e) “Paurashava” has the same meaning as defined in the Ordinance;
 - (f) “Section” means a section of the Ordinance; and
 - (g) “Union Parishad” has the same meaning as defined in the Ordinance.
3. The Union Parishad, Paurashava or Municipal Corporation which shall have jurisdiction in the matter for the purposes of clauses (c), or (g) of section 2, shall be as follows:
 - (a) in the case of an application under sub-section (2) of section 6, it shall be the Union Parishad of the Union or Paurashava or Municipal Corporation in which the existing wife, or where there are more wives than one, the wife with whom the applicant was married last, is residing at the time of his making the application;
 - (b) in the case of a notice of talaq under sub-section (1) of section 7, it shall be the Union Parishad of the Union or Paurashava or Municipal Corporation in which the wife in relation to whom

talaq has been pronounced was residing at the time of the pronouncement of talaq; and

(c) in the case of an application under section 9, it shall be the Union Parishad of the Union or Paurashava or Municipal Corporation in which the wife is residing at the time of her making the application, and where application under that section is made by more than one wife, it shall be Union Parishad of the Union or Paurashava or Municipal Corporation in which the wife who makes the application first is residing at the time of her making the application.

4. (1) Where a non-Muslim has been elected as Chairman of a Union Parishad, or Paurashava or as Mayor of the Municipal Corporation, the Parishad, Paurashava or Corporation, as the case may be, shall, as soon as may be, elect one of its Muslim Members as Chairman for the purposes of the Ordinance.

(2) Any party to the proceedings before an Arbitration Council, who considers the Chairman to be interested in favour of the other party, may, with reasons to be recorded in writing, apply for the appointment of a different Chairman, to such person as may be prescribed who, on behalf of the Government may, if he thinks fit, appoint any other member of that Council as Chairman for the purposes of the Ordinance. The person so prescribed shall stay the proceedings before the Arbitration Council until he has disposed of such application.

Arbitration Council

5. (1) The Chairman shall conduct the proceedings of an Arbitration Council as expeditiously as possible.

(2) Such proceedings shall not be vitiated by reasons of a vacancy in the Arbitration Council, whether on account of failure of any person to nominate a representative or otherwise.

(3) Where a vacancy arises otherwise than through failure to make a nomination the Chairman shall require a fresh nomination.

(4) No party to proceedings before an Arbitration Council shall be a member of the Arbitration Council.

(5) All decisions of the Arbitration Council shall be taken by majority, and where no decision can be so taken, the decision of the Chairman shall be the decision of the Arbitration Council.

6. (1) Within seven days of receiving of an application under sub-section (2) of section 6 or under sub-section (1) of section 9, or a notice under sub-section (1) of section 7, the Chairman shall, by order in writing, call upon each of the parties to nominate his or her representative, and each such party, shall within seven days of receiving the order, nominate in writing a representative and deliver the nomination to the Chairman or send it to him by registered post.

(2) Where a representative nominated by a party dies, or is, by reason of illness or otherwise, unable to attend the meetings of the Arbitration Council, or willfully absents himself from such meetings, or has lost the confidence of the party, the party may, with the previous permission in writing of the Chairman revoke the nomination and make within such time as the Chairman may allow, a fresh nomination.

(3) Where a fresh nomination is made under sub-rule (2), it shall not be necessary to commence the proceedings before the Arbitration Council *de novo* unless the Chairman, for reasons to be recorded in writing, directs otherwise.

Registration of Marriages

Rules 7 to 13 – Omitted and superseded by the Muslim Marriages and Divorces (Registration) Rules, 1975.

Polygamy

14. In considering whether another proposed marriage is just and necessary during the continuance of an existing marriage, the Arbitration Council may, without prejudice to its general powers to consider what is just and necessary have regard to such circumstances, as the following amongst others:

Sterility, physical infirmity, physical unfitness for the conjugal relation, willful avoidance of a decree for restitution of conjugal rights, or insanity, on the part of an existing wife.

15. An application under sub-section (1) of section 6 for permission to contract another marriage during the subsistence of an existing marriage shall be in writing, shall state whether the consent of the existing wife or wives has been obtained thereto, shall contain a brief statement of the grounds on which the new marriage is alleged to be just and necessary, shall bear the signature of the applicant, and shall be accompanied by a fee of twenty-five taka.

Revision

16.(1) An application for the revision of a decision of an Arbitration Council, under sub-section (4) of section 6 or of a certificate under sub-section (2) of section 9, shall be preferred within thirty days of the decision or of the issue of the certificate, as the case may be, and shall be accompanied by a fee of two taka.

(2) The application shall be in writing, set out grounds on which the applicant seeks to have the decision or the certificate revised, and shall bear the signature of the applicant.

Proceedings in camera

17. All proceedings before an Arbitration Council shall be held in camera unless the Chairman otherwise directs.

Records and their inspections, etc.

Rules 18 to 20 and the FORMS I & II – Omitted and superseded by the Muslim Marriages and Divorces (Registration) Rules, 1975.

Appendix—III

The Muslim Marriages and Divorces (Registration) Rules, 1975

1. **Short title.**—These rules may be called the Muslim Marriages and Divorces (Registration) Rules, 1975,-

2. **Definitions.**— In these rules,-

- (a) “Act” means the Muslim Marriages and Divorces (Registration) Act, 1974 (LII of 1974);
- (b) “Form” means a form set out in the schedule to these rules;
- (c) “section” means a section of the Act.

3. **Advisory Committee.**—(1) In each district there shall be an Advisory Committee consisting of the following members, namely :-

- (a) the Deputy Commissioner or an Additional Deputy Commissioner nominated by the Deputy Commissioner who shall also be the Chairman of the Committee;
- (b) the District Registrar, ex office, who shall also be the Member – Secretary;
- (c) the District Education Officer, ex officio;
- (d) the Principal or Superintendent of a government Madrasah of the district or, where there is no Government Madrasah, the Head Moulvi of a Government High School of the district to be nominated by the Government; and
- (e) a Nikah Registrar of the district to be nominated by the Government.

(2) The Member of the Parliament of the area in which a vacancy in the office of Nikah Registrar occurs shall act as Adviser to the Advisory Committee.

4. **Functions of the Advisory Committee.**—The Advisory Committee shall advise the Government in regard to the selection of candidates for grant of licence of Nikah Registrar and shall also advise the Government on such question as may be referred to it by the Government.

5. Procedure for selection of candidates.—

(1) On the occurrence of a vacancy in the office of a Nikah Registrar or on the creation of a new office of Nikah Registrar, the Registrar may, with the approval of the Government, ¹[give additional charge to a Nikah Registrar of an adjacent ward or union] until a Nikah Registrar is licensed by Government on regular basis and simultaneously invite applications for grant of permanent licence of Nikah Registrar of that office.

(2) The Registrar shall place all applications received by him before the Advisory Committee for consideration and selection of candidates.

(3) The Advisory Committee shall select three candidates in order of priority for each office and the Registrar shall forward the names of the selected candidates along with all applications and connected documents to the Government.

(3A) Where the vacancy is caused due to retirement or death of a Nikah Registrar, the Advisory Committee shall, in selecting candidates, give preference to the son, if any, of the Nikah Registrar retired or died, having requisite qualifications;

(4) The Government may grant licence to any one of the three selected candidates, ²[**] and the fact of granting such licence shall be published in the official Gazettee.

(4A) The fee for the grant of licence of a Nikah Registrar shall be—

(a) taka three thousand, in the case of a ward of a city corporation;

(b) taka two thousand, in the case of a ward of any other municipality; and

(c) taka five hundred, in the case of a union.

4B) Deleted.

¹ The words was subs. for the words "issue license to a qualified person to act as Nikah Registrar on purely temporary basis. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

² The words "or may, for any special reason, grant licence to any other person from amongst the other candidates" was omitted by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

4C) Deleted.

(5) No licence shall be granted unless the candidate selected for grant of licence submits to the Government a copy of the receipted chalan showing the deposit of the licence fee if any in the Government Treasury of or Sub-Treasury under the ³[code no-1-2161-000-1854 Licence Fee.]

5A. Licence of certain Nikah Registrars.—

(1) Notwithstanding anything contained in rule 5, a person acting for at least 3 (three) years as Nikah Registrar on temporary basis under rule 5(1), shall, subject to the provisions of rule 10, be eligible to be licensed as Nikah Registrar on regular basis if he fulfils the requisite qualification specified in rule 6 and his performance as Nikah Registrar on temporary basis is satisfactory to the Government.

(2) The Licence of a Nikah Registrar granted under sub-rule (1) shall be cancelled by notification in the official Gazette if, on scrutiny by the Government, it is found that he does not have the requisite qualification for being licensed as a Nikah Registrar or he otherwise disqualified to be licensed as Nikah Registrar.

6. Qualification of candidates.—

⁴(1) Candidates seeking licences of Nikah Registrar must possess Alim Certificate or Higher Secondary School Certificate or any other equivalent Certificate from any Board established any law for the time being in force.]

(2) A candidate must not be less than 25 years of age and more than 45 years of age on the date of grant of licence.

³ The words was subs for the words "Head "XXXVI-Misc.-Nikah Registrar Licence fee" by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯" was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

⁴ Sub-rule (1) was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

The previous sub-rule run thus—

(1) Candidates seeking licence of Nikah Registrar must possess sufficient acquaintance with the Arabic language, Muslim Law of Marriage and Divorce and the Muslim Family Laws Ordinance, 1961 (VIII of 1961), and be of good moral character. Candidates holding Alim, Fazil or the like certificates from a recognised Madrasa will be deemed to have sufficient acquaintance with Arabic language.

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(3) A candidate seeking licence of Nikah Registrar should preferably be a resident of the area in which the vacancy occurs.

⁵[7. **Form of Application.**—A Candidate shall submit his application to the Secretary of the Advisory Committee in Form A, together with his photographs, certificates of his qualifications, National Identity Card or Nationality Certificate issued by his Union Parishad Chairman or Councilor of Municipality and a Character Certificate given by his Union Parishad Chairman or Councilor of Municipality.]

8. Revocation, suspension and annulment or licence.—

(1) A licence granted under rule 5 (4) may be revoked or suspended on the ground of misconduct or on any other ground specified in section II.

Explanation- “Misconduct” includes contravention of any of the provisions of the Act or these rules, being Nikah Registrar or more than one area, misrepresentation of facts of any kind and moral turpitude.

(2) Where a licence granted under rule 5 (4) is to be revoked or suspended, the Government shall issue a notice calling upon the Nikah Registrar concerned to show cause in writing, within a specified time, why the proposed actions shall not be taken. The notice shall contain the allegations against the Nikah Registrar.

(3) A notice shall be deemed to have been served if it is sent by registered post to the last known address of the Nikah Registrar concerned.

(4) The Government shall examine the cause shown, if any, and pass such order as it may deem fit.

(5) If no cause is shown within the period specified in the notice issued under sub-rule (2), the Government may pass such order as it may deem fit.

⁵. Sub-rule (1) was subs. by **এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯**

The previous Rule run thus—

7. Form of Application.—A candidate shall submit his application to the Secretary of the Advisory Committee in Form A, together with the certificates of his qualifications and two certificates, written not more than one year prior to the date of application, from two gentlemen of respectability and position testifying to his good character.

(6) Any Nikah Registrar aggrieved by an order under this rule may file a petition for review of the order to the Government within one month from the date of passing of the order and all orders passed on the review so filed shall be final.

(7) A licence shall, unless earlier revoked, stand annulled on the date on which the licensee attains the age of 65 years.

References

Kazi Md Shafiqur Rahman Vs. Bangladesh (Spl. Original) 58 DLR (2006) 534 - The authority while proposing to take any punitive action against the petitioner must strictly follow the rules. Since, no notice was issued and served in accordance with the rules and the allegation of misconduct against him not proved, the impugned action of the respondent withdrawing the petitioner's licence is without jurisdiction and cannot be sustained in law.

Masudur Rahman Vs. Ministry of Law, Justice and Parliamentary Affairs (Spl. Original) 59 DLR (2007) 448 - A person is temporarily appointed a Nikah Registrar to enable the District Registrar to complete the formalities required under Rule 5. Thus a temporarily appointed Nikah Registrar can have a legitimate expectation to continue in that post until a permanent Nikah Registrar is appointed. A temporary Nikah Registrar cannot be replaced by another temporary Nikah Registrar without proper cause. Consequently, he is entitled to a prior show cause notice and an opportunity of being heard if his temporary licence is to be canceled before appointment of a permanent Nikah Registrar

9. Form of Licence.—A licence of Nikah Registrar shall be granted in Form B.

10. Jurisdiction.—Notwithstanding anything contained in these Rules or in any licence granted under these Rules, an area for which a Nikah Registrar may be licensed shall be—

(a) in the case of a City Corporation, not more than one ward;

(b) in the case of a municipality of—

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- (i) category 'A' not more than two wards;
- (ii) category 'B' not more than three wards;
- (iii) category 'C' whole municipality;

Provided that this provision shall not affect a licence already issued for any ward; and

- (c) in other cases, not more than one union.

Reference

Hafez Bazlum Rahman Vs. Ministry of Law, Justice and Parliamentary Affairs and ors. (Spl. Original) 56 DLR (2004) 444 – Rule 10, in its amended form, has been formulated in the public interest. There is no conflict between it and the second proviso to section 4 of the Act because the Government has retained its power under section 4 of the Act to alter and curtail the area of a Nikah Registrar's jurisdiction subject to the maximum area provided by rule 10.

Wahiduzzaman (Md) Vs. Government of Bangladesh (Sp. Original) 57 DLR (2005) 26 - Amendment done to provide opportunity to maximum number of qualified persons to act as Nikah Registrars-That being the purpose the second proviso to section 4 and amended Rule 10 cannot be considered as violative of any of the fundamental rights guaranteed under the Constitution.

Syed Md Anwarul Haque Vs. Bangladesh (Spl. Original) 57 DLR (2005) 248 - The Government is empowered to extend, curtail or otherwise alter the area or jurisdiction of a Nikah Registrar subject to the maximum area provided in the Rules.

Syed Md Anwarul Haque Vs. Bangladesh (Spl. Original) 57 DLR (2005) 248 - There is no vices in the second proviso to section 4 of the Muslim Marriages and Divorces (Registration) Act as well as in Rule 10 of the Muslim Marriages and Divorces Registration Rules and the said legal provisions are not ultra vires of the Constitution and in no way infringe the fundamental rights of the petitioners as guaranteed therein.

11. Office.—the Nikah Registrar's office shall be set up at some convenient and preferably at a central place within the jurisdiction of the Nikah Registrar.

12. Resignation.— No Nikah Registrar shall resign his office or leave the place in which he has exercised the functions of a Nikah Registrar without the permission of the Government.

13. Change of office.— When a Nikah Registrar makes or takes over charge of his office to or from any person, a certificate as to the safety and correctness of the records shall be jointly given by them on the date on which the office is made over or taken over and this certificate shall be forwarded by the Registrar to the Government.

14. Leave.—

(1) The Registrar may grant leave to a Nikah Registrar up to two months, and when such leave is granted, shall report it to the Government.

(2) When it is necessary to grant leave to a Nikah Registrar for a period exceeding two months or when leave already granted by the Registrar is required to be extended beyond two months, the sanction of the Government shall be required.

(3) Nikah Registrars shall submit their applications for leave to the Registrar six weeks before the date on which they intend to avail themselves of it.

⁶(4) The Registrar may, with the approval of the Government, given additional charge to a Nikah Registrar of an adjacent ward or union, to act, as Nikah Registrar during the absence on leave of a Nikah Registrar.]

15. Submission of charge report and return of licence on change of inoculating.—

Sub-rule (1) was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

The previous sub-rule run thus—

(4) The Government may grant temporary licence to a person who is qualified for such licence to act as Nikah Registrar during the absence on leave of a Nikah Registrar.

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(1) As soon as the permanent resumes charges of his duties, he should forthwith forward to the Government through the Registrar his joining report and the licence held by the officiating incumbent.

(2) A Nikah Registrar shall not be placed in charge of the office of another Nikah Registrar unless he has been licensed by the Government to hold charge of the latter office.

16. Service of Nikah Registrars not Government Service.—The service of a Nikah Registrar shall not be deemed to be Government service and no such service shall give rise to any claim for pension or gratuity or to leave allowances of any kind.

17. Holding of salaried appointment.—A Nikah Registrar shall not hold any salaried appointment other than an appointment in a mosque or in a non-Government school or madrasah situated within the area for which he has been licensed.

18. Fees.—

(1) A Nikah Registrar shall charge for registration of a marriage a fee at the rate of taka ten for the dower of every one thousand taka or part thereof, subject to a minimum of taka fifty and a maximum of taka four thousand.

(2) A Nikah Registrar may charge a fee of Taka fifty for registration of a divorce.

(3) A Nikah Registrar may charge the following fees and allowances for registration of a marriage or divorce on commission.

(a) commission fee – ⁷[Taka 25.00]

(b) travelling allowance for executive or commission - [Taka 10] per mile.

(4) A Nikah Registrar may charge the following fees for copies and inspection:-

(a) for certified copy of any Nikah-Nama or Talak-Nama-

(i) Ordinary – Taka 5.00

⁷. The words and number was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

(ii) Urgent – Taka 10.00

(b) for inspection of any register – Taka 1 for each year's register;

(5) The fees for registration of a marriage shall be payable by the bridegroom and the fees for registration of a divorce shall be payable by the party at whose instance registration is made.

(6) A Nikah Registrar shall grant a receipt in Form C to every person from whom he receives any fee or allowances under this rule.

(7) A table of fees and allowances payable under this rule shall be displayed in some conspicuous part of the office of every Nikah Registrar.

(8) Out of the fees realised under this rule, an amount of taka-

(a) twelve thousand, against each ward of a city corporation;

(b) three thousand, against each ward of any other municipality; and

(c) one thousand against each union.

shall be deposited annually by the Nikah Registrar in the Government Treasury or Sub-treasury under the ⁸[code no-1-2161-0000-1868 Marriages Registration Fee and a copy of the chalan showing the deposits shall be sent to the Government forthwith.

19. Procedure before registration of marriage.—

(1) Before registration of a marriage, a Nikah Registrar shall examine the parties to it for satisfying himself as to the effecting of the marriage by them or shall examine two witnesses, who were present at the solemnisation of the marriage. If the woman be *pardanashin*, her duly authorised wakil shall be examined instead of herself.

(2) In the case of a marriage solemnised by the Nikah Registrar himself, he shall fill up the columns of the Registrar of Marriage and obtain therein signatures of persons whose signatures are required in

⁸. The words was subs for the words "Head "XXXVI-Misc-Nikah Registrar Licence Fee"" by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯" was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

the Register and thereafter put his signature and seal therein. In case of an illiterate person his thumb-impression shall be taken in the appropriate page of the Register, and his name shall be written in full by an attesting witness.

(3) When a marriage is solemnised by any person other than a Nikah Registrar such person shall report the matter within fifteen days to the Nikah Registrar within whose jurisdiction the marriage was solemnised. In such a case the person who solemnised the marriage shall appear before the Nikah Registrar concerned with the persons whose signatures are required in the Registrar for the purpose of registration of marriage.

20. Procedure before registration of divorce.—Before registration of divorce, a Nikah Registrar shall satisfy himself whether or not such divorce was effected by the person or persons by whom it is represented to have been effected, and for such satisfaction he shall examine such person or persons. If any such person be a *pardanashin* woman, her duly authorised *vakil* shall be examined.

21. Appeal against refusal to register a marriage.—A person, whose prayer for registration of a marriage has been refused by the Nikah registrar, may prefer an appeal to the District Registrar within thirty days of such refusal and the order passed by the district registrar on such appeal shall be final.

22. Place of Registration.—Every marriage or divorce shall be registered by the Nikah Registrar within whose jurisdiction the marriage is solemnised or the divorce is effected.

23. Attendance at marriages to be noted.—Where a Nikah Registrar attends the celebration of a marriage, the fact of such attendance shall be noted in the Register of marriage.

24. Registers to be maintained by Nikah Registrars.—

(1) Every Nikah Registrar shall maintain the following registers of marriages or divorces:-

- (i) Register of marriages in Form E;
 - (ii) Register of divorces by husband in Form F;
 - (iii) Register of divorces known as khula in Form G; and
 - (iv) Register of divorces known as talaq-in-tafweez in Form H.
- ⁹[(v) Register of Fee books].

(2) Every Nikah Registrar shall maintain a register of applications for inspections and copy in Form J.

¹⁰(3) Nikah Registrar shall register a marriage or divorce in the appropriate register and each entry in the register shall be numbered in a chronological order, which shall commence and terminate with the year, a fresh serial being commenced at the beginning of the year.]

25. Cancellation of entries in a register.—If the parties to the registration of a marriage or divorce fail to put their signatures and thumb-impressions in the register, all entries in the register relating to such marriage or divorce shall be cancelled by the Nikah Registrar under his signature stating the reasons there of and any fees paid by the parties shall not be refunded.

26. Index Book.—

(1) Every Nikah Registrar shall maintain an Index Book in Form I.

(2) An entry in the Index Book shall be made by a Nikah Registrar immediately after any entry is made on a register maintained by him under rule 24.

27. Catalogue.—A catalogue in Form D shall be maintained and permanently preserved in all Nikah Registrars' offices, and on the occasion of transfer of records, the officer receiving charge of the

⁹ New Clause (v) was inserted by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

¹⁰ Sub-rule (3) was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

The previous sub-rule (3) run thus—

(3) Nikah Registrar shall register a marriage or divorce in the appropriate register.

records shall compare them with the catalogue and certify therein their correctness. Whenever any of the records are transferred to the district office the fact shall be noted in the column of remarks together with the date of transfer.

28. Register, etc. to be obtained on payment of prices.—

(1) A Nikah Registrar shall get from the Government on indent all registers, form or books prescribed by these rules on payment of prices thereof fixed by the Government.

(2) All indents by a Nikah Registrar shall be submitted to the Inspector-General of Registration through the Registrar together with chalangans showing deposit or the prices of the registers, forms and books required by him in the local Treasury by the 15th day of July every year.

29. Custody of Seals, Registers, etc.—The seal of the office of a Nikah Registrar shall always remain in the personal custody of the Nikah Registrar and shall be made over with the records to the Nikah Registrar who is licensed to act in his place whenever he ceases, either temporarily or permanently, to exercise his functions.

30. Blank Forms, Registers, etc.—A Nikah Registrar while leaving office on his retirement or revocation of licence shall not be allowed to take away with him the blank forms, registers, books and other articles of the office; but the actual price of the same may be realised by him from his successor in office.

31. Certificate of closure of volume, etc.—When a register is closed, a certificate to that effect shall be added at the close of the written portion, and a certificate showing the number of pages written upon shall be entered on the first page when a new Register is opened.

32. Preservation of registers, etc.—Registers of Marriages, Registers of Divorces and Index Books shall be preserved for ever.

¹¹**[33. Nikah Registrar Welfare Association.—**Nikah Registrars may establish their Welfare Association at different levels.]

¹¹. Rule 33 was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

34. Training of Nikah Registrars.—(1) There may be arranged training programmes for the Nikah Registrars from time to time.

(2) The ¹²[Government], by whatever name it may be called, shall, in consultation with the Government, select the subject and manner of training of Nikah Registrars.

(3) The expenses incurred on account of the training under this rule shall be borne by the National Nikah Registrar Association.

¹³**[35. Collection of data of marriages and divorces.—**(1) Every Nikah Registrar shall submit to the Registrar, by 31st January every year, a statement showing the number of marriages and divorces registered by him during the preceding year.

(2) The registrar, after receiving the statements, shall compile the number of marriages and divorces of his district and submit the compiled statement to the Inspector General of Registration with a copy to the Deputy Commissioner, by 28th February.

(3) The Inspector General of Registration shall prepare an annual statement, of marriages and divorces and submit it to the Government, by 31st March.]

¹⁴**[36. Inspection and control.—**(1) Every Nikah Registrar shall perform the duties of his office under the supervision and control of the Registrar.]

¹². The words was subs. for the words "National Nikah Registrar Association. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯

¹³. Rule 35 was subs. by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯
The previous Rule 35 run thus—

35. Collection of data of marriages and divorces.—The National Nikah Registrar Association shall collect and submit to the Government, by the 31st January every year, the number of marriages and divorces registered in the country during the preceding year. Nikah Registrars may establish their Association at the national and district levels.

¹⁴. Rule 36 was inserted by এস. আর. ও নং ৪২-আইন/২০০৯, তার-১২/৩/২০০৯
The previous sub-rule (3) run thus—

(3) Nikah Registrar shall register a marriage or divorce in the appropriate register.