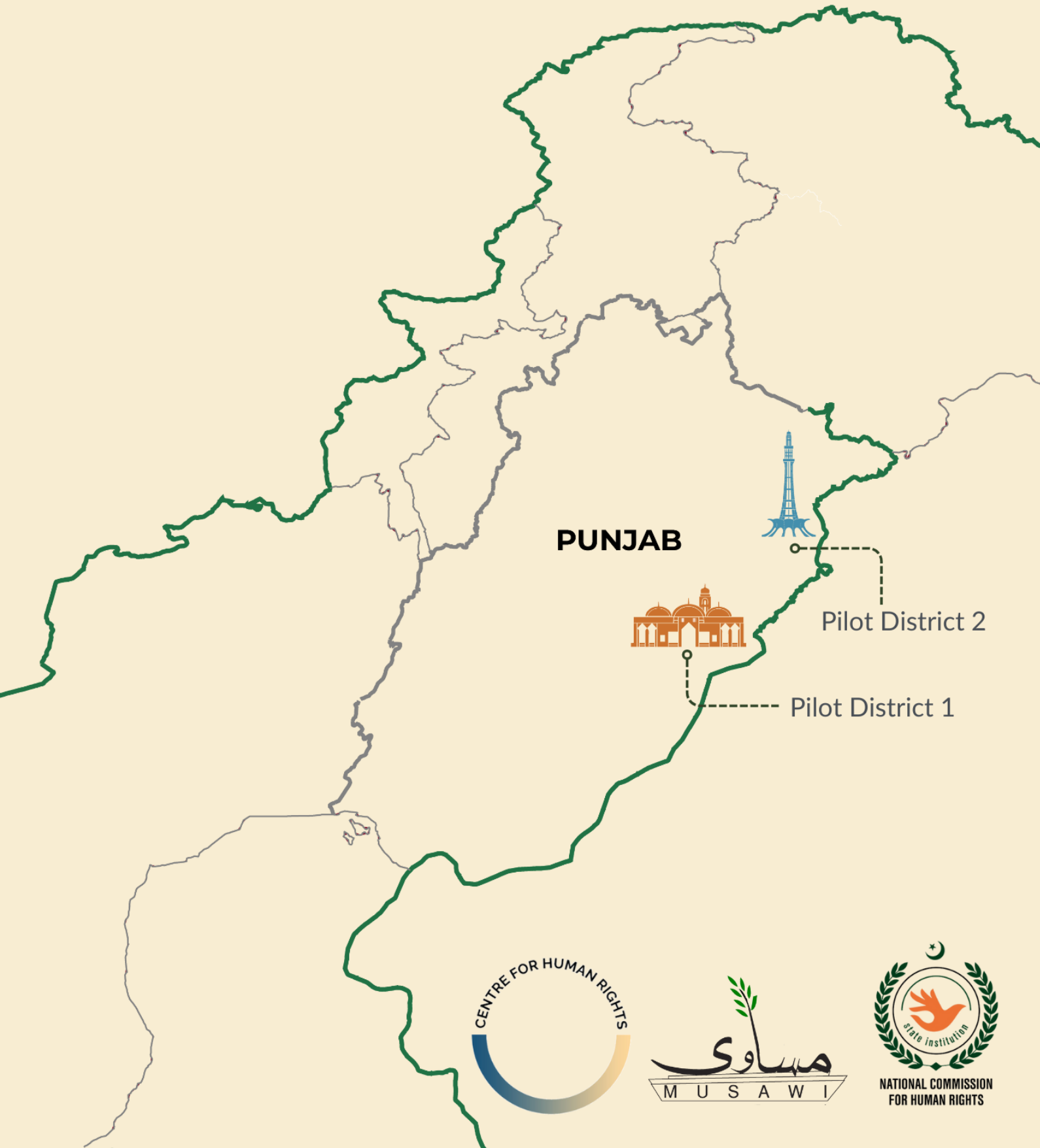


DIAGNOSTIC STUDY OF NIKKAHNAMAS IN PUNJAB:

A Review of Women's Marriage Rights



Diagnostic Study of Nikkahnamas in Punjab: A Review of Women's Marriage Rights

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1. Executive Summary

The need for improved access to and implementation of women's rights is an important and acknowledged challenge in Pakistan. Within the broader sphere of women's rights, rights that fall within the sanctity of the home or the private sphere are perhaps the most left behind in terms of review, policy-making and interventions.

This report seeks to assess the present status of women's marriage rights in Punjab, particularly rights provided for in the *nikkahnama*. The *nikkahnama* is a legal document (a contract for marriage) that sets out a number of rights for both the bride and the groom when entering into a marriage. The *nikkahnama* includes clauses that deal with women's right to divorce, financial security, age of consent, special conditions and much more. However, a number of these key rights have lost value overtime due to weak oversight and enforcement mechanisms pertaining to women's marriage rights. In order to assess the status quo and identify key gaps and practices that protect and/or infringe women's marriage rights in Punjab, the study undertakes a diagnostic analysis of select *nikkahnamas*, Knowledge, Attitudes, and Practices (KAP) surveys with *Nikkah* Registrars, and one-on-one interviews with Union Council officials.

Data was collected from two selected districts from Punjab, Pakpattan and Lahore. Access and resource constraints led to the selection of only two districts from Punjab for the purpose of this study. Therefore, the findings of this study cannot be generalized but can identify trends against which other districts can be assessed in the future.

The diagnostic analysis of *nikkahnamas* was conducted on a sample of 1,100 *nikkahnamas*, with 493 from 8 Union Councils in Lahore and 607 from 7 Union Councils in Pakpattan. In addition to this, a total of 105 KAP surveys with *Nikkah* Registrars and 13 one-on-one interviews with Union Council officials were conducted for this study. The key findings of the diagnostic analysis of *nikkahnamas*, KAP surveys with *Nikkah* Registrars and one-on-one interviews with Union Council officials from Pakpattan and Lahore are based on eight themes summarized below:

1. Age of Bride & Groom — Columns 2 to 4 & 6: There is a continued practice of solemnization of child marriages in Pakpattan in contravention of **Section 5 of the Punjab Child Marriage Restraint Act 1929**. There exists a general lack of legal understanding and knowledge, as well as a misinformed perception of consent and age of consent by *Nikkah* Registrars on the minimum marriageable age for the bride. *Nikkah* Registrars have limited knowledge of the criminality of child and forced marriages.
2. Date of Nikkah & Registration — Columns 12 & 24: A recurring practice of non-registration of *nikkahnamas* in Lahore and Pakpattan was found. *Nikkahnama* registration is delayed in a significant number of cases. *Nikkah* Registrars also do not have knowledge on the relevant legal framework governing *nikkahnama* registration in Punjab, including the criminal liability for non-registration of *nikkahnamas*. In addition, a significant majority of *Nikkah* Registrars wrongly believe that they have the discretion to refuse to register a marriage if they feel it should not take place on any grounds.

3. Dower Amount & Payment Mode — Columns 13 & 14: A majority of *nikkahnamas* across Pakpattan and all *nikkahnamas* in Lahore filled out the dower amount in column 13. However, some marriages were found to still be solemnized without the requisite legal consideration of dower, and in contravention of the Muslim Family Law Ordinance 1961 in Lahore and Pakpattan. *Nikkah* Registrars lack knowledge of the requirement of dower as a mandatory prerequisite for a valid marriage.
4. Special Conditions — Column 17: The special conditions column is left incomplete, blank or crossed out in a number of *nikkahnamas* in contravention of the Punjab Muslim Family Laws (Amendment) Act 2015. While *Nikkah* Registrars believe that women have the right to stipulate mutually agreed conditions, there is also a false misconception that women are incompetent, unfit or insufficiently educated in religious and legal matters to negotiate the terms of the *nikkahnama*.
5. Delegated Right to Divorce & Conditions on Husband’s Right to Divorce — Columns 18 & 19: The delegated right to divorce (*talaq-e-tafweez*) was found to be very rarely delegated, and the relevant column was also left blank or crossed out in more than one-quarter of the reviewed *nikkahnamas*. A relatively larger portion of the *nikkahnamas*, however, placed restrictions on the husband’s right to divorce in column 19. *Nikkah* Registrars were also found to have limited understanding and an attitudinal bias towards the delegated right to divorce.
6. Maintenance — Column 20: *Nikkah* Registrars are not aware of the distinction between dower and maintenance as two distinct rights of the wife. The relevant column in *nikkahnamas* is mostly left blank, with the inclusion of stipulations on maintenance within Column 17.
7. Blank / Missing Clauses in the *Nikkahnama*: *Nikkah* Registrars were found to have inadequate knowledge of the **Punjab Muslim Family Laws (Amendment) Act 2015**, which mandates proper filling out of the *nikkahnama* columns. As a result, more than half of the total *nikkahnamas* reviewed had one or more columns with missing information or were crossed out. This practice disproportionately targeted specific columns on women’s marriage rights in the *nikkahnama*, thereby impeding their actualization.
8. Beliefs and Attitudes of *Nikkah* Registrars: *Nikkah* Registrars lacked understanding of informed consent of the bride as a necessary prerequisite for a marriage. Consequently, several *Nikkah* Registrars did not consider it a legal requirement for them to refuse to solemnize a marriage without the bride’s consent. Nearly one-third also believed *wali* / *vakeel*’s consent as more important than the bride’s free will to enter into a marriage.

In light of the above, this report provides the following recommendations:

- Promote development and use of monitoring frameworks for women’s marriage rights at the provincial and district level in Punjab.
- Develop periodic capacity-building initiatives for Union Council secretaries and *Nikkah* Registrars.

- Adopt a rights-based approach to drafting laws and amendments relevant to marriage rights.
- Relevant stakeholders (civil society, researchers, academics and government departments) should invest and support data collection and analysis on women's marriage rights.
- Develop and disseminate key information on marriage-related rights to different communities across Punjab.
- Support development of institutional capacity-building and refresher training to promote continued learning of key stakeholders on women's marriage rights.
- Develop and implement awareness-raising programs that target both men and women to de-stigmatise women's marriage rights.
- Reform on engagement with *Nikkah* Registrars and Union Council officials on issues related to marriage rights, from a legal, socio-cultural and religious perspective for improved engagement with attitudes and beliefs.

2. Introduction

According to the 2017 Population Census, conducted by the Bureau of Statistics, Government of Pakistan, approximately 64% of the total documented population above 15 years was married.¹ Given the general limitations in data collection and reporting of the population census, the percentage of population married is expected to be higher than the recorded amount in 2017. There are no updated figures available to document the increase / decrease in married population over the last 6 years; however, it is likely that the married population in Pakistan has increased and is continuing to increase on the basis of the increasing overall population of the country. While there is no data to confirm this, the 2017 census provides evidence that understanding and implementation of marriage and related rights impacts a sizable proportion of the population even if updated numbers are unavailable.

The concept of marriage is often regarded as a cultural universal. A cultural universal is defined as a pattern, trait, practice or behavior that is globally common to all or a majority of societies.² Historically, the concept of marriage in the subcontinent has also been deeply entrenched within the socio-cultural heritage, even outside of religion. In Pakistan, for instance, marriage is still widely seen as a religious ceremony, yet it also remains deeply intertwined with pre-partition socio-cultural norms. This traditional perception of identifying marriage as a religious or socio-cultural ceremony has led to ignorance and oversight in understanding and knowledge of marriage rights and protections in various jurisdictions, including Pakistan. As a result of this, limited attention has been given to the legal framework of rights and protections surrounding marriage rights in general, and women's marriage rights in Pakistan.

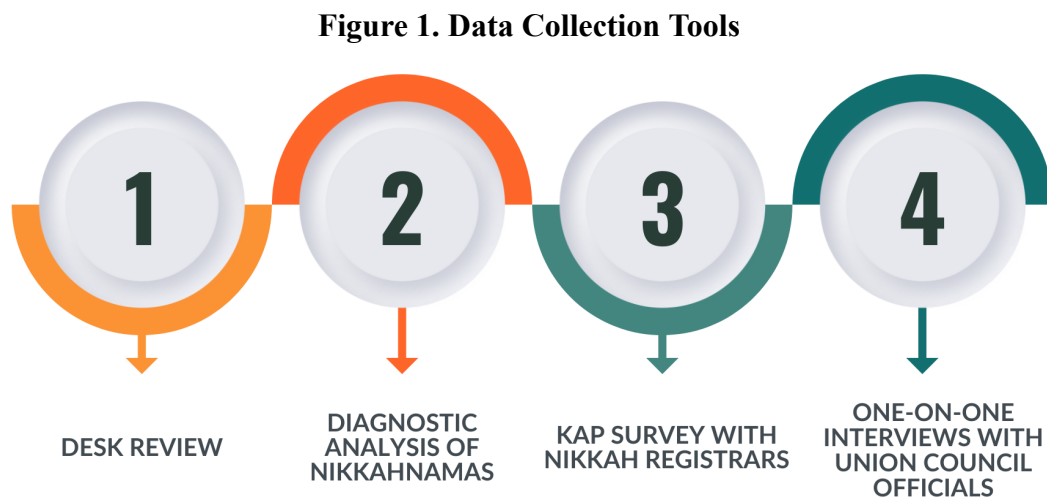
This study seeks to assess the present status of women's marriage rights to better understand gaps in the existing legislative and institutional framework that hinder women's access to and implementation of marriage rights in Punjab. In order to achieve this, the study undertakes a legislative gap analysis of the relevant marriage-related laws in Punjab. The findings of the legislative gap analysis inform the diagnostic review of select *nikkahnamas* from two pilot districts, to identify practices that protect and/or infringe women's marriage rights in Punjab. Moreover, the study triangulates the quantitative findings from the diagnostic review of *nikkahnamas* and KAP surveys with *Nikkah* Registrars against the qualitative data collected through interviews with Union Council officials, to holistically understand gaps that impact the effective implementation of women's marriage rights in Punjab.

¹ Pakistan Bureau of Statistics, 'Population (15 Years and Above) by Marital Status' (2017) <<https://www.pbs.gov.pk/sites/default/files/tables/population/POPULATION%20%2815%20YEARS%20AND%20ABOVE%29%20BY%20MARITAL%20STATUS.pdf>> accessed 21 July 2023.

² Ashley Crossman, 'The Definition of Marriage in Sociology: Types Characteristics and the Social Function of the Institution' (*ThoughtCo*, 1 November 2019) <<https://www.thoughtco.com/marriage-3026396>> accessed 21 July 2023.

3. Methodology

3.1. Overview & Data Collection Tools



A mixed-methods approach was adopted for the diagnostic study to gauge women’s access to marriage rights. The methodology was informed by preliminary consultations with relevant stakeholders (local government officials, *Nikkah* Registrars, sector experts and members of other civil society organizations) and a detailed literature review of existing information and data on marriage rights in Pakistan. The main data collection tools used under this study include:

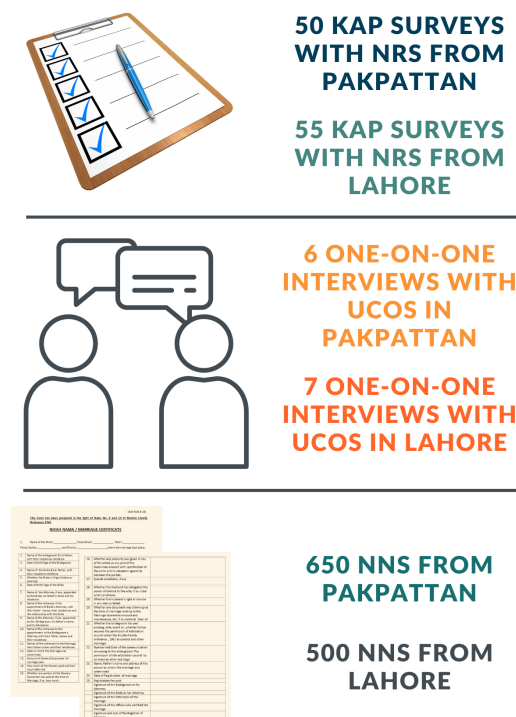
- **Desk Review:** The study included a desk review of primary and secondary sources, including national and provincial (Punjab only) laws, policies, rules, religious texts and research studies on women’s marriage rights in Pakistan to understand the existing situation of women’s marriage rights in Pakistan.
- **Diagnostic Analysis of *Nikkahnamas*:** The research team, with support from relevant statutory bodies and provincial government entities, conducted a review of 650 *nikkahnamas* from Pakpattan and 500 *nikkahnamas* from Lahore, Punjab. The research team carried out a clause-by-clause review of the *nikkahnamas* with support from clinical interns at the Centre for Human Rights. The quantitative review revealed a number of findings on trends, gaps and challenges in implementation of existing marriage rights and law through the *nikkahnama*.
- **KAP Surveys with *Nikkah* Registrars:** The research team developed a KAP survey on women’s marriage rights and provision of the same in the *nikkahnama*. The KAP surveys were conducted in Pakpattan with a total of 50 *Nikkah* Registrars and in Lahore with a total of 55 *Nikkah* Registrars to gather quantitative findings on existing levels of knowledge and understanding on women’s marriage rights and related laws in Punjab. The surveys further aimed to identify any pernicious perceptions and practices of *Nikkah* Registrars that impede the realisation of women’s marriage rights. The quantitative data collected through the KAP surveys was used to triangulate the findings of the diagnostic analysis of *nikkahnamas*.
- **One-on-one interviews with Union Council Officials:** The research team conducted a total of 6 one-on-one interviews with select Union Council officials in Pakpattan

and 7 one-on-one interviews in Lahore during this study. The qualitative interviews were conducted to triangulate the quantitative findings of the KAP survey and the diagnostic analysis of *nikkahnamas*.

3.2. Sampling Strategy & Sample Size

The study adopted a non-random sampling strategy and data was collected through a mix of purposive and convenience sampling. The mixed-sampling approach was adopted to balance the need for a representative sample size against access constraints. The following sample size has been considered for various data sources, keeping in view the time and accessibility constraints besides ensuring the quality of project deliverables.

Figure 2. Data Source & Sample Size



3.3. Data Processing and Analysis Method

The data collected from the registered *nikkahnamas*, KAP surveys and one-on-one interviews was organized, cleaned and scrutinized in the following manner:

Diagnostic Analysis of Registered Nikkahnamas: Diagnostic analysis was performed on the data points derived from the review of *nikkahnamas* and marriage laws applicable in the province of Punjab. The activity aimed to facilitate the project team in planning and introducing appropriate interventions by identifying trends and practices that protect and infringe women’s marriage rights. The trends were analyzed keeping in view the terms and completeness of *nikkahnamas* registered in the pilot districts in light of the local laws. Diagnostic analysis adopted the *drilling down approach* to focus on particular facets of data points, for example, conditions attached to delegated right to divorce.

Descriptive Analysis for KAP Surveys: Descriptive analysis was performed on the data collected from the KAP survey to gather a general understanding of the status quo on

knowledge, attitudes and practices of *Nikkah* Registrars surrounding key thematic areas on women's marriage rights.

Thematic Analysis for One-on-One Interviews: Thematic analysis was performed on the qualitative information and insights gained from the in-depth conversations with the Union Council officials.

3.4. Triangulation of Data

The findings from the quantitative and qualitative data sources were triangulated to corroborate patterns, challenges and success against identified data points under this study. The triangulation of the data analysis provided a holistic perception of the status quo with respect to the understanding, attitudes and enforcement of women's marriage rights in Punjab.

3.5. Limitations of Methodology

This study relies on existing and publicly available data and reports from the Punjab government, which may not include emerging initiatives and discourse within the province. Therefore, some relevant documents may have been excluded from the analysis as they were not publicly available and challenges of accessibility were noted in this regard.

Moreover, the research team faced challenges in identifying representative samples of *nikkahnamas* in both Pakpattan and Lahore as aggregate data on *nikkahnamas* was limited and no streamlined process for recording and storing information was found across the Union Councils. Therefore, while the research team requested *nikkahnamas* for marriages that took place in 2021, the samples received ranged from pre-2016 till 2022. In addition to this, the research team was also informed that some Union Councils had no *nikkahnama* forms from the year 2021 or very limited samples. This information, however, could not be verified for its accuracy. To mitigate these challenges, the research team adopted a range for the diagnostic sample i.e. *nikkahnamas* for marriages that took place between 2020-2022.

In addition to the above, the data collection process was delayed due to a number of reasons including political instability in Pakistan and change in federal and provincial government, which led to constant shuffling of different key stakeholders in the local government. Moreover, the data collection in Lahore was delayed due to reassignment of Union Council secretaries to ration distribution in *Ramadan*.

Finally, the research team faced some limitations during data cleaning and processing of the *nikkahnamas*, as photocopies of documents were often not legible and there was no record with the Union Council to identify the same file and photocopy it again. Therefore, these *nikkahnamas* had to be discarded from the diagnostic review.

4. Relevant Legislative & Institutional Framework on Marriage Rights in Punjab

This section of the study compiles select provisions from various federal and provincial legal instruments pertaining to women’s marriage rights. In addition to this, the section details select provincial institutions, identified by the research team as key actors in implementation of women’s marriage rights.

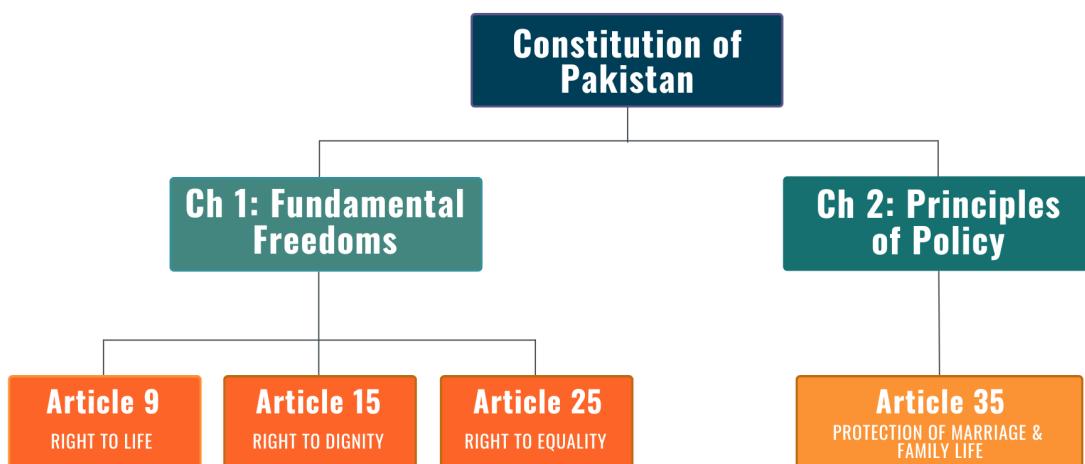
The section relies on the findings of the desk review on laws, acts, ordinances and policies that are related to women’s marriage rights in Punjab. The legislative framework set forward in this section aims to assist readers in understanding the gaps in the key findings section of this study (see section 5).

4.1. Legislative Framework on Women’s Marriage Rights in Punjab

The legislative framework in Pakistan comprises both Common and Islamic Law. The amalgamation of two types of laws builds different legal requirements, processes and interpretations of various limbs of the broader legal framework in Pakistan. For example, the legal framework relating to Muslim marriage rights is largely governed by Islamic Law.³

The Constitution of Pakistan 1973 is the backbone of all legal frameworks, including federal & provincial laws, ordinances, judicial decisions, government policies and rules) applicable in the territory. The Constitution requires all provisions of the law to be in conformity with Islam.⁴ Chapter I and II of the Constitution lay down Fundamental Freedoms and Principles of Policy, respectively. The former includes a set of rights that are relevant to marriage rights, including the rights to life (Article 9), dignity (Article 14) and equality (Article 25). The latter sets out principles of policy for each organ and authority of the state to act in accordance with these principles, including the protection of marriage and family life (Article 35).

Figure 3. Constitutional Protections Relevant to Marriage Rights



³ In Pakistan, family matters fall under *Personal Status Laws* i.e. laws that govern issues related to an individual’s personal and legal status in a society. These personal status laws are bifurcated by the different recognized religious groups in Pakistan, therefore different personal status laws exist for Muslims, Hindus, Christians, Sikhs, etc.

⁴ Article 227, Constitution of Pakistan 1973.

Pakistan has a federal system of government and the Constitution assigns legislative authority on a number of legal issues to the provinces and the federation. For instance, post the 18th Amendment to the Constitution,⁵ a number of issues, including marriage, have been devolved to the provinces. Therefore, this section of the study is limited to an analysis of laws and protections in the province of Punjab only.

4.1.1. The Muslim Family Law Ordinance 1961

The Muslim Family Law Ordinance 1961 (MFLO 1961) is the overarching legal document relevant to Muslim marriages in Pakistan. The MFLO 1961 includes rules and regulations on the registration, validity and composition of the marriage. The MFLO 1961 also details rights for the contracting parties and sanctions for any deviations from the law. Rules 8-10 of the MFLO 1961 provides for the *nikkahnama*, which is a legal document that records the terms and conditions of a Muslim marriage in Pakistan. The *nikkahnama* includes details of both parties to the marriage, the dower, conditions as settled between the parties, the witnesses to the marriage, etc.

The MFLO 1961 is a federal law, which extends to each province and amendments to the same are province-specific. The most recent amendment in Punjab was made in 2015. Section 3(1) of the MFLO 1961 states that:

“the provisions of this Ordinance shall have effect notwithstanding any law, custom or usage, and the registration of Muslim marriages shall take place only in accordance with these provisions.”

Some select provisions relevant to the diagnostic study include:

Registration of Marriage:

The MFLO 1961 requires mandatory registration of all marriages performed under Muslim Law.⁶ Section 5 of the MFLO 1961 provides that:

“(1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.

(2) For the purpose of registration of marriage under this Ordinance, the Union Council shall grant licenses to one or more persons, to be called Nikkah Registrars.

⁵ The Constitution (Eighteenth Amendment) Act, 2010. Prior to the 18th Amendment to the Constitution of Pakistan, the distribution of legislative matters fell within the Federal Legislative and Concurrent Legislative List in the Fourth Schedule of the Constitution of Pakistan. The matters listed in the Federal Legislative List fell within the domain of the National Parliament, while the matters referred to in the Concurrent Legislative List were to be considered by both the Parliament and the Provincial Assemblies. The 18th Amendment deleted the latter i.e., the Concurrent List. After the 18th Amendment, the legislative matters contained in the revised Federal List are to be solely legislated upon by the Parliament, while all areas not contained in the Federal List now fall within the exclusive powers of the Provincial Assemblies.

⁶ Section 5, MFLO 1961.

(3) Every marriage not solemnized by the Nikkah Registrar shall, for the purpose of registration under this Ordinance be reported to him by the person who has solemnized such marriage.

(4). Whoever contravenes the provisions of sub-section (3) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred thousand rupees, or with both.”⁷

For registration of marriage under the MFLO 1961, every Union Council appoints *Nikkah* Registrars, who are granted a licence by the Union Council. Upon registration, the *nikkahnama* becomes a public document and is acknowledged in a court of law as evidence in any dispute pertaining to the marriage.⁸

It is important to note that a violation of the above, in contravention of Section 5 of the MFLO 1961 (the registration provision), is punishable by three months simple imprisonment or a fine of one hundred thousand rupees, or both. This means that a violation of the above by a *Nikkah* Registrar (anyone else who solemnizes a marriage must report it to the *Nikkah* Registrar)⁹ is punishable under the law.¹⁰ This has serious implications for the implementation of the law, as will be discussed in Part 5 of this report.

Delegated Right to Divorce:

The delegated right to divorce (DRD) or *talaq-e-tafweez* is governed by section 8 of the MFLO 1961, which states:

“Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage wishes to dissolve the marriage otherwise than by talaq, the provisions of section 7 shall, mutatis mutandis and so far, as applicable, apply.”

As detailed above, the DRD is an extension of the husband’s right to *talaq* to the wife, provided through column 18 of the *nikkahnama*. Once the wife is given the DRD she can exercise a divorce in the same way that a husband’s right to *talaq* operates.¹¹ The law prescribes no formal mechanism for exercise of the DRD by the wife other than a direction to follow section 7 of the MFLO 1961. Therefore, the only procedural requirement to exercise DRD is that a notice in writing must be given to the Chairperson of the Arbitration Council about exercise of the right to divorce.¹² Legal jurisprudence on the DRD has explained the operation of this right as follows:

“Although the power to give divorce belongs to the husband, yet he may delegate the power to the wife or to a third person, either absolutely or conditionally, and either for

⁷ This provision has been amended by Section 4 of the Punjab Muslim Family Laws (Amendment) Act 2015 to increase the fine from one thousand rupees to one hundred thousand rupees. It provides: “If a person contravenes the provision of subsection (3), he shall be punished to simple imprisonment for a term which may extend to three months and fine of one hundred thousand rupees.” (emphasis added)

⁸ *Zubaida Bibi v. Majidan*, 1994 SCMR 1978; *Falak Naz v. Federal Land Commission*, 2002 CLC 518.

⁹ Section 5(3), MFLO 1961.

¹⁰ Section 5(4), MFLO 1961.

¹¹ *Sajid Hussain Tanoli v. Nadia Khattak*, 2013 CLC 1625; *Aklima Khatun v. Mahibur Rehman*, PLD 1963 Dacca 602. See also DF Mulla, *Principles of Mahomedan Law* (PLD Publishers 1995) 19.

¹² *Khawar Iqbal v. Nadia Khan*, PLD 2011 Lahore 265.

*a particular period or permanently. The person to whom the power is thus delegated may then pronounce the divorce accordingly.*¹³

Dower:

According to the MFLO 1961, dower is a mandatory obligation which is required to be fixed at the time of marriage.¹⁴ In a situation where dower is not fixed at the time of the marriage, the wife's right to claim dower will remain unaffected and the existence of the marriage and the *nikkahnama* will deem that the *haq mehr* can be fixed later through mutual consent.¹⁵

There are two types of dower: deferred and prompt. Deferred dower is where a time period or future date has been specified for the payment of the dower, or payment can be made contingent upon the wife's request. Prompt dower, on the other hand, becomes due upon completion of the *nikkah*. Furthermore, Section 10 of the MFLO 1961 provides that:

“Where no details about the mode of payment of dower are specified in the nikkahnama or the marriage contract, the entire amount of the dower shall be presumed to be payable on demand.”

Unpaid deferred dower is still secure after the lifetime of either the husband or wife. As dower is a debt that the husband has to discharge legally, if it is not paid in his lifetime, dower is one of the first payments to be paid out of the husband's estate unless the wife forgoes her claim.¹⁶ For a deceased woman, her unpaid dower can be claimed as her inheritance by her heirs.¹⁷

Juristically, a woman can relinquish or gift her dower, after which the burden is on the person who has to pay the dower to prove that this is the case. When the dower is relinquished through an affidavit, it has to be corroborated by the person that the affidavit is being attributed to ensure its validity.¹⁸ The superior courts in Pakistan have, however, regularly stressed on dower being a wife's unbridled right, which has to be mandatorily paid. In instances where no dower has been specified in the *nikkahnama*, courts obligate the payment of *mehr-e-misl*, that is, dower which is customarily paid in the bride's family.¹⁹

4.1.2. Punjab Muslim Family Laws (Amendment) Act 2015

In 2015, the Punjab Muslim Family Laws (Amendment) Act 2015 (PMFLA 2015) was passed, amending existing provisions of MFLO 1961:

“for purposes of protecting women from exploitation and providing them with expeditious resolution of family disputes, and for ancillary matters.”

¹³ Sajid Hussain Tanoli, *supra* note 11.

¹⁴ Wahid Bukhsh v. Additional District Judge, 2022 CLC 1516; Ajmal Khan v. Falek Negar Bibi, PLD 2019 Peshawar 218.

¹⁵ Muhammad Qayyum Anjum v. Additional District Judge, 2022 MLD 416.

¹⁶ It is pertinent to note that while a wife can forgo her claim to dower at the time of recovery from her husband's estate, a wife cannot give up her dower during her husband's life even through express consent.

¹⁷ Muhammad Anwar v. Additional District Judge, 2003 YLR 365.

¹⁸ Abdul Wahid v. Zahida Parveen, 2005 MLD 48.

¹⁹ Wahid Bukhsh, *supra* note 14. See also Manzoor Ilahi v. Muhammad Nawaz, 2002 MLD 988.

The PMFLA 2015 makes it mandatory for *Nikkah* Registrars to accurately fill all columns of the *nikkahnama* with specific answers of the bride or the groom. Violation of this will result in imprisonment for up to one month and a twenty-five thousand rupees fine (Rs. 25,000).²⁰ Section 4 of the PMFLA 2015 provides for the insertion of the following provision in MFLO 1961:

“The Nikkah Registrar or the person who solemnizes a Nikkah shall accurately fill all the columns of the Nikkahnama form with specific answers of the bride or bridegroom.”

Besides this, if the husband and wife have both agreed upon a dower amount but it is not recorded accurately in the *nikkahnama*, it would be possible to hold the *Nikkah* Registrar liable under the amended section 5 of the MFLO 1961 in Punjab, resulting in one month imprisonment and a fine of twenty-five thousand rupees (Rs. 25,000). If, however, no amount has been agreed upon, or if prompt or deferred dower has also not been agreed on, then it is unlikely that the *Nikkah* Registrar would be held liable.

4.1.3. The West Pakistan Rules under Muslim Family Law Ordinance 1961

The Nikkah Registrar:

The law mandates no specific qualification or criteria for the appointment of a *Nikkah* Registrar.²¹ Therefore, any person deemed competent of solemnizing a marriage under Muslim law may apply to the relevant Union Council for the grant of the licence as a *Nikkah* Registrar. Section 7 of the West Pakistan Rules framed under the MFLO 1961 states that:

“7. (1) Any person competent to solemnize a marriage under Muslim Law may apply to the Union Council for the grant of a licence to act as Nikkah Registrar under section 5.

(2) If the Union Council, after making such inquiries as it may consider necessary, is satisfied that the applicant is a fit and proper person for the grant of a licence, it may, subject to the conditions specified therein, grant a licence to him in Form I.

(3) A licence granted under this rule shall be permanent and shall be revocable only for the contravention of any of the conditions of the licence granted under this rule.

(4) If any person to whom a licence has been granted under this rule contravenes any of the conditions of such licence, he shall be punishable with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.”

It is pertinent to note that the superior courts of Pakistan have defined the role of the *Nikkah* Registrar as that of a public servant,²² who has a legal responsibility to ensure all marriages are contracted in line with the legal requirements in Pakistan. The *Nikkah* Registrar can be

²⁰ Sections 4(b) and (c), PMFLA, 2015.

²¹ The position of *Nikkah* Registrars is customarily held by local *imams* in Pakistan. In common parlance, an *imam* usually refers to the head clergyman of a local mosque, who also leads prayers and offers sermons.

²² *Shah Din vs. The State*, PLD 1984 Lahore 137.

summoned on different occasions by the court to give evidence where a conflict arises pertaining to a *nikkahnama*.²³ Moreover, as noted above, the *Nikkah* Registrars have the responsibility to register marriages in accordance with the law under sections 5(3) and (4) of the MFLO 1961. In addition, there are criminal sanctions they may face (as detailed in section 7(1)(4) above) attached to violation of any of the licence conditions by a *Nikkah* Registrar.²⁴

4.1.4. The Child Marriage Restraint Act 1929 and Punjab Child Marriage Restraint (Amendment) Act 2015

The Child Marriage Restraint Act 1929 (CMRA 1929) is a federal law which became a provincial subject post the 18th Amendment.²⁵ The CMRA 1929 criminalizes child marriages across Pakistan. In Punjab, select amendments have been made to modify different aspects of the criminalization of child marriages through the Punjab Child Marriage Restraint (Amendment) Act 2015 (2015 Amendment). Some of the key amendments in Punjab include an increased penalty for child marriages and a revised minimum age of marriage.

Therefore, it is a criminal offence in Punjab to marry a child (i.e., a boy under 18 years and a girl under 16 years of age). Moreover, anyone who violates this law (i.e., “contracts”,²⁶ “conducts or directs” a marriage between two children or a marriage of an adult with a child,²⁷ or “does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized” in Punjab)²⁸ may be subject to imprisonment of up to six months and/or a fine of fifty-thousand rupees (Rs. 50,000). Therefore, the 2015 Amendment goes a step further to prescribe punishment for those who may assist, help or support a child marriage, including but not limited to the adult groom, parents, guardians, *Nikkah Khawans* and *Nikkah* Registrars.

Section 9 of the 2015 Amendment details the process to report a case of child marriage in Punjab. A complainant must submit a complaint to the Union Council, following which the Chairperson of the Union Council will report the case to the Family Court. Thereafter, the court will conduct the trial in accordance with the provisions of the CMRA 1929.

Moreover, as per Section 12 of the 2015 Amendment, the Court can forbid any party from solemnizing, facilitating or organizing a child marriage through an injunction (a court order preventing child marriage). This includes the groom, parents or guardians, *Nikkah* Registrars and any other person involved. Violation of an injunction is punishable with imprisonment of up to three months or a fine of one thousand rupees (Rs. 1,000), or both.

4.1.5. The Dowry and Bridal Gifts (Restriction) Act 1976

The Dowry and Bridal Gifts (Restriction) Act 1976 (1976 Act) deals with a number of issues pertaining to marriage expenses, bridal gifts and dowry. The 1976 Act is a federal law which extends to all of Pakistan. Key provisions of the 1976 Act include:

²³ Ibid.

²⁴ Section 7(4), West Pakistan Rules framed under MFLO 1961.

²⁵ Eighteenth Constitutional Amendment, note 5.

²⁶ Section 4, Punjab Child Marriage Restraint (Amendment) Act 2015.

²⁷ Section 5, Punjab Child Marriage Restraint (Amendment) Act 2015.

²⁸ Section 6, Punjab Child Marriage Restraint (Amendment) Act 2015.

- Restriction on amount for dowry / bride gifts: Section 3 of the Act provides that the dowry and presents given to the bride by her parents should not exceed five thousand rupees (Rs. 5,000). Section 3 also states that any dowry, bridal gifts, or presents may be given six months before or after initiating a *nikkah* or six months after the marriage has been consummated (rukhsati).
- Assigning dowry as property of the wife: Section 5 mandates that a wife has an absolute right to her dowry and any bridal gifts she receives, and that any property rights cannot be restricted, controlled, or limited.
- Evidence of dowry and bridal gifts: Sections 7 and 8 aim to prevent evidentiary disputes concerning dowry and bridal gifts. Section 7 mandates that at the *Nikkah* or consummation (rukhsati), the parties' parents must display all dowry items, bridal gifts, and presents given or received to ensure that the guests can view them at that time. Whereas section 8 provides that the parents of both parties must submit a list of dowry and bridal gifts given / received in connection with the marriage to the *Nikkah* Registrar and subsequently places a duty on the *Nikkah* Registrar to submit said list to the Deputy Commissioner within 15 days of receipt of the list.
- Punishment for non-compliance: Section 9 prescribes that failure to comply with any of the above-mentioned provisions can result in up to six months imprisonment or a fine of up to ten thousand rupees (Rs. 10,000), or both.²⁹

²⁹ In addition to the punishments prescribed by Section 9, any dowry, bridal gifts, or presents given or accepted in contravention of the Act shall be forfeited to the Federal Government and used to marry impoverished girls.

4.2. Relevant Institutions

The desk review identifies various institutions at the federal and provincial level, with overlapping roles and responsibilities pertaining to marriage-related rights and processes. For the purposes of this study, only select institutions at the federal level and from Punjab are detailed below. These include government departments and human rights bodies / commissions.³⁰ Select key federal and provincial (Punjab-specific) government departments are detailed in Table 1 below.

Table 1. Select Federal & Provincial Departments Relevant to Marriage Rights

	Department	Federal / Provincial	Relevance to Marriage Rights
1	Child Protection & Welfare Bureau ³¹	Provincial	<ul style="list-style-type: none"> Responsible for protection of destitute and neglected children across Punjab. Provide various services including rescue, legal, reunification, child helpline, etc.
2	Local Government and Community Development Department (LG&CD) ³²	Provincial	<ul style="list-style-type: none"> Mandate to establish and oversee Union Councils (which house <i>Nikkah</i> Registrars and <i>nikkah khawans</i>) across the province. Key functions of the Union Council include provision of <i>nikkahnamas</i>, registration of marriages and divorces.
3	National Database and Registration Authority (NADRA) ³³	Federal	<ul style="list-style-type: none"> Set up to promote civil registration of Pakistanis and develop a centralized system to provide solutions for identification, e-governance and secure documents on personal identifying information for citizens of Pakistan.

³⁰ In addition to the most relevant institution for this particular study, key stakeholders identified for the effective protection and implementation of women's marriage rights in Pakistan also include judges, parliamentarians, lawyers, civil society representatives and the public at large.

³¹ <https://cpwb.punjab.gov.pk/>

³² <https://lgcd.punjab.gov.pk/>

³³ <https://www.nadra.gov.pk/>

			<ul style="list-style-type: none"> • Stores & provides verified documents pertaining to marriage, divorce, family member identification, etc.
4	Women Development Department (WDD) ³⁴	Provincial	<ul style="list-style-type: none"> • Aims to eliminate systematic inequality and discrimination in all facets of governance, development and livelihood in Punjab. • Mandate to suggest, review and support legislation and policy formulation for women’s rights and to collect quantitative and qualitative data on the status of women in Punjab to highlight issues at various forums.

In conducting this diagnostic study, the most relevant stakeholder and point of contact for information pertaining to *nikkahnamas* and *Nikkah* Registrars has been the Punjab LG&CD. Key stakeholder interviews with select Union Council officials and representatives of the LG&CD department provided greater insights into the relevant departments and their significance in the protection and implementation of marriage rights in Punjab.

The LG&CD was established by section 11 of the Punjab Local Government Act 2013. The primary functions and responsibilities of the LG&CD within the provincial framework include updating laws, rules and guidelines for local government departments, formulation of public policy and its promulgation, coordination with federal/provincial departments and agencies on issues of local governance, and administration.³⁵ In addition to this, the LG&CD is responsible for establishing Union Councils across the province. According to the Punjab LG&CD, as of 2017, there are a total of 54 Union Councils in Pakpattan district,³⁶ and 274 Union Councils in Lahore district.³⁷ The functions of the Union Council include registration of marriages, divorces and birth.³⁸ Each Union Council maintains relevant registration forms and also provides information regarding the registration process.

In addition to the above, during the diagnostic study, the desk review also identified select institutions that may be well-placed for greater ownership in the protection of women’s marriage rights in Punjab. A key institution identified as a potential key stakeholder in the protection and implementation of marriage rights in the future is NADRA.

³⁴ <https://wdd.punjab.gov.pk/>

³⁵ [Functions | Local Government and Community Development \(punjab.gov.pk\)](https://punjab.gov.pk/Functions/Local-Government-and-Community-Development)

³⁶ [UCDCPakpatan.pdf \(punjab.gov.pk\)](https://punjab.gov.pk/UCDCPakpatan.pdf)

³⁷ [UCMetropolitan Corporation Lahore.pdf \(punjab.gov.pk\)](https://punjab.gov.pk/UCMetropolitan-Corporation-Lahore.pdf)

³⁸ Section 33(1)(g), Punjab Local Government Act 2021.

While NADRA’s official mandate and aim is centred around documentation, civil registration and document processing, a broader interpretation of its mandate can lead to improved support and accountability for marriage rights protections in Punjab. However, the research team notes that key-stakeholder interviews with NADRA officials reveal little political will for its potential role and significance in protection of women’s marriage rights. This is unsurprising given NADRA’s traditional mandate which interprets its role in a number of governance areas, including marriage rights as one of maintenance and book-keeping of relevant information such as electronic records of *nikkahnamas*, marriage and divorce registration, etc. This role is both passive and one-sided i.e. information is fed to NADRA by either the LG&CD or relevant parties for the purpose of input and entry into the broader database and verification but there is no review or process to identify if documents are compliant with legal requirements and processes. The research team notes an opportunity for expansion of NADRA’s role to build greater accountability and oversight for effective implementation of laws and rules pertaining to marriage rights in Pakistan.

Moreover, while it is difficult to assess whether such a role will be taken up by NADRA, the desk review identifies some short-term initiatives pertaining to marriage rights that have taken place already. For example, in a recent initiative to counter fake marriage registration and certificates, NADRA proposed digitizing the *nikkah* registration process in Punjab which would record biometric information of the bride and groom, automatically linking the marriage to existing individuals within the NADRA system. This computerized registration system aimed to eliminate fake marriages in Pakistan through an active intervention by NADRA.³⁹ This initiative perhaps provides some basis for an expansion in NADRA’s function, particularly in relation to marriage rights in Punjab.

Apart from government departments, the desk review also identifies select national and provincial human rights and legal aid bodies and commissions that have key roles in implementation and protection of women’s marriage rights in Punjab. See Table 2 below for more details.

Table 2. Select Federal & Provincial Commissions / Bodies Relevant to Marriage Rights

	Commission / Body	Federal / Provincial	Relevance to Marriage Rights
1	National Commission for Human Rights ⁴⁰	Federal	<ul style="list-style-type: none"> Responsible for promotion and protection of human rights for all, according to the Constitution of Pakistan and international human rights instruments. Functions of NCHR include judicial and investigative powers to delve into allegations of human rights
	National Commission for Human Rights (Punjab) ⁴¹	Provincial	

³⁹ Qaiser Butt, ‘Punjab to Digitise Nikkah Registration Process’ *The Express Tribune* (9 June 2021) <<https://tribune.com.pk/story/2304285/punjab-to-digitise-nikkah-registration-process>> accessed 21 July 2023.

⁴⁰ <https://www.nchr.gov.pk/>

⁴¹ Ibid.

			abuses, file petitions, review existing /proposed laws, etc; oversight role to review and report on the government’s implementation of human rights; advocacy and awareness on human rights issues; support improved policy-making on human rights issues.
2	National Commission on the Rights of the Child ⁴²	Federal	<ul style="list-style-type: none"> • Aims to promote, protect and fulfill child rights across Pakistan to ensure children are able to enjoy their rights with dignity. • Mandate to inquire into violations of child rights, recommend appropriate measures to rectify child rights violations, examine existing/proposed legislation and policies, spread awareness and promote greater dialogue on child rights.
3	Office of Chief Provincial Commissioner for Children (OCPCC), Office of the Ombudsman Punjab ⁴³	Provincial	<ul style="list-style-type: none"> • Responsible for investigation of complaints made by or on behalf of children and management of the children complaints helpline. • Engage with civil society and other key stakeholders to fill gaps and challenges in protection of children and provide awareness-raising on key issues including child marriages.
4	Punjab Commission on the Status of Women (PCSW) ⁴⁴	Provincial	<ul style="list-style-type: none"> • An oversight body with a broad mandate to ensure laws, policies and programs

⁴² <https://ncre.gov.pk/>

⁴³ <https://ombudsmanpunjab.gov.pk/ocpcc>

⁴⁴ <https://pcsw.punjab.gov.pk/>

			<p>in Punjab promote women’s empowerment and eliminate discrimination against women and also monitor implementation of instruments that protect rights of women and girls.</p> <ul style="list-style-type: none"> ● Supports research initiatives on status and rights of women and girls in Punjab, capacity and training of relevant stakeholders (including <i>Nikkah</i> Registrars), awareness raising on key rights (including marriage rights), etc.
5	Punjab Legal Aid Agency, Public Prosecution Department, Government of Punjab ⁴⁵	Provincial	<ul style="list-style-type: none"> ● Aims to provide legal assistance to women on family related issues, which includes disputes relating to marriage (i.e. divorce, maintenance, dowry, dower, etc)

During the diagnostic study, the NCHR was a focal partner in data collection and sharing of key findings with relevant stakeholders at the provincial and federal level. While the research team made some attempts to reach out to other relevant human rights commissions and bodies, limited coordination between the different entities was found with respect to overlapping mandates and subject-matter areas, like marriage rights.

In addition to the above, the research team was able to interact with select current and previous representatives from Punjab Commission on the Status of Women (PCSW) to learn more about their engagement with *Nikkah* Registrars in Punjab. It is pertinent to note, while different projects and initiatives under the various entities listed above are relevant to marriage rights, a disconnect is noted between interventions and entities in the province.

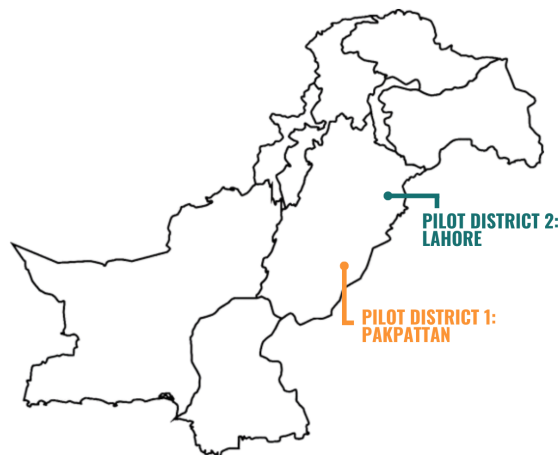
⁴⁵ <https://ppd.punjab.gov.pk/punjab-legal-aid-agency>

5. Key Findings of Diagnostic Review & KAP Surveys

5.1. Overview

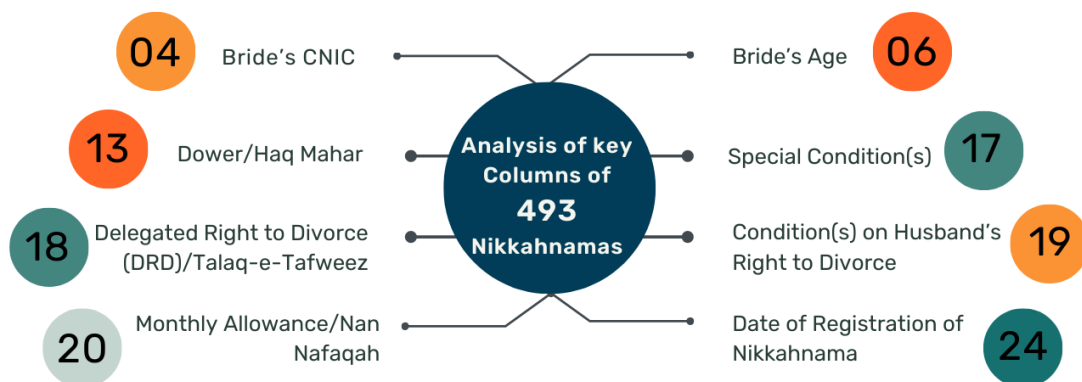
This section of the report provides a district-wise breakdown of key quantitative findings on women’s marriage. The quantitative findings detailed in this section stem from the multiple data sources collected by the research team, including: (i) the KAP surveys with *Nikkah* Registrars and (ii) the diagnostic review of *nikkahnamas* from Pakpattan and Lahore, respectively.

Figure 4. Selected Pilot Districts in Punjab for Diagnostic Review & KAP Survey



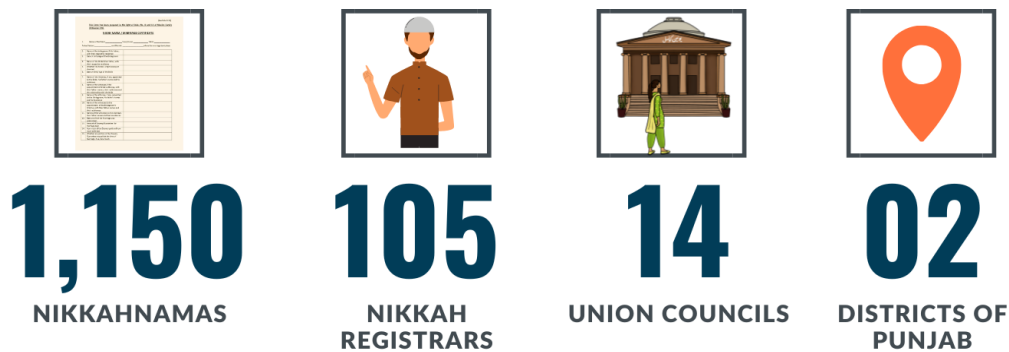
The key findings of the diagnostic review and KAP surveys are based on eight data points listed in Fig. 5 below. These data points were collected, compiled and organized into seven categories that relate to key women’s marriage rights as protected in the *nikkahnama*.

Figure 5. Key Data Points for Diagnostic Analysis of Nikkahnamas



5.2. Brief Profile of Data Collection in Pakpattan & Lahore

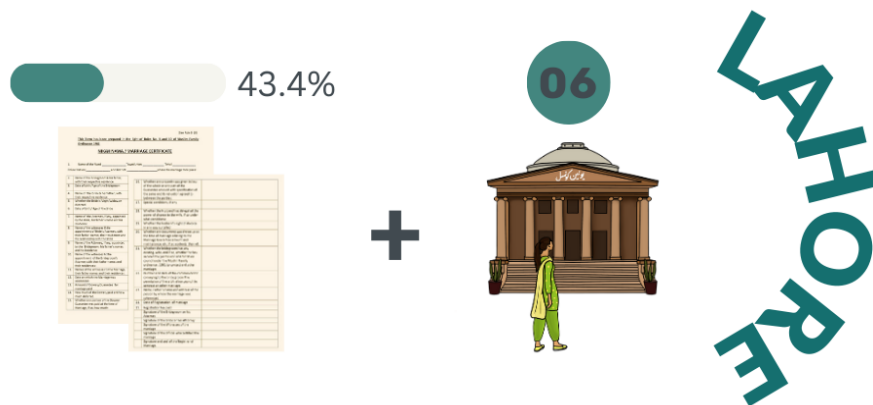
Figure 6. Overview of Data Sample for Diagnostic Study



5.2.1. Nikkahnamas

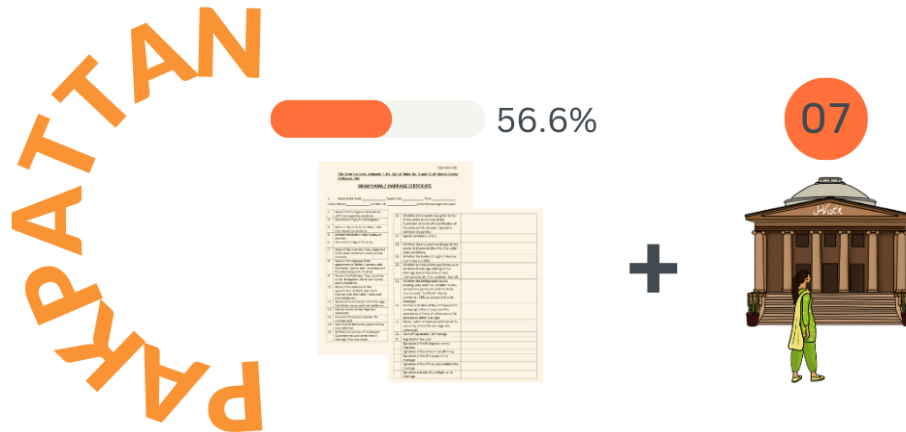
A total of 1,150 *nikkahnamas* were collected from 14 Union Councils across two districts of Punjab, Pakpattan and Lahore. As shown in Fig. 7(a) and (b) below, 56.6% of the *nikkahnamas* were from Pakpattan and 43.4% from Lahore. It is pertinent to note, that a number of factors,⁴⁶ including limited availability of aggregate data on the number of *nikkahnamas* at the district level, contributed to uncertainty on whether the sample size collected for this report is representative of the total population of *nikkahnamas* received in the district from 2020-2022.

Figure 7(a). % of Nikkahnamas and # of Union Councils for Data Collection in Lahore



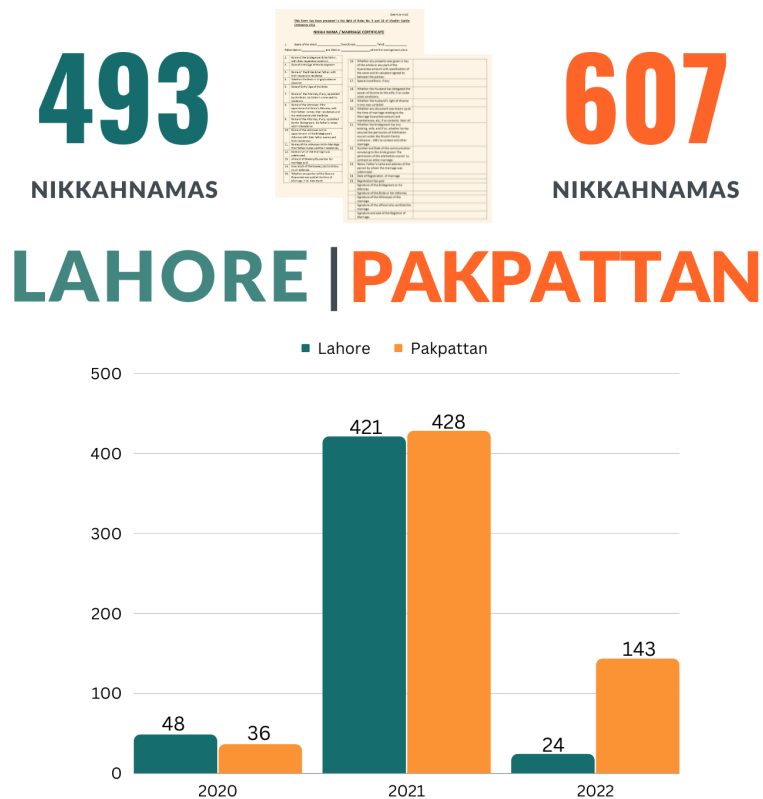
⁴⁶ Observations gathered by the research team during the course of this study suggest that data on the number of *nikkahnama* forms received per year may be available at the Union Council level, however this is ad hoc and there is no official process / mechanism through which such information is fed upwards to the district level. Moreover, accurate data on the number of *nikkahnamas* brought to the Union Councils for registration is also limited by additional factors like voluntary lack of submission of *nikkahnamas* at the time of marriage, delayed submission of *nikkahnamas*, etc.

Figure 7(b). % of *Nikkahnamas* and # of Union Councils for Data Collection in Pakpattan



For the purpose of the diagnostic review (detailed below), a total of 43 *nikkahnamas* from Pakpattan and 7 from Lahore were discarded after data cleaning and scrutiny for completeness.⁴⁷ Therefore the quantitative diagnostic analysis conducted under this study relies on a sample size of 607 *nikkahnamas* from Pakpattan and 493 *nikkahnamas* from Lahore. See Fig.8 below for more details on disaggregation of diagnostic data samples.

Figure 8. # of *Nikkahnamas* & Disaggregation by Year

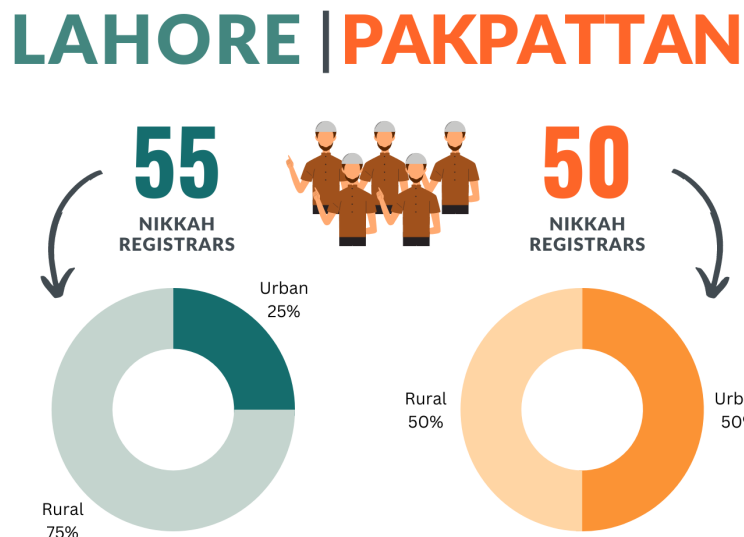


⁴⁷ A total of 22 *nikkahnamas* were discarded since they fell outside of the sample size contours, i.e., *nikkahnama* forms were not from the time period of 2020-2022.

5.2.2. KAP Survey Participants

A total of 106 KAP surveys were conducted with select *Nikkah* Registrars and Union Council officials in Pakpattan and Lahore. As shown in Fig. 9 below, 52% of participants were from Lahore and 48% from Pakpattan and Arifwala.⁴⁸ Moreover, post-data cleaning a total of 55 complete surveys from Lahore and 50 from Pakpattan were finalized for use in this study.

Figure 9. Profile of KAP Survey Participants



The profile of the survey participants is reviewed against select data points: age, education, license issuance and participation in any training related to the *nikkahnama*. The most predominant age group for respondents fell between 31 - 60 years of age in Lahore and Pakpattan. Moreover, the profile of survey participants included different backgrounds and levels of education, with over 63% of respondents from Lahore and 70% from Pakpattan had not completed formal education up till grade 12 / high school. In comparison, 50% of respondents in Lahore and 24% of respondents in Pakpattan have had some form of religious education.

Moreover, while all respondents reported being licensed in Pakpattan, four respondents in Lahore left the question on licensing blank. In addition to this, 46% of respondents in Lahore and 48% of respondents in Pakpattan have previously attended some form of training for *Nikkah* Registrars.

⁴⁸ The KAP survey participants from Pakpattan District included individuals from both Tehsils i.e. Pakpattan and Arifwala.

5.3. Diagnostic Analysis of Nikkahnama & KAP Survey Findings

5.3.1. Age of Bride and Groom — Columns 2 to 4 & 6

The Punjab Child Marriage Restraint Act 1929 criminalizes child marriages in the province, defining a child as a male under 18 years and a female under 16 years. Moreover, sections 4 to 6 of the Act detail the punishment for the person marrying the child, the person solemnizing the marriage and the parents / guardians of the minor respectively. Columns 2 and 3 of the *nikkahnama* record the Computerized National Identity Card (CNIC) and age of the groom, respectively. Whereas Columns 4 and 6 record the same for the bride. (see Fig.10 below)

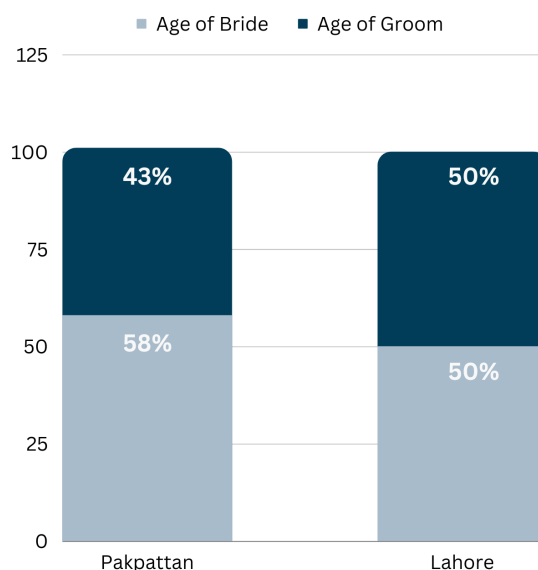
Figure 10. Relevant Columns from the Nikkahnama

2.	Name of the bridegroom & his father, with their respective residence	
3.	Date of birth/Age of the Bridegroom	
4.	Name of the Bride & her father, with their respective residence	
6.	Date of Birth/ Age of the Bride	

Nikkahnama Findings:

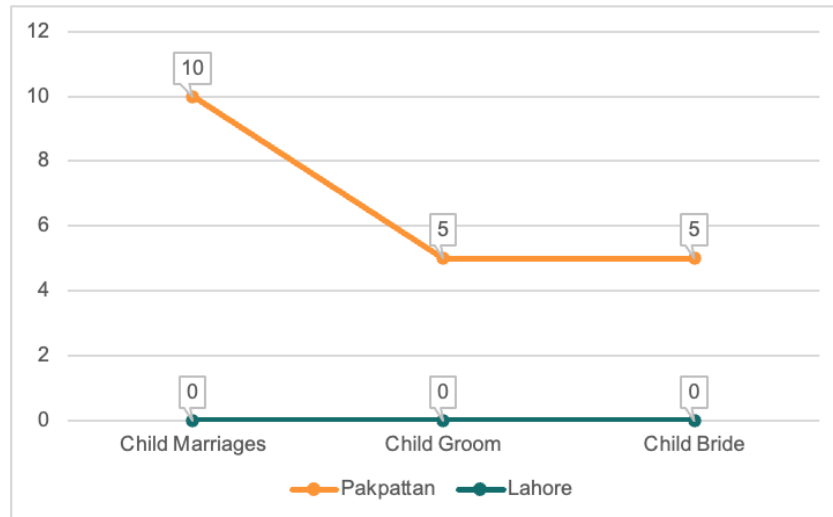
The diagnostic analysis reveals that over 94% of *nikkahnamas* in Pakpattan and 96% of *nikkahnamas* in Lahore recorded both the age of the bride and groom. With respect to the 6% of *nikkahnamas* that were left blank from the sample in Pakpattan, a majority (58% of *nikkahnamas*) failed to record the age of the bride in comparison to the groom. However, the same trend was not observed in the sample of *nikkahnamas* from Lahore (i.e where the age of the bride or groom was missing), with equal portions of the missing or blanks being attributed to age of bride and groom.

Figure 11. Ratio of Missing / Blank Age of Bride & Groom



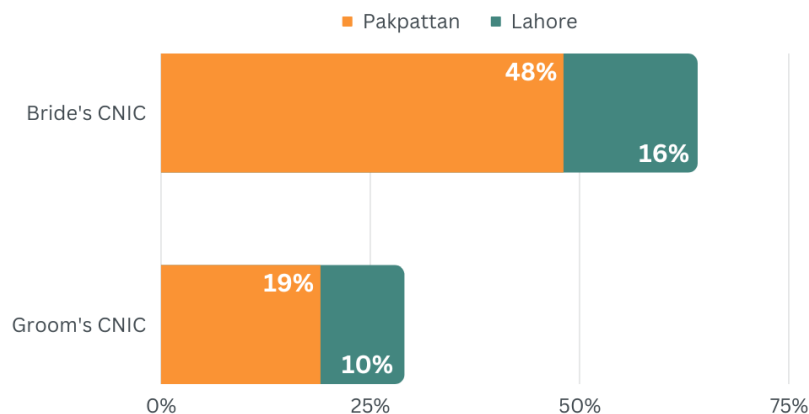
The diagnostic analysis reveals the presence of child marriages in Pakpattan. (see Figure 12) A total of 10 out of 607 *nikkahnamas* in Pakpattan recorded either the age of the bride as under 16 years or the groom under 18 years. This reflects solemnization / officiation of child marriages in 1.6% of the sample size from Pakpattan, in contravention of Section 5 of the Punjab Child Marriage Restraint Act 1929.⁴⁹ The same violation was not found in any of the *nikkahnamas* from the Lahore diagnostic sample.

Figure 12. Child Marriages Identified in Diagnostic Sample from Pilot Districts



In addition to the above, 66% and 25% of *nikkahnamas* in Pakpattan and Lahore respectively, left column 2 or 4 blank in contravention of the amended section 5(2A) of the MFLO in Punjab, which necessitates proper filling out of all columns in the *nikkahnama*.

Figure 13. Missing CNIC details for Bride & Groom



Moreover, a closer review of the *nikkahnama* sample reveals a preference of effectively filling out the CNIC details of the groom in comparison to the CNIC details of the bride. For instance, 48% of the *nikkahnamas* analyzed from Pakpattan did not record the CNIC details of the bride. Whereas, only 19% of the *nikkahnamas* from the same sample did not record the

⁴⁹ Section 5 of the Punjab Child Marriage Restraint Act 1929 reads as: “Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to fifty thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.”

CNIC details of the groom (see Figure 13 above for more details). In the same vein, the bride's CNIC was missing from 16% of the *nikkahnamas* in Lahore, while the groom's CNIC was missing from 10% of the *nikkahnamas*.

This gap in recording of CNIC details suggests potential solemnization of child marriages, as no means exist to verify and corroborate the age of the bride and groom recorded in the *nikkahnama*. Moreover, the higher ratio of non-recording of brides' CNIC suggests greater susceptibility of child marriages involving child brides. It is pertinent to note, that non-recording of CNIC is in violation of judgments of superior courts of Pakistan which obligate *Nikkah* Registrars to mandatorily verify the age of parties through some form of documentary evidence, including CNIC, B-Form, school leaving certificate, etc.⁵⁰

KAP Survey Findings:

The survey findings from Pakpattan and Lahore largely corroborate the diagnostic findings (detailed above) with respect to knowledge, attitudes and perceptions surrounding issues related to column 2-4 and 3 & 6 of the *nikkahnama*. A number of questions gauged the knowledge of respondents on applicable laws and protections surrounding issues like marriageable age of the bride and groom, forced marriages and the legal repercussions for child marriages. The responses reveal a general lack of legal understanding and knowledge of *Nikkah* Registrars in Pakpattan and Lahore on child and forced marriages.

For instance, 24% of respondents in Pakpattan and 9% in Lahore believe the marriageable age of the bride and groom is not a mandatory requirement as per the law to establish a valid marriage contract. A mere 42% of respondents in Pakpattan and 36% in Lahore were able to correctly identify the legally prescribed minimum age of marriage for brides in Punjab as 16 and above.

In addition, more than two-thirds of respondents in Pakpattan (69%) and Lahore (67%) did not have adequate knowledge of the punishments detailed in section 4-6 of the Punjab Child Marriage Restraint Act 1929. However, 82% of respondents in Pakpattan and 56% in Lahore were aware that the *Nikkah* Registrar could be punished for conducting a child marriage.

Furthermore, 66% of the respondents in Pakpattan and 61% in Lahore failed to identify penalties for forced marriage, with 2% of Pakpattan and 14% of Lahore respondents considering it to not be an offence entirely.

⁵⁰ *Tahira Bibi v. Station House Officer*, PLD 2020 Lahore 811.

“
Limited knowledge of minimum age of marriage for bride and groom in Punjab.
”

“
Continued solemnization and registration of child marriages in violation of the CMRA (Punjab)
”

“
Limited knowledge of minimum age of marriage for bride and groom in Punjab.
”

“
Inadequate knowledge of the Dissolution of Muslim Marriages Act provision relating to the discretion of a minor bride to dissolve her marriage upon turning 18 & prior to consummation of the marriage.
”

NIKKAHNAMA COLUMNS 2,3,4 & 6

Key Gaps & Challenges

AGE OF BRIDE & GROOM

“
Attitudinal bias in favour of the wali / guardian or any male party (groom, nikkah khawan, etc) consenting on behalf of the bride.
”

“
Limited knowledge on the criminality of child and forced marriages.
”

“
False perception that religious / socio-cultural norms take precedence when in conflict with the law.
”

“
Misinformed perception of consent & age of consent, particularly relating to the consent of the bride.
”

5.3.2. Date of Nikkah & Date of Registration — Column 12 & 24

Section 5 of the MFLO 1961 makes it mandatory to register the *nikkahnama* in Pakistan. Failure to register a marriage will result in imprisonment of up to one month or a fine of one hundred thousand rupees for the *Nikkah* Registrar. Columns 12 and 24 of the *nikkahnama* record the date of *nikkah* and date of registration of marriage, respectively. (see Figure 14 below)

Figure 14. Relevant Columns from the Nikkahnama

12.	Date on which the Marriage was solemnized.	
24.	Date of Registration of marriage	

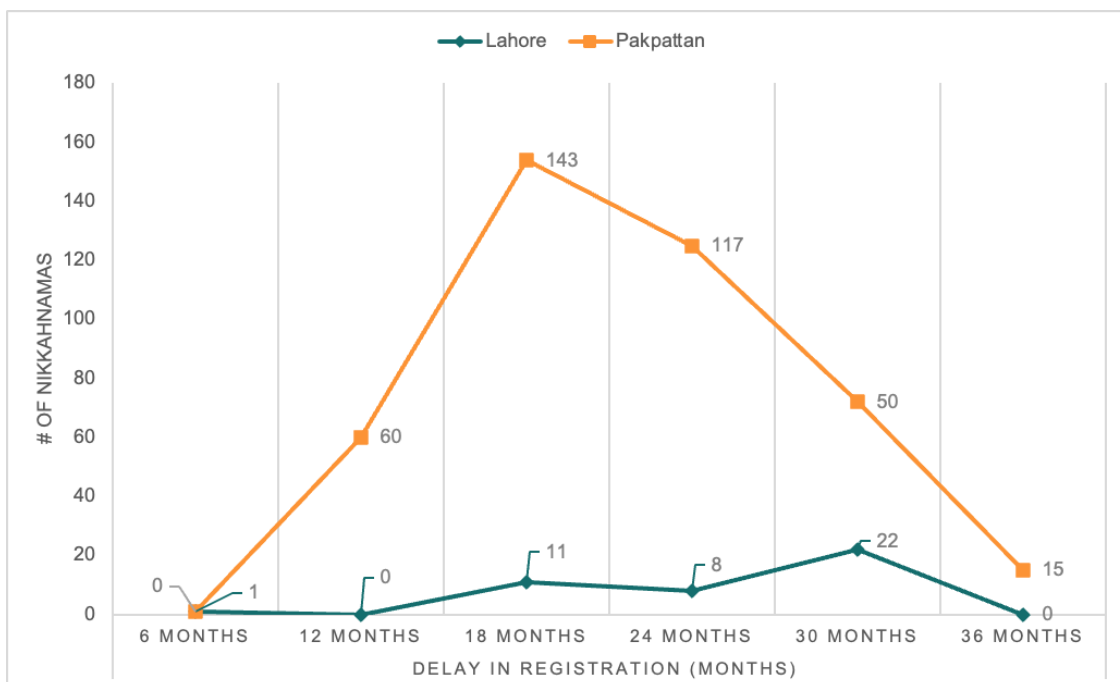
Nikkahnama Findings:

The diagnostic analysis identifies a total of 427 out of 1,100 *nikkahnamas* that had not been registered at the time of writing this report in contravention of section 5 of the MFLO 1961.

The 427 unregistered *nikkahnamas* include marriages that were solemnized in 2020, 2021 and 2022. Moreover, over 80% of the unregistered sample had not been registered for more than two years since the marriage was solemnized. In addition to this, 52% of *nikkahnamas* in Lahore recorded a delay in non-registration of more than 25 months, whereas in Pakpattan a delay of 18-24 months was noted in over 67% of the unregistered sample. (See Figure 15 for more details)

It is pertinent to note, that the presence of non-registration across both *nikkahnama* samples, from three years and two districts, suggests a recurring practice of non-registration and a clear violation of the law.

Figure 15. Delay in Registration of Nikkahnamas



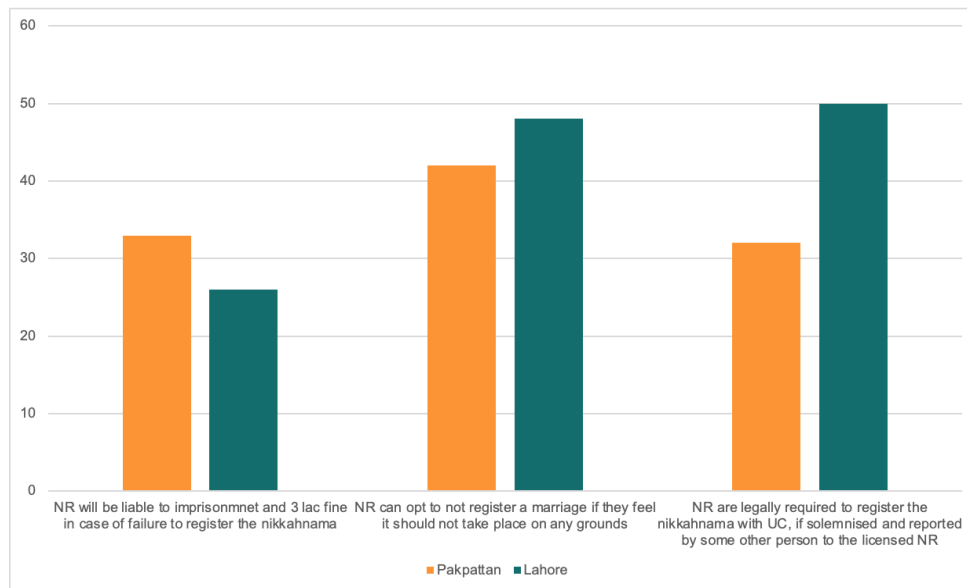
In addition to the above, two *nikkahnamas* from the sample in Lahore had a registration date that preceded the date of marriage. In one of these cases, the marriage took place in 2022 but the date of registration was from 2021. It is not possible to ascertain whether these are mere typological errors or fabrication of documents. No further information on these two *nikkahnamas* was found during the data collection phase. However, the research team notes a need to conduct a review of a larger sample of *nikkahnamas* in Lahore to identify whether this is a broader issue or an anomaly.

KAP Survey Findings:

The KAP survey findings from Pakpattan and Lahore reveal ambiguities in the respondents' understanding of registration of *nikkahnamas* in line with the findings from the diagnostic review of *nikkahnamas* (detailed above).

As shown in Figure 16, 43% of respondents were unable to identify non-registration of the *nikkahnama* as a crime they could be punished for. Moreover, 84% of *Nikkah* Registrars wrongly believe that they had the discretion to refuse to register a marriage if they felt it should not take place on any grounds. In addition to the above, two-thirds of the respondents (67%) did not have knowledge on the relevant legal framework governing registration of *nikkahnamas* in Punjab. This corresponds to the *nikkahnama* findings as more than one-third of *nikkahnamas* reviewed were unregistered.

Figure 16. Registration of Nikkahnama



Key Gaps & Challenges

DATE OF NIKKAH & REGISTRATION

“
Inadequate knowledge of criminal liability attached to non-registration of the nikkahnama in Punjab
”

“
False perception that registration of nikkahnamas is optional.
”

“
Limited oversight / checks and balances of delays in registration of nikkahnamas at the district and provincial level
”

5.3.3. Dower Amount & Payment Mode (deferred/prompt) — Columns 13 & 14

This section notes key findings from column 13 and 14 of the *nikkahnama* related to dower. (see Figure 17 below) Dower or *haq mehr* act as consideration for the completion of a valid *nikkahnama* and is mandatory as per the MFLO 1961. It is pertinent to note, that while dower is mandatory, the law provides no minimum amount of dower, nor any information on the impact of validity of the *nikkahnama* where dower is not provided for.

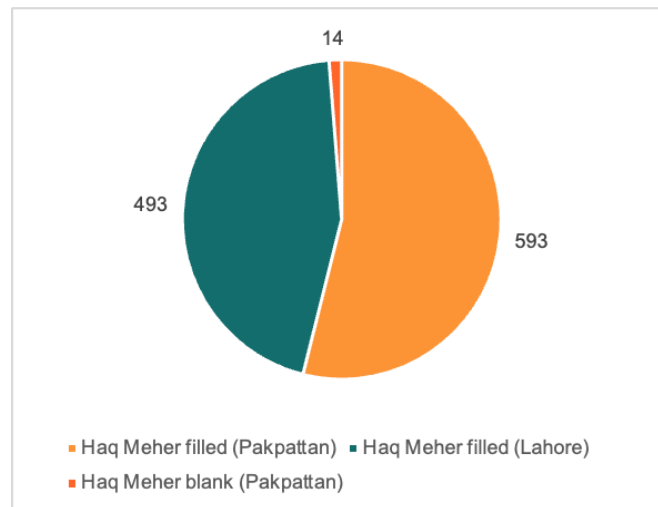
Figure 17. Relevant Columns from the Nikkahnama

13.	Amount of Dowery/Guarantee for marriage paid	
14.	How much of the Dowery paid and how much deferred.	

Nikkahnama Findings:

The diagnostic analysis reveals a majority of *nikkahnamas* across Pakpattan and all *nikkahnamas* in Lahore filled out the dower amount in column 13. (See Figure 18 for details) However, a total of 14 *nikkahnamas* in Pakpattan failed to record any dower amount for the bride. This suggests that 14 marriages were solemnized without the requisite legal consideration i.e. dower and in contravention of the MFLO 1961. Moreover, two of the 14 *nikkahnama* were also subsequently registered by the requisite authorities in Punjab without any dower amount mentioned in the document.

Figure 18. Haq Mehr



In addition to the above, approximately 2% of *nikkahnamas* in Pakpattan and Lahore did not provide any information on how the stipulated dower amount was to be paid to the bride i.e. column 14 was left blank. Moreover, 64% of *nikkahnamas* in Pakpattan and 100% of *nikkahnamas* in Lahore where column 14 was left blank, had stipulated dower amounts in column 13.⁵¹ This suggests some ambiguity as to actual payment of the dower versus inclusion of the dower amount as a mere formality. It is pertinent to note, that non-payment of the dower would be a violation of women’s marriage rights in Punjab.

⁵¹ Where the *nikkahnama* stipulates the dower amount, but not the mode of payment (i.e. prompt or deferred), the mode of payment for the dower will be presumed to be “payable on demand” as per Section 10 of the MFLO.

A closer review of the dower amounts mentioned in column 14 reveals large variance in the diagnostic sample i.e dower could fall anywhere between Rs. 2,000 - Rs. 6,000,000. The most frequent dower amount i.e. the mode in *nikkahnamas* forms from Pakpattan and Lahore was Rs. 5,000. Moreover, in all the *nikkahnamas* with Rs. 5,000 as the stipulated dower amount, dower was prompt i.e. paid at the time of solemnization of the marriage. Whereas the opposite trend was observed in *nikkahnamas* with larger dower amounts i.e. payment was deferred.

For example, in the sample from Pakpattan, 3% of *nikkahnamas* included dower amounts ranging from Rs. 100,000 - 500,000+. However, in more than half of these *nikkahnamas* only 1% of the total amount (generally a maximum of Rs. 5000) was prompt dower and 99% was deferred. Whereas, in Lahore, 29% of *nikkahnamas* included dower amounts ranging from Rs. 100,000 - 6,000,000+. Yet, payment of the dower was limited to a nominal portion promptly in Lahore as well.

KAP Survey Findings:

The KAP survey findings corroborate the gaps identified in filling out of column 14 and 15, pertaining to *haq mehr*. A total of 55% of *Nikkah* Registrars did not know that the *haq mehr* is a mandatory requirement for a valid marriage. Moreover, 84.7% of *Nikkah* Registrars wrongly believe that a husband is not legally bound to pay *haq mehr* if the wife gives it up of her own free will or by mutual agreement of the bride and groom.

In addition to the above, the practice of minimum payment over high amounts of *haq mehr* is substantiated by the KAP surveys, as over 77% of *Nikkah* Registrars believe a high amount of *haq mehr* can strain a marriage. Moreover, 21% of *Nikkah* Registrars wrongly believe there is no punishment for failing to record the correct *haq mehr* amount. These linkages between the *nikkahnama* and the KAP survey point towards a gap in knowledge and understanding of the *Nikkah* Registrar that can impact the effective provision of rights and protections for women’s marriage rights in Punjab.

NIKKAHNAMA COLUMNS 13 & 14

Key Gaps & Challenges

HAQ MAHER / DOWER

- False perception that including or asking for high amount of haq maher will lead to burdening the marriage.
- Misinformed belief that haq maher can be waived off if the bride consents to it.
- Inadequate knowledge on haq maher as a mandatory validity requirement for a marriage.
- Attitudinal bias in favour of insignificant haq maher amount (i.e. a token amount)
- False perception that religious / socio-cultural norms guide the marriage & the filling out of the nikkahanma, even if in contravention of the law.
- Lack of knowledge pertaining to the criminal liability of the nikkah registrar for failure to record the correct dower amount in the nikkahnama.
- Limited knowledge that haq maher is the legal property of the bride alone & cannot be given to the family, vakeel/wali or anyone else on her behalf.

5.3.4. Special Conditions — Column 17

Column 17 of the *nikkahnama* provides the bride and groom with an opportunity to include any special conditions to the marriage. Special conditions can include any detail that the two parties mutually agree on. The only guiding principles for special conditions are those relevant to general clauses and terms of any contract, including compliance with Shariah law and Pakistani law.

Figure 19. Relevant Columns from the Nikkahnama

17.	Special conditions, if any	
-----	----------------------------	--

Nikkahnama Findings:

The diagnostic analysis reveals only 20% of *nikkahnamas* in Pakpattan and 11% in Lahore had stipulated special conditions to the marriage. Of these, 3 *nikkahnamas* in Pakpattan and 3 in Lahore were disregarded as they either had no details pertaining to the special conditions or stated ‘no conditions’ even though column 17 was filled out with ‘yes’.

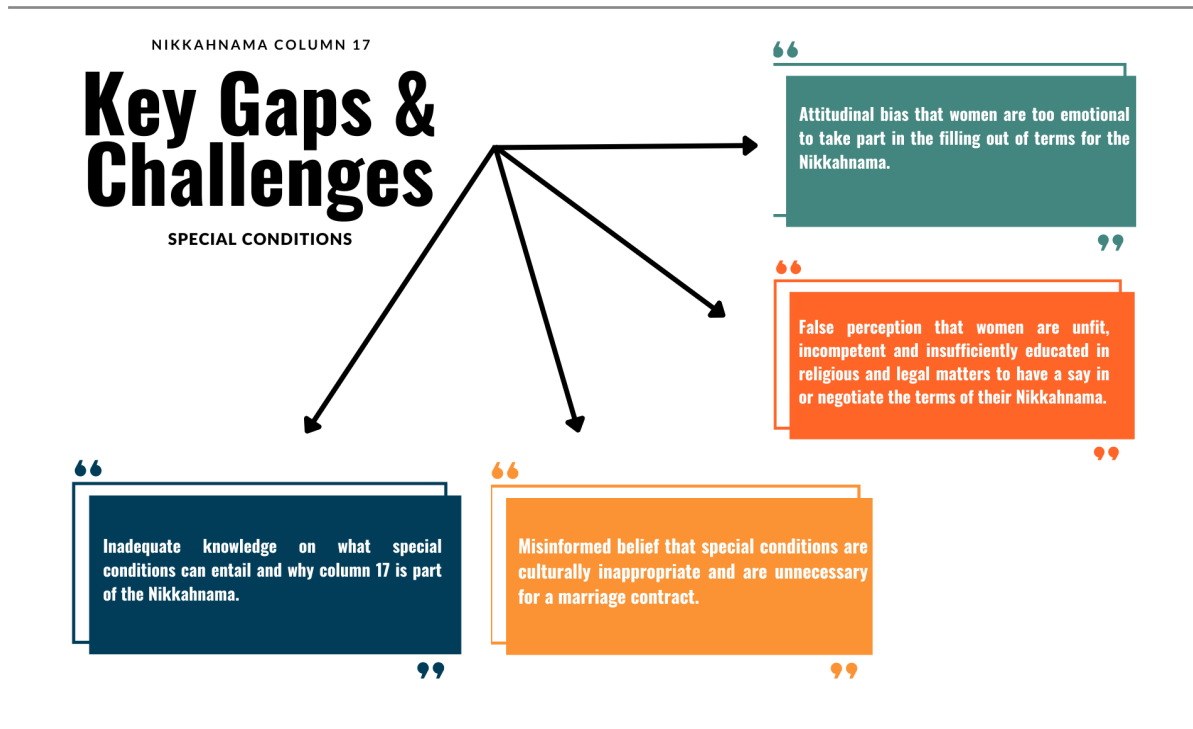
The most common special conditions provided for in the *nikkahnama* sample included conditions relating to divorce, remarriage, maintenance, dowry and property of the bride. A total of 55% of special conditions in Pakpattan and 20% in Lahore dealt with securing the dowry and any gold provided for at the time of marriage as property of the bride. In addition to this, 11% of special conditions in Pakpattan and 47% in Lahore provided a fixed amount of monthly maintenance for the bride. Over 18% of special conditions in Pakpattan and 5% in Lahore dealt with attaching financial security for the bride in the case of a divorce. The findings suggest a trend of using column 17 to protect some form of marital property or financial security for the bride.

In addition to the above, some differences in special conditions were also identified across the two pilot districts. For example, in Pakpattan, 7% of special conditions secured the interest of the bride in case of a second marriage, whereas no such condition was found in the sample from Lahore. Moreover, one unique condition in the sample from Pakpattan included financial security for the bride or groom in case of violence from the families. In the sample from Lahore, 21% of special conditions simply stated the bride and groom must live within the boundaries of Shariah. No such provision was noted in the sample from Pakpattan. It is pertinent to note, that the different types of special conditions do reveal certain trends, preferences and potentially cultural / social norms in Lahore and Pakpattan. Moreover, the diagnostic analysis reveals a greater preference of including special conditions directly relevant to the bride’s rights and protections in Pakpattan.

The diagnostic analysis also reveals over 29% of the sample in Pakpattan and 19% in Lahore left column 17 incomplete, blank or crossed out in contravention of the 2015 MFLO Amendment. In addition to the above, one *nikkahnama*, from 2020, had no column for special conditions in the form. The absence of column 17 raises concerns on the use of non-standard *nikkahnama* forms, which could indirectly impact or limit protections and rights provided by the law.

KAP Survey Findings:

The KAP survey findings reveal over 80% of respondents believe women have the right to stipulate any mutually agreed condition(s) in the *nikkahnama*. However, 35% of respondents also believe that they have the discretion to cross out any column in the *nikkahnama* without asking the families in case they disagree with conditions laid out by parties. In addition to this, 42% of respondents also believe they have the discretion to amend the *nikkahnama* clauses as needed even if they are agreed to by the bride, groom or their families.



5.3.5. DRD & Conditions on Husband’s Right to Divorce — Columns 18 & 19

The delegated right to divorce (also known as *talaq-e-tafweez*) can be provided to the wife through column 18 of the *nikkahnama* (see Fig. 20 below). It is pertinent to note that the delegated right to divorce (DRD) is a right that the bride can seek at the time of filling out her *nikkahnama*. The DRD is an optional right and is not mandatory for a valid marriage. Therefore, whether the DRD is given to the bride or not, is a decision left to the contracting parties alone.

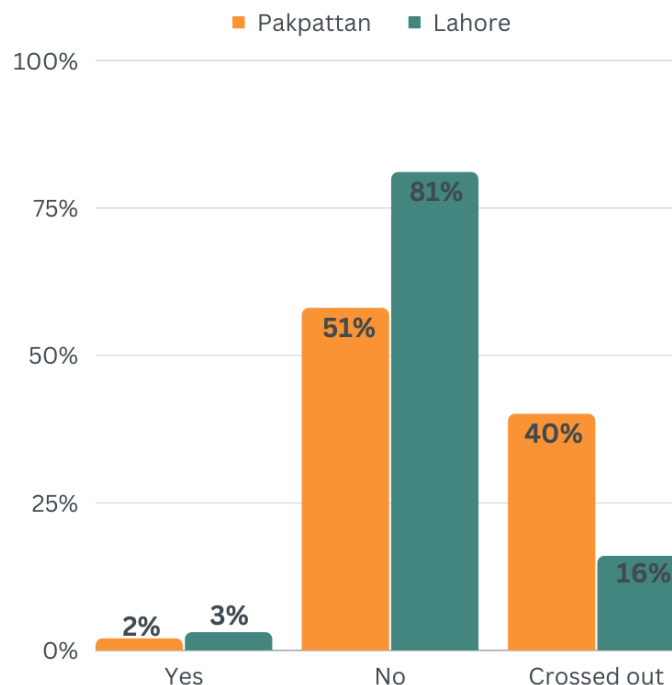
Figure 20. Relevant Columns from the Nikkahnama

18.	Whether the Husband has delegated the power of divorce to the wife, if so under what conditions:	
19.	Whether the husband’s right of divorce in any way curtailed	

Nikkahnama Findings:

The diagnostic analysis reveals only 29 of 1,100 *nikkahnamas* provided the DRD to the bride. (see Fig. 21 for details) Moreover, 1 of the 29 *nikkahnamas* that provided the DRD also attached a condition to it (but no information on said condition was available in the form). It is pertinent to note that of the total sample reviewed, over 27% of *nikkahnamas* did not adequately complete clause 18 i.e. the column was either left blank or crossed out.

Figure 21. Details on the Delegated Right to Divorce in Diagnostic Sample



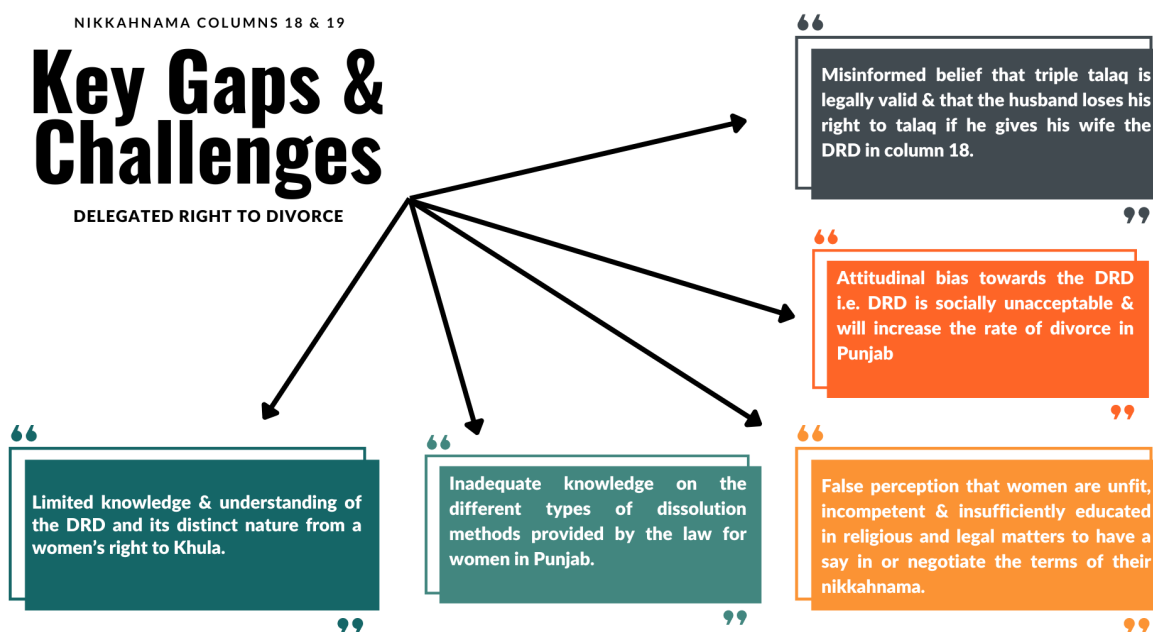
In contrast to the DRD, a larger portion of the sample i.e. 145 of 1,100 *nikkahnamas* placed a condition on the husband’s right to divorce in column 19. A total of 5 of the 145 *nikkahnamas* that placed a condition on the husband’s right to divorce also provided the wife with the DRD in column 18.

No further details were found on what conditions were placed on the husband’s right to divorce in the 145 *nikkahnamas*. However, 9 out of the 145 did include special conditions that mandated payment to the bride incase of divorce. There is no information to corroborate whether this payment to the bride was intended to be the condition placed on the husband’s right to divorce in column 19 of the *nikkahnama*.

KAP Survey Findings:

The KAP survey findings validate the findings from the diagnostic analysis of the *nikkahnamas* on DRD. While 55% of respondents agreed that women’s marriage rights include the right to divorce, 57% also believed that women should not freely seek the DRD in the *nikkahnama*. In addition to this, 52% of respondents identified the provision of the DRD in the *nikkahnama* as going against social norms. This thought process appears to be reflective of the fact that a majority of the *nikkahnamas* reviewed had expressly refused provision of DRD instead of simply leaving it blank, as has been seen in other parts of the *nikkahnama* review. The express rejection of DRD can also be matched against the overwhelming majority of *Nikkah* Registrars, over 84%, that believe giving the right to divorce in the *nikkahnama* would lead to an increase in the divorce rate in Pakistan.

Moreover, additional observations from the KAP surveys reveal a deeper association of cultural and societal acceptance with the filling out of the DRD column, as 44% of respondents thought approval of the elders was necessary to give the DRD to the bride. Furthermore, 52% of *Nikkah* Registrars believe they have the discretion to cross out column 18 on DRD specifically, if there was mutual agreement of the elders to do so. These observations are noted as distinct from other rights and protections in the *nikkahnama* and point towards the socio-cultural significance of DRD in Punjab.



5.3.6. Maintenance & Dower Details — Column 20

Maintenance, monthly allowance, pocket money, are all interchangeably used in the *nikkahnamas* reviewed under this study. Column 20 of the *nikkahnama* records any provision of maintenance or details related to the dower.

Figure 22. Relevant Columns from the Nikkahnama

20.	Whether any document was drawn up at the time of marriage relating to the Marriage Guarantee amount and maintenance, etc, if so contents their of:	
-----	--	--

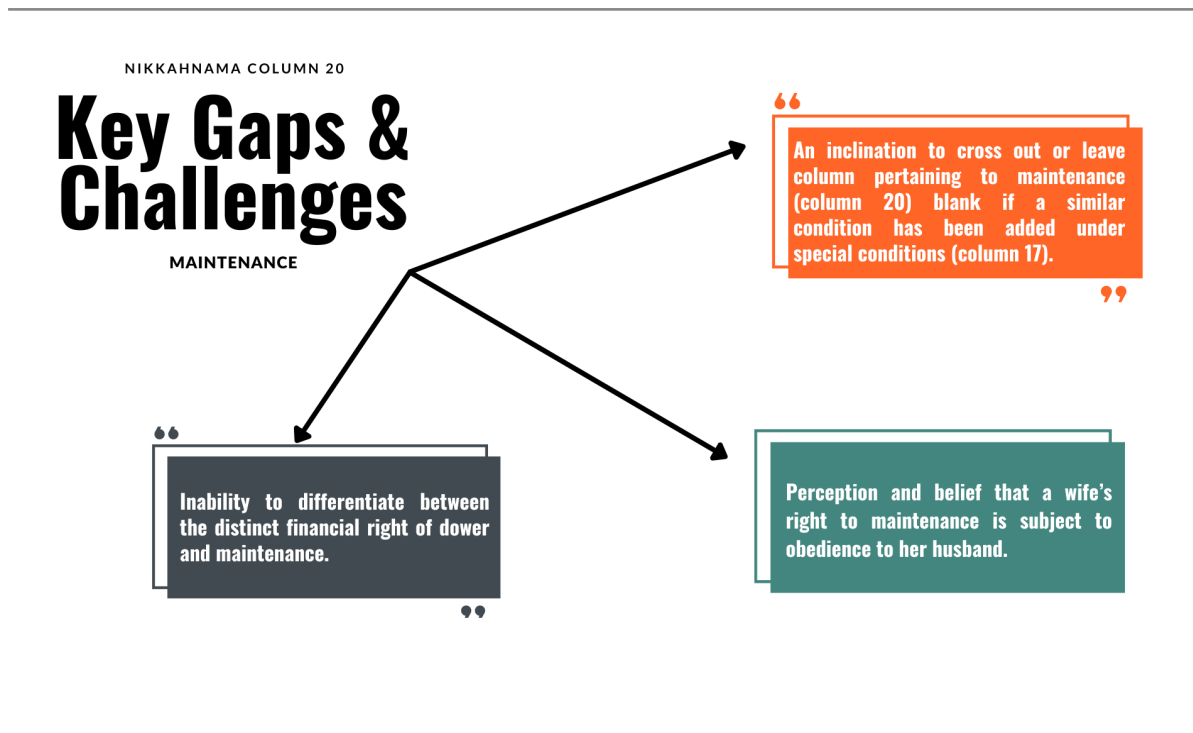
Nikkahnama Findings:

Only 8% of *nikkahnamas* included information pertaining to maintenance in column 20. However, no details on maintenance amount or terms were provided in the 51 *nikkahnamas* from Pakpattan that answered yes to column 20. Whereas, a majority of *nikkahnamas* from Lahore, i.e. 39 out of 44, did state the maintenance amount to be paid in light of column 20.

It is pertinent to note, that a number of *nikkahnamas* include maintenance allowance as special conditions in Column 17; however Column 20 is either crossed out or left blank in these forms.

KAP Survey Findings:

The KAP survey findings reveal that only 35% of respondents had knowledge that maintenance was a separate right from *haq mehr*/dower. In addition to this, over two-thirds of the *Nikkah* Registrars in Pakpattan (78%) and Lahore (67%) agreed or strongly agreed that a wife’s right to maintenance is subject to obedience to her husband.



5.3.7. Blank / Missing Clauses in the Nikkahnamas

Nikkahnama & KAP survey findings:

An additional data point to assess the presence of missing or incomplete clauses in the *nikkahnama* was included in the diagnostic analysis as a result of the 2015 MFLO Amendment, which places a duty on the *Nikkah* Registrar to ensure each column of the *nikkahnama* is filled out properly without any blanks or missing information. As noted above, failure to comply with this mandatory requirement is sanctioned by imprisonment and a fine for the *Nikkah* Registrar.

The diagnostic analysis reveals some missing or incomplete information in over 65% of *nikkahnamas* in contravention of the MFLO 2015 Amendment. Fig. 23 and 24 below detail the variance in missing / blank columns across the 493 *nikkahnamas* from Lahore and 607 *nikkahnamas* from Pakpattan. It is pertinent to note that the incomplete or missing information found in the *nikkahnama* does not point towards a specific right or column, instead the missing information appears to be general practice or trend in filling out of the *nikkahnama*.

Figure 23. Missing / Blank Columns in Lahore Diagnostic Sample

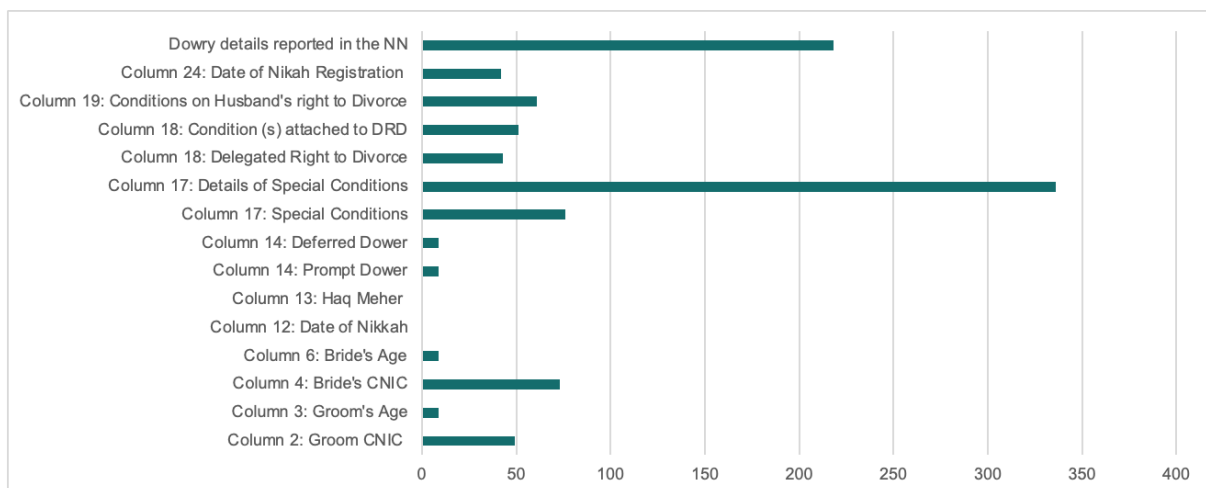
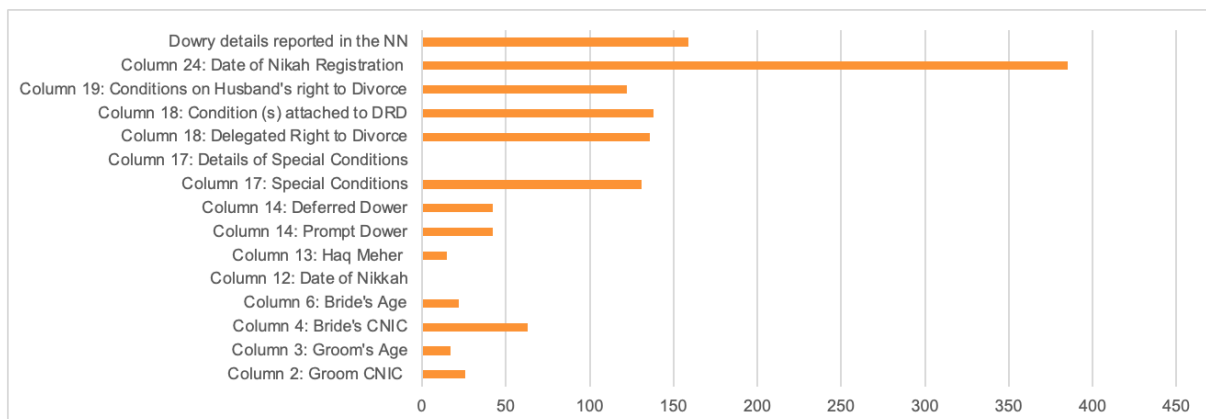


Figure 24. Missing / Blank Columns in Pakpattan Diagnostic Sample



While no specific trend is identified, key differences are noted in the diagnostic sample between Lahore and Pakpattan, for example, over 63% of column 17 (special conditions) were left incomplete or blank in the Lahore *nikkahnamas*. Whereas, in Pakpattan, column 24 (date of registration) was most commonly left blank. The variance in leaving out information from the *nikkahnamas* points towards no clear trend or misunderstanding on any particular right, but a more general acceptance that leaving a blank clause is common practice. This is further corroborated by the findings of the KAP surveys which reveal that 37% of *Nikkah* Registrars did not know they could be punished for crossing out any column(s) in the *nikkahnama* instead of providing specific answers of the bride or groom. Moreover, 35% of the respondents wrongly believed they have the discretionary power to cross-out any column of the *nikkahnama* without the consent of the families.

In addition to the above, the diagnostic analysis adopted a gendered lens to assess whether the missing or incomplete information was specific to women’s marriage rights in particular. A review of select columns reveals a disproportionate impact of the missing or incomplete columns on women’s marriage rights contained in the *nikkahnama*. For example, over 66% of the blank columns with no CNIC or age were for the bride, and only 34% of the details missing were for the groom.

Key Gaps & Challenges

BLANK / MISSING COLUMNS IN THE
NIKKAHNAMA

“
False perception that specific columns pertaining to the rights of the bride may be crossed out if the family or elders agree to it.
”

“
Inadequate knowledge of Section 5(2A) MFLO on the requirement to include specific answers from the bride & groom in the nikkahnama.
”

“
Continued practice of crossing-out or leaving blank specific columns of the nikkahnama in contravention of the law.
”

5.3.8. Beliefs and Attitudes of Nikkah Registrars

Bride's Consent:

Most *Nikkah* Registrars were correctly able to identify some prerequisites of a valid marriage, including capacity of parties, payment of dower, presence of witness, etc. A general lack of understanding, however, was found on the subject of bride's consent.

For instance, more than one-fifth of the *Nikkah* Registrars in Lahore (21%) and Pakpattan (28%) did not consider free and informed consent of the bride to enter into a marriage as a necessary qualification for a valid consent. Similarly, 44% of *Nikkah* Registrars in Lahore and 61% in Pakpattan did not regard the bride's ability to give consent without duress or influence as necessary for a valid consent.

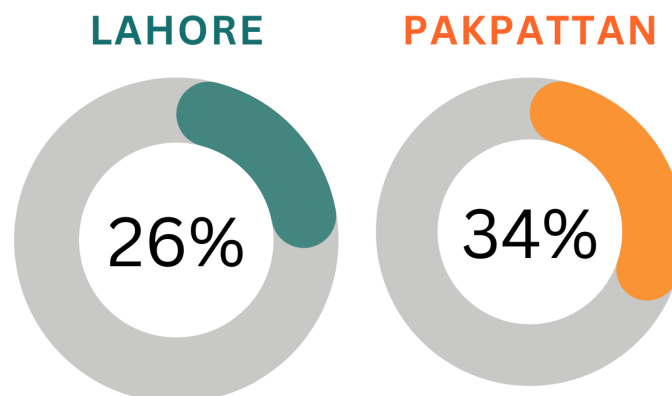
An inadequate understanding of the mandatory requirement of consent and *Nikkah* Registrars' concomitant responsibility entailed that 18% of *Nikkah* Registrars in Lahore and 10% in Pakpattan did not consider it a legal requirement for them to refuse to solemnize a marriage without the bride's consent.

Nikkah Registrars are obligated to ensure informed consent of the bride to ascertain that she is not coerced or influenced into contracting a marriage.⁵² A deficient understanding of consent, however, suggests that *Nikkah* Registrars are unable to effectively discharge this role in restraining forced marriages.

Permission of Wali / Vakeel:

KAP survey respondents also demonstrated limited knowledge on the subject of permission of *wali / vakeel*. For example 26% of *Nikkah* Registrars in Lahore and 34% in Pakpattan perceived *wali / vakeel's* consent as more important than the bride's free will to enter into a marriage. Accordingly, 67% of *Nikkah* Registrars in Lahore and 59% in Pakpattan did not believe a woman to have the right to enter into a *nikkahnama* without a *wali / vakeel*.

Figure 25. % of NRs Who Perceived *Wali / Vakeel's* Consent as More Important than the Bride's Free Will to Enter into a Marriage



⁵² *Shah Din*, supra note 22.

This further manifests in a lack of understanding amongst the NRs regarding the columns relating to appointment of *wali* / *vakeel* in the *nikkahnama*, as virtually 90% of NRs in Lahore and 79% in Pakpattan wrongly considered appointment of *vakeel* / *wali* as necessary for a valid *nikkahnama*.

Negotiating Terms of Nikkahnama:

32% of NRs in Lahore and 51% in Pakpattan believed it is culturally inappropriate for women to negotiate the terms of her *nikkahnama*. Furthermore, 85% of respondents in Lahore and 72% in Pakpattan considered women to not be sufficiently educated in religious and legal matters to negotiate terms. As a result, 87% of NRs in Lahore and 92% in Pakpattan believed men and elders of the family to be better informed than women to make decisions on the terms of their *nikkahnama*.

Besides accurately filling columns of the *nikkahnama*, a *Nikkah* Registrar's responsibility includes advising the marrying parties regarding their marriage rights. If the majority of *Nikkah* Registrars are, however, dispositionally against women negotiating the terms of their *nikkahnama* — as identified above — they are unlikely to effectively inform brides of their marriage rights. This, in turn, detrimentally affects women's knowledge of their rights and its materialization.

6. Concluding Note and the Way Forward

This diagnostic study reveals gaps in the existing system and its implementation of women's marriage rights in Punjab. While the legal framework largely provides adequate cover and protection for women's marriage rights, the current implementation mechanisms are lacking behind. The existing system on marriage rights is laid out by the law but dictated by religious and social biases and perceptions. The intertwined nature of marriage complicates the process of oversight and implementation of women's marriage rights, which at the outset appear to oppose acceptable socio-cultural norms. In addition to this, weak enforcement mechanisms for legal violations of women's marriage rights have institutionalized practices that no longer appear unlawful. Moreover, institutional and structural barriers on providing adequate monitoring and oversight of marriage-related rights and processes makes it impossible to resolve violations of marriage rights in the *nikkahnamas*. As a result of this, only those parties to the contract that bring up a violation can expect some semblance of justice from the current system.

An examination of the data (including the *nikkahnama* samples, KAP surveys with *Nikkah* Registrars and one-on-one interviews with Union Council officials) collected from both Pilot Districts (i.e Lahore and Pakpattan) reveals challenges and gaps that limit the access to and protection of women's marriage rights in Punjab. It is pertinent to note that a majority of the challenges identified in the diagnostic study are connected to a failure to reform oversight and accountability mechanisms at the provincial level, and inadequate intervention or engagement with socio-cultural and religious narratives, perceptions and attitudes pertaining to women's marriage rights.

The table below lists key gaps and areas for reform identified in the diagnostic study along with select recommendations targeted at various key stakeholders.

Problem 1: Inadequate implementation, monitoring and oversight of of key provincial laws on women's marriage rights

Recommendation: Promote development and use of monitoring frameworks for women's marriage rights at the provincial and district level in Punjab.

- Strengthen and empower the Local Government at the Provincial Level to improve oversight and accountability mechanisms to track implementation and compliance with relevant laws on women's marriage rights, including the Punjab Muslim Family Laws (Amendment) Act 2015.
- Set up a performance monitoring mechanism at the Union Council Level to collect monthly data against key indicators to assess compliance with women's marriage rights law.
- Develop indicators to measure specific women's marriage rights outcomes and support information-sharing and learning from ongoing interventions on the same.
- Collect monthly data and rank performance of each Union Council performance monitoring unit to provide recognition to the best performing and increased oversight for the least performing cell and also *Nikkah* Registrar to create individual accountability and ownership for implementation of laws.

- Lobby for development and inclusion of implementation mechanisms in laws at the law-making stage to prevent non-performance or futility of future protection on women's marriage rights.

Problem 2: Inadequate knowledge at the Union Council level on substantive and procedural laws pertaining to women's marriage rights in Punjab.

Recommendation: Develop periodic capacity-building initiatives for Union Council secretaries and *Nikkah* Registrars.

- Local Government should administer biannual training to Union Council officials, particularly secretaries, on key marriage rights-related legal provisions in Punjab.
- Union Council secretaries should in turn be mandated to conduct quarterly training of *Nikkah* Registrars from their respective Union Councils, to disseminate knowledge regarding marriage laws, and to resolve any confusions and legal queries that *Nikkah* Registrars may have.
- Information sharing apparatus should be developed at the Union Council level to encourage exchange of knowledge and experiences between Union Council secretaries and *Nikkah* Registrars. This could include setting up an internal information sharing mechanism for each Union Council, whereby secretaries and *Nikkah* Registrars are able to effectively discuss and resolve any difficulties or quandaries they may face in practice.

Problem 3: Ambiguity in existing laws and lack of human rights approach to drafting of laws on women's marriage rights

Recommendation: Adopt a rights-based approach to drafting laws and amendments relevant to marriage rights.

- Legislative and policy-making initiatives on women's marriage rights and related themes should adopt a rights-based approach, ensuring that proposed law and policy is cognizant of the particular needs of marginalized and vulnerable groups (in particular women from different socio-economic backgrounds) and the challenges faced by them in effectively accessing their rights.
- Parliamentarians should consider allowing representatives to bring forward input from marginalized communities on how the provision of the rights should be shaped to best respond to the gaps / needs of the communities. This is necessary to ensure that laws or policies are shaped with the input of the locals and reflecting the needs of different marginalized groups.
- Existing laws (MFLO 1961 and Local Government Act (Punjab)) should be amended to include clear provisions, licensing requirements, role and responsibilities of *Nikkah* Registrars and relevant oversight / regulatory bodies created under these laws, etc.

Problem 4: Limited data to support evidence-based decision making

Recommendation: Relevant stakeholders (civil society, researchers, academics and government departments) should invest and support data collection and analysis on women's marriage rights.

- Invest and support research, data collection and analysis on women's marriage rights for evidence-based policymaking and interventions.
- Explore linkages with researchers, academics and civil society working on relevant themes on women's marriage rights to support more in-depth research, analysis and corroboration of the status quo at the provincial and federal level.

Problem 5: Gap in knowledge and understanding of general public (including parents, bride, groom, etc) on rights contained in the *nikkahnama*

Recommendation: Develop and disseminate accurate information on women's marriage rights to different communities across Punjab.

- Adopt a holistic approach to developing and disseminating key information on marriage-related rights and filling of the *nikkahnama*. For example, develop and share information on child marriages and age of consent at the individual and community level through Local Government representatives, public / private schools, *nikkah khawans* and Registrars, etc to improve knowledge and understanding on criminalization of child marriages in Punjab.
- Build government and civil-society partnership to develop appropriate materials and reach diverse groups across rural and urban Punjab.
- Explore electronic and traditional media options, including public-private partnerships to develop CSR initiatives for wider dissemination of key knowledge materials.

Problem 6: Ad hoc and ineffective training / capacity-building programs for key stakeholders at the provincial, district and *tehsil* level on women's marriage rights

Recommendation: Support development of institutional capacity-building and refresher training to promote continued learning of key stakeholders on women's marriage rights.

- Work with relevant stakeholders from civil society and different government departments to develop and implement annual / biannual training and build capacity of the Local Government and Union Council officials to take ownership of structured training as an in-house requirement.
- Collaborate with relevant stakeholders from civil society, educational institutions and within the government to develop self-learning materials (in local languages) to promote improved knowledge and understanding of *Nikkah* Registrars and *nikkah khawans* in particular, on women's marriage rights.

Problem 7: Stigmatisation of women's marriage rights

Recommendation: Develop and implement awareness-raising programs that target both men and women to de-stigmatise women's marriage rights

- Support community-based conversation circles (use local mechanisms like *majlis*, schools, etc) in safe settings amongst men and women separately, to engage in dismantling social-cultural barriers to women's marriage rights.
- Target all genders and both urban and rural populations through the awareness-raising and sensitisation programs on women's marriage rights. Including men and boys is important to help remove the stigma surrounding women's marriage rights, cultivating empathy and confidence for when women, girls, men and boys need to communicate on and about this topic in their lives.
- Ensure future policy, law, programs and interventions on women's marriage rights include engagement with families and households at large so that parents understand the importance of said rights and are comfortable with their children learning about the same at home, in schools, etc.
- Explore traditional and non-traditional means for wider engagement on social attitudes and stigmatization of women's marriage rights (particularly rights in the *nikkahnama*) via public-private partnerships, engagement with educational institutions, mosques, etc.