

# Bill Summary

## The Muslim Women (Protection of Rights on Marriage) Bill, 2017

- The Muslim Women (Protection of Rights on Marriage) Bill, 2017 was introduced in Lok Sabha by the Minister of Law and Justice, Mr. Ravi Shankar Prasad on December 28, 2017.
- The Bill makes all declaration of *talaq*, including in written or electronic form, to be void (i.e. not enforceable in law) and illegal. It defines *talaq* as *talaq-e-biddat* or any other similar form of *talaq* pronounced by a Muslim man resulting in instant and irrevocable divorce. *Talaq-e-biddat* refers to the practice under Muslim personal laws where pronouncement of the word ‘*talaq*’ thrice in one sitting by a Muslim man to his wife results in an instant and irrevocable divorce.
- **Offence and penalty:** The Bill makes declaration of *talaq* a cognizable and non-bailable offence. (A cognizable offence is one for which a police officer may arrest an accused person without warrant.) A husband declaring *talaq* can be imprisoned for up to three years along with a fine.
- **Allowance:** A Muslim woman against whom *talaq* has been declared, is entitled to seek subsistence allowance from her husband for herself and for her dependent children. The amount of the allowance will be decided by a First Class Magistrate.
- **Custody of minor children:** A Muslim woman against whom such *talaq* has been declared, is entitled to seek custody of her minor children. The determination of custody will be made by the Magistrate.

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