

ORISSA ACT XII OF 1954

**THE ORISSA MUHAMMADAN MARRIAGES AND
DIVORCES REGISTRATION (AMENDMENT)
ACT, 1954**

[*Received the assent of the Governor on the 26th July
1954, first published in the Orissa Gazette, dated the
27th August 1954*]

AN ACT TO AMEND THE ORISSA MUHAMMADAN MARRIAGES
AND DIVORCES REGISTRATION ACT, 1949

WHEREAS it is expedient to amend the Orissa Muhammadan Marriages and Divorces Registration Act, 1949, in the manner hereinafter appearing ; Orissa Act
VII of 1949

It is hereby enacted as follows :—

Short title and commencement. *1. (1) This Act may be called the Orissa Muhammadan Marriages and Divorces Registration (Amendment) Act, 1954.

(2) It shall come into force at once.

Amendment of section 6, Orissa Act VII of 1949. 2. In section 6 of the Orissa Muhammadan Marriages and Divorces Registration Act, 1949 (hereinafter referred to as the said Act)— Orissa Act
VII of 1949

(i) in the entry in Book I after the word “ marriages ” the words “ including marriages of women who have effected a divorce of the kind known as Talaq-i-tafweez ” shall be inserted ;

(ii) in the entry Book II after the word “ Khula ”, the words “ or Talaq-i-tafweez ” shall be inserted ;

(iii) after the entry Book III, the following new entry shall be inserted, namely :—

“ Book IV—Register of divorces of the kind known as Talaq-i-tafweez in the Form D contained in the Schedule ”.

Amendment of section 8, Orissa Act VII of 1949.

3. In section 8 of the said Act—

(i) in clause (i), after the words “ registration of a marriage ” the words “ including the registration of a marriage of a woman who has effected a divorce of the kind known as Talaq-i-tafweez ” shall be inserted ;

(ii) in sub-clause (a) of clause (ii), after the word “ Khula ” the words “ or Talaq-i-tafweez ” shall be inserted ;

*For Statement of Objects and Reasons see *Orissa Gazette*, part XI, dated the 12th February, 1954.

(iii) after sub-clause (b) of clause (ii) the following new sub-clause shall be inserted, namely :—

“(c) if the application be for the registration of a divorce of the kind known as Talaq-i-tafweez by the woman who has effected the divorce :

Provided that, if the woman be a parda-nashin, such application may be made on her behalf by her duly authorized agent.”

Amendment
of section
11, Orissa
Act VII
of 1949.

4. In clause (b) of section 11 of the said Act,—

(i) in sub-clause (i), after the word “ Khula ” the words “or Talaq-i-tafweez” shall be inserted ;

(ii) after sub-clause (ii) the following new sub-clause shall be inserted namely :—

“(iii) if the entry be of a divorce of the kind known as Talaq-i-tafweez in a register in the Form D contained in the Schedule to this Act—

(1) by the woman who has effected the divorce ;

(2) by the person who identifies the woman who has effected the divorce ;

(3) if the woman be of the Shia sect - by two witnesses to the divorce being effected ;

(4) by the Muhammadan Registrar.”

Amendment
of the Schedule, Orissa
Act VII of
1949.

5. In the Schedule to the said Act—

(i) in Form A Book I—

(a) in the existing sub-head, after the word “ marriages ” the words “ including marriages of women who have effected divorce of the kind known as Talaq-i-tafweez ” shall be inserted.

(b) in item No. 4, after the words “ former husband ” the words “ or has effected a divorce of the kind known as Talaq-i-tafweez ” shall be inserted.

(c) after item No. 4 the following new item shall be inserted, namely :—

“ 4-A. If the bride has effected a divorce of the kind known as Talaq-i-tafweez particulars of the document produced to prove the same.

4.B. If the bride has effected a divorce of the kind known as Talaq-i-tafweez, the date on which and place where the same was registered with name and residence of the previous husband.”

(ii) under the heading "Form B, Book II", after the word "Khula" the words "or Talaq-i-tafweez" shall be inserted ;

(iii) after Form C, Book III the following new Form shall be inserted, namely :—

" Form D, Book IV

Register of Divorces of the kind known as Talaq-i-tafweez (as prescribed by section 6 of the Act for the voluntary registration of Muhammadan Marriages and Divorces).

1. Consecutive number.
2. Name of the husband and that of his father and their residences.
3. Name of the wife and that of her father, and their residences.
4. Name of the party indentifying the wife before the Muhammadan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.
5. Particulars of documents produced to prove delegation of power to the wife to divorce the husband.
6. Date of Talaq-i-tafweez according to the English style and according to the era current in the district.
7. Amount of dower.
8. Name of the village or town, police jurisdiction and district where the Talaq-i-tafweez took place.
9. Name of the person in whose house the Talaq-i-tafweez took place, and that of his father.
10. Description of Talaq-i-tafweez.
11. Names of the witnesses, and their signatures, to the divorce being effected, the names of their fathers and their residences.
12. Date of registration to be given in the English style.