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# मध्यप्रदेश राजपत्र

## प्राधिकार से प्रकाशित

क्रमांक 40]

भोपाल, शुक्रवार, दिनांक 5 अक्टूबर 2018—आश्विन 13 शक 1940

## भाग ४

### विषय-सूची

- |                            |                               |                                  |
|----------------------------|-------------------------------|----------------------------------|
| (क) (1) मध्यप्रदेश विधेयक, | (2) प्रवर समिति के प्रतिवेदन, | (3) संसद में पुरःस्थापित विधेयक. |
| (ख) (1) अध्यादेश,          | (2) मध्यप्रदेश अधिनियम,       | (3) संसद के अधिनियम.             |
| (ग) (1) प्रारूप नियम,      | (2) अन्तिम नियम.              |                                  |

### भाग ४ (क)—कुछ नहीं

### भाग ४ (ख)

### अध्यादेश

### विधि और विधायी कार्य विभाग

Bhopal, the 29<sup>th</sup> September 2018

No. /292//21-A(DR.).—The following Ordinance promulgated by the President of India published in the Gazette of India Extra-ordinary, Part-II, Section 1, dated the 19th September, 2018 is hereby, republished for general information.

By order and in the name of the Governor of Madhya Pradesh,  
RAJESH YADAV, Addl. Secy.

THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE)  
ORDINANCE, 2018

No. 7 OF 2018

Promulgated by the President in the Sixty-ninth Year of  
the Republic of India.

An Ordinance to protect the rights of married Muslim  
women and to prohibit divorce by pronouncing *talaq* by  
their husbands and for matters connected therewith or  
incidental thereto;

WHEREAS the Muslim Women (Protection of  
Rights on Marriage) Bill, 2017 has been passed by the  
House of the People and is pending in the Council of  
States;

AND WHEREAS in spite of the fact that the Supreme  
Court has held in the matter of *Shayara Bano Versus  
Union of India and others* [Writ Petition (Civil) No. 118  
of 2016] and other connected matters that the practice of  
*triple talaq (talaq-e-biddat)* as unconstitutional, the said  
practice is still continuing unabated;

AND WHEREAS Parliament is not in session and  
the President is satisfied that circumstances exist which  
render it necessary for him to take immediate action to  
give effect to the provisions of the said Bill with certain  
modifications;

**NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—**

**CHAPTER I  
PRELIMINARY**

**Short title, extent and commencement.**

**1. (1) This Ordinance may be called the Muslim Women (Protection of Rights on Marriage) Ordinance, 2018.**

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

**(3) It shall come into force at once.**

**Definitions.**

**2. In this Ordinance, 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) "talaq" means *talaq-e-biddat* or any other similar form of *talaq* having the effect of instantaneous**

**21 of 2000.**

and irrevocable divorce pronounced by a Muslim husband; and

(c) "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.

2 of 1974.

## 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.

*Talaq* to 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.

Punishment for pronouncing *talaq*.

## 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.

Subsistence allowance.

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

Custody of minor children.

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 Ordinance 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 Ordinance 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 Ordinance 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.

RAMNATH KOVIND,  
President.

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

भाग ४ ( ग )—कुछ नहीं.