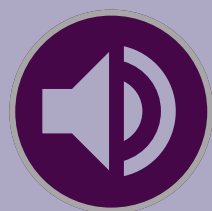


# Women's Marriage Rights in Pakistan

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## Pocket Dictionary

Everything you need to know before getting married in Pakistan.

*Women's Marriage Rights in Pakistan*

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# A



## Age of Consent

The legal age for marriage is also referred to as the 'age of consent'. This is defined as a girl or boy under 18 years of age in Sindh and Islamabad; and a girl under the age of 16 years and boy under the age of 18 years in Khyber Pakhtunkhwa, Punjab and Balochistan.

**See also:** [Child Marriages](#)

## Arbitration Council

This includes the Chairman of the Union Council and one representative for the bride and one for the groom.

# A



## Alimony

Alimony or period payments are only provided for the iddat period or duration of pregnancy. There is no independent right to alimony or periodic payments after dissolution of marriage for the spouse in Pakistan.

**See also:** [Maintenance](#)

## Adultery

An extramarital act of consensual sexual intercourse between a married person and a person who is not party to the marriage, or two unmarried people. Adultery is one of the grounds for divorce and Khula in Pakistan.

# B



## **Bride**

A woman who is about to get married or someone who recently got married.

## **Bridegroom**

A man who is about to get married or has recently gotten married.

## **Bridal Gifts**

Any property given as a gift before, at or after the marriage either directly or indirectly to the bride by the bridegroom or his parents in connection with the marriage. This does not include dower.

# B



## Baari

The urdu word for bridal gifts (typically clothes, shoes and jewelry) given by the mother-in-law to the bride after the marriage.



## Consent

This is permission or agreement from one person to another person to have that other person do something that would otherwise be illegal.

## Court Marriage

When one or both parties to the marriage cannot obtain the permission of their parents or are worried that they will not be able to marry one another they may opt for a court marriage. In Pakistan, this takes place by submitting the completed nikkahnama and identification documents to the Nikkah Registrar and not to a court.



## Crossing-out columns

Every column of the nikkahnama has to be filled-in. In Punjab, it is a crime to cross-out any column(s) in the nikkahnama. The punishment for crossing-out column(s) can include up to one month imprisonment and a fine of Rs. 25,000.

## Child Custody

Child custody in Pakistan refers to the parents right to raise and care for the child and covers the responsibility to take decisions regarding the child.



## Child Marriage

Child marriages constitute a criminal offense in Pakistan. A child marriage takes place when one or both parties to a marriage is a child. The parent / legal guardian, nikkah registrar and/or an adult who contracts a child marriage will be punished with up to six months imprisonment and a fine of Rs. 50,000.

## Computerized National Identity Card (CNIC)

The CNIC is a means of verification for adults over 18 years of age, for particulars of the marriage (full name, age, place of residence, etc). The information filled out in columns 2-5 of the nikkahnama must match the details of the CNIC.



# D



## Dower

A mandatory gift (money, jewelry or any form of tangible or intangible property) provided by the groom to the wife in consideration of the marriage. The dower amount must be filled out in column 10 of the nikkahnama.

**See also:** [Haq Maher](#)

## Deferred Dower

The whole or a part of the dower amount can be deferred to be paid later at a later time. This information must be filled out in column 15 of the nikkahnama. Column 15 is often used as evidence in a suit for recovery of dower amount.

# D



## Dissolution of Marriage

There are three forms of dissolution available to women in Pakistan to end a marriage, these include: Delegated Right to Divorce (Talaq-e-Tafweez), Khula and Mutual Divorce (Mut'a) .

See also:

[Talaq](#)

[Talaq-e-Tafweez](#)

## Delegated Right to Divorce

The delegated right to divorce can be given by the husband to the wife at the time of the nikkah under column 18 of the nikkahnama. The delegated right to divorce allows a wife to exercise the right of talaq, as provided to the husband.

See also:

[Talaq](#)

[Talaq-e-Tafweez](#)

# D



## Dowry

Any property given before, at or after the marriage either directly or indirectly, to the bride by her parents in connection with the marriage but it does not include property which the bride may inherit under the laws of inheritance and succession applicable to her. The law places a limit of Rs. 5,000 on both dowry and bridal gifts.

E



## Elope

Generally refers to running away to get married in secret or without consent of the parents. Consent of parents is not a legal requirement for a valid marriage in Pakistan.

# F



## **Forced Marriage**

Forced marriages are prohibited under Pakistani law. A forced marriage takes place where either party enters a marriage against their free-will. The law mandates between three to seven years of imprisonment and a fine of Rs. 500,000 as punishment for a forced marriage.

## **Faskh-e-Nikkah**

An annulment or abrogation, a dissolution of marriage by decree of the court. For example, the wife files suit in the Family Court based on the grounds provided for in the Dissolution of Muslim Marriages Act 1939.

**G**



## **Guardian**

A person having the care of a minor or his property, or of both his person and property.

# H



**Haq Maher**

The urdu / arabic term for 'dower'.

**See also:**

**Dower**

**Deferred Dower**

**Prompt Dower**

I



## Iddat / Iddah

The urdu / arabic term for 'period of waiting'. This is a mandatory period a woman must observe after the death of her husband or after a divorce, during which time she cannot remarry another man. The iddat period after a divorce is generally three months (or three menstrual cycles), if the woman is pregnant the iddat extends till the child is born. Maintenance can be awarded to the wife throughout the iddat period.

**See also:**

[Alimony](#)

[Maintenance](#)





## Intimate-partner violence

This is one of the most common forms of violence against women and includes physical, sexual, emotional, psychological and financial abuse and controlling behaviours by an intimate partner, typically a spouse. Intimate-partner violence can also be classified as a ground for Khula in Pakistan. In addition to this, violence is a factor that the court may consider in awarding custody of the children.

**See also:** [Maintenance](#)

J



## Jahaiz

The urdu term for 'dowry'.

See also: [Dowry](#)

## Judicial Divorce

This is the legal term for 'Khula'.

See also: [Dissolution of marriage](#) [Khula](#)

# K



## Khula

This is the Arabic term for a judicial divorce. This is an independent right that enables a woman to terminate her marriage through a court, regardless of the husband's consent. A judicial divorce is an absolute right and cannot be revoked, removed or restricted. It can be exercised on certain grounds only, these include: desertion by the husband, failure to maintain, violence / cruelty, insanity, etc. The court is required to hear and pass a judgment on a judicial divorce application within six months.

**See also:** [Judicial Divorce](#) [Dissolution of Marriage](#)

L



## Love Marriage

A marriage between two consenting adults that is not arranged by the parents or elders. This is seen as a cultural faux-pas and is sometimes equated with being a sin. There is no legal restriction on love marriages in Pakistan.

**See also:**

[Elope](#)

# M



## Marriage Rights

These include rights specified in the nikkahnama and those outside of it as well, such as: the right to divorce, the right to consent to a marriage, the right to matrimonial property, the right to maintenance, right to Khula, etc etc.

**See also:**

[Elope](#)

## Mutalqa

The Urdu / Arabic term for a divorcee.

# M



## Maintenance

This includes financial support provided on a monthly or periodic basis by the husband to the wife. The provision of maintenance is a legal obligation and the amount of maintenance can be specified in column 20 of the nikkahnama. In case the husband fails to pay maintenance, the court can be approached for enforcement of maintenance.

**See also:**

[Nafqah](#)

[Alimony](#)

## Matrimonial Property

Typically this includes any property (dower or otherwise) mentioned in the nikkahnama and can also include property which is acquired before or after the marriage.

# M



## Maher Mua'jjal

The urdu / arabic phrase for prompt dower. This is the dower amount promised to the bride at the time of the nikkah and must be paid to the wife before the marriage is consummated or on the wife's demand.

**See also:**

[Dower](#)

[Haq Maher](#)

## Maher Ghair Mua'jjal

The urdu / arabic phrase for deferred / delayed dower. The dower amount is paid out in part, and the remainder is deferred to be paid at a later date (agreed by the parties and noted in column 14 of the nikkahnama). If not paid before, it is payable upon dissolution of the marriage by divorce or death.

# N



## Nikkah

The urdu / arabic term for a formal marriage ceremony where a marriage contract (nikkahnama) is signed by both the bride and the groom.

## Nikkahnama

The Urdu / Arabic term for marriage contract. The Nikkahnama is a legally enforceable contract that contains terms and conditions for each marriage in Pakistan.

**See also:** [Crossing-out columns](#)



# N



## Nikkah Khawan

The Urdu word for 'nikkah registrar' or a person who solemnizes the marriage.

## Nikkah Registrar

A nikkah registrar is a person who has been granted a license to solemnize marriages in Pakistan by the relevant Union Council.

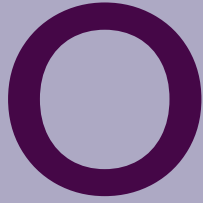
## Nan-Nafqa

An allowance made to a wife out of her husband's estate or income for her support, upon her divorce or legal separation.

See also:

[Maintenance](#)

[Alimony](#)



## Option to Remarry

Any man or woman who opts to get married for a second time, must declare particulars of all previous marriages in column 21 and 5 of the nikkahnama, respectively.

P



## Polygamy

Men in Pakistan have the right to be in polygamous marriages i.e. have multiple wives. In order to marry more than one woman at a time, the man must seek permission in writing from the Arbitration Council and consent of the existing wife. Failure to obtain permission from the Arbitration Council can result in immediate payment of dower to the first wife, and if convicted for contracting a marriage without permission the husband will be liable for imprisonment of up to one year and/or a fine of up to 5,000 PKR.

P



## Prior Marriages

All prior marriages by both parties must be declared in writing at the time of the nikkah.

See also: [Option to Remarry](#)



## Qabool Hai

“I accept”, signifies the bride or groom accepting the marriage and agreeing to the terms and conditions specified in the nikahnama.

# R



## **Randwa**

A male widower.

## **Registration of Marriage**

All marriages must be registered with the Union Council, failure to register is a criminal offense, punishable by imprisonment and fine for associated parties.

# R



## Religious Sects & Marriage Rights

The variations in interpretation and application of rights related to the marriage, documentation (i.e. the nikkahnama) and associated rights and procedures for the contracting of a marriage in Pakistan are noted across different sects. Therefore, application and implementation of women's marriage rights may differ on a case to case basis.

### Rukhsati

The Urdu word for 'sending off'. Rukhsati is when the groom and bride are able to live in the same home and consummate the marriage after a nikkah has taken place. Rukhsati is a social norm.

# S



## Special Conditions:

This can be any term written out in column 17 of the nikkahanam, by mutual consent of the husband and wife. Special conditions can include any information or right you want to secure: monthly maintenance, compensation conditional upon divorce, division of matrimonial property, etc.

## Salsi Council

This is the urdu name given to the Arbitration Council.

**See also:** [Arbitration Council](#)



# T



## Talaq

This is a pronouncement to end the marriage. A man can divorce his wife, in any form (verbal, written, etc) as long as he provides a notice in writing of the pronouncement of talaq to the Chairman of the Union Council and also sends a copy of the same to the wife. Restrictions may be applicable on the husband's right to talaq where specified in column 19 of the nikkahnama.

## Talaq-e-Tafweez

The Urdu / Arabic phrase for delegated right to divorce.

**See also:** [Delegated Right to Divorce](#)

# T



## Transgender Marriage Rights

The CNIC in Paksitan allows transgender individuals to have 'X' stated as their gender, however a marriage ceremony can only be performed between a man and a woman, therefore the right to marry is unavailable to transgender individuals.

U



## Union Council

The Union Council or Town or Union Committee, as set up under the Local Government Acts.

# W



## Wali

This is the guardian of a Muslim woman, who has the responsibility of giving her away in marriage.

## Wakeel

A guardian or legal representative that acts as a witness to the marriage. A wakeel is appointed by both the bride and groom. While a Wali is appointed only by the bride.

# W



## Witnesses to the nikkah

These are individuals who witness the nikkah ceremony, particularly the bride and groom consenting to the marriage. A total of 2 witnesses are required to complete the procedure requirements for a valid marriage. The witnesses must be sane, Muslim adults. (one male witness or two female witnesses)