

Evaluation of Right to Maintenance of a Wife in the Legal System of Pakistan: A Critical Analysis

Haleema Sadia

Lecturer – Law Department of Law Mirpur University of Science and Technology (MUST), Mirpur, Azad Jammu and Kashmir (AJK)

Email: haleemasadia.law@must.edu.pk

Dr. Mudrasa Sabreen

Assistant Professor – Law, Incharge Department of Shariah,
Faculty of Shariah and Law, International Islamic University Islamabad

Abstract

This research discusses the historical transformation of Pakistani family laws pertaining to the right to maintenance of wife from the birth of Pakistan till now. With the help of the constitutional context, the penal code, and the most important case law, this article addresses how the Law and justice system in Pakistan has developed the maintenance rights of women and their definition. The analysis shows that there are large deficiencies both in existing legal provisions and in judicial interpretation of these provisions that have frequently contributed to failure to protect the financial rights of women effectively. In particular, this research highlights the difference between the restrictions placed on marriage in relation to wives balanced protection as envisaged in the details of Islamic law against its impracticability in the context of the Pakistani legal regime. The study notes areas for change and argues what reforms are needed within the legal framework to improve the effective enjoyment of maintenance rights. The distinct contribution of this study is that it offers a comprehensive analysis of the interaction of Islamic and Pakistani law, which provides the basis for improving the protection of financial rights of wives in Pakistan in the future.

Introduction

In Pakistan, one of the central rights held by women is the right of a wife to maintenance. This right has undergone considerable development over time in the context of constitutional and legislative changes.. This article critically examines these developments, focusing on the period from independence of Pakistan in 1947 to the present. The study highlights key legal provisions, significant judicial decisions, and the existing gaps in the protection of wives' financial rights, with an emphasis on the right to maintenance. In Islamic law, a husband is obligated to provide for his wife based on his financial capacity, and failure to do so incurs a debt that remains until the wife willingly forgives it. Maintenance is mandatory for women during the waiting period after a revocable divorce or pregnancy, while scholars differ

on its entitlement in cases of irrevocable divorce.¹ A modern Arab scholar *Jamal Nasir* elaborated in the following words:

“It is the right of the wife to be provided from the expense of their husband with food, clothing, housing, toiler necessities, medicine, doctors’ and surgeons’ fees, baths and also the necessary servants where the wife is of a social position which does not permit her to dispense with such services, or if she is sick”²

The maintenance amount varies between husbands and is based on the financial status of their husband regardless of the status of wife. It is considered social protection for the woman, and her husband typically takes care of her and protects her from destruction and loss. Maintenance from a husband can create a sense of special position and value, enhancing understanding and love between the couple, thereby enhancing their bond. This will ensure that both spouses live in harmony and serenity. As Allah Almighty states in the Holy Qur’ān:

And among His Signs is this that He created for you mates from among yourselves, that ye may dwell in tranquility with them and He has put love and mercy between your (hearts): verily in that are Signs for those who reflect.³

A right to maintenance of wife ensures a tranquil marital life, aligning with the Qur’ānic injunction as “Men are the protectors and maintainers of women because God has given the one more (strength) than the other and because they support them from their means.”⁴ Men are protectors and maintainers of women due to their financial responsibilities. Historical interpretations, such as those by Al-Qurtubī, highlight that this duty has been a longstanding obligation, predating Islam. Jurists have consistently upheld the responsibility of husband to provide monthly maintenance as previously stated, a woman has the right to maintenance, which her husband is obligated to fulfill. This ensures a happy and tranquil life for the couple, as the husband must comply with the injunction of Allah.

The interpreter explains that men are often favored as defenders of women as they must cover the living expenses of wife and provide dower and maintenance, a duty that has been prevalent in ancient societies as Allah Almighty ordered Ḥaḍrat Adam before Islam and was tasked with paying maintenance for his wife Eve.⁵

Al-Qurtubī explained this verse states that Allah uses the Arabic verb "fatashaqā" to indicate misery, implying Ḥaḍrat Adam alone and excluding Eve. If implying both, Allah would use the dual form "fatashaqā," implying both would be in misery. This indicates the liability of husband for providing maintenance to the wife.⁶

The husband is required to provide his wife with food, clothing, and housing as part of his maintenance obligations, and will be rewarded for fulfilling this duty. The jurists deemed monthly maintenance payments as

the most suitable method for the husband to cover his expenses as imam Al-Mawṣūlī has suggested:

*"The maintenance will be fixed and paid monthly to her."*⁷

The payment method of nafqah has been simplified for both spouses to make it easier to pay cumulatively.

Fatawa Alamgiriya states that the maintenance of a wife is obligatory for a man, regardless of her religion, wealth, or age. If a woman asks for maintenance from her husband while she is not yet in his house and the husband has not demanded her to live with him, she is still maintained by him. However, some scholars argue that she cannot demand maintenance when she is not in the house of her husband. *Fatawa Alamgiriya* further reinforces that maintenance is obligatory, regardless of wife, wealth, or age. It also outlines specific conditions under which maintenance may be withheld, such as disobedience or unjustified refusal to live with the husband. However, if a refusal of women is justified, such as for unpaid dower, she remains entitled to maintenance.⁸

A woman is not entitled to maintenance if she is disobedient, meaning she leaves house of her husband and prevents him from fulfilling his marital obligations. However, if she remains in the house her husband but stops him from controlling her, she is not considered disobedient. The rule changes if she requests her husband to move her or hire a separate house. Once she is no longer disobedient, she becomes entitled to maintenance. Imam Abu Hanifah states that if a woman surrenders herself to her husband but refuses due to unpaid dower, she is not considered disobedient.⁹

If a woman refuses to accompany her husband to a desired city despite receiving her entire dower, she is not entitled to maintenance. However, if her dower is not yet paid, she may still be entitled to maintenance. Sahibain believes that the consummation of marriage is a precondition for maintenance in both cases, while Abu Hanifah does not. According to *Fatawa Alamgiriya*, husbands cannot force their wives to accompany them, even if they have paid the entire dower.¹⁰ These discussions demonstrate the nuanced nature of maintenance rights and the need for a legal system that effectively addresses these complexities.

Criminal Law on Maintenance of Wives (1947-1961)

In the immediate aftermath of independence of Pakistan in 1947, the country inherited a legal framework shaped by British colonial rule. One of the key pieces of legislation that remained in force was the colonial-era Code of Criminal Procedure (CrPC) of 1898, which, among other matters, governed the maintenance rights of wives and children. With no new laws immediately introduced to address maintenance issues, Section 488 of the CrPC became the primary legal avenue through which women could claim financial support from their husbands. This provision empowered a Magistrate of the first class to order a husband with sufficient means to provide a monthly

allowance, up to four hundred rupees, for the maintenance of his wife and children if he neglected or refused to do so. Important Provisions of Section 488 includes Monthly allowance for wives and children.' Enforcement mechanisms for maintenance orders and Conditions under which a wife may not be entitled to maintenance (e.g., adultery, refusal to live with the husband without sufficient reason).¹¹

Early years of Pakistan were marked by efforts to define its identity as a newly formed nation, balancing Islamic values with the colonial legal heritage it had inherited. The legal system, heavily reliant on British laws, reflected a hybrid structure that often conflicted with the aspirations of country to align more closely with Islamic principles.

Shari'ah required obligations that were not accounted for by British-common law-based maintenance laws in family law.¹² As an example, in Islamic law, a husband is required to provide support (nafaqah) to his wife during their marriage and prior to the finalization of their divorce (through acts such as talaq). Although the colonial CrPC partially accommodated this religious prerequisite, it contained loopholes and contradictions in enforcement aspects of maintenance regulations.

The socio-political environment during this time was defined by competing priorities: on the one hand, the state sought to maintain a functioning legal system based on existing British statutes, while on the other hand, it faced increasing demands from Islamic scholars and religious leaders to align laws with Islamic principles.¹³

The socio-political dynamics of post-colonial Pakistan were strongly shaped by the struggle of country to establish a legal framework that could reconcile its colonial inheritance with its Islamic identity. The CrPC, although useful in maintaining order and governance, was seen as a foreign imposition, especially in matters of personal law, including marriage and family law. The newly formed Pakistani courts continued to enforce Section 488 of the CrPC for maintenance claims, but judges frequently encountered difficulties in reconciling these provisions with Islamic law, which emphasized the ongoing responsibility of husband to maintain his wife even in cases of separation or divorce.¹⁴

One of the most significant challenges was the lack of explicit provisions within the CrPC for the maintenance of divorced wives during the 'iddah period—a period during which Islamic law requires the husband to provide financial support.¹⁵ This absence in colonial law resulted in variations in judicial verdicts, with some courts rigidly interpreting Section 488 while others attempted to include Islamic ideas. Women were disproportionately affected by this legal ambiguity, since they frequently found themselves without proper protection in the face of legal difficulties.¹⁶

The inadequacies of the CrPC were increasingly apparent in the years following independence, spurring calls for legislative revisions that better reflected Islamic identity of Pakistan. The insufficiency of colonial-era

regulations in properly protecting right to maintenance of women, especially in instances of divorce, highlighted the necessity for a legal system compatible with Shari'ah. This drive for change resulted in the enactment of the Muslim Family Laws Ordinance (MFLO) in 1961. The MFLO was a key step towards the Islamization of family law in Pakistan. While it did not completely resolve the dispute between British and Islamic law, it represented a critical turning point in the development of maintenance legislation.¹⁷

However, even after the MFLO, the courts continued to face challenges in harmonizing the different legal principles at play. The colonial laws, such as the CrPC, remained in place for certain aspects of family law, while Islamic law began to gain greater prominence in others. This dual legal system contributed to continued judicial inconsistency, but it also opened the door for future reforms aimed at fully integrating Islamic principles into legal framework of Pakistan.¹⁸

Post-independence Pakistan faced significant challenges in reconciling its colonial legal framework with its Islamic identity, particularly in the development of maintenance laws. While the CrPC provided a legal mechanism for women to claim maintenance, it often conflicted with the Islamic obligations placed on husbands, particularly regarding support during marriage and the 'iddah period after divorce. The Muslim Family Laws Ordinance of 1961 sought to address these inconsistencies and move toward a more cohesive legal system. However, courts continued to struggle with harmonizing colonial laws that remained in force for certain aspects of family law with the increasing prominence of Islamic law in others. This dual legal system contributed to judicial inconsistency but also created opportunities for future reforms aimed at fully integrating Islamic principles into legal framework of Pakistan. Over time, maintenance rights for women have evolved in response to these legal and historical challenges.

Commission on Marriage and Family Laws 1956

The Commission on Marriage and Family Laws was established to address the inadequacies in the legal provisions related to marriage, divorce, and maintenance.¹⁹

The report of Commission, influenced by *ijtihad* (independent reasoning), aimed to reform family laws in line with a liberal interpretation of Islamic teachings.

*"The Commission was obliged to report on registration of marriage and divorce, the right to divorce exercisable by either partner through court or by judicial means and establishment of special Courts to deal promptly with cases affecting rights of women."*²⁰

Proper registration is crucial for legal recognition of marital status, rights, and obligations, and helps in protecting rights of women and providing legal recourse in case of disputes. Despite its progressive recommendations, the

report of Commission faced significant opposition and criticism, particularly from conservative religious circles. The Commission on Marriage and Family Laws was established to review and reform laws governing marriage, divorce, child support, and custody, with the goal of enhancing position of women in society. Operating on principles of Ijtihad, the Commission sought to interpret the Holy Qur'ān and Sunnah liberally to promote justice and a healthy family life, rather than strictly adhering to any specific Islamic school of thought.²¹ Their report, presented on June 20, 1956, included recommendations such as requiring government officials' presence at marriages to ensure consent, setting age limits to prevent child marriages, and allowing parties to stipulate terms in marriage contracts, provided they aligned with Islamic teachings. The report also condemned practices like child marriage and talaq al-Bid'ah and recommended court involvement in divorce and polygamy, as well as legislation for inheritance of orphan grandchildren. Pakistani institutions like Law and Justice Commission of Pakistan and the Marriage Commission proposed enforcing laws for the provision of post-divorce maintenance for a longer period especially when the divorcee cannot care for herself, and the husband is financially stable. This provision is aligned with the moral principles of Qur'anic injunctions.²²

The report faced significant criticism from religious scholars (ulema) who viewed it as an intrusion into their domain of Islamic law interpretation.²³ Critics, including Maulana Ehtisham ul Haq Thanvi, argued that the members of Commission lacked the qualifications to interpret Islamic law and accused them of undermining Islamic principles.²⁴ They also criticized the use of public questionnaires, deeming it un-Islamic and accusing the Commission of Western influence and distortion of religious texts. Despite the controversy, the report of Commission represented a substantial effort to modernize family laws in Pakistan, though its recommendations were met with resistance from traditionalist circles.

Historical Context and Constitutional Framework

The initial period after independence of Pakistan saw the adoption of the Code of Criminal Procedure of 1898, inherited from British India, as the primary legislation addressing the maintenance of wives. This code provided limited provisions for maintenance, often insufficient to safeguard financial rights of women. The lack of a comprehensive legal framework specific to Islamic principles left many women vulnerable, particularly regarding maintenance after divorce. This period underscored the need for a more robust legal system that could integrate Islamic principles with modern laws.

Constitution of Pakistan 1956

In the brief history of Pakistan, three constitutions were promulgated.²⁵ First constitution of Pakistan promulgated in 1956, aimed to outline the rights of citizens in a newly independent nation. This constitution, which lasted for just over two years, emphasized gender equality but did not provide

comprehensive mechanisms for ensuring financial protection of women, especially in matters of maintenance.

Article 5(1) guaranteed equal protection under the law for all citizens,²⁶ and Article 14(1) prohibited discrimination based on race, religion, caste, sex, or place of birth. These provisions laid the groundwork for legal recognition of rights of women, including financial rights, but did not address the practicalities of maintenance laws.²⁷ Article 17 prohibited discrimination in appointments,²⁸ while Article 29 aimed to promote social and economic well-being, focusing on necessities of life for all citizens, including women.²⁹ Reserved seats for women in Parliament under Article 44 highlighted the acknowledgment of state for political rights of women, but their financial rights remained underdeveloped in practice.³⁰

The 1956 constitution recognized the equality of women before the law and rights of women³¹ but did not provide specific protections or guarantees for the financial rights of divorced or widowed women. The lack of explicit mechanisms to secure maintenance left a gap in legal protection of women.

Constitution of Pakistan 1962

The 1962 Constitution reinforced the principle of gender equality, but with a notable shift. While Article 16 upheld equality before the law, it added a provision allowing for "special provisions for women," paving the way for gender-sensitive policies in the following words:

"..... but nothing herein shall be deemed to prevent the making of any special provision for women".³²

The second constitution was promulgated in 1962. Women remained "equal before the law."³³ However, contrary to Article 14(1) of the 1956 constitution, Article 16 of the 1962 constitution included the following words:

"..... but nothing herein shall be deemed to prevent the making of any special provision for women"³⁴

The 1962 Constitution, like the 1956 Constitution, aimed to uphold Islamic law principles in its legal framework. Article 6(2) (1):

"No law promulgated repugnant to Islamic teachings.it required all legislation to conform to Islamic teachings, influencing how laws, including those affecting rights of women, were crafted and interpreted."³⁵

One of the key developments in this constitution was the establishment of the Advisory Council of Islamic Ideology under Article 25. The role of council was to ensure that laws conformed to Islamic teachings, including laws on family matters. However, the requirement that all legislation must not be repugnant to Islamic teachings under Article 6(2)(1) created complexities in balancing modern legal frameworks with religious obligations. The recommendations of Islamic Advisory Council often reinforced traditional interpretations of Islamic law, which did not always prioritize financial rights of women post-divorce.

The Advisory Council of Islamic Ideology was established by Article 199 of the Constitution, tasked with providing recommendations to ensure laws and government policies aligned with Islamic teachings.³⁶ The 1962 Constitution marked an important step in integrating Islamic principles into legal system. of Pakistan However, its reliance on the Advisory Council and its gradual Islamization of laws often led to a conservative interpretation of maintenance rights. Article 16, which allowed special provisions for women, opened doors for potential reforms, but no significant changes to maintenance laws were enacted during this period.³⁷

Constitution of Pakistan 1973

The Constitution of Pakistan 1973 brought significant reforms regarding rights of women.³⁸ Article 25 explicitly guaranteed equality before the law and prohibited discrimination based on sex, reinforcing the notion that women are entitled to equal legal protection.³⁹ Article 34 mandated the state to take affirmative steps to ensure that women are given equal opportunities in all spheres of life, including politics and economics.⁴⁰

The constitution also reinforced the importance of personal status laws, which govern matters like marriage, divorce, and inheritance, ensuring they align with Islamic principles. However, while the constitution aimed to secure rights of women, its implementation has been inconsistent, and many women continue to face challenges in securing maintenance after divorce or the death of a husband. It mandated that women be given a fair chance to participate in the political process, including the allocation of reserved seats for women in the National Assembly and provincial assemblies.⁴¹

One of the landmark cases post-1973 was the Rukhsana Begum vs. Muhammad Yousaf which redefined the procedure for divorce (talaq) and granted women stronger legal recourse for claiming maintenance during iddah and after divorce. The court held that the husband must follow a specific process for pronouncing talaq, ensuring that women had more time and grounds to claim their financial rights.⁴² Another critical case was Khurshid Bibi vs. Baboo Muhammad Amin Supreme Court of Pakistan held that the husband must provide maintenance to his wife during the subsistence of the marriage and even during the iddah period following a divorce where the court ruled that maintenance is an essential right for wives even when the marriage is in dispute, thus reinforcing the legal obligation on husbands.⁴³

The 1973 Constitution remains highly relevant today, as its provisions continue to shape rights of women in Pakistan. Article 25 and Article 34 serve as legal foundations for ongoing efforts to promote gender equality, but the financial protection of divorced or widowed women remains an area in need of further reform. Shariat Courts and civil courts continue to interpret these constitutional provisions in light of Islamic law, often leading to mixed outcomes in maintenance cases. While the constitution provides a solid framework for equality, enforcement and

interpretation remain key challenges in securing consistent and fair maintenance rights for women.

Statutory Laws on Maintenance

The Muslim Family Laws Ordinance, 1961 marked a pivotal moment in the modernization of family law in Pakistan. Its primary aim was to protect financial rights of women, including the right to maintenance, and to provide a clearer legal framework for family disputes. While the Ordinance was an important step forward, it was also controversial, facing resistance from conservative and religious groups who viewed some provisions as inconsistent with traditional Islamic practices.

Section 9(1) of the Muslim Family Laws Ordinance, 1961 lays down the legal obligation of a husband to provide adequate maintenance to his wife. It reads:

“ If any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any of the wives, may, in addition to seeking any other legal remedy available, apply to the Chairman who shall constitute an Arbitration Council to determine the matter, and the Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband ”⁴⁴

This provision enforces the duty of husband to support his wife and children, covering necessities such as food, clothing, and shelter. If the husband fails in this obligation, the wife can approach the Arbitration Council to claim maintenance. The Arbitration Council, composed under the authority of a local chairman, plays a critical role in adjudicating these disputes, setting a precedent for formal mediation in family matters. The ability of Arbitration Council to issue a certificate specifying maintenance amounts provides a legal mechanism for women to claim support. However, enforcement remains a significant challenge. Many husbands avoid compliance by delaying or ignoring these rulings, leading to prolonged financial hardship for wives.

The law also raises questions about equitable maintenance in cases of polygamy, often resulting in complex legal battles where wives may not receive fair treatment. The Nasirullah vs. Sughra Bibi case, the court upheld a maintenance claim even after the dissolution of marriage, emphasizing that the financial capacity of the husband and the needs of the wife must guide the decision.⁴⁵

The West Pakistan Family Courts Act, 1964, further consolidates the legal structure for maintenance disputes. Section 5 of the Act grants Family Courts exclusive jurisdiction over family-related matters, including maintenance, dower, and child custody.⁴⁶ This specialization aims to streamline the resolution of family disputes within a specific legal forum.

The Punjab Family Courts (Amendment) Act, 2015 introduced significant changes to improve the handling of maintenance cases. For example, Section 5 requires Family Courts to give interim support to spouses and children beginning with the first appearance of defendant. If the husband fails to cooperate, the defense is dismissed, and a maintenance order is imposed. The Court can also impose a 10% yearly increase in maintenance, ensuring that financial support keeps up with inflation and changing circumstances..⁴⁷

Section 12-A of the Family Courts Act mandates that all matters, including those for dissolution of marriage, be handled within six months. This clause seeks to accelerate the resolution of family conflicts, however delays in the judicial system sometimes hinder prompt rulings. It states that cases must be disposed of within a specific timeframe.

The Family Court shall dispose of a matter, including a claim for dissolution of marriage, within six months after its institution. Provided that a matter is not disposed of within six months, each party shall have the right to bring an application to the High Court for appropriate instruction as the High Court deems suitable..⁴⁸

This section allows the court to order interim maintenance for the wife and children during the main case, providing financial support during legal proceedings. The court can decide on the application based on the needs of wife and the financial capacity her husband. The interim maintenance order remains in effect until the final decision main case and may be adjusted or replaced by the final order. Failure to comply can result in legal consequences for the husband. The Punjab Family Courts (Amendment) Act, 2015, which revised the Family Courts Act, 1964 for the province of Punjab addresses both interim and ultimate maintenance allowance: ⁴⁹

“Suit for Maintenance (1) In a suit for maintenance, the Family Court shall, on the date of the first appearance of the defendant, for interim monthly maintenance for the wife or a child and if the defendant fails to pay the maintenance by fourteen days of each month, the defence of the defendant shall stand struck off and the Family Court shall decree the suit for maintenance on the basis of averments in the plaint and other supporting documents on record of the case. (2) In a decree for maintenance, the Family Court may: (a) Fix an amount of maintenance higher than the amount prayed for in the plaint due to afflux of time or any other relevant circumstance; and (b) prescribe the annual increase in maintenance. (3) If the Family Court does not prescribe the annual increase in maintenance, the maintenance fixed by the Court shall automatically stand increased at the rate of ten per cent each year.”⁵⁰

This section allows a wife to file a maintenance suit against her husband, with the court determining the appropriate amount based on the financial capacity of husband and the needs of wife. The court evaluates both parties' financial circumstances to determine a fair amount and can modify maintenance orders if significant changes occur. It also includes provisions for the support of children if they reside with the wife.

Section 5 of the West Pakistan Family Courts Act, 1964 grants exclusive authority to Family Courts over family-related matters like marriage, divorce, maintenance, dower, guardianship, and custody of children. It also addresses territorial jurisdiction and case transfer for convenience or justice.⁵¹ Section 21 overrides conflicting laws, providing a specialized legal framework for resolving family disputes efficiently.⁵²

The Punjab Family Courts (Amendment) Act, 2015 improves maintenance cases' efficiency by increasing maintenance by 10% annually to protect wives and children from inflation. However, implementation remains a major issue, with backlogs causing delays and inconsistent enforcement of maintenance orders. Many women continue to struggle to get monthly payments, particularly in rural regions with little legal awareness and enforcement procedures.

Challenges in Implementation and Enforcement

While legislative framework of Pakistan for maintenance is very thorough, a number of difficulties prevent its successful execution. The delay in judicial processes, often due to overcrowding in Family Courts, is a significant concern. This leads to years-long delays, worsening financial difficulties faced by women awaiting maintenance. Enforcement issues persist even after maintenance orders are imposed, with many spouses avoiding compliance. This issue is particularly severe in rural areas with limited access to legal resources and enforcement authorities. Cultural and societal barriers also hinder rights of women. Family pressure, financial insecurity, and societal stigma

The provisions of Muslim Family Law Ordinance of 1961 and the Family Courts Act of 1964 are critical in Pakistan for financial rights of women. However, their effectiveness depends on implementation. Landmark case like *Amina Yusuf vs. Muhammad Yusuf and Sadia Nisar vs. Nisar Ahmad* have advanced financial rights of women, but challenges continue. To ensure the desired impact, measures to increase court efficiency, enhance enforcement mechanisms, and expand legal knowledge among women are needed.

Judicial Interpretation and Case Law Analysis On Maintenance

Over time, Pakistani courts have played an important role in interpreting maintenance laws, combining Islamic precepts with modern legal systems. These legal interpretations, particularly major decisions, have altered financial rights of women during marriage and after divorce. The following

is a thematic study of major case legislation that highlights judicial reasoning and compares approach of Pakistan to that of other nations, notably India and Egypt. Several rulings broadened the definition of maintenance to encompass more than simply basic essentials like as food and clothes, indicating a more comprehensive view of financial duties under Islamic law. In *Iffat Kazmi vs. Shuja Akbar Shah* Supreme Court ruled that maintenance should ensure a "reasonable standard of living," including education and other living expenses.⁵³ However, the court did not define what constitutes "reasonable," leaving room for judicial discretion and inconsistency in application. This contrasts with Indian jurisprudence, such as the *Shah Bano case (1985)*, where divorced Muslim women were granted maintenance beyond the 'iddah period.

Muhammad Nawaz vs. Khurshid Begum: Maintenance was extended to cover education and medical treatment. However, the court did not provide clear guidelines on how long maintenance should last or how it adjusts to changing circumstances, a gap addressed in Egypt where maintenance is periodically reassessed.⁵⁴

Post-divorce maintenance remains a contentious issue in Pakistani jurisprudence, where courts have mostly refrained from extending maintenance beyond the 'iddah period, unlike in India and Egypt.

Farah Naz vs. Judge Family Court, Sahiwal: The court upheld the entitlement of a divorced wife to maintenance, taking into account social status, education, and financial standing.⁵⁵ However, there was no clear guidance on the duration of maintenance post-divorce, a gap addressed in Egypt where courts provide structured post-divorce maintenance for a fixed period.

The Supreme Court ruled in *Rashid Ahmad Khan vs. Nasima Ara* that maintenance extends to include medical expenses and other unspecified "necessities." The court clarified that while past maintenance could be claimed in certain circumstances,⁵⁶ it rejected claims for arrears under Section 9 of the MFLO, limiting its scope to future maintenance. In contrast, *CrPC Section 125* of India allows for retrospective maintenance claims, providing a more extensive financial safety net for neglected wives, whereas Pakistani law is more restrictive.

Pakistani courts have occasionally taken progressive stances, extending maintenance rights even in scenarios traditionally deemed unfavourable for the wife, such as cases involving misconduct or long periods of separation. *Anar Mamana vs. Misal Gul* the Peshawar High Court ruled that a wife is entitled to maintenance even if guilty of misconduct, challenging traditional views.⁵⁷ *Bushra Qasim vs. Abdul Rashid* the Lahore High Court allowed maintenance claims after prolonged separation but did not clarify what constitutes a "long period of separation," creating ambiguity in application.⁵⁸ In contrast, *CrPC Section 125* of India offers clearer guidelines on this issue.

The courts have been flexible in adjusting maintenance orders based on the changing circumstances of the husband and wife, though the lack of clear statutory guidance remains a challenge. The Supreme Court ruled in *Sardar Muhammad vs. Nasima Bibi* that maintenance is not contingent on cohabitation, highlighting the socio-economic vulnerabilities of women.⁵⁹ However, the lack of guidelines for adjusting maintenance based on changes like the retirement of husband or reduced income remains a gap.

Case of *Muhammad Yousaf vs. Rukhsana Begum* demonstrated the willingness of court to modify maintenance orders based on economic fluctuations. Despite this flexibility, many Muslim-majority countries like Malaysia have more rigid frameworks that rarely allow for modification unless in extraordinary circumstances.⁶⁰ This is more progressive compared to India, where misconduct can disqualify a wife from maintenance (*Bhagwan Dutt vs. Kamla Devi*, 1975).

The court reaffirmed in *Gul Bibi v. Muhammad Saleem* that a marriage is a contract under Islamic law, and the spouse is obligated to provide maintenance as a contractual obligation.⁶¹ Although the ruling of court underscored that past maintenance can be regarded as a "debt," it left the amount and enforcement mechanisms up to judicial discretion, which frequently results in discrepancies in judgments.

The court acknowledged that entitlement to maintenance during marriage and post-divorce

In *Mr. Ahmed Riaz vs. Qisera Minhas*, the court acknowledged that maintenance is a debt owed by the husband during marriage and after divorce.⁶² This parallels *Muhammad Siddique vs. Farzana Bibi*, where the Supreme Court reinforced the duty of husband to provide maintenance during the (iddah) waiting period⁶³ a fundamental right confirmed in *Rukhsana Begum vs. Muhammad Yousaf*. These rulings underscore the responsibility of husbands to support their wives financially even when the marriage has ended.⁶⁴ The interpretation of Islamic law, as seen in these cases, aligns with classical Islamic jurists like Ibn Hazm, who emphasize that marriage itself creates a financial obligation on the husband. In contrast, other Muslim-majority countries such as Egypt and Malaysia have stricter interpretations, often limiting maintenance post-divorce strictly to the iddah period. In Egypt, for instance, the law provides for maintenance only during iddah unless the husband voluntarily agrees to post-divorce payments. Broader interpretation of Pakistan, as seen in *Shah Bano vs. Imran Khan*, allows for maintenance to continue beyond the iddah period until remarriage or self-sufficiency.⁶⁵ This progressive approach promotes justice and fairness, ensuring that women are not left financially vulnerable post-divorce.

Cases like *Naseem Akhtar vs. Mohammad Ibrahim*⁶⁶ and *Safia Bibi vs. Muhammad Hussain*⁶⁷ show that the judiciary recognizes the right of wife to claim previous maintenance, regardless of when the claim is filed.

However, there are restrictions on past maintenance claims. The Supreme Court held in *Muhammad Najeeb v. Talat Shahnaz* that a woman might demand support for the duration of their marriage in the event that nafqah, or maintenance, was not given.⁶⁸ This decision is indicative of the focus of judiciary on equity and justice, in contrast to nations such as India, where prior maintenance claims are more restricted and frequently dependent on ongoing demands made by the spouse.

Pakistani courts have also changed how they interpret maintenance orders as circumstances change. While *Sajjad Ahmed vs. Shahnaz Begum* focused on modifying maintenance in response to changes in the husband financial status of husband,⁶⁹ *Muhammad Yousaf vs. Rukhsana Begum* permitted alterations depending on economic fluctuations.⁷⁰ *Rashida Begum v. Muhammad Younis* also brought attention to the necessity of taking new laws or regulations impacting financial commitments into consideration.⁷¹ This adaptability is essential because it shows how sensitive the courts are to changing socioeconomic circumstances. Many other Muslim jurisdictions, in comparison, have more inflexible frameworks with seldom modifications to upkeep unless there are exceptional situations. The Courts in Pakistan have also accepted the procedure of modification of maintenance orders with respect to the change of circumstances. In *Muhammad Yousaf v. Rukhsana Begum*, the Supreme Court accepted modifications with the change in the economy; however, *Sajjad Ahmed v. Shahnaz Begum* interjected adjustments in maintenance on the reason that the financial situation of husband can differ as well.⁷² Likewise, *Rashida Begum v. Muhammad Younis* stated that the changes in law or legislation may alter the scheme of financial obligations.⁷³ This flexibility is very critical since it will tell of the courts' sensitivity to the changing socio-economic conditions.

Numerous cases highlight a entitlement of wife to an acceptable quality of life in addition to her right to basic support. The Peshawar High Court decided in the case of *Amina Bibi v. Muhammad Anwar* that maintenance ought to be proportional with the ability of husband to pay for clothes, food, and shelter.⁷⁴ This more expansive view of maintenance is consistent with the approach taken by courts in several Muslim nations that are progressive, like as Tunisia, where family law prioritizes the protection of and financial stability of women.

Legal interpretations of Pakistan, as demonstrated in the case of *Zeenat Bibi v. Nawazish Ali*, take into account the lifestyle of wife before separation or divorce, going beyond the basic subsistence standard.⁷⁵ This is in contrast to more orthodox views in Saudi Arabia and other nations where maintenance is often limited to necessities.

Particularly under Section 9(1) of the Muslim Family Laws Ordinance, 1961 and Section 17A of the West Pakistan Family Courts Act, Pakistani courts have made progress in executing maintenance decisions.

State v. Muhammad Nabi Khan highlighted the necessity of strong enforcement to guarantee that maintenance given to divorced women is paid.

⁷⁶ In a similar vein, Parveen Akhtar v. Muhammad Arshad made clear that having financial difficulties is not a justification for skipping out on maintenance payments. ⁷⁷ This emphasis on enforcement is in contrast to other jurisdictions, such as Jordan, where the absence of strong legal processes makes maintenance enforcement a major difficulty. In contrast, Pakistani courts show a readiness to make rulings requiring payment, demonstrating their dedication to the financial protection of women.

Impact on Rights of women

Under the law, the courts of Pakistan are stretching the same concept of maintenance to incorporate post-divorce liabilities as well, which enhances economic security of women through extended judicial enlargement. In that regard, the courts had indeed focused on narrowing down the Islamic perceptions along with socio-economic realities of today to ensure gender justice. Still, there is an urgent requirement for post-divorce legislative provisions regarding maintenance, which may eventually be further judicially enforced or will later call for some much-needed legislation. Despite this, lack of well-outlined provisions for post-divorce maintenance is still one of the critically missing aspects, which still requires additional judicial intervention.

The judicial interpretations in Pakistan are progressive, giving women more financial rights and protection, but there is stiff resistance from law enforcement, lack of definition in the law, and societal attitudes-which makes it unlike other Muslim-majority countries where these rights are fully realized.

Comparative Perspectives: India, Egypt, And Pakistan

In comparison, the legal framework on maintenance post-divorce in Pakistan is more conservative than in India and Egypt. There are also progressive verdicts which reflect the change that is taking place in financial rights of women in Pakistan. The Shah Bano case in India in 1985 expansively increased financial rights of women but caused much controversy among Muslim conservatives. The Pakistan courts have for the most part resisted enlarging maintenance beyond the 'iddah period, which showed a more stringent conformance with classical understandings of Islamic law. In Farah Naz v. Judge Family Court, Sahiwal, it was held by the Pakistan courts that the husband was liable for the duration of marriage and 'iddah but refused post-'iddah liabilities unless so agreed upon. This goes on to reflect conservative position of Pakistan, balancing traditional jurisprudence against rights of divorced women.

The standards of post-divorce support are provided for by courts in Egypt. They stay in force until the woman remarries or reaches an old age. Provisions of this nature are based on nafaqa clauses with regional and

Islamic law roots. Scholars, like Dr. Zeinab Radhwan, subscribe to extended periods of maintenance to ensure that the economic security that started during marriage can continue after its dissolution. In contrast to Egypt, legal system of Pakistan has a more constrained framework; courts there have expanded the notion of maintenance during marriage⁷⁸ but have not established long-term financial assistance after divorce.

Pakistani Perspective: Although Pakistani courts have generally upheld a conservative stance by limiting maintenance to the 'iddah period, there are cases that demonstrate progressive judicial reasoning. In *Sardar Muhammad vs. Nasima Bibi*, the court acknowledged that an entitlement of wife to maintenance is not dependent on cohabitation, reflecting an awareness on socio-economic vulnerabilities of women.⁷⁹ Additionally, Pakistani courts have gradually broadened the scope of maintenance during marriage, as seen in *Muhammad Nawaz vs. Khurshid Begum*, where it included education and medical expenses.⁸⁰ However, the courts have yet to fully develop a comprehensive framework for post-divorce maintenance.

Judicial system of Pakistan, despite being more conservative than Egypt, is adapting Islamic principles to contemporary socio-economic realities. The judiciary is increasingly considering financial rights of women, particularly in cases of misconduct or prolonged separation. However, the absence of clear statutory guidelines, particularly regarding post-divorce maintenance, remains a critical gap in ensuring consistent protection for women, contrasting with Egypt's more structured system.

In Pakistan, legal views on maintenance laws have evolved and new developments have been incorporated into specific cases until gaps remain in the past level of needs that must be met. Paying money for past maintenance first may be difficult if the other party refuses; secondly, it is not limited to a one-time payment and then no more payments by either party. Law enforcement mechanisms also need improvement. Compared with India and Egypt, the Pakistani legal structure provides less support for women after divorce. Maintenance law is currently in its early stages of development, so both legislative changes are necessary to close gaps like these more quickly and clearly written guidance from the top that will help along with substantially enhance protection for economic rights of women. Typical cases reflecting the main themes of maintenance law in Pakistan throw up some analysis of judicial thinking, place them in context against other legal systems to better understand their implications for gender equality and human civilization as a whole.

Research into post-divorce maintenance in Pakistan is scant and judges have been consistent in awarding maintenance. Comparative studies with nations like Egypt can provide an insight into how best to bring about change. In rural areas especially women face cultural and societal barriers against seeking maintenance legally. This should be the focus of future research, which should also propose measures designed to remove those

barriers. Academic work on enforcement of maintenance orders is another area that is partial. It is essential for women to receive the financial support they are entitled to that research into the challenges they encounter in enforcing a maintenance decision and necessary legal reforms aiming at strengthening mechanisms are carried out. Legislation, judiciary and society all need to be addressed if Pakistan is to provide a more comprehensive protection for financial rights of women, particularly regarding post-divorce maintenance.

Conclusion And Recommendations

The Right to Maintenance During Marriage is a fundamental rule which is reflected in Islamic law including this principle in The Qur'an, Sunnah, Ijmā', and Qiyas. Nevertheless, it is Pakistan, where such law is especially important and it is its interpretation and practical implementation that turns out to be significant, in this case, post-divorce maintenance laws. Several factors including inconsistencies in the management of the judiciary and the absence of clear-cut legislative policies enhance unpredictability which exposes a large proportion of women, especially the economically disadvantaged, to the perils of life after divorce due to absence of safety net. In more advanced countries, such as India and Egypt, provision for maintenance is less constricted, maintenance law of India extends the time beyond the 'iddah period after getting a decree of divorce as seen in the case of Shah Bano. In Egypt, there exists a law whereby maintenance of such a wife may continue till she remarries or weds another person or attains old age thus having a broader security in terms of finances. However, the trend in Pakistani courts is still rather conservative in the maintenance is confined to the 'iddah period; and whilst some such determinations indicate the court divorcing may demand a monetary provision from a husband there is a wide gap in legal statutes with respect to post-divorce maintenance law.

1. Legal reforms be made in order to make clear what is meant by 'maintenance' in relation to Post-divorce maintenance provisions, also informing contemporary costs of living & social values. Moreover post-divorce maintenance provisions are also required and these are more for the women who are economically deprived. Special focus ought to be put in providing training for judges on gender sensitive matters to avoid biases in the application of maintenance laws hence guarantee fair hearing.
2. Specialized Family Courts with family law judges who are trained are likely to reduce the time taken to resolve maintenance issues and at the same time arrive at fair decisions which will in turn help women in financial distress.
3. Non-compliance with maintenance orders can put women in a financially precarious situation, but this can be avoided by putting in

place more stringent mechanisms for enforcement of these orders. This is because enforcement ensures that husbands are made to take responsibility for their maintenance obligations.

4. All the women should be made to confront gender discrimination through campaigns, especially in the rural sectors, and inform the women about their legal entitlement to maintenance orders and such remedies.
5. Legal support was expanded to all those including women with specific reference to legal aid and services which should be quite easy and affordable.

References

- ¹ Syed Sabiq, *Fiqh Us Sunnah* (United States: CreateSpace Independent Publishing, 2017), 169–80.
- ² Jamal J. Nasir, *The Status of Women under Islamic Law*, (London, 1990), 59.
- ³ Al-Qur'ān, 30:21
- ⁴ Al-Qur'ān, 4:34
- ⁵ Al-Qur'ān, 20:117
- ⁶ Abū Abdullah Muhammad bin Ahmad Al-Qurtubī, *Al-Jāmi 'li Ahkām al-Qur'ān*, 11: 253.
- ⁷ 'Abdullah ibn Maḥmūd al-Mawṣūlī, *Al-Ikhtiyār li Ta'līl al-Mukhtār*, vol. 4 (Cairo: Dār al-Ḥadīth, 2009), 4.
- ⁸ Aurangzeb Alamgir, *Fatawa Alamgiri*, vol. 1 (United States: Amazon Digital Services LLC - KDP, 2023), 560.
- ¹¹ Pakistan: Code of Criminal Procedure 1898, Section, 488 this section was also omitted in 1981.
- ¹² Jamal J. Nasir, *The Status of Women Under Islamic Law and Modern Islamic Legislation*, 3rd ed., Brill's Arab and Islamic Laws Series (Leiden: Brill, 2009), 60.
- ¹³ Jeff Redding, *A Secular Need: Islamic Law and State Governance in Contemporary India*, Global South Asia (Seattle: University of Washington Press, 2020), 117–20.
- ¹⁴ Tahir Mahmood, *Muslim Law in India and Abroad*, Second edition (Gurgaon, Haryana, India: LexisNexis, 2016), 195–98.
- ¹⁵ John L. Esposito and Natana J. DeLong-Bas, *Women in Muslim Family Law*, 2., Contemporary Issues in the Middle East (United States: Syracuse University Press, 2001), 87–88.
- ¹⁶ David Pearl and Werner Menski, *Muslim Family Law*, 3. ed (Spain: Sweet & Maxwell Thomson Reuters, 1998), 177.
- ¹⁷ Alamgir Muhammad Sirajuddin, *Muslim Family Law, Secular Courts and Muslim Women of South Asia: A Study in Judicial Activism* (Karachi: Oxford University Press, 2011), 129.
- ¹⁸ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*, Reprinted (Oxford: Oneworld Publications, 2010), 145–48.
- ¹⁹ Parveen Shaukat Ali, *Legal Status of Women in the Third World* (Pakistan: Aziz Publishers, 1979), 9.
- ²⁰ Ehtisham ul-Haq Thanvi, "Report of the Commission on Marriage and Family Laws," 1956, 1203–4.
- ²¹ Amīn Ahsan Islāhī, "Ā'aeī Commission Ki Report Par Tabṣrah" (Lahore: Istaqlal Press, 1960), 5.

- ²² Pakistan National Commission on the Status of Women, "The Impact of Family Laws on the Rights of Divorced Women in Pakistan" (Lahore: Pakistan: Aligarh Publishers, 2007), 49.
- ²³ Amīn Ahsan Islāhī, "Ā'aelī Commission Ki Report Par Tabṣrah," 25.
- ²⁴ Khurshid Ahmad, *Marriage Commission Report X-Rayed* (Pakistan: Chiragh-E-Rah, 1959).
- ²⁵ Safdar Mahmood, *The Constitutional Foundations of Pakistan* (Lahore: Publishers United, 1975), 217.
- ²⁶ "Constitution of the Islamic Republic of Pakistan 1962", art. 5.
- ²⁷ Ibid., art. 14(1).
- ²⁸ "Constitution of the Islamic Republic of Pakistan 1962", art. 17
- ²⁹ Ibid., art. 29(d).
- ³⁰ Ibid., art. 44.
- ³¹ Golam Wahed Choudhury, *Constitutional Developments in Pakistan* (United Kingdom: Longman, 1969), 133–34.
- ³² Constitution of the Islamic Republic of Pakistan 1962, art. 16.
- ³³ Constitution of the Islamic Republic of Pakistan 1962, art. 15.
- ³⁴ Constitution of the Islamic Republic of Pakistan 1962, art. 16.
- ³⁵ Constitution of the Islamic Republic of Pakistan 1962, art. 6(2)(i)
- ³⁶ Constitution of the Islamic Republic of Pakistan 1962, art. 199
- ³⁷ Constitution of the Islamic Republic of Pakistan 1962, art. 16
- ³⁸ Golam Wahed Choudhury, *Constitutional Developments in Pakistan* (United Kingdom: Longman, 1969), 253.
- ³⁹ "The Constitution of the Islamic Republic of Pakistan 1973" (1973), art. 25.
- ⁴⁰ Ibid., art. 34.
- ⁴¹ Ibid., art. 32.
- ⁴² Muhammad Yousaf vs. Rukhsana Begum, PLD 475 (Supreme Court of Pakistan 2015).
- ⁴³ Khurshid Bibi vs. Baboo Muhammad Amin, PLD 97 (Supreme Court 1967).
- ⁴⁴ Legislative Assembly of Pakistan, "The Muslim Family Laws Ordinance 1961," Pub. L. No. VIII (1961), sec. 9.
- ⁴⁵ Nasirullah vs. Sughra Bibi, SCMR 533 (Supreme Court 2010).
- ⁴⁶ "The West Pakistan Family Courts Act, 1964," XXXV Family Code § (1964), sec. 5.
- ⁴⁷ "Punjab Family Courts (Amendment) Act, 2015" (2015), sec. 5.
- ⁴⁸ The West Pakistan Family Courts Act, 1964, secs. 12-A.
- ⁴⁹ Punjab Family Courts (Amendment) Act, 2015 (Act XI of 2015).
- ⁵⁰ The Family Courts Act, 1964 (Act XXXV of 1964) as amended in 2015 for Punjab, available at https://pcsw.punjab.gov.pk/family_courts_act
- ⁵¹ The West Pakistan Family Courts Act, 1964, sec. 5.
- ⁵² Ibid., sec. 21.
- ⁵³ Iffat Kazmi vs. Shuja Akbar Shah, PLD 2005 395 (Supreme Court 2005).
- ⁵⁴ Muhammad Nawaz Vs. Khurshid Begum, PLD 1972.
- ⁵⁵ Farah Naz vs. Judge Family Court Sahiwal, PLD 2006 457 (SC 2006).
- ⁵⁶ Rashid Ahmad Khan vs. Nasima Ara, PLD 1968 at 93.
- ⁵⁷ Anar Mamana vs. Misal Gul, PLD 194 (Peshawar High Court 2005).
- ⁵⁸ Bushra Qasim vs. Abdul Rashid, CLC 2063 (Lahore-High-Court-Lahore 1993).
- ⁵⁹ Sardar Muhammad vs. Nasima Bibi, PLD 1966 703
- ⁶⁰ Muhammad Yousaf vs. Rukhsana Begum, PLD.
- ⁶¹ Gul Bibi vs. Muhammad Saleem, PLD 117 (Balochistan High Court 1978).
- ⁶² Mr. Ahmed Riaz vs. Qisera Minhas, 1994 CLC 2403 (1994).

- ⁶³ Muhammad Siddique vs. Farzana Bibi, PLD 305 (Supreme Court 2010).
- ⁶⁴ Rukhsana Begum vs. Muhammad Yousaf, PLD 593 (Lahore High Court 2005).
- ⁶⁵ Shah Bano vs. Imran Khan, PLD 966 (Supreme Court 2010).
- ⁶⁶ Naseem Akhtar vs. Mohammad Ibrahim, PLD (Supreme Court 2011).
- ⁶⁷ Safia Bibi vs. Muhammad Hussain, PLD 791 (Supreme Court 2007).
- ⁶⁸ Muhammad Najeeb vs. Talat Shahnaz, SCMR 119 (Supreme Court 1989).
- ⁶⁹ Sajjad Ahmed vs. Shahnaz Begum, PLD 217 (Lahore High Court 2012).
- ⁷⁰ Sajjad Ahmed vs. Shahnaz Begum, PLD 217 (Lahore High Court 2012).
- ⁷¹ Rashida Begum vs. Muhammad Younis, PLD 553 (Lahore High Court 2006).
- ⁷² Sajjad Ahmed vs. Shahnaz Begum, PLD 217 (Lahore High Court 2012).
- ⁷³ Rashida Begum vs. Muhammad Younis, PLD 553 (Lahore High Court 2006).
- ⁷⁴ Amina Bibi vs. Muhammad Anwar, PLD 142 (Peshawar High Court 2005).
- ⁷⁵ Zeenat Bibi vs. Nawazish Ali, PLD 208 (Lahore High Court 2000).
- ⁷⁶ State vs. Muhammad Nabi Khan, PLD 553 (Supreme Court 2013).
- ⁷⁷ Parveen Akhtar vs. Muhammad Arshad, PLD 56 (Lahore High Court 2014).
- ⁷⁸ Iffat Kazmi vs. Shuja Akbar Shah, PLD 395 (Supreme Court 2005).
- ⁷⁹ Sardar Muhammad vs. Nasima Bibi, PLD 703 (Lahore High Court 1966).
- ⁸⁰ Muhammad Nawaz vs. Khurshid Begum, PLD 302 (Supreme Court 1972).

Bibliography

1. Ahmad, Khurshid. *Marriage Commission Report X-Rayed*. Pakistan: Chiragh-E-Rah, 1959.
2. Alamgir, Aurangzeb. *Fatawa Alamgiri*. Vol. 1. United States: Amazon Digital Services LLC - KDP, 2023.
3. Ali, Parveen Shaukat. *Legal Status of Women in the Third World*. Pakistan: Aziz Publishers, 1979.
4. Amīn Ahsan Islāhī. "Ā'aelī Commission Ki Report Par Tabṣrah." Lahore: Istaqlal Press, 1960.
5. Amina Bibi vs. Muhammad Anwar, PLD 142 (Peshawar High Court 2005).
6. Anar Mamana vs. Misal Gul, PLD 194 (Peshawar High Court 2005).
7. Bushra Qasim vs. Abdul Rashid, CLC 2063 (Lahore-High-Court-Lahore 1993).
8. Choudhury, Golam Wahed. *Constitutional Developments in Pakistan*. United Kingdom: Longman, 1969.
9. Ehtisham ul-Haq Thanvi. "Report of the Commission on Marriage and Family Laws," 1956.
10. Esposito, John L., and Natana J. DeLong-Bas. *Women in Muslim Family Law*. 2. Contemporary Issues in the Middle East. United States: Syracuse University Press, 2001.
11. Fyzee, Asaf Ali Asghar. *Outlines of Muhammadan Law*. 4th ed. New Delhi India: Oxford University Press, 1993.
12. Gul Bibi vs. Muhammad Saleem, PLD 117 (Balochistan High Court 1978).
13. Iffat Kazmi vs. Shuja Akbar Shah, PLD 395 (Supreme Court 2005).
14. Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Reprinted. Oxford: Oneworld Publications, 2010.
15. Khurshid Bibi vs. Baboo Muhammad Amin, PLD 97 (Supreme Court 1967).
16. Legislative Assembly of Pakistan. The Muslim Family Laws Ordinance 1961, Pub. L. No. VIII (1961).
17. Mahmood, Tahir. *Muslim Law in India and Abroad*. Second edition. Gurgaon, Haryana, India: LexisNexis, 2016.
18. Mawṣūlī, 'Abdullah ibn Maḥmūd al-. *Al-Ikḥtiyār li Ta'līl al-Mukḥtār*. Vol. 4. Cairo: Dār al-Ḥadīth, 2009.
19. Mr. Ahmed Riaz vs. Qisera Minhas, 1994 CLC 2403 (1994).

20. Muhammad Najeeb vs. Talat Shahnaz, SCMR 119 (Supreme Court 1989).
21. Muhammad Nawaz vs. Khurshid Begum, PLD 302 (Supreme Court 1972).
22. Muhammad Siddique vs. Farzana Bibi, PLD 305 (Supreme Court 2010).
23. Muhammad Yousaf vs. Rukhsana Begum, PLD 475 (Supreme Court of Pakistan 2015).
24. Naseem Akhtar vs. Mohammad Ibrahim, PLD (Supreme Court 2011).
25. Nasir, Jamal J. *The Status of Women Under Islamic Law and Modern Islamic Legislation*. 3rd ed. Brill's Arab and Islamic Laws Series. Leiden: Brill, 2009.
26. Nasirullah vs. Sughra Bibi, SCMR 533 (Supreme Court 2010).
27. Pakistan National Commission on the Status of Women. "The Impact of Family Laws on the Rights of Divorced Women in Pakistan." Lahore: Pakistan: Aligarh Publishers, 2007.
28. Parveen Akhtar vs. Muhammad Arshad, PLD 56 (Lahore High Court 2014).
29. Pearl, David, and Werner Menski. *Muslim Family Law*. 3. ed. Spain: Sweet & Maxwell Thomson Reuters, 1998.
30. Punjab Family Courts (Amendment) Act, 2015 (2015).
31. Rashida Begum vs. Muhammad Younis, PLD 553 (Lahore High Court 2006).
32. Redding, Jeff. *A Secular Need: Islamic Law and State Governance in Contemporary India*. Global South Asia. Seattle: University of Washington Press, 2020.
33. Rukhsana Begum vs. Muhammad Yousaf, PLD 593 (Lahore High Court 2005).
34. Sabiq, Syed. *Fiqh Us Sunnah*. United States: CreateSpace Independent Publishing, 2017.
35. Safia Bibi vs. Muhammad Hussain, PLD 791 (Supreme Court 2007).
36. Sajjad Ahmed vs. Shahnaz Begum, PLD 217 (Lahore High Court 2012).
37. Sardar Muhammad vs. Nasima Bibi, PLD 703 (Lahore High Court 1966).
38. Shah Bano vs. Imran Khan, PLD 966 (Supreme Court 2010).
39. Sirajuddin, Alamgir Muhammad. *Muslim Family Law, Secular Courts and Muslim Women of South Asia: A Study in Judicial Activism*. Karachi: Oxford University Press, 2011.
40. State vs. Muhammad Nabi Khan, PLD 553 (Supreme Court 2013).
41. The Constitution of the Islamic Republic of Pakistan 1973 (1973).
42. The West Pakistan Family Courts Act, 1964, XXXV Family Code § (1964).
43. Zeenat Bibi vs. Nawazish Ali, PLD 208 (Lahore High Court 2000).