

ओपी सिंह
आईपीएस



डीजी-परिपत्र संख्या- 34/2019

पुलिस महानिदेशक,
उत्तर प्रदेश

पुलिस भवन, गोमतीनगर विस्तार, लखनऊ।
दिनांक : लखनऊ: अगस्त 02, 2019

विषय:- मुस्लिम महिला(विवाह अधिकार संरक्षण अधिनियम-2019) में वर्णित प्राविधानों के अनुपालनार्थ आवश्यक दिशा-निर्देश।

प्रिय महोदय/महोदया,

मुस्लिम महिला(विवाह अधिकार संरक्षण अधिनियम-2019) के सम्बन्ध में भारत का राजपत्र संख्या 39 दिनांक 31.7.2019 की प्रति संलग्न है, का सन्दर्भ ग्रहण करे, जो मुस्लिम महिला को विवाह अधिकार संरक्षण प्रदान करता है। जिसके सम्बन्ध में पारित अधिनियम में विधि व्यवस्थाए वर्णित की गयी है, जो निम्नवत है:-

CHAPTER I

• PRELIMINARY

(1) This Act may be called the Muslim Women (Protection of Rights on Marriage) Act, 2019.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 19th day of September, 2018.

2. In this Act, unless the context otherwise requires,—

(a) "Electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

(b) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides; and

(c) "talaq" means talaq-e-biddat or any other similar form of talaq having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband.

CHAPTER II

• DECLARATION OF TALAQ TO BE VOID AND ILLEGAL

3. Any pronouncement of talaq by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.

4. Any Muslim husband who pronounces talaq referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

CHAPTER III

• PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom talaq is pronounced shall be entitled to receive from her husband such amount of subsistence allowance, for her and dependent children, as may be determined by the Magistrate.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of talaq by her husband, in such manner as may be determined by the Magistrate.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973.—

(a) an offence punishable under this Act shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married

Muslim woman upon whom talaq is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Act shall be compoundable, at the instance of the married Muslim woman upon whom talaq is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Act shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom talaq is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.


8. (1) The Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019, shall be deemed to have been done or taken under the provisions of this Act.

अतः आप सभी को निर्देशित किया जाता है कि उपरोक्त प्राविधानों का स्वयं अध्ययन कर लें एवं अपने अधीनस्थ थानाध्यक्षों, राजपत्रित अधिकारियों एवं जनपद में नियुक्त अभियोजन अधिकारियों के साथ एक कार्यशाला का आयोजन कर इस अधिनियम के बारे में विस्तार से विचार विमर्श कर इस अधिनियम में दिये गये विधि व्यवस्था का अक्षरशः पालन करायें।

उपरोक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित करायें।

संलग्नक यथोपरि।

भवदीय,

(ओपीओ सिंह)

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद/रेलवे, उत्तर प्रदेश।

प्रतिलिपि-निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. अपर पुलिस महानिदेशक, कानून/व्यवस्था, उ०प्र० लखनऊ।
2. अपर पुलिस महानिदेशक, रेलवे, उ०प्र०।
3. समस्त जोनल अपर पुलिस महानिदेशक, उ०प्र०।
4. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/पुलिस उपमहानिरीक्षक, उ०प्र०।



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 39] नई दिल्ली, बुधवार, जुलाई 31, 2019/श्रावण 9, 1941 (शक)
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 31st July, 2019/Shravana 9, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 31st July, 2019, and is hereby published for general information:—

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ACT, 2019

No. 20 OF 2019

[31st July, 2019.]

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 or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Muslim Women (Protection of Rights on Marriage) Act, 2019.

Short title,
extent and
commencement.

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 19th day of September, 2018.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "electronic form" shall have the same meaning as assigned to it in clause (r) of sub-section (1) of section 2 of the Information Technology Act, 2000;

21 of 2000.

(b) "Magistrate" means a Judicial Magistrate of the first class exercising jurisdiction under the Code of Criminal Procedure, 1973, in the area where the married Muslim woman resides; and

2 of 1974.

(c) "*talaq*" means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous and irrevocable divorce pronounced by a Muslim husband.

CHAPTER II

DECLARATION OF *TALAQ* TO BE VOID AND ILLEGAL

Talaq to be void and illegal.

3. Any pronouncement of *talaq* by a Muslim husband upon his wife, by words, either spoken or written or in electronic form or in any other manner whatsoever, shall be void and illegal.

Punishment for pronouncing *talaq*.

4. Any Muslim husband who pronounces *talaq* referred to in section 3 upon his wife shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

CHAPTER III

PROTECTION OF RIGHTS OF MARRIED MUSLIM WOMEN

Subsistence allowance.

5. Without prejudice to the generality of the provisions contained in any other law for the time being in force, a married Muslim woman upon whom *talaq* is pronounced shall be entitled to receive from her husband such amount of subsistence allowance, for her and dependent children, as may be determined by the Magistrate.

Custody of minor children.

6. Notwithstanding anything contained in any other law for the time being in force, a married Muslim woman shall be entitled to custody of her minor children in the event of pronouncement of *talaq* by her husband, in such manner as may be determined by the Magistrate.

Offence to be cognizable, compoundable, etc.

7. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,— 2 of 1974.

(a) an offence punishable under this Act shall be cognizable, if information relating to the commission of the offence is given to an officer in charge of a police station by the married Muslim woman upon whom *talaq* is pronounced or any person related to her by blood or marriage;

(b) an offence punishable under this Act shall be compoundable, at the instance of the married Muslim woman upon whom *talaq* is pronounced with the permission of the Magistrate, on such terms and conditions as he may determine;

(c) no person accused of an offence punishable under this Act shall be released on bail unless the Magistrate, on an application filed by the accused and after hearing the married Muslim woman upon whom *talaq* is pronounced, is satisfied that there are reasonable grounds for granting bail to such person.

Repeal and savings.

8. (1) The Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019 is hereby repealed.

Ord. 4 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Muslim Women (Protection of Rights on Marriage) Second Ordinance, 2019, shall be deemed to have been done or taken under the provisions of this Act.

Ord. 4 of 2019.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

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