

Legal Protections Provided Under Pakistani Law against Anti-Women Practices: Implementation Gaps between Theory and Practice

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Abstract

New millennium is considered as the millennium of upholding the Human Rights throughout the world. Women are considered as the most vulnerable part of the society due to violation of their basic and fundamental rights. Women rights have gained so much importance and many organizations are working to provide them equal status in the society and to stop violence against them. Moreover, in every society gender equality is considered a powerful tool for empowering women, but in some states, this powerful tool is challenged by cultural and traditional norms; Pakistan is among those states. These norms sometimes become hurdle to provide women's basic rights. Female marriage for settling a dispute is traditionally acceptable in Pakistani society. Pakistani legislation has played a vital role in granting and protecting women rights in contemporary society but women rights are still being violated by anti-women practices. This study is initiated to highlight the existing anti-women practices in the contemporary Pakistani society which violates fundamental rights of women. Further, it will examine the contemporary issues of Pakistani women by analyzing the surrounding debates, the legal reforms, and the related media and social behavior on these anti-women practices. It will also critically evaluate the existing legislation by discussing some individual cases decided in the last decade. Further, it will highlight the new legislation to prevent anti-women practices.

Keywords: *Wanni, Sawara, Badla-e-Sulh, Anti Women Practices*

Introduction

Islam being the most just religion safeguarded the social, political, religious, financial and economic rights of women. Qur'ān introduced significant reforms improving the position of women by creating new regulations and modifying existing customary practices.¹ Where

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Qur'anic reforms and values were integrated, they practiced to raise the status of women and the family in the Muslim society by establishing the rights of family members.² After the advent of Islam, women were granted the right of marriage, education, inheritance, dower, divorce, work and various other rights. Islam came to correct misconceptions, implement justice and women's dignity.³

Islam gave women dignity and raised their position in society as human beings who contribute to the building of their society. It also focused that women are the essential part of the society and they work for the development and prosperity of nations. Islam gave women security which they needed from centuries and still lacked in various so called civilized societies.⁴

Allah (SWT) has dignified the whole mankind, regardless of whether male or female. He says:

*"And indeed we have honored the children of Adam, and we have carried them on land and sea, and have provided them with good things, and have preferred them above many of those whom We have created with a marked preferment."*⁵

Islam provided rights to women in every field of life. Reforms introduced by the *Qur'an* improved the position of women by creating new regulations and modifying existing customary practices.⁶ Muslim women have been granted most prestigious status by Islam, however, the rights granted by *Shariah* are not fully enjoyed by women even in Islamic states due to societal limitations such as lack of awareness of true Islamic principles, male dominance, prevalent customs and traditions, thus leading to gaps between theory and practice of Islamic teachings.

In Pakistani society, where women comprise half of population, many fundamental rights of women are violated at gross level. These rights include, right to life, right to safety, right of marriage with free consent and right of inheritance, which are violated by practicing existing customs of *Sawara*,⁷ *Wanni*⁸ and *Badla-e-Sulh*.⁹ Not only Islam but also Constitution of Pakistan has bestowed women rights as equal to men; however, these rights are violated by society.

This article will highlight the existing malpractices and state's reforms to prevent anti-women practices. To have a deeper understanding of the issue, these questions will be addressed in this work. Does Islam and Pakistani legal system allow a female marriage for settling a dispute? Whether state has taken measures to prevent anti-women practices from society? Are anti-women practices only practiced in Pakistan? What are the misunderstandings and malpractices prevalent in the contemporary Pakistani society concerning the issue? Is there any legislation concerning the issue in Pakistan? Is there any gap in

implementation of legislation concerning the issue? Is there a need to improve the law to prevent anti-women practices?

Answer to these questions set forth will be explored in the light of existing practices and legal provisions, which protect women rights. The article will also bring into focus the social attitudes and behavior patterns towards the issue. However, to address the issue statistical data is collected from Amnesty International, Aurut Foundation, and ten years annual reports of Human Rights Commission (hereinafter used as HRC).

Badla-e-Sulh/Wanni/Sawara

In feudal and tribal areas of Pakistan, women are a vulnerable group and their rights are often curtailed by their male family members; their rights normally ignored by the society. Many anti-women practices are prevalent in Pakistani society and women are subjugated under anti-women practices. Female marriage for settling a dispute violates women's right to freedom, right to life, and right of marriage with free consent. It is against the very core purpose of marriage contract. In feudal and tribal areas of Pakistan, where there is no provision of law, many cultural and tribal practices are prevalent. In these areas many minor girls are given as compensation, to settle a matter of blood feud or matters of honor finance.

A *punchayat* or *jirga* decides to hand over a minor girl as compensation to rival families. She is considered as commodity against blood money or loan. This practice of giving girl as compensation is common in all provinces of Pakistan with different names. It is called '*Sawara*' in K.P.K, '*Irjaee*' in Balochistan, '*Sung-Chatti*' in Sindh and '*Wanni*' in Punjab.¹⁰ Despite the fact that giving of girls as '*Badla-e-Sulh*' or compensation is not allowed in Islam, the general perception among people practicing this custom is that it has religious sanction since the intention is 'to bring peace' among warring parties.¹¹

This practice not only encourages crime and violence as the perpetrator of the crime goes unpunished, but also is extremely unjust to the minor girls who have to live with the stigma and humiliation all their lives for a crime they never committed.¹²

Definition and Theoretical Concept

Basically, the term *Badla-e-Sulh* means giving a female in marriage contract or otherwise compelling her for marriage as a reconciliation of a family dispute.¹³ *Wanni* is a child marriage custom in tribal areas of Pakistan. Besides tribal areas, it is widely followed in Punjab.

"This custom is tied to blood feuds among the different tribes and clans where the young girls are forcibly married to the members of different clans in order to resolve the feuds. The Wanni could be avoided if the

clan of the girl agrees to pay money called Diyat. Otherwise the young bride may spend her life paying for the crime of her male relatives. "¹⁴

However, the term *Sawara* is a Pashto word denoting a child marriage custom in tribal areas of Pakistan and Afghanistan. This custom is tied to blood feuds among the different tribes and clans where the young girls are forcibly married to the members of different clans in order to resolve the feuds¹⁵. Moreover, by following these practices, women from one family are given away to the male members of their rival's family as 'compensation'¹⁶. Though cruel, it is culturally sanctioned practice where girls are given in marriage as a form of dispute resolution.

Basically, these traditions exist in Pakistan's rural communities, sanctioned and prescribed by a *Jirga*, or *Punchayat*.¹⁷ These traditions are often confused with the religion. However, it is necessary to clarify Islamic point of view on marriage contract.

Badlh-e-Sulh, Sawara and Wanni: In Context of Shariah

Marriage and family institution occupies a very pivotal position in the legal system of Islam.¹⁸ It can be judged from the fact that Muslim jurists regarded the protection of marriage among the five fundamental objectives of *Shariah*. The *Qur'ān* describes marriage as *mithaqanghaliza*.¹⁹ Marriage in Islam is essentially a righteous act and an act of devotion ('ibadah').²⁰ Moreover, marriage is necessarily a civil contract; it has gained the same status as other contracts in society. However, it is not only a civil contract but also a sacred covenant²¹ (*mithaq*), which is having the sanctity of *Shariah* and pleasure of God.²²

These objectives of marriage contract cannot be achieved by forcing a woman to enter into marriage contract as *Badlh-e-Sulh*, *Wanni* or *Sawara*. Such practices are against the Islamic provisions and rights granted by the Constitution of Pakistan. Hence, such practices are totally against Islamic injunctions and based on cultural and traditional norms.

Legal Provisions

Constitution of Pakistan provides legal guarantees to safeguard the rights of both genders without any discrimination under Articles 4, 8, 14, 25, 26, 27, 34, 35, 37 and 38. The Constitution of Pakistan does not define term discrimination but it prohibits discrimination in all forms on the basis of gender. However, discrimination exists in male dominated society and women are forced to obey many tribal and traditional customs by their male family members.

Women's rights have been violated for last many decades by giving girls, most of time minor girls, as compensation for any blood money or honor finance to rival family. It not only promotes crime and

violence against women but also violates rights of child. There was no specific provision of law to deal with such crimes and these were in pipeline from ancient times.²³

After the struggle of women rights activists and human rights organizations such as Amnesty International, Human Rights Watch, Human Rights Commission and Aurat Foundation, a new law was enacted as Criminal Law (amendment) Act 2004.

In this Act, new provision of law was inserted in Pakistan Penal Code (PPC) to define such practices as crime. A new section 310A²⁴ was inserted which prohibits *Badla-e-Sulh*. Under this section, girl/woman cannot be given in marriage as compensation of someone's crime or as financial honor. It directly deals with all forms of 'marriage as compensation' which is practiced all over Pakistan with different names such as *Badla-e-Sulh, Sawara, Wanni, Sung-Chatti and Irjaee*. After the enactment of new legislation, same ratio of cases was reported from 2005 to 2011. This practice was persistent due to feudal and tribal system, as they have their own *jirga* system and they do not follow the provisions of law. Still there was a need to raise voice to protect rights of all those women who became victim of such practices.

Different organizations such as Human Rights Commission, Amnesty International, Human Rights Watch and Aurat Foundation worked to collect statistical data on prevailing customs after the enactment of law. They continued efforts to prevent such practices by indicating individual cases and by struggling to amend existing laws. Here it will be beneficial to first discuss the individual cases over ten years, the nature of disputes, reasons behind the dispute and steps of government officials and legislative body to prevent such practices and then to move forward towards recently passed law 'Anti Women Practices Act 2011'.

Badlh-e-Sulh, Sawara and Wanni: Individual Cases in Over a Decade

Anti-women practices are not a new phenomenon rather it has been practiced from pre-historic time till date. In Pakistan, anti-women practices are prevalent owing to gender biased decisions of *jirga* in all areas of Pakistan. Over last decade, nothing has changed practically except dates and titles of cases. Women are suffering from the same crimes of violence committed against them over and over again. The apathy of the political elite remains the same. The lack of understanding on part of women parliamentarians remains the same. If there has been any change, it is in the level of cruelty shown to women over a decade.²⁵

It is a threat to the basic rights of woman, who is subjugated in society due to different forms of violence. The reasons for denying

women's rights in Pakistani society could be summed up as lack of education, ignorance about Islamic teachings, feudal and tribal cultural traditions, male dominated patriarchal attitudes, poverty, unemployment and misinterpretations regarding precise teachings of Qur'an and Sunnah.²⁶

Prevalence of Anti-Women Practices in Pakistani Society

The current part of study will analyze the statistical records on the issue presented by Human Rights Commission, Amnesty International, Human Rights Watch, and Aurat Foundation in their annual reports over a decade and reported cases in newspapers such as The Express Tribune, Pakistan Today, Daily Times, Dawn News, Pakistan News, Pakistan Criminal Records, Pakistan World News, The News Weekly Magazine, The New Indian Express, The Nation, Business Recorder, Hindustan Times, The Friday Times, Mail online UK and the like. This analysis is based on cases reported from 2001 to 2012.

HRC in its annual report of 2001 revealed that child marriages (*Sawara/Wanni*) in Punjab and Sindh were on the rise²⁷. In *Khairpur*, an area of Sindh, girls as young as ten were married off.²⁸ Other child marriages also took place in Punjab. In a village near Multan, in May, 2001, *Huma*, aged 8, was wedded off to a man aged 55 to pay off a debt owed by her family.²⁹ Other similar cases were reported from across the country.

HRC reported that *Badl-e-Sulh*, committed in the name of tradition, is one of the most serious crimes committed against women in the year of 2002. Two teenage girls, *Wazeeran Khatoon* and *Tasleem Khatoon*, were married to 77 and 55 years old men of the aggrieved family as compensation of blood money.³⁰

In addition, at least 5 other cases of *Wanni*, involving girls in their teens and even younger, were reported from Southern Punjab and officials did not intervene in any case.³¹ These cases showed that most of the girls are given as *Sawara* as compensation of murder committed by her father or brother. However, in some cases, it is noted that *Sawara* is also given in honor-related crimes, for example, where a girl and boy elope. Other reasons include sodomy, sexual molestation, financial disputes and even petty disputes.³²

HRC revealed 3 cases of *Badl-e-Sulh* in 2003, which were practiced after the verdict of *Jirga*. Moreover, in 2004, many cases were reported and after police intervention, apparently shelved. *Punchayat*, in *Mianwali*, ordered to hand over two girls to the rivals of their brother as *Wanni*. Moreover, in another case, two unmarried sisters of *Mumtaz*, *Rehana Bibi* 14 years old and *Rukhsana Bibi* 16 years old, were ordered

by *Punchayat* to be handed over to his business partner as compensation of his sin.³³

Baluchistan High Court intervened to save a seven years old girl who was given to a 40 years old man near Quetta in *Sawara* to settle a dispute. In a similar case, a 12 years old girl was married to 45 years old man in Quetta in the same month. In July, three minor girls *Waziran*, *Bashiran* and *Bakhtawar* aged 12, 9 and 5 years old respectively were handed over to *Rustum*'s family, a rival of their brother, for settling a dispute.³⁴ HRC Peshawar noticed that two sisters were given as *Wanni* in 1987 in *Mainwali*, to compensate the murder committed by their father. HRC reports showed that many girls were sold by their fathers to men twice or thrice their age.³⁵ Sindh High Court banned these practices in 2004, but to no effect practically.

Handing over of women to settle the disputes also continued in 2005. Many cases of the crime were reported by HRC in its reports; some are as under:³⁶

- In February, a minor child was handed over to an old man, as foe settle of dispute in Multan
- In April, eight years old *Urooj Bakhat* from Islamabad was forcibly married to 55 years old man.
- In July, the Commissioner Frontier Crimes Regulations asked to revise the case of a girl given in *Sawara* after the order of Assistant Political Agent. Similarly, in the same month, a three years old daughter was handed over to political rival against the debt of Rs. 200,000 in *Kohistan* in the district of K.P.K.
- In *Dera Ghazi Khan*, a bride, who was given as compensation of her brother's relation with groom's sister, was gang raped with the consent of her in-laws by three persons at her weeding night, as revenge from her brother.
- Marriage of a minor girl, Ayesha, 12 years old, was rescued after police intervention in 2005.
- Lahore High Court in May upheld the marriage of *Zeenat*, 12 years old girl married to a man older than her.

Despite banning of handing over of women as compensation of *Wanni* and *Sawara* by Sindh High Court in 2004, these harmful traditional practices continued and lives of many innocent women and girls were destroyed due to decisions of *jirga* making girls escape goats for sins committed by male family members. Amnesty International in annual report of 2007 reported that 60 girls and women were handed over to rival's families to settle disputes and as compensation for murder in *Mardan* and *Swabi* districts.³⁷

It is also reported that in some cases, courts took a lenient action against convicted persons such as, in September 2006, Peshawar High Court had granted bail to five people, who had handed over a three months old baby girl as *Sawara* to the rival family.³⁸ Moreover, in some cases, accused were defended by officials, such as *Israrullah Zehri*, a senator from *Balochistan* province, publically defended a member of *jirga*, who ordered to hand over five girls, aged six and younger, as ‘compensation’ in a dispute.³⁹

In 2006, *Sawara* tradition faced a growing risk of murder. Many girls handed over to rivals as compensation of disputes, were murdered later on by in-laws to whom they were handed over. In a village of *Shikarpur*, a *Jirga* ordered a father to hand over his two daughters aged 9 and 1, as a compensation of loan owed from a local feudal lord.⁴⁰ Five girls were handed over to rival families as a compensation of murder in Jacobabad district.

A very mysterious case also happened in Jacobabad in the month of June, where a 9 years old girl was married to 60 years old man against the value as consignment of rice⁴¹. HRC revealed in annual reports 2009 that women themselves resist against the tyrannical traditions. Many women, who were given as *Wanni* in their childhood, refused to go with their husband and asked civil society organizations for support⁴².

In 2007, Interior Ministry sources said in Daily Times that crimes against women alarmingly increased in last two years. According to their report, six cases of *Wanni* were reported across the country, two cases of *Wanni* were reported in Punjab and many left unreported⁴³. Moreover, in 2008, two girls aged 10 and 12 were surrendered as *Wanni* by a tribal *jirga* in *Shikarpur*. The girls *Waziran* and *Noorjehan* were given to the enemy tribe to end a longstanding feud between the *Jatoi Khan* and *Arbab Jatoi* groups. The *jirga* also supervised the two girls’ *nikah*, which was arranged through a local marriage registrar.⁴⁴

In 2009, a father had given his 8 years old daughter to 50 years old moneylender to clear his debt in Jacobabad.⁴⁵ In February, two sisters, *Haleema*, 5years old and *Ayesha*, 8 years old, were married off to two males aged 23 and 15 against the court marriage of their uncle with the girl of the boy’s family.⁴⁶ In Peshawar, 8 years old Sonia was decided to be married with *Saleem Khan*, thrice of her age, against Rs. 20,000 debt.⁴⁷

In Larkana, same practice was carried out by a father, who gave his 13 years old daughter to *Talib Barohi* against Rs. 70,000 debt⁴⁸. In Lahore, *Punchayat* decided to give a 14 years old girl as compensation of her brother’s crime. The police took action and arrested parents of the victim, a *Punchayat* head and *nikah khwan*. In *Haroonabad*, *Misbah*, a

student of matriculation, was given as a *Wanni* to a mentally retarded person, as a compensation of her brother's crime.⁴⁹

In *Mianwali*, a 14 years old girl was married to 60 years old man in accordance with *jirga* decision, based on the alleged murder of the younger brother of the groom by the grandfather of the bride⁵⁰.

Moreover, a 15-year old girl was given away in *wanni* to a 55-year old man in Okara⁵¹. In *Charsada*, police arrested a father for giving his daughter as *Sawara* to an old man against her will⁵². Furthermore, in *Sadiqabad*, *Parveen Akhtar*, (8) was married to *Khairu*, (22) and her sister *Nasreen Akhtar*, (5) was married to *Waldar*, (12) according to a decision of the *Punchayat*⁵³. According to report of HRC, from March to October, 17 other cases were reported where teenager girls were given as *Sawara*. However, many individual cases were not reported and girls accepted the anti-women practices as their fate.

According to the statistical data collected by Aurat Foundation, violence against women increased 13% in year of 2009⁵⁴ and almost 90% of these cases were reported in the newspapers.⁵⁵ Government officials took notice only of few cases and arrested criminals. Around 1,977 cases of violence against women⁵⁶ were reported in the four provinces⁵⁷ and in Islamabad in 2009⁵⁸; the cases are of miscellaneous nature such as *Wanni/Sawara*, child marriages, marriage with *Qur'ān*, rape and many other heinous crimes against women. Most of these cases were carried out in 15 districts of Pakistan including *Lahore*, *Faisalabad*, *Sargodha*, *Rawalpindi*, *Peshawar*, *Gujranwala*, *Sheikhupura*, *Sukkur*, *Multan*, *Kasur*, *Jacobabad*, *Larkana*, *Islamabad*, *Vehari* and *Toba Tek Singh*⁵⁹

Anti-women practices such as *Sawara*, *Wanni* and *Badlh-e-Sulh* continued in 2010. Two minor girls of *Jatoi* tribe, in Sindh, were ordered by a *jirga* to be taken to another tribe as a settlement of *Karo Kari* dispute. Girls were given to rival family after performance of *Nikah*.⁶⁰ Moreover, another case was reported in Sindh in 2010, where a 12-year-old *Sadia* was forced to marry a man nearly 30 years older than her, while 9-year-old *Shami* was married to a teenage boy as settlement of a murder dispute.⁶¹

In 2011, an Afghani girl, residing in Pakistan, pleaded Chief Justice of Pakistan for shelter and protection against the tribal tradition of *Sawara*. She stated in her complaint that a *jirga* had decided to give her in *Sawara*, when she was only 40 days old, to settle a dispute originated after an Afghan girl had eloped with her (complainant's) uncle *Zahir Khan* and contracted marriage. She added that the marriage was now arranged as per decision of the *jirga* after *Eid-ul-Azha*. The Chief Justice converted her application into a petition and ordered to provide her shelter. Her case was before a two-member bench of the Peshawar High Court in October 2011.⁶² These individual cases, reported in last ten

years, show that when one party commits a crime against another party, the nearest virgin female relative of the offender is given to the victim's family as compensation for the crime. The receiving family takes over the girl as a punishment to the enemy. After marriage, her in laws normally do not accept the bride as an innocent girl and consequently she is tortured by her in laws in different forms. It is also noted in reported cases that she is even deprived of her right of *meher*, given by Islam to support her financially. She is taunted by all in laws and maltreated in front of her children.

Sawara usually requires one girl to be given but initially two or more are demanded and the aggrieved family selects from amongst the girls. By accepting the girls, the aggrieved family forgives the male offender. Individual cases revealed that some girls are given to rivals before she hits the age of puberty; however, in some cases she is taken in marriage once she reaches the age of puberty. Sometimes, as a revenge on the offender, the rival family insists to handover younger girl of the family even before puberty. It is a heinous crime to forcefully marry off a girl even when she is not aware of the term marriage.

The girls are treated inhumanely, like an animal, and are suppressed to remain silent on such heinous treatment. The main sufferer in these cases, of course, is the young child who is caught in a whirlpool of helplessness⁶³ and has no choice but to accept it as her fate.

Enactment of New Law

These reports revealed that practice of giving child girls as compensation had continued after the enactment of Criminal Law (Amendment) Act 2004. However, a new bill entitled "Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011" was drafted and presented in the house for approval by Dr. Donya Aziz in 2008.⁶⁴ This Act was drafted to stop continuous widespread violation of women rights. It was passed in 2011 with an aim to get rid from all practices and customs in vogue in the country that are not only against human dignity but also contrary to Islamic precepts. It is therefore necessary that these inhumane practices and customs are abolished immediately and people who continue these practices are severely punished, providing criminal and financial responsibility.

Fahmida Mirza, Speaker of National Assembly, deferred the bill on October 11, 2011 for some minor amendments in clauses and referred to the law ministry and Justice Fakhrunnisa Khokar for amendments. After a struggle of more than three years, bill was passed by the National Assembly on November 15, 2011. A couple of amendments were incorporated in the bill and it was unanimously passed by the lower house.⁶⁵

Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011 is an outcome of struggle of women rights organizations for women liberation. It is a milestone in the history of women's rights in Pakistan.⁶⁶ This Act also focuses on forced marriages, marriage with the Holy *Qur'an* and forceful denial of inherited property to women; but it ignores *wattasatta* marriage which in many instances results in anti-women practices. Despite its limitations, the Act would be landmark legislation if it proves to prevent such practices after its practical application.

How to Combat Female Marriage for Settling A Dispute?

To combat this issue proper implementation mechanism is required. Without proper implementation of law and common people's access to courts, it would not be possible to combat this issue. There is a need to create an effective frame work for implementing existing laws. Laws without implementation framework are meaningless. Pakistan has also ratified many international human rights documents which provide fundamental guarantees to all human being without any discrimination. Universal Declaration of Human Rights (UDHR), 1948and Convention on the Rights of Child (CRC) prohibit forced marriage for settling a family dispute. Beside these international laws, many national laws also prohibit this traditional custom. These laws include Constitution of Pakistan, The Child Marriage Restraint Act 1929, The Muslim Family Laws Ordinance 1961, Pakistan Penal Code, Dissolution of Muslim Marriage Act of 1929, Criminal Law (Amendment) Act 2004 and recently enacted law Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011.

At present existing laws are sufficient to protect rights of women, if they are implemented properly. The very basic aim of all these laws is to put an end to injustice, crimes, violation of human rights and to achieve justice and equality for all human beings without discrimination of class, sex, color and creed etc. At International level, legislation for protection of women and their rights has come into force and at domestic level, legislation as well as plans and policies in this regard are also introduced by the Government. There is a need only to implement these laws and the Government and other human rights organizations may make their effort to enforce this legislation at the best of their level.

Note & References

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⁵ Al Quran, 17:70.

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⁷ *Sawara* is a Pashto word denoting a child marriage custom in tribal areas of Pakistan and Afghanistan. This custom is tied to blood feuds among the different tribes and clans where the young girls are forcibly married to the members of different clans in order to resolve the feuds.

⁸ *Wanni* is a child marriage custom in tribal areas of Pakistan.

⁹ *Badla-e-Sulh* means giving a female in marriage contract or otherwise compelling her for marriage as a reconciliation of a family dispute.

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¹⁴ Rakhsinda Perveen, “Violence Against Women in Pakistan: A qualitative review of statistics for 2009”, Violence against Women Watch Group, (2009).

¹⁵ ibid.

¹⁶ ibid.

¹⁷ It is a kind of council of elders from the community that works as local judiciary in rural areas of Pakistan. Its decisions are considered binding on local masses.

¹⁸ Muhammad Tahir Mansoori, *Family Law in Islam* (Islamabad: Shariah Academy, International Islamic University, 2009), 5

¹⁹ The phrase *mithaqanqahila* implies that marriage is sacred and sanctified contract, which is higher in status than ordinary civil contracts.

²⁰ Mansoori, *Family Law in Islam*, op.cit., 5

²¹ Muhammad Munir, “Marriage in Islam: A Civil Contract or a Sacrosanct?”, *Hamard-Islamicus*, Vol. XXXI, No. 1, (2008)

²² Muslim Jurists regard nikah or marriage to be both wordly affair (*mu’amlah*) and an act of worship (*ibadah*) at the same time.

²³ At that time girls were buried alive in the name of honor.

²⁴ It provides punishment for giving a female in marriage or otherwise in *Badal-i-Sulh*. It states that “whoever gives a female in marriage or otherwise in *Badal-i-Sulh* shall be punished with rigorous imprisonment which may extend to ten years but shall not be less than three years”.

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⁴⁵ “State of Human Rights in 2009”, Human Rights Commission of Pakistan, (2005): 230.

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⁴⁸ ibid.

⁴⁹ ibid.

⁵⁰ ibid.

⁵¹ ibid.

⁵² ibid.

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⁵⁴ “State of Human Rights in 2010”, Human Rights Commission of Pakistan, (2011): 230.

⁵⁵ Rakhshinda Perveen, “Violence Against Women in Pakistan: A qualitative review of statistics for 2009”, op.cit., 35.

⁵⁶ “State of Human Rights in 2010”, loc.cit., 230.

⁵⁷ According to statistic collected by Aurut Foundation in 2009, 65 % anti women practices were carried out in Punjab, 22% in Sindh, 8% in Khyber Pakhtunkhawa, 3% in Baluchistan and 2% in Islamabad.

⁵⁸ However, in 2008, 1970 cases of miscellaneous crimes against women were reported throughout Pakistan.

⁵⁹ Rakhshind Perveen, “Violence Against Women in Pakistan: A qualitative review of statistics for 2009”, op.cit., 39

⁶⁰ “State of Human Rights in 2010”, op.cit., 222

⁶¹ibid.

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