

NIKAH RIGHTS (Dawn editorial 4/26/24)

THE Supreme Court recently delivered a judgement championing the rights of women within a marriage. The ruling stemmed from a case where a divorced woman sought entitlement to a plot mentioned in her nikahnama in the clause pertaining to `special conditions`, which her ex-husband contested. The top court held that in the presence of any ambiguity within the document, the benefit of the doubt should favour the wife, especially when she was not fully informed of her rights at the time of the marriage. The SC further ruled that allowing male family members to decide the terms of a nikah on behalf of the bride is not just a cultural and social norm but a practice that significantly disadvantages women later in their marriages.

It is a profound acknowledgment that a woman`s consent and her informed participation in the drafting of the nikahnama are paramount, especially when things are stacked against her. A recent study has revealed nikah registrars` prejudice towards women. In Lahore, an overwhelming 86pc of registrars believed that brides were not competent enough to negotiate their nikahnamas, and 85pc said that giving women divorce rights in the marriage contract would raise divorce rates. In Pakpattan, 58pc of nikahnamas were missing critical details like the bride`s CNIC, and a mere 2pc granted women the right to initiate divorce.

There is a clear and pressing need for comprehensive educational campaigns aimed at both men and women to raise awareness about the critical elements of the nikahnama. Women must be informed of their rights, such as maintenance, inheritance, and the conditions under which they can seek divorce. Moreover, it is imperative to reform the training and oversight of nikah registrars. They play a crucial role in the execution of marriage contracts and must be held to a higher standard of accountability regarding women`s rights.

Legislative reforms should also be implemented to ensure that no part of the nikahnama can be manipulated to disadvantage women.

Ensuring that clauses meant to protect women are mandatory and cannot be omitted or altered without the bride`s explicit consent is absolutely vital. This judicial acknowledgment of the rights of women in marriages must now be translated into widespread social and legal reforms. The path is set; we must now walk it with resolve.

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Nikah Rights (Editorial)

Outline:

- Supreme court judgement
- Allowing male members to decide terms of nikah disadvantages women
- Nikah registrar and their prejudice
- Need for Education / awareness
- Training of Nikah registrars
- Conclusion.

Precis:

Recently The Supreme court gave the a judgement about women rights in marriage, as a result of a case where a divorced women sought ~~entailment~~ entailment to a plot mentioned in the "Special conditions" clause of her Nikah nama. The top court ruled to give the benefit of doubt to the women. Further - more, Supreme court ruled that Allowing male family members to decide the terms of nikah is a cultural and social norm that disadvantages

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women in the long run -
women should be given the
right to participate in
drafting Nikah nama & ~~Nikah~~
registrars. A study shows
that nikah registrars held
prejudice against bride's
participation in drafting
Nikah nama and giving women
divorce right would increase
divorce rate -

Proper campaign should
be run to educate bride
and groom on basic
clauses of nikah. Nikah
registrars should be trained
and held accountable.

Key Take away

Moreover legislative reforms
should be implemented
for ensuring that women
right clauses can not be
manipulated - This judicial
acknowledgment should be
translated into reforms.