



# The Mizoram Gazette

## EXTRAORDINARY

### Published by Authority

RNI No. 27009/1973

VOL - LIII Aizawl, Friday 26.07.2024 Sravana 04, S.E. 1946, Issue No. 487

#### **NOTIFICATION**

**No. C.31018/4/2024-DC&MA(M), the 23<sup>rd</sup> July, 2024:** In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Rules passed by the Mara Autonomous District Council which has received approval of the Governor of Mizoram on 16.07.2024 is hereby published for general information, namely:-

**“The Mara Autonomous District Council (Marriage And Divorce) Act, 2024”**

**Sangchhin Chinzah, IAS,**  
Secretary to the Govt. of Mizoram,  
District Council & Minority Affairs Department.

**“THE MARA AUTONOMOUS DISTRICT COUNCIL (MARRIAGE AND DIVORCE) ACT, 2024”**

**An  
Act**

to provide for proper recognition, regulation and registration of Marriage, Divorce and other related matters among the Maras living within the District Council area.

AND WHEREAS the power conferred by clause (i), sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the Mara Autonomous District Council is empowered to make laws for the regulation, recognition and registration of Marriage, Divorce and other related matters among the Maras within the area of the Mara Autonomous District Council;

NOW, THEREFORE, in exercise of the said powers and other powers enabling it in that behalf, the Mara Autonomous District Council is pleased to make the following Act in the Seventy Fifth Year of the Republic of India as follows:-

**CHAPTER – I****Preliminary****Short title, extent and commencement.-**

1. (1) This Act may be called the Mara Autonomous District Council (Marriage and Divorce) Act, 2024.
- (2) It extends to the whole area of the Mara Autonomous District Council.
- (3) It shall come into force from the date of its publication in the Official Gazette of Mizoram.

**Application of the Act.-**

2. (1) This Act shall apply to all persons who belong to Mara tribe.
- (2) This Act may further be applicable to any Scheduled Tribe who is a permanent resident of the District Council area if he/she prefers so.
- (3) It also applies to marriage where male or female member of the parties belongs to any Mara clan living either within or outside the District Council area in respect of marriage, divorce and bride price.

**Explanation:**

*'A permanent resident' for the purpose of this Act shall mean and include a person resident of the District Council area by birth or descent, and also include a person born on or before 29th April, 1972 within the area of the defunct Pawi-Lakher Regional Council.*

**Definition.**

3. In this Act, unless the context otherwise requires:-
  - (i) **'Acquired property'** means any property other than inherited property acquired by any person or by the family by any means;
  - (ii) **'Ancestral property'** means a coparcenary property. The property belonging to three male parental ancestors in the unbroken line of ascent viz; the father, grandfather and great grandfather, it is not inclusive of maternal ancestral who are also an ancestor of a person.
  - (iii) **'Couple'** means and applies to husband and wife who are married and recognized as couple under this Act or any other law or religious rite or customary and traditional usages for the time being in force and practice in the District Council area;
  - (iv) **'District Council'** for the purpose of this Act shall mean the Mara Autonomous District Council;
  - (v) **'Court'** means the District Council Court(s) having original jurisdiction for the purposes of this Act in the District Council area;
  - (vi) **'Decree'** means and includes a decree or order of the formal expression of an adjudication of the Court which, so far as regard to the court expressing it, conclusively determines the right of the parties with regard to all or any of the matters in controversy in the suit/case and may be final in so far as this Act is concerned;
  - (vii) **'Desertion'** means abandonment against the will of the person charging it;

- (viii) **'Saw ta alapa/adoption'** implies to a situation where a married couple without issue goes for adoption of a minor child. The reasons for adoption could be varied. One may adopt an orphan who is in need of proper care and protection. The adopter may also adopt the child of another person to look after him when he/she becomes old;
- (ix) **'Chhòhkha pawhràhpa/head of family'** mean a person who manages, rules and controls all the movable and immovable properties of the family;
- (x) **'Licensed Officer'** means Judicial Officer or Magistrate of First Class of the District Council Court(s) competent to register and recognize marriage under this Act or any person authorized or ordained by any religious denomination to solemnize marriage as per the religious rites of such concerned religious denomination;
- (xi) **'Mara'** means and applies to individuals who are Mara by birth, decent or by adoption of minor child who belongs to scheduled tribe;
- (xii) **'Major'** for the purpose of marriage means, a person who, if a male has completed twenty-one years of age, and if a female, has completed eighteen years of age;
- (xiii) **'Minor'** means a person who has not attained the age of majority;
- (xiv) **'Mâ'** means bride price paid by the bridegroom and received by the head of the bride's family or such beneficiary of bride price as may be granted and appointed for the purpose by the bride's family. As per the Mara custom, a certain amount of bride price in terms of cash and kind is given to the bride's family by the bridegroom's family as may be demanded by the bride's family, and such price is called 'bride price'. However, bride price not paid by mutual agreement of the parties does not invalidate the marriage if recognized, registered and solemnized by the competent authority under this Act;
- (xv) **'Mâpipa (Azilâ/Chawlâ)'** the term mâpipa 'Azilâ/Chawlâ' refers to a sum of various kinds of bride price called principal bride price payable to the bride's father or brothers and the brothers of the bride's father or the bride's paternal uncles as the case may be;
- (xvi) **'Hlâsibâh'** refers to petty subsidiary prices (hlâsi bâh) of the principle bride price (Azilâ/Chawlâ) payable to the bride's family;
- (xvii) **'Mâchiâh'** means some other miscellaneous bride prices which are not included in 'Azilâ price/Chawlâ' and 'hlâsibâh' prices.
- (xviii) **'Marriage'** means a union of a man and a woman who are both major as husband and wife on or after fulfilling the following conditions:-
- (a) A male suitor conveys a proposal after obtaining the consent of the woman through 'lyuhchâpa' to the head of the family of the woman he wants to marry;
  - (b) If the woman's family accepts the proposal after obtaining the consent of the woman, quantum of 'mâ' is fixed by the head of bride's family and the date and place for payment of bride price and solemnization of marriage are fixed;

- (c) The man pays the bride price through 'lyuhchâpa';
  - (d) The Licensed Officer chosen by the parties to administer Solemnization of marriage is informed of the intended marriage and that marriage is duly solemnized;
  - (e) After marriage is duly solemnized at the appointed time and on the date so fixed, the bride under the escort of her family members and relatives leaves her home and family to live with the bridegroom;
  - (f) When the marriage has been done in accordance with the customary practice and religious rites as mentioned above or as per marriage Solemnized by the Licensed Officer, the marriage becomes complete and binding.
- (xix) '**Divorce**' for purpose of this Act means the various means of dissolution of marriage or separation between a husband and a wife in the Mara Society or between such other couple as may be covered by this Act as per the Mara custom and practice namely; Mapa, Mâ pakuâpa, Sôhliâh paryhpa, Vahpa ylei chhôhta puâpa, Ahrupa, Vahpa hropa akhohpa, Khûthipa, Olyu puâsaipa, Apheipa;
  - (xx) '**Lyuchâpa**' means a person or persons, not less than two in number, appointed by the bridegroom's family as negotiators/messengers to negotiate and settle the marriage;
  - (xxi) '**Property**' means any movable or immovable property;
  - (xxii) '**Personal property**' means any property registered in the personal name of a person and any other property purchased or gifted or inherited and so owned and possessed by a person;
  - (xxiii) '**Re-marriage**' means a marriage of a person who has become single after his/her previous marriage;
  - (xxiv) '**Riâsaw**' means an illegitimate child and 'Riâsaw mâ (riatha mâ)' means money or price that is not less than Rs. 3,000/- (Rupees Three Thousand) only paid with or without 'salâ' as the case may be, to the woman with whom a man has a child without getting married;
  - (xxv) '**Woman's personal property**' means any property purchased or gifted or inherited and owned by a woman as her personal property ownership of which is registered in her name and brought by her to the house of her husband at the time of marriage;
  - (xxvi) '**Subordinate District Council Court**' means the Subordinate District Council Court established under the 'Lakher Autonomous District Council (Administration of Justice) Rules, 1981' or as may be amended from time to time. The powers and functions of the Subordinate District Council Court shall be as permissible under the above Rules or as may be determined by the Governor of Mizoram under Sixth Schedule from time to time;
  - (xxvii) '**District Council Court**' shall mean the District Council Court established under the 'Lakher Autonomous District Council (Administration of Justice) Rules, 1981 or as may be amended from time to time. Its jurisdiction shall be as may be determined by the

above Rules or as may be vested to it by the Governor from time to time;

(xxviii) **'Minister'** means any person authorized or ordained by any religious denomination to solemnize marriage as per the religious rites of such concerned religious denomination such as ordained minister, priest, authorized church elder (Awnano Machâ).

(xxix) **'Kiâ'** means a bride stepping into the house of a bridegroom's house after due solemnization of marriage on the night of solemnization of marriage under the escort of her family members with or without her belongings.

## CHAPTER – II

### Marriage

4. (1) Marriage may occur between a man and a woman by way of:-
- (i) Valid marriage: Under a valid marriage, the stage of marriage between husband and wife is finally reached only with the final issuance of Marriage Certificate by the wedding Minister jointly signed and countersigned at the time and place of the marriage ceremony by the new couple, their respective witnesses and lastly by the wedding Minister himself after going through the process of solemnization of the wedding and marriage pledge-making, etc. all of which may be realized into practical actions only if a special messenger sent to the girl's family with marriage proposal comes back with success.
  - (ii) Invalid marriage: An invalid marriage may occur by way of-
    - (a) Aparupa; and
    - (b) Kiâhnaopa;Provided that an invalid marriage may be regularized by the licensed officer as may deem fit and reasonable by issuing marriage certificate in this behalf in favour of such married couple if the couple has been living together as husband and wife peacefully for at least 3 months.
  - (iii) All cases for settlement, registration and recognition, etc. of marriage under this Act shall be adjudicated and decided according to law, justice, equity and good conscience consistent with the customary practice, usage and tradition of the Mara community since time immemorial.

### **Bride price.**

5. (1) The bride price shall consist of:-
- (i) 'Mâpipa (Principal bride price)' also referred to as 'Azilâ/Chawlâ' which is not less than a fixed bride price of Rs. 5,000/- (Rupees Five Thousand) only.
  - (ii) 'Hlâsibâh' (Subsidiary bride price)' bride prices which are not included in 'Azilâ/Chawlâ' prices to be claimed and demanded by the bride's family in accordance with the customary practice and usages among the Maras.

(iii) 'Máchiah' means some other miscellaneous bride prices which are not included in 'Azilâ price/Chawlâ' and 'hlâsibâh' prices.

**Settlement of Bride price.**

6. The Bride price to be paid through 'Lyuhchâpa' shall be recorded in writing as per **Appendix-I** in two copies and are signed by 'Chhôhkha pawhrâhpa' of the bride's family and by the 'Lyuhchâpa'. One copy is for the bride's family and the other copy for the bridegroom's family. The main bride price when received may be distributed by the head of the family to different persons mostly near relatives or close friends.

**Notice of intended Marriage.**

7. Notice of intended marriage is to be given to the Licensed Officer by the parties desiring to solemnize marriage in consultation with the concerned 'Lyuhchâpa'. He will cause notice of the intended marriage to be fixed in some conspicuous place or make announcement as per the rule, mode or practice of the religious denomination of which he is a Licensed Officer.

**Solemnization of Marriage.**

8. (1) The Marriage may be solemnized by any Licensed Officer such as, any Ordained Minister or Priest or Authorized Church Elder (Awnano Machâ) of any concerned Religion according to the rules, rites, ceremonies and custom of the Religion of which he is holding such office or competent Court empowered for the purpose under this Act;  
 Provided that a male and female persons entering into marriage must be major in age.
- (2) The marriage must be solemnized in the presence of at least two witnesses besides the Licensed Officer who administers solemnization, and that the bestman (*kei*) and the bride's maid (*mao*) must also be competent persons, major in age.
- (3) **Voidable Marriage:** A man and a women living together on 'aparupa' or 'kiâhnaopa' is not a valid marriage and the same is voidable unless regularized under this Act.

**Explanation:**

- (i) '**Aparupa**' means a man taking a women to live with him as his wife without the consent and knowledge of a woman's family;
- (ii) '**Kiâhnaopa**' means a woman or man leaving her or his house and living with a man or woman in the man's or woman's house as husband and wife in absence of proper marriage arrangement or ceremony.

**Prohibited relationship.**

9. A man cannot enter into a marriage with any of the persons, the rules or practice of the religious denomination of which he is a member prohibits and a woman cannot enter into a marriage with any of the persons, the rules or practice of the religious denomination of which she is a member prohibits.

**Void marriage.**

10. The living together as husband and wife of-
- (a) two persons of the same sex;
  - (b) a person with another person having a spouse living and;
  - (c) either or both are under-aged are void-ab- initio.

**Issue of Marriage Certificate.**

11. Marriage Certificate shall be issued under this Act in the following manners:-
- (1) A certificate of marriage is to be issued by the Licensed Officer who administers solemnization of marriage and the certificate so issued will be the conclusive proof of marriage;
  - (2) In other cases, a certificate issued after Settlement of Bride price as per **Appendix-I** or otherwise as the case may be, by the competent Court under this Act shall also be a conclusive proof of Marriage, and that in the certificate so issued if any, by such Court, the words 'see section 11 of the Mara Autonomous District Council (Marriage and Divorce) Act, 2024' shall be inserted in such Marriage Certificate as a mark of Judicial authentication;
  - (3) Notwithstanding anything contained in this Act or any other law in force in the District Council area, the Subordinate District Council Court shall also be competent to issue marriage, re-marriage or non-marriage certificates for any purposes on being satisfied with application and documents attached therewith for the purpose submitted before it by interested person(s) as may find necessary and proper in such form and manner as may be prescribed from time to time by such Court on payment of such fee as may be fixed by such Court from time to time as shown in **Appendix-II**.

**Registration of Marriage.**

12. Every marriage solemnized under this Act by the competent Court empowered in this behalf in accordance with the provisions of this Act shall be registered in proper manner in such form as may be prescribed by such Court from time to time as shown in **Appendix-III** on payment of such fee as may be fixed by the issuing authority from time to time.

**CHAPTER - III**

**Dissolution of Marriage and Divorce**

**Divorce.**

13. Divorce may take place between a husband and a wife in the following manners:-
- (1) the various means of dissolution of marriage or separation between a husband and a wife among the Maras as may be covered by this Act as per the Mara custom and practice namely; Mapa, Mâ pakuapa, Sôhliah paryhpa, Vahpa ylei chhôhta puapa, Hruna, Vahpa hropa a khohpa, Khuthipa, Olyu puasaipa, Apheina; or
  - (2) a judicial separation for a fixed period as may be decreed by competent Court in a temporary nature or permanently as may find necessary by the Court.



**Grounds for  
dissolution of marriage  
by competent Court.**

14. (1) Any marriage before or after the commencement of this Act, may on petition presented to the competent Court either by the husband or the wife, be dissolved and a divorce decree be granted on the following grounds:-
- (i) the respondent/opposite party has committed adultery; or
  - (ii) due to irreconcilable incompatibility; or
  - (iii) the respondent has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it would be harmful or injurious for the petitioner to live with the respondent; or
  - (iv) the respondent has been incurably of unsound mind for a continuous period of not less than three years immediately preceding the presentation of the petition; or
  - (v) the respondent has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy or any disease in a communicable form which endangers the life of the spouse; or
  - (vi) the respondent has not been heard of as being alive for a period of seven years or more by those persons who would have naturally heard of the respondent if the respondent had been alive; or
  - (vii) the wife refuses to go on 'kiâ';
  - (viii) the respondent has willfully refused to consummate the marriage and the marriage has thereof not been consummated; or
  - (ix) the respondent has deserted the petitioner for at least two years immediately preceding the presentation of the petition; or
  - (x) by mutual consent.
- (2) A wife or husband may also present a petition before competent Court for the dissolution of their marriage on the ground that the spouse has, since the solemnization of the marriage been found guilty of rape, sodomy or bestiality.
- (3) Notwithstanding anything contained in this Act or any other law in force in the District Council area, the Subordinate District Council Court shall also be competent to issue divorce certificate for any purposes on being satisfied with application and documents attached therewith for the purpose submitted before it by interested person(s) as may find necessary and proper in such form and manner as may be prescribed from time to time by such Court on payment of such fee as may be fixed by such Court from time.

**Judicial separation.**

15. (1) Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on any of the grounds specified in sub-section (1) of Section 14.



- (2) After a decree for judicial separation has been passed by a competent Court, such Court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition and any other evidence available, review and rescind the decree and may draw such fresh decree if it considers it just and reasonable to do so.
- (3) A proceeding for judicial separation shall not exceed a period of six months and on or after the expiry of six months, the Court shall pronounce a decree for dissolution of marriage with immediate effect.
- (4) Nothing in this Section or any other provisions in this Act shall prevent a husband and a wife, from amicable settlement outside the Court to reconcile to live together as a husband and a wife as per the Mara custom, on their own free will and consent.
- (5) All cases relating to dissolution of marriage or divorce under this Act shall be adjudicated and decided according to law, justice, equity and good conscience consistent with the customary practice, usage and tradition of the Mara community since time immemorial.

**Supply of copy of decree.**

16. In every case where a marriage is dissolved by a decree of divorce, the Court passing the decrees shall give a copy thereof free of cost to each of the parties.

**Power of the Court to pronounce decree for dissolution of marriage.**

17. If the court is satisfied on the evidence available before it, and that the case of the petitioner has been proved, and does not find that the petitioner has been in any manner accessory to or conniving at the going through of the said form of marriage, or has condoned the adultery complained of, the court shall pronounce a decree, and may grant a Certificate of Divorce in such form as may be prescribed from time to time as shown in **Appendix-IV** declaring such marriage to be dissolved.

**CHAPTER – IV**  
**Alimony And Maintenance**

**Permanent Alimony and maintenance.**

18. (1) The Court exercising jurisdiction under this Section, may at the time of passing any decree or at any time subsequent thereto, on an application made to it for the purpose by either the wife or the husband unable to maintain themselves as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent's own income and other property if any, the income and other property of the applicant, the conduct of the parties and other circumstances of the case, as it may appear to the Court to be just and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent.

- (2) If the court is satisfied that there is a change in the circumstance of either party at any time after it has made an order under sub-section (1) of this Section or party in whose favour an order has been passed has re-married or has become unchaste or on any other fit and good ground, it may, at the instance of either party vary, modify or rescind any such order in such manner as the Court may deem just.
- (3) While determining cases under this section, the procedures of the Subordinate District Council Court and the District Council Court in respect of alimony and maintenance shall, subject to the provisions of this Act, be in the spirit of Section 125 of the Code of Criminal Procedure, 1973 as may be amended from time to time so far as it is applicable to the circumstances of the case, consistent with the provisions of this Act and customary practices or usages in force in the District Council Jurisdiction.

**Duty of the Court to consider the welfare of the Children.**

19. In any proceeding under this Act, the Court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem fit and proper with respect to the custody, maintenance, education and welfare of minor children, consistent with their wishes wherever possible, and upon application by the petitioner, may also from time to time revoke, suspend or vary any such orders and provisions previously made, and may, if it thinks fit, direct proceeding to be taken for placing such children under the protection of the Court or any other fit person or guardian.

Guardianship of the child shall also be decided by the Court as per the existing customary practice and usage keeping in mind the best interest of the child;

Provided that the Court may issue Guardianship Certificate in favour any person as may find fit and proper by the Court in such form and manner as may prescribe from time to time on submission of recommendation from concerned VC/MTP and Local Church.

Provided further that a child below the age of three years shall be in the custody of the mother unless the mother is found unfit by the Court for reasons to be recorded in writing as the custodian of the child.

**Liberty of parties to marry again.**

20. Where a decree for dissolution or nullity of marriage has been passed and either the time for appeal has expired without an appeal having been presented to any competent Court or an appeal has been presented, but has been dismissed and the decree or dismissal has become final, it shall be lawful for either party to marry again, or when a person become single after the death of his/her spouse as the case may be.

**CHAPTER – V**  
**Jurisdiction**

**Court to which petition should be made.**

21. Every petition under this Act shall be presented to the Court within the local limits of whose original Jurisdiction–

- (1) The marriage was solemnized; or
- (2) The respondent, at the time of the presentation of the petition resides;  
or
- (3) The Parties to the marriage last resided together.

**Reconciliatory matter.** 22. Before proceeding to grant any relief under this Act, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about reconciliation between the parties and may adjourn Court proceeding for the purpose as may be provided under this Act.

**Adjournment of proceedings.** 23. For the purpose of aiding the Court in bringing about such reconciliation, the court may, if the parties so desire or the Court thinks fit it just and proper to do so, adjourn the proceeding thereof for a reasonable period not exceeding three months and refer the matter to any person named by the parties in this behalf or to any person nominated by the Court if the parties fail to name any person, with such directions to report to the Court whether reconciliation can be and has been effected and the Court shall in disposing of the proceeding have due regard to such report.

**Supply of copy of decree.** 24. In every case where a marriage is dissolved by a decree of divorce, the Court passing the decree shall give a copy thereof free of cost to each of the parties.

## CHAPTER – VI

### Adoption

25. A married couple without issue naturally goes for adoption. The reasons for adoption could be varied. One may adopt an orphan who is in need of proper care and protection. The adopter may also adopt the child of another person to look after him when he/she becomes old.

**Procedures to be followed by the Adopter and family of the orphaned/adopted child.** 26. A person who wants to adopt a child should be of sound mind. A child should be adopted with the agreement and consent of both the couple.  
(1) The adopter should be older than the adopted child by at least 16 years.  
(2) If the child's parents are still alive, the adopter should get prior permission from them. If only one of the child's parents is alive, prior permission of the living one of the couple shall be obtained before adoption. The permission of child's guardian should be obtained for adoption if the child's parents are no longer alive.

**The position of the adopted child.** 27. The adopter/adoptive father or mother should treat his adopted child equally with his own children. The adopted child may be entitled to be placed in a position equivalent to that of the eldest son of the family

with regard to inheritance of property as well as in the exercise of the household authority.

**Some pre-requisites for adoption.**

28. (1) To adopt a child, application for the same should be submitted in a written form with the enclosure of an Affidavit of Rs. 20/- before the Subordinate District Council Court. A person who is desirous of adopting a child should apply in the prescribed form in accordance with **Appendix-V**. Application for Certificate of Adoption shall contain the following particulars as shown below:-
- (i) name of the child and parents names with their address;
  - (ii) date of Birth of the child;
  - (iii) name of the Guardian & Father's Name;
  - (iv) date of birth of the applicant;
  - (v) names & signatures of two witnesses.
- (2) The Court on being satisfied with application for adoption may, grant Certificate of Adoption in such form and manner with such particulars as may be prescribed from time to time by such Court as shown in **Appendix-VI**.

**Illegitimate Child (Riásaw).**

29. A child born without legitimate wedlock is a bastard, but if the couple goes for marriage after such child- birth, the child should not be considered as a 'bastard (riásaw)'. If a man begets an illegitimate child with a woman whom he has no intention and willingness to marry, he shall be liable to pay not less than Rs. 4,000/- with or without 'salâ (pig)' as the case may be, to such woman or family of the woman concerned. If a man wants to lay claim to such illegitimate child, he shall be liable to pay an amount of not less than Rs. 2,000/- only with a 'salâ' (pig) to the girl's family for such claim.
30. If a pregnant woman hesitates to disclose the identity of the father of the child in her womb, the child shall remain as one of the maternal uncle's children. If the child is a male, he shall be free to live with his mother or maternal uncle, and after attaining a marriageable age, his maternal uncle shall make necessary arrangement for his life partner. But if the child happens to be a girl, her maternal uncle shall fix her bride prices and collect them according to his own decision.

**Claim of illegitimate Child (Saw padona kyh).**

31. Subject to the provisions contained under Section 29, the illegitimate child of unmarried couple may be claimed by his/her real father even after he/she has attained marriageable age. However, 'Phothyu' should be paid as may be demanded by the child's maternal uncle.

**CHAPTER – VII**  
**Division of Property on Divorce**

**Ownership rights of head of family (chhòhkha pawhrâhpa) over properties.**

32. All movable and immovable properties inherited and acquired, which is not registered in the name of any member of the family living under the same roof are deemed to be the property of the head of the family.

**Rights of head of family to dispose property.**

33. The head of the family may, dispose any of his/her family properties except service/pensionary benefits of the family members, by way of sale, barter, gift, charity or endowment. However, a woman's personal property shall not be disposed without her consent.

**Right of a woman leaving her husband on (Ma or Sôh pakuâpa).**

34. If a woman leaves her husband on **sôh pakuâpa**, she will have no right over the acquired property except her personal property;  
Provided that if she was compelled to leave her husband on 'Ma or Sôh pakuâpa' by her husband's domestic violence or cruelty, or her husband is wantonly or sexually unfaithful or insanity of her husband or depriving her of conjugal right except on health ground, she cannot be deprived of her right over the acquired property.

**Explanation:**

*'Ma' or 'Sôh pakuâpa' means a married woman leaving her husband by returning bride price.*

**Right of woman leaving her husband on 'Mapa'.**

35. (1) If the husband divorces his wife on 'Mapa' except on ground of adultery or deprivation of her husband of his conjugal right, she will have share over the acquired property of any kind. The personal property of the woman shall not be disturbed.  
(2) If a woman divorces her husband on ground of adultery or deprivation of conjugal right except on health ground, she will have a share over the acquired property not exceeding 50% along with her personal property.

**Explanation:**

*'Ma/Mapa' means a wife, divorced by her husband.*

**Share of acquired property.**

36. (1) A woman leaving her husband on 'Ma or mapa' shall have a share of the acquire property and shall be given as a share not exceeding fifty percent (50 %) of the acquired property.  
(2) Married couple who have separated on mutual consent will share acquired property as mutually agreed or deemed just and proper.  
(3) A couple who have separated under clauses (iv) (v) & (x) of sub-section (I) of Section 14 of this Act shall share the acquired property equally.  
(4) A person who has not been heard of for a period of seven years or a person who has deserted the family as provided under clauses (vi)

& (ix) of sub-section (1) of Section 14 of the Act shall have no share over the acquired property.

**Gift of property to a son/daughter leaving family as Ochâ-chôpa.**

37. If a son or daughter leaves his or her family on Ochâ-chôpa as per the desire of the head of the family, the head of the family may give any of the property of the family other than such son's or daughter's personal property.

**Explanation:**

'Ochâ chôpa' means a son or daughter leaving his or her father's house for independence and establish a separate family which is accepted by the head of family.

**Jurisdiction of Court.**

38. The competent Court having original jurisdiction over the area any of the Parties resides shall, in accordance with the provisions of this Act, have the powers-
- (1) To grant certificates of marriage, re-marriage or non-marriage; or
  - (2) To grant divorce and guardianship certificates etc.; or
  - (3) If a son or daughter leaves his or her family on Ochâ chôpa as per the desire of the head of the family, the head of the family may give any of the property of the family other than such son's or daughter's personal property.

**Application of other Laws not barred.**

39. Save as otherwise provided, the provisions of this Act shall be in addition and not in derogation of any other laws if any, for the time being in force in the District Council area.

**APPENDIX - I**  
**SETTLEMENT OF BRIDE PRICE**  
**(See section 6)**

**Name of Bridegroom:**

Mr. \_\_\_\_\_ S/o \_\_\_\_\_ Age \_\_\_\_\_  
Religion \_\_\_\_\_ Tribe/Community \_\_\_\_\_ Clan \_\_\_\_\_  
Village \_\_\_\_\_ PO/PS \_\_\_\_\_  
District \_\_\_\_\_ State \_\_\_\_\_

**Name of Bride:**

Mr. \_\_\_\_\_ S/o \_\_\_\_\_ Age \_\_\_\_\_  
Religion \_\_\_\_\_ Tribe/Community \_\_\_\_\_ Clan \_\_\_\_\_  
Village \_\_\_\_\_ PO/PS \_\_\_\_\_  
District \_\_\_\_\_ State \_\_\_\_\_

**Principal Price (Azilâ/Chawlâ):**Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only

Zâtla sôh (Given) Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only  
Mâ chhâchabâhpa Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) only

**Azilâ/Chawlâ:**

- (1) O Kia (Phothyu): \_\_\_\_\_ @ Rs. \_\_\_\_\_
- (2) Chawchyu: \_\_\_\_\_ @ Rs. \_\_\_\_\_
- (3) Seihpihrâh: \_\_\_\_\_ @ Rs. \_\_\_\_\_

**Hlâsibâh:**

- (1) Kei mâ \_\_\_\_\_
- (2) Uh hlâ \_\_\_\_\_
- (3) Machâ hlâ \_\_\_\_\_
- (4) Tyukhai \_\_\_\_\_
- (5) Mao chyü \_\_\_\_\_

**Mâ eihràhpa:**

- (1) Puh mâ \_\_\_\_\_
- (2) Laokhyuh \_\_\_\_\_
- (3) Puhchho Laokhyuh \_\_\_\_\_

**Mâ chiah:**

- (1) Nô chyü \_\_\_\_\_
- (2) Noh chyü \_\_\_\_\_
- (3) Moh chyü \_\_\_\_\_
- (4) Noh chyü (Tinie) \_\_\_\_\_

This document of settlement of bride price is duly executed on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at \_\_\_\_\_ am/pm in the house/residence of Shri/Smt \_\_\_\_\_ in \_\_\_\_\_ (locality/area), and in witness whereof, we put our signatures below:

**Names & signatures of Lyuhchâpa**

**Names & signatures of bride price receiver**

- 1. Mr/Mrs: \_\_\_\_\_ 1. Mr/Mrs: \_\_\_\_\_
- 2. Mr/Mrs: \_\_\_\_\_ 2. Mr/Mrs: \_\_\_\_\_

\_\_\_\_ in \_\_\_\_\_ (locality/area), and in witness whereof, we put our signatures below:

**Names & signatures of Lyuhchâpa:**

- 1. Mr/Mrs \_\_\_\_\_ . Mr/Mrs. \_\_\_\_\_
- 2. Mr/Mrs \_\_\_\_\_ . Bride price Receiver.

**APPENDIX - II**  
**MARRIAGE CERTIFICATE**  
**[See Sub Section (3) of Section 11]**

Regn. No.: \_\_\_\_ of \_\_\_\_.

**MARRIAGE CERTIFICATE**

A marriage Certificate is hereby granted to Shri \_\_\_\_\_ S/o \_\_\_\_\_,



a permanent resident of \_\_\_\_\_ and Smt. \_\_\_\_\_, D/o \_\_\_\_\_ a permanent resident of \_\_\_\_\_, \_\_\_\_\_ (District), \_\_\_\_\_ (State) on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ as per the provision under Section 11, sub-section (3) of the Mara Autonomous District Council (Marriage and Divorce) Act, 2024 by the \_\_\_\_\_ (name of the Court).

Round Seal

( \_\_\_\_\_ )  
Seal and Signature of the Court

Date : \_\_\_\_\_.  
Place : \_\_\_\_\_.

**APPENDIX - III**  
**CERTIFICATE OF MARRIAGE REGISTRATION**  
**(See section 12)**

**Regn. No.:** \_\_\_\_\_ of \_\_\_\_\_.

This is to certify that the marriage between Mr/Shri \_\_\_\_\_ S/O Shri/Smt. \_\_\_\_\_, aged about \_\_\_\_\_ (yrs), a permanent resident of \_\_\_\_\_, \_\_\_\_\_ (District), \_\_\_\_\_ (State) and Smt. \_\_\_\_\_ D/O Shri/Smt. \_\_\_\_\_, aged about \_\_\_\_\_ (yrs), a permanent of \_\_\_\_\_, \_\_\_\_\_ (District), \_\_\_\_\_ (State) is duly registered as provided under Section 12 of the Mara Autonomous District Council Court (Marriage and Divorce) Act, 2024 on this \_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ before \_\_\_\_\_ (name of Court).

Round Seal

( \_\_\_\_\_ )  
Seal and Signature of the Court

Date : \_\_\_\_\_.  
Place : \_\_\_\_\_.

**APPENDIX - IV**  
**DIVORCE CERTIFICATE**  
**(See section 17)**

**Regn. No.:** \_\_\_\_\_ of \_\_\_\_\_.

**DIVORCE CERTIFICATE**

A divorce Certificate is hereby granted to Shri/Smt. \_\_\_\_\_ S/o, D/o Shri/Smt. \_\_\_\_\_, a permanent resident of \_\_\_\_\_, \_\_\_\_\_ (District), \_\_\_\_\_ (State)

on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ on production of relevant documents for the purpose as per the provisions under Section 17 of the Mara Autonomous District Council (Marriage and Divorce) Act, 2024 by \_\_\_\_\_ (name of the Court).

Round Seal

( \_\_\_\_\_ )  
Seal and Signature of the Court

Date : \_\_\_\_\_.  
Place : \_\_\_\_\_.

**APPENDIX - 'V'**  
**(Application form for adoption certificate)**  
**[See sub sec (1) of Sec 28]**

1. Name of the Child : \_\_\_\_\_  
 Father's/Mother's Name : \_\_\_\_\_  
 Date of Birth : \_\_\_\_\_
  
2. Name of the Applicant : \_\_\_\_\_  
 Name of spouse : \_\_\_\_\_  
 Date of Birth : \_\_\_\_\_  
 Address : \_\_\_\_\_
  
3. Name of the Guardian : \_\_\_\_\_  
 Father's/Mother's Name : \_\_\_\_\_  
 Date of Birth : \_\_\_\_\_  
 Address : \_\_\_\_\_
  
4. Signature/Thumb impression of:
  - (a) Child : \_\_\_\_\_
  - (b) Applicant : \_\_\_\_\_
  - (c) Guardian : \_\_\_\_\_
  
5. Documents to be attached (Applicant, Child, Guardian)
  - (1) Birth Certificate
  - (2) Aadhaar card
  - (3) Voter ID card
  - (4) VCP, MTP, Local Church (Recommendation)
  
6. Witnesses:
  - (i) Name: \_\_\_\_\_ Signature: \_\_\_\_\_
  
  - (ii) Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Name of Applicant \_\_\_\_\_  
Signature of Applicant \_\_\_\_\_

Date : \_\_\_\_\_  
Place : \_\_\_\_\_

**APPENDIX – ‘VI’**  
**(CERTIFICATE OF ADOPTION)**  
**[See sub section (2) of Sec 28]**

Regn. No. \_\_\_\_\_

Dated the \_\_\_\_\_ th \_\_\_\_\_, 20 \_\_\_\_.

**CERTIFICATE OF ADOPTION**

Whereas Shri/Smt. \_\_\_\_\_ S/O, D/O, H/O, W/O \_\_\_\_\_ R/O \_\_\_\_\_ desires to adopt master/ms \_\_\_\_\_ as his/her legal and legitimate son/daughter and the same was agreed and accepted by the parents/guardian of master/ms \_\_\_\_\_ aged about \_\_\_\_\_ year (s).

And whereas, as per the provisions of the Mara Autonomous District Council (Marriage and Divorce) Act, 2024, sub-section (2) of section 28 (2), Shri/Smt. \_\_\_\_\_ is hereby declared and accepted as the legal and legitimate father/mother of the said master/ms \_\_\_\_\_

Now, therefore, master/ms \_\_\_\_\_ shall henceforth be the legal and legitimate son/daughter of Shri/Smt. \_\_\_\_\_, and that Shri/Smt. \_\_\_\_\_ as adoptive parent (s), legal and legitimate father/mother shall be responsible for the upbringing, good care and well being of the said master/ms \_\_\_\_\_, and that the said master/ms \_\_\_\_\_ may also be entitled to all rights , titles and properties of the said Shri/Smt \_\_\_\_\_ to the extent Shri/Smt. \_\_\_\_\_ may grant and allow.

Given under the Hand and Seal of this Court on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

Round Seal

( \_\_\_\_\_ )  
Seal and Signature of the Court