

Act, on the one hand, the power of the father or grandfather of the married girl has been curtailed, and on the other, the power of exercising the right of option of puberty of the girl has been increased.

Under the Hanafi law, dissolution of a marriage on the basis of the husband's cruelty to the wife or for failure to maintain her is not allowed. This causes great hardship to the wife. The Act now allows the dissolution of marriage on the above grounds. Again, according to Hanafi law, the wife of a missing husband had to wait for at least ninety years¹³ from the day of his missing before contracting a second marriage. Under Maliki law, the period of waiting is four years only. The Act has adopted the latter view to save the wife from obvious hardship. Further, there was great difference of opinion amongst the Muslim jurists about the effect of the conversion of a Muslim wife to any other religion. Under section 4 of this Act, the marriage would not get dissolved in case of conversion to any religion or renunciation of Islam by a married Muslim woman. Under Muslim law, a man marries up to four wives at a time. This has been stated in the Holy Quran as, "And if you fear that you cannot act equitably towards orphans, then marry such women as seem good to you, two and three and four; but if you fear that you will not do justice (between them), then (marry) only one."¹⁴ But if a husband takes an additional wife in contravention of the provisions of the Muslim Family Laws Ordinance, 1961 as has been inserted under clause (iia) of section 2 of this Act, then the former wife or wives shall be entitled to obtain a decree for the dissolution of her marriage. This inserted clause is a clear violation against the clear provision of Muslim Law. This statutory change in Muslim law has empowered the wife to seek dissolution of her marriage by limiting the power of the husband for adopting polygamy. However, in spite of introducing some changes in the Shariya (Law), the Dissolution of the Muslim Marriages Act, 1939 is a landmark in the field of legislation. It has consolidated the laws regarding the grounds for the dissolution of a marriage of a woman married under Muslim Law.

¹³ Hedaya, P. 216.

¹⁴ *Al-Quran*, 4:3. See K-N Ahmad, *Muslim law of Divorce*, P. 338.

Chapter-Twenty Three

The Muslim Family Laws Ordinance, 1961

(ORDINANCE NO. VIII OF 1961)

An Ordinance to give effect to certain recommendations of the Commission on Marriage and Family Laws.

Whereas it is expedient to give effect to certain recommendations of the Commission on Marriage and Family Laws;

Now, therefore, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance: -

1. Short title, extent, application and commencement-

- (1) This Ordinance may be called the Muslim Family Laws Ordinance, 1961.
- (2) It extends to the whole of Bangladesh, and applies to all Muslim citizens of Bangladesh, wherever they may be.
- (3) It shall come into force on such date as the Government may by notification in the official Gazette, appoint in this behalf.

2. **Definitions** - In this Ordinance, unless there is anything repugnant in the subject or context,-

- (a) "Arbitration Council" means a body consisting of the Chairman and a representative of each of the parties to a matter dealt with in this Ordinance:

Provided that where any party fails to nominate a representative within the prescribed time, the body formed without such representative shall be the Arbitration Council;

- (b) "Chairman"¹ means-

Amended by the Muslim Family Laws (Amendment) Ordinance, 1985 (Ord. No. XIV of 1985).

- (i) the Chairman of the Union Parishad;
- (ii) the Chairman of the Paurashava;
- (iii) the Mayor or Administrator of the Municipal Corporation;
- (iv) the person appointed by the Government in the Cantonment areas to discharge the functions of Chairman under this Ordinance;
- (v) where the Union Parishad, paurashava or Municipal Corporation is superseded, the person discharging the functions such parishad, paurashave or Corporation or, as the case may be, appointed by the Government to discharge the functions of Chairman under this Ordinance:

Provided that where the Chairman of the Union Parishad or Paurashava or the Mayor of the Municipal Corporation is a non-Muslim, or he himself wishes to make an application to the Arbitration Council, or is, owing to illness or any other reason, unable to discharge the functions of Chairman, the Union Parishad, Paurashave or Municipal Corporation shall elect one of its Muslim members of Commissioners as Chairman for the purposes of this Ordinance;

- (c) "Municipal Corporation" means the Municipal Corporation constituted under the Chittagong Municipal Corporation Ordinance, 1982 (XXXV of 1982), or the Dhaka Municipal Corporation Ordinance, 1983 (XL of 1983), or the Khulna Municipal Corporation Ordinance, 1984 (LXXII of 1984), and having in the matter jurisdiction as prescribed;
- (d) "Paurahava" means the Paurashava constituted under the Paurashava Ordinance, 1977 (XXVI of 1977), and having in the matter jurisdiction as prescribed.
- (e) "Prescribed" means prescribed by rules made under section 11; Amended by the Muslim Family Laws (Amendment) Ordinance, 1985, (Ordinance No. XIV of 1985).
- (f) "Union Parishad" means the Union Parishad constituted under the Local Government (Union Parishads) Ordinance, 1983 (LI of 1983), and having in the matter jurisdiction as prescribed.

3. Ordinance to override other laws, etc.-

- (1) The provisions of this Ordinance shall have effect notwithstanding any law, custom or usage.
- (2) For the removal of doubt, it is hereby declared that the provisions of the Arbitration Act, 1940, the Code of Civil Procedure, 1908 and any other law regulation the procedure of courts shall not apply to any Arbitration Council.

4. Succession.- In the event of the death of any son or daughter of the *propositus* before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall *per stripes* receive a share equivalent to the share which such son or daughter, as the case may be, would have received if alive.

5. Registration of marriage.-

(The section has been omitted by the Muslim Marriages and Divorces (Registration) Act, 1974 (LII of 1974).

6. Polygamy.-

- (1) No man, during the subsistence of an existing marriage, shall, except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under the Muslim Marriages and Divorces (Registration) Act, 1974 (LII of 1974).
- (2) An application for permission under sub-section (1) shall be submitted to the Chairman in the prescribed manner, together with the prescribed fee, and shall state the reasons for the proposed marriage, and whether the consent of the existing wife or wives has been obtained thereto.
- (3) On receipt of the application under sub-section (2), the Chairman shall ask the applicant and his existing wife or wives each to nominate a representative, and the Arbitration Council so constituted may, if satisfied that the proposed marriage is necessary and just, grant, subject to such conditions, if any, as may be deemed fit, the permission applied for.

(4) In deciding the application the Arbitration Council shall record its reasons for the decision, and any party may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision to the Munsif² concerned and his decision shall be final and shall not be called in question in any court.

(5) Any man who contracts another marriage without the permission of the Arbitration Council shall-

- (a) Pay immediately the entire amount of the dower, whether prompt or deferred, due to the existing wife or wives, which amount, if not so paid, shall be recoverable as arrears of land revenue; and
- (b) On conviction upon complaint be punishable with simple imprisonment which may extend to one year, or with fine which may extend to ten thousand taka or with both.

7. Talaq.-

- (1) Any man who wishes to divorce his wife shall, as soon as may be after the pronouncement of *talaq* in any form whatsoever, give the Chairman notice in writing of his having done so, and shall supply a copy thereof to the wife.
- (2) Whoever contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to ten thousand taka or with both.
- (3) Save as provided in sub-section (5), a *talaq* unless revoked earlier, expressly or otherwise, shall not be effective until the expiration of ninety days from the day on which notice under subsection (1) is delivered to the Chairman.
- (4) Within thirty days of the receipt of notice under sub-section (1), the Chairman shall constitute an Arbitration Council for the purpose of bringing about a reconciliation between the parties,

² Substituted for the words "sub-Divisional Officer" by section 3 of the Muslim Family Laws (Amendment) Ordinance, 1985 (Ordinance No. XIV of 1985). See DLR 37 (1985), P. 244-45. Munsif has been replaced by Assistant Judge.

and the Arbitration Council shall take all steps necessary to bring about such reconciliation.

- (5) If the wife be pregnant at the time *talaq* is pronounced, *talaq* shall not be effective until the period mentioned in subsection (3) of the pregnancy, whichever be later, ends.
- (6) Nothing shall debar a wife whose marriage has been terminated by *talaq* effective under this section from re-marrying the same husband, without an intervening marriage with a third person, unless such termination is for the third time so effective.

8. Dissolution of marriage otherwise than by *talaq*.-

Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage wishes to dissolve the marriage otherwise than by *talaq*, the provisions of section 7 shall, *mutandis mutatis* and so far as applicable, apply.

9. Maintenance.-

(1) If any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any the wives, may, in addition to seeking any other legal remedy available apply to the Chairman who shall constitute an Arbitration Council to determine the matter, and the Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband.

(2) A husband or wife may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision of the certificate to the Assistant Judge concerned and his decision shall be final and shall not be called in question in any court.

(3) Any amount payable under sub-section (1) or (2), if not paid in due time, shall be recoverable as arrears of land revenue.

10. Dower.-

Where no details about the mode of payment of dower are specified in the *nikah nama*, or the marriage contract, the entire amount of the dower shall be pressed to be payable on demand.

11. Power to make rules.-

- (i) The Government may make rules to carry into effect the purposes of this Ordinance.
- (ii) In making rules under this section, the Government may provide that a breach of any of the rules shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to five hundred taka, or with both.
- (iii) Rules made under this section shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Ordinance.

11A.³ Notwithstanding any thing contained in any other law for the time being in force, an offence under this Ordinance shall be tried by a court within the local limits of whose jurisdiction- (a) The offence was committed; or (b) The complainant or the accused resides or last resided.

12. Amendment of Child Marriage Restraint Act, 1929 (XIX of 1929)

In the Child Marriage Restraint Act, 1929,- (1) in section 2,-

(a) "Child" means a person who, if a male, is under twentyone years of age, and if a female, is under eighteen years of age.⁴

(b) in clause (c), the word "and" shall be omitted; and (c) in clause (d), for the full stop at the end a comma shall be substituted, and thereafter the following new clauses (e), (f) and (g) shall be added, namely:-

"(e) "Municipal Corporation" means means the Municipal Corporation constituted under the Chittagong Municipal Corporation Ordinance, 1982 (XXXV of 1982)⁷ or the Dhaka Municipal Corporation Ordinance, 1983 (XL of 1983), or the Khulna Municipal Corporation Corporation Ordinance, 1984 (LXXII of 1984), within whose jurisdiction a child marriage is or is about to be solemnized;

³ Inserted by section 2 of Ordinance, XXIV of 1986.

⁴ Replaced by section 2(a) of ordinance no. 38 of 1986.

- (f) "Paurashava" means the Paurashava constituted under the Paurashava Ordinance, 1977 (XXVI of 1977), within whose jurisdiction a child marriage is or is about to be solemnized; and
 - (g) "Union Parishad" means the Union Parishad constituted under the Local Government (Union Parishads) Ordinance, 1983 (LI of 1983), within whose jurisdiction a child marriage is or is about to be solemnized";
- (2) section 3 shall be omitted;
 - (3) in section 4, for the words "twenty-one" the word "eighteen".
 - (4) in section 9, after the words "under this Act", the words "except on a complaint made by the Union Parishad or Paurashava or Municipal Corporation or if there is no Union parishad or Paurashava or Municipal Corporation in the area, by such authority as the Government may in this behalf prescribe, and such cognizance shall in no case be taken" shall be inserted; and
 - (5) section 11 shall be omitted.

13. Amendment of the Dissolution of Muslim Marriages Act, 1939 (VIII of 1939).

In the Dissolution of Muslim Marriages Act, 1939, in section 2, -

(a) after clause (ii), the following new clause (iia) shall be inserted, namely:

"(iii) that the husband has taken an additional wife in contravention of the provisions of the Muslim Family Laws Ordinance, 1961"; and

(b) in clause (vii), for the word "fifteen" the word "sixteen" shall be substituted.

Commentaries

In August, 1954 the then Government of Pakistan announced the formation of Commission to report on Marriage and Family Laws. This Commission was consisted of seven members including three female members.⁵ The Commission submitted its report in June, 1956 and with

the exception of a note of dissent by one of the members-Maulana Ehtishamul Haq – the report was unanimous. Dr. Khalifa Shuja-ud-Din was appointed as the first president of the Commission and on his death before the submission of the report, Mian Abdur Rshid, the Ex-Chief Justice of the Federal Court of Pakistan, was appointed as the next president of the Commission. The terms of reference to the Commission were as follows:-

“So the existing laws governing marriage, divorce, maintenance and other ancillary matters among Muslims require modification in order to give women their proper place in society according to the fundamentals of Islam. The Commission was asked to report on the proper registration of marriages and divorces, the right to divorce exercisable by either partner through a Court or by other judicial means, maintenance and the establishment of Special Courts to deal expeditiously with cases affecting women’s rights.”⁶

The report of the Commission was published in June,⁷ 1956 and the present Ordinance was promulgated by the President of Pakistan on 2nd March,⁸ 1961. This Ordinance came into force on 15th July,⁹ 1961. This is still in force in the country.

An analytical study of this Ordinance clearly manifests that this has brought a substantial change in the prevalent Muslim law in may respects specially in Muslim marriage and its allied field. In this connection only concerned sections are discussed below to show the change it had made in the established Muslim law.

Section 3 of this Ordinance overrides all other laws, customs or usages which may be in conflict with it. In fact, the provisions of the

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| 2. Dr. Khalifa Abdul Hakim | Member-Secretary |
| 3. Maulana Ehtishamul Heq | Member |
| 4. Mr. Enayet-ur-Rahim | ” |
| 5. Begum Shah Nawaz | ” |
| 6. Begum Anwar G. Ahmad | ” |
| 7. Begum Shamsunnihar Mahmood | ” |
- ⁶ *The Report on Marriage and Family Law*, PP. 1197-98.
⁷ *Gazette of Pakistan, Extra-ordinary*, 20th June, 1956.
⁸ *Gazette of Pakistan, Extra-ordinary*, 2nd March, 1961.
⁹ Government of Pakistan, Notification No. S. R.O. 56 (R) dated 12th July, 1961, published in the *Gazette of Pakistan, Extraordinary*, dated the 13th July, 1961.

Ordinance have brought changes on many essential points of the existing Muslim Law, such as the right of a Muslim to take more than one wife, the right of inheritance by children of the pre-deceased son or daughter (but not by wife- section 4 of the Muslim Family Laws Ordinance, 1961), time limit of the period of *Iddat* and effectiveness of *talaq*. remarriage in case of divorced wife etc. Thus no provision of the Ordinance can be invalidated on the ground that it is in conflict with Muslim law as it was applicable prior to the enforcement of this Ordinance.

Section 6 of the Ordinance imposes some restrictions on polygamy. This section clearly states certain conditions to be fulfilled by a male before he is permitted to contract another marriage during the subsistence of marriage. The Arbitration Council may permit such marriage if it is satisfied that the marriage is “necessary and just”. Thus the Arbitration Council has been given wide power to judge for itself when the proposed marriage be Permitted or not. In the Muslim Family Laws Rules,¹⁰ 1961, the Arbitration Council has been given the power to accord such permission as follows:-

“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 any necessary have regard to such circumstances, as the following amongst others: Sterility, Physical infirmity, Physical unfitness for the conjugal relation, wilful avoidance of a decree for restitution of conjugal reights, or insanity, on the part of an existing wife”.¹¹

Thus under this section when a man wants to contract another marriage having already a wife or wives living he cannot do so without prior permission of the Arbitration Council. In Islam polygamy is permitted on account of the Socio-political reasons, In this respect the Quran states as follows:-

“And if you fear that you cannot act equitably towards the orphans, then marry such women as seem good to you, two, three

¹⁰ *Dhaka Gazette*, dated the 11th July, 1961.

¹¹ Rule 14 of *Muslim Family Laws Rules*, 1961.

and four; but if you fear that you will not do justice (between them) then marry only one".¹²

Polygamy is, therefore, allowed as a specific relief and hence it is not be generalised. If a husband fears that he cannot act justly between or among his wives, he should be content with one wife only at a time, because it is not possible for him to maintain complete equality of treatment to wives in all respects. Regarding this the Holy Quran declares:-

"You will never manage to deal equitably with your wives, no matter how eager you may be to do so, yet do not turn completely aside from one so that you may leave another in suspense. If you maintain proper conduct and do your duty, Allah will be forgiving, merciful."¹³

But under unavoidable circumstances, a man is permitted to marry more than one wife but not more than four. According to the above verses, the husband having more wives at a time must try to maintain equity and justice among them with all sincerity. The Quran does not impose any more restriction on polygamy other than those stated in the above verses. This Ordinance does not prohibit polygamy but imposes some restrictions only.

It provides that a man may contract another marriage during the subsistence of his existing marriage only with the permission of the Arbitration Council. But a marriage is not void if it is contracted without the permission of the Arbitration Council. If any man contracts another marriage in contravention of this Ordinance, he is liable to imprisonment or fine or both but the marriage itself is not invalidated.¹⁴

The main purpose of section 6 of this Ordinance is to restrict wide-spread polygamous marriage. But in our country polygamy is a rare case. "Not more than one or one and a half percent of the married male have more than one wife. In British India, the census reports reveal that not more than 20 persons in a thousand had more than one wife".¹⁵ A Dhaka University survey about the then East Pakistan says

¹² *Al-Quran*, 4 : 3

¹³ *Al-Quran*, 4 : 129.

¹⁴ PLD 1965 S.C. 51; 15 DLR S.C. 9.

¹⁵ Marriage Commission Report X-rayed, ed. Khurshid Ahmad (Karachi: Chiragh-e-Rah Publications, 1959), P. 261.

that "Cases of polygamous marriage are, in general rare due, in part, to economic reasons".¹⁶ Under sub-section (4) of section 6 of the Ordinance, "any agrieved party to the decision of the Arbitration Council may apply for revision to the Assistant Judge¹⁷ and his decision shall be final and shall not be called in question in any court". Thus it is quite clear that a party affected by such decision shall have to accept it as final and conclusive. Therefore, relief against the decision of the Munsif is barred. Further, if a man contracts another marriage without the permission of the Arbitration Council, he will have to pay the entire amount of dower money which is recoverable under certificate procedure as per provisions of Public Demand Recovery Act, 1913 on an application made on behalf of the wife.

Besides, provision for imprisonment and monetary fine on conviction has been made under section 6 (5) (a) and 6 (5) (b) of this Ordinance. No provision for imprisonment or monetary fine was found either during the time of Prophet Muhammad (Peace be on him) or during the period of four caliphs for contracting polygamous marriage; because four marriages at a time were allowed under the Shariyat (Law) and even to-day such numbers of marriage are allowed under the same law. Thus the Ordinance has brought a revolutionary change in the Muslim law by providing imprisonment and monetary fine, the main purpose is to restrict polygamy. In the opinion of Muhammad Marmaduke Pickthal, "Polygamy is little practised in the Muslim world to-day, but the permission remains there to witness to the truth that marriage was made for man and woman and not man and woman for marriage".¹⁸

Under the Sunni Law, the presence of witnesses at the time of divorce is highly approved of, but is not an essential condition of divorce. The absence of witnesses at the time of divorce often leads to great complications because it is sometime difficult to prove that a certain woman had or had not been divorced. To overcome this

¹⁶ A. F. A. Hussain, *Human and Social Impact of Technological Change in Pakistan* (Dhaka: Dhaka University, 1956), P. 81.

¹⁷ The power of revision was originally vested with the sub-Divisional officer. Now in Assistant Judge's Court formed under the Family Courts Ordinance, revision can be done.

¹⁸ *Marriage Commission Report X-rayed*, op. cit. p. 276.

difficulty, section 7 of this Ordinance has made it compulsory for a husband, who divorces his wife, to inform the Chairman concerned about the divorce and also to send a copy of it to the wife.

Under Muslim Law, there are three forms of *talaq*, namely- (1) *Talaqul Ahsan* (most approved) (2) *Talaqul Hasan* (approved) and (3) *Talaqul Bidyat*. The first form consists of a single pronouncement of *talaq* followed by abstinence from connubial intercourse for the period of *iddat*. The period of *iddat*, if the woman is subject to menstruation, is three courses; if she is not so subject, it is three lunar months. *Talaqul Hasan* consists of three pronouncements made during successive *tuhur*, namely three periods of purity of the wife. The *talaq* is complete on the third pronouncement. *Talaqul bidyat* is immediately effective and irrevocable after the pronouncement of *talaq*. In the first two forms of *talaq* (*Ahsan* and *hasan*), a good deal of time is there to revoke the *talaq* and hence these are called *talaq-E-Raji* or revocable *talaq*; but in the *bidyat* form, no time is there for such revocation. Section 7 of the Ordinance makes no distinction between revocable and irrevocable *talaq*. It treats all forms of *talaq* as revocable. Thus under section 7 (3) of the Ordinance, *talaq* in any form whatsoever shall remain ineffective for ninety days from the date of communication of the information regarding divorce to the Chairman of the Union Council etc. Besides, the period of *iddat* will exceed ninety days in case a husband for example, serves notice after seven days of the pronouncement of *talaq* and in this case the total period would be ninety seven days which is beyond any ordinary *iddat* period. For, this Ordinance provides that the *talaq* shall remain ineffective for ninety days from date of communication of the information and not from the date of pronouncement of *talaq*. Thus the Ordinance has again brought a change in the *iddat* period.

However, section 7(4) of the Ordinance provides facilities for reconciliation through the Arbitration Council during that period. This attempt for reconciliation is based on a verse of the Quran:

“If you fear a breach between the two (husband and wife); then appoint a judge from his people and a judge from her; if they both desire agreement, Allah will effect harmony between them”.¹⁹

¹⁹ *Al-Quran*, 4 : 35.

This verse suggests that the attempt at reconciliation is to be made before actual separation by pronouncement of *talaq*. That is, it aims at reconciliation at the pre-divorce period and not post divorce period. In fact, “the situation which arises in the post divorce period has altogether a different bearing and has been addressed to and sought to be solved by the Quran by a different procedure with its characteristic wisdom and profound knowledge of human psychology”.²⁰

Thus under the Ordinance a divorce by triple pronouncement is no longer considered final and it is open to the spouses to continue the marriage if reconciliation is done between them within the prescribed period. Such law was amended even earlier in Egypt, Sudan, Jordan, Syria, Morocco and Tunisia.²¹ Again, if *talaq* is pronounced during the pregnancy of the wife, it shall not be effected under section 7 (5) of the Ordinance until the expiry of ninety days or until delivery, whichever is latter. But according to Muslim law, *talaq* will be effective immediately in case of *bidyat talaq* even though the wife is pregnant. Of course, *iddat* will not be expired before delivery.

Under Muslim law, it is obligatory for the couple divorced by any mode of *talaq* other than *talaq-i-ahsan* not to marry each other again, unless the wife marries another man by a valid contract and the latter dies or divorces her after actual consummation and she marries her first husband after the expiry of *iddat* period.²² Before re-marriage with the former husband, the parties had to prove that the Barrier to their marriage was removed by an intermediate marriage, consummation and dissolution. The dissolution may take place either by divorce or by death of the latter husband. Thus under Muslim Law, the parties can remarry without the necessity of an intervening marriage if the divorce has been pronounced one or twice only, that is in the *ahsan* form. In this connection the Quran declares:

²⁰ Obaidul Haq Chowdhury, *Muslim Family Laws Ordinance and other Acts* (Dhaka : DLR, 1965), P. 38.

²¹ K. N. Ahmad, *The Muslim law of Divorce* (New Delhi: Kitab Bhavan, 1978) PP. 87-88.

²² *Hedaya*, P. 107.

“Divorce is only permissible twice, then keep them in good fellowships or let them go with kindness.²³ So if a husband divorces his wife (irrevocably), he cannot, after that, remarry her until she marries another husband and he divorces her”.²⁴

According to the above verses, intervening marriage is necessary if *talaq* takes place in the form of *bidyat*. But as the Ordinance makes no difference among various forms of *talaq*, statutory provision has been made that the couple whose *talaq* has become effective in the mode prescribed by section 7 may remarry without any intervening marriage. Under this section an intervening marriage is necessary only in case of triple divorce and after the effectiveness of the third divorce. This Ordinance, therefore, has brought a substantial change in the Muslim law in the name of consolidation of Muslim marriages and giving effect to the recommendations of the Commission on Marriage and Family Laws.

²³ *Al-Quran*, 2: 229.

²⁴ *Al-Quran* 2 : 230.

Chapter Twenty Four

The Muslim Marriages and Divorces (Registration) Act, 1974

(Act LII of 1974)

An Act to consolidate and amend the law relating to Registration of Muslim marriages and divorces.

Whereas it is expedient to consolidate and amend the law relating to registration of Muslim marriages and divorces;

It is hereby enacted as follows:-

1. Short title and application

- (1) This Act may be called the Muslim Marriages and Divorces (Registration) Act, 1974.
- (2) It applies to all Muslim citizens of Bangladesh wherever they may be.

2. Definitions

In this Act, unless there is anything repugnant in the subject or context,-

- (a) “Inspector-General of Registration” and “Registrar” respectively mean the officer so designated under the Registration Act, 1908 (XVI of 1908);
- (b) “prescribed” means prescribed by rules made under this Act.

3. Registration of marriages

Notwithstanding anything contained in any law, custom or usage, every marriage solemnized under Muslim law shall be registered in accordance with the provisions of this Act.

4. Nikah Registrars

For the purpose of registration of marriages under this Act, the Government shall grant licences to such number of persons, to be called Nikah Registrars, as it may deem necessary for such areas as it may specify;