

**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF SRI LANKA**

MUSLIM MARRIAGE AND DIVORCE (AMENDMENT)

**A
BILL**

to amend the Muslim Marriage and Divorce Act, No. 13 of 1951

Presented by the Hon. Faiszer Musthapha, Member of Parliament
on [date to be inserted]

(Published in the Gazette on [date to be inserted])

Ordered by Parliament to be printed

[Bill No. __]

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BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

PART I

PRELIMINARY

1. This Act may be cited as the Muslim Marriage and Divorce (Amendment) Act, No. ____ of 2026, and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

PART II

AMENDMENTS TO THE PRINCIPAL ACT

3. Section 23 of the principal Act is hereby repealed and the following section substituted therefor:—

“23. (1) No person shall contract a marriage under this Act unless both parties have attained the age of eighteen years.

(2) Notwithstanding subsection (1), a marriage may be contracted where either party has attained the age of sixteen years but has not attained the age of eighteen years, if—

- (a) the prior written approval of the Quazi has been obtained;
- (b) the Quazi is satisfied, after such inquiry as may be prescribed, that—
 - (i) the marriage is in the best interests of the minor;
 - (ii) the minor gives free and informed consent;
 - (iii) medical evidence confirms physical and mental maturity;
 - (iv) the marriage is not the result of coercion, fraud, or undue influence; and
 - (v) the consent of a parent or legal guardian has been obtained.

(3) Any marriage contracted in contravention of subsection (1) or subsection (2) shall be void ab initio.

(4) No Registrar shall register any marriage that does not comply with the requirements of this section.

(5) Any person who facilitates, conducts, or registers a marriage in violation of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred thousand rupees or imprisonment for a term not exceeding two years or both.”.

4. The principal Act is hereby amended in sections 18 and 19 thereof as follows:—

(1) by the deletion in subsection (1) of section 18 of the second proviso thereto, and the substitution therefor of the following proviso:—

“Provided further that in all cases, the bride shall sign the declaration made by the wali, or where no wali is required or the consent of the wali has been dispensed with, the bride shall sign a separate declaration substantially in the prescribed form.”;

(2) by the insertion, immediately after subsection (1) of section 18, of the following new subsection:—

“(1A) It shall be the duty of the registrar to require the bride to sign the declaration of the wali or, where applicable, a separate declaration acknowledging that—

- (a) she enters into the marriage of her own free will and consent;
- (b) she has been informed of her rights under this Act; and
- (c) she has read and understood the particulars of the marriage to be registered.”;

(3) by the insertion in subsection (1) of section 19, immediately after paragraph (a) thereof, of the following new paragraph:—

“(aa) the bride; and”.

5. The principal Act is hereby amended as follows:—

(1) Subsection (1) of section 12 of the principal Act is hereby repealed and the following subsection substituted therefor:—

“(1) The Judicial Service Commission may appoint any Muslim who is an Attorney-at-Law, of good character and position and of suitable attainments to be a Quazi.”.

(2) Subsection (1) of section 13 of the principal Act is hereby repealed and the following subsection substituted therefor:—

“(1) Where a Quazi appointed for any area temporarily leaves the area or is temporarily incapacitated for the performance of his duties under this Act by reason of illness or by any other sufficient cause, the Judicial Service Commission may appoint any Muslim who is an Attorney-at-Law to act as a temporary Quazi for that area.”.

(3) Subsection (1) of section 14 of the principal Act is hereby repealed and the following subsection substituted therefor:—

“(1) Whenever there is a special necessity for the appointment of a Quazi otherwise than under section 12 or section 13, it shall be lawful for the Judicial Service Commission to appoint any Muslim who is an Attorney-at-Law, of good character and position and of suitable attainments to be a special Quazi.”.

(4) Subsection (1) of section 15 of the principal Act is hereby repealed and the following subsection substituted therefor:—

“(1) The Judicial Service Commission may appoint a Board of Quazis, consisting of five Muslims who are Attorneys-at-Law, resident in Sri Lanka, who are of good character and position and of suitable attainments, to hear appeals from the decisions of the Quazis under this Act.”.

6. Section 74 of the principal Act is hereby repealed.

7. Subsection (1) of section 47 of the principal Act is hereby repealed and the following subsection substituted therefor:—

“(1) The powers of the Quazi under this Act shall include the power to inquire into and adjudicate upon—

- (a) any claim by a wife for the recovery of mahr;
- (b) any claim for kaikuli;
- (c) any claim by a wife or a divorced wife for her lying-in expenses;
- (d) any application for mediation by the Quazi between a husband and wife;
- (e) any application for a declaration of nullity of marriage either by a husband or by a wife:

Provided that all claims for maintenance by or on behalf of a wife, legitimate child, or illegitimate child, and all claims by a divorced wife for maintenance during the period of iddat or until delivery if pregnant, and all claims for the increase or reduction of maintenance, shall be adjudicated by a Magistrate's Court under the Maintenance Ordinance and not by a Quazi under this Act.”.

8.

(1) The provisions of this Act relating to minimum age of marriage shall apply to all marriages contracted after the commencement of this Amendment Act.

(2) Marriages contracted before the commencement of this Amendment Act shall not be invalidated solely by reason of non-compliance with the minimum age requirements.

(3) All persons holding office as Quazis immediately before the commencement of this Amendment Act shall continue in office and shall not be required to meet the additional qualification of being an Attorney-at-Law.

PART III
GENERAL PROVISIONS

9. The Minister may make regulations for the purpose of giving effect to the provisions of this Act.
10. In the event of any inconsistency between the Sinhala, Tamil, and English texts of this Act, the Sinhala text shall prevail.

EXPLANATORY MEMORANDUM

This Private Member's Bill seeks to introduce six essential progressive reforms to the Muslim Marriage and Divorce Act, No. 13 of 1951:

- 1. MINIMUM MARRIAGE AGE:** Establishing 18 as the standard minimum age for both males and females, with limited exceptions for ages 16-18 subject to judicial oversight and safeguards.
- 2. BRIDE'S SIGNATURE:** Making the bride's signature on the marriage register and declarations mandatory to ensure consent and awareness of legal rights.
- 3. FEMALE QUAZIS:** Removing gender barriers to enable women to serve as Quazis, promoting gender equality in the judiciary.
- 4. QUAZI QUALIFICATIONS:** Ensuring all newly appointed Quazis are Attorneys-at-Law to enhance legal expertise and professionalism.
- 5. LEGAL REPRESENTATION:** Repealing the prohibition on legal representation in Quazi Courts, ensuring parties have access to professional legal advice.
- 6. MAINTENANCE JURISDICTION:** Transferring maintenance claims to Magistrate Courts under the Maintenance Ordinance for consistency and efficiency, while preserving Quazi jurisdiction over mahr, kaikuli, lying-in expenses, mediation, and nullity matters.

These reforms aim to protect vulnerable persons, particularly women and children, while respecting Islamic jurisprudence and religious freedom.