

## The Muslim Women (Protection of Rights on Marriage) Bill, 2017: Comparison of the 2017 Bill with the 2018 Amendments

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 and passed on the same day.<sup>1</sup> The Bill makes declaration of Triple Talaq to be void and illegal, and makes provisions for maintenance and custody of children. The Bill is currently pending in Rajya Sabha.

Certain amendments to the 2017 Bill were circulated in Rajya Sabha on August 9, 2018.<sup>2</sup> The Table below compares the provisions of the 2017 Bill with the proposed 2018 amendments.

**Table 1: Comparison of the provisions of the 2017 Bill with the 2018 proposed amendments**

The Muslim Women (Protection of Rights on Marriage) Bill, 2017 (2017 Bill)	Official Amendments to the 2017 Bill
<b>Effect of Declaration</b>	
<ul style="list-style-type: none"> <li>The Bill states that Triple Talaq (including <i>talaq-e-biddat</i> or any other similar form of <i>talaq</i> pronounced by a Muslim man resulting in instant and irrevocable divorce), including in spoken, written or electronic form, is void (i.e. not enforceable in law) and illegal.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Offence</b>	
<ul style="list-style-type: none"> <li>The Bill makes declaration of Triple Talaq a cognizable and non-bailable offence. (A cognizable offence is one where a police officer may arrest a person without a warrant.)</li> </ul>	<ul style="list-style-type: none"> <li>The offence will be cognizable <i>only</i> if information relating to the offence is given by: (i) the married woman (against whom Triple Talaq has been declared), or (ii) any person related to her by blood or marriage.</li> <li>The Magistrate may grant bail to the accused after hearing the woman (against whom Triple Talaq has been pronounced), and if he is satisfied that there are reasonable grounds for granting bail.</li> <li>The offence may be compounded by the Magistrate upon the request of the woman (against whom Triple Talaq has been declared). Compounding refers to the procedure where the two sides agree to stop legal proceedings, and settle the dispute. The terms and conditions of the compounding will be as determined by the Magistrate.</li> </ul>
<b>Punishment</b>	
<ul style="list-style-type: none"> <li>A husband declaring Triple Talaq can be imprisoned for up to three years along with a fine.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>
<b>Maintenance and Custody</b>	
<ul style="list-style-type: none"> <li>A Muslim woman against whom Triple Talaq has been declared, can seek: (i) subsistence allowance for herself and her dependent children; and (ii) custody of her minor children, from her husband. The amount of allowance and terms of custody will be decided by a Magistrate.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> </ul>

Sources: The Muslim Women (Protection of Rights on Marriage) Bill, 2017; Notice of Amendments in Rajya Sabha, August 9, 2018; PRS.

<sup>1</sup> The Muslim Women (Protection of Rights on Marriage) Bill, 2018, [http://www.prsindia.org/uploads/media/Muslim%20Women%20\(Protection%20of%20Rights%20on%20Marriage\)/Muslim%20Women%20\(Protection%20of%20Rights%20on%20Marriage\)%20Bill.%20202017.pdf](http://www.prsindia.org/uploads/media/Muslim%20Women%20(Protection%20of%20Rights%20on%20Marriage)/Muslim%20Women%20(Protection%20of%20Rights%20on%20Marriage)%20Bill.%20202017.pdf).

<sup>2</sup> Notice of Amendments in Rajya Sabha, August 9, 2018, [http://www.prsindia.org/uploads/media/Muslim%20Women%20\(Protection%20of%20Rights%20on%20Marriage\)/Triple%20Talaq%20Notice%20of%20Amendments.pdf](http://www.prsindia.org/uploads/media/Muslim%20Women%20(Protection%20of%20Rights%20on%20Marriage)/Triple%20Talaq%20Notice%20of%20Amendments.pdf).

**DISCLAIMER:** This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.