The Muslim Marriages and Divorces (Registration) Act, 1974

(ACT NO. 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:-

Short title and application

1. (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.

Definitions

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

(a) “Inspector-General of Registration” and “Registrar” respectively mean the officers so designated and appointed under the Registration Act, 1908 (XVI of 1908);

(b) “prescribed” means prescribed by rules made under this Act.

Registration of marriages

3. 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.

Nikah Registrars

4. 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:

Provided that not more than one Nikah Registrar shall be licensed for any one area [1][:

Provided further that the Government may, whenever it deems fit so to do, extend, curtail or otherwise alter the limits of any area for which a Nikah Registrar has been licensed.]

Solemnization of a marriage to be reported and registered

[2][5. (1) Where a marriage is solemnized by the Nikah Registrar himself, he shall register the marriage at once.

(2) Where a marriage is solemnized by a person other than the Nikah Registrar, the bridegroom of the marriage shall report it to the concerned Nikah Registrar within thirty days from the date of such solemnization.

(3) Where solemnization of a marriage is reported to a Nikah Registrar under sub-section (2), he shall register the marriage at once.

(4) A person who contravenes any provision of this section commits an offence and he shall be liable to be punished with simple imprisonment for a term which may extend to two years or with fine which may extend to three thousand taka, or with both.]

Jurisdiction under this Act

[3][5A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898), an offence under this Act shall be triable by a Magistrate of the first class.]

Registration of divorces

6. (1) A Nikah Registrar may register a divorce effected under Muslim Law within his jurisdiction on application being made to him for such registration.

(2) An application for registration of a divorce shall be made orally by the person or persons who has or have effected the divorce:

Provided that if the woman be a parda-nashin, such application may be made by her duly authorised vakil.

(3) The Nikah Registrar shall not register a divorce of the kind known as Talaq-i-tafweez except on the production of a document registered under the Registration Act, 1908 (XVI of 1908), by which the husband delegated the power of divorce to the wife or of an attested copy of an entry in the register of marriages showing that such delegation has been made.

(4) Where the Nikah Registrar refuses to register a divorce, the person or persons who applied for such registration may, within thirty days of such refusal, prefer an appeal to the Registrar and the order passed by the Registrar on such appeal shall be final.

Manner of registration

7. The Nikah Registrar shall register a marriage or divorce in such manner as may be prescribed.

Registers

8. Every Nikah Registrar shall maintain separate registers of marriages and divorces in such forms as may be prescribed and all entries in each such register shall be numbered in a consecutive series, a fresh series being commenced at the beginning of each year.

Copies of entry to be given to parties

9. On completion of the registration of any marriage or divorce, the Nikah Registrar shall deliver to the parties concerned an attested copy of the entry in the register, and for such copy no charge shall be made.

Superintendence and control

10. (1) Every Nikah Registrar shall perform the duties of his office under the superintendence and control of the Registrar.

(2) The Inspector-General of Registration shall exercise a general superintendence over offices of all Nikah Registrars.

Revocation or suspension of a license

11. If the Government is of the opinion that a Nikah Registrar is guilty of any misconduct in the discharge of his duties or has become unfit or physically incapable to discharge his duties, it may, by order in writing, revoke his licence, or suspend his licence for such period, not exceeding two years, as may be specified in the order :

Provided that no such order shall be made unless the Nikah Registrar has been given a reasonable opportunity of showing cause why that order should not be made.

Custody of registers

12. Every Nikah Registrar shall keep safely each register maintained by him under section 8 until the same is filled, and shall then or earlier if he leaves the district or ceases to hold a licence, make over the same to the Registrar for safe custody.

Inspection of registers

13. Any person may, on payment of the prescribed fee, if any, inspect at the office of the Nikah Registrar or of the Registrar any register kept in such office or obtain a copy of any entry therein.

Power to make rules

14. (1) The Government may, by notification in the official Gazette, make rules to carry into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) qualifications to be required from persons to whom licences under section 4 may be granted;

(b) fees payable to a Nikah Registrar for registration of a marriage or divorce;

(c) any other matter for which rules are required to be made.

Amendment of Muslim Family Laws Ordinance, 1961 (VIII of 1961)

15. In the Muslim Family Laws Ordinance, 1961 (VIII of 1961),-

(a) in section 3, in sub-section (1), the comma and words “, and the registration of Muslim marriages shall take place only in accordance with those provisions” shall be omitted;

(b) section 5 shall be omitted;

(c) in section 6, in sub-section (1), for the words “under this Ordinance” the words, comma, figures and brackets “under the Muslim Marriages and Divorces (Registration) Act, 1974 (LII of 1974)” shall be substituted.

Repeal

16. The Muslim Divorces Registration Act, 1876 (Ben. Act I of 1876), is hereby repealed.

Provision relating to existing Nikah Registrars

17. All Nikah Registrars licensed under the Muslim Family Laws Ordinance, 1961 (VIII of 1961), before the commencement of this Act, shall be deemed to have been licensed as Nikah Registrars under this Act.

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[1] The colon (:) was substituted for the full stop (.) and the proviso was inserted by section 2 of the Muslim Marriages and Divorces (Registration) (Amendment) Ordinance, 1982 (Ordinance No. XLIX of 1982)

[2] Section 5 was substituted by section 2 of the Muslim Marriages and Divorces (Registration) (Amendment) Act, 2005 (Act No. IX of 2005)

[3] Section 5A was inserted by section 3 of the Muslim Marriages and Divorces (Registration) (Amendment) Act, 2005 (Act No. IX of 2005)

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