

# Documentation (Nikah Form and Talaq Nama) in Pakistani Muslim Family Laws: Historical and Jurisprudential Review Survey

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## ABSTRACT

Family is the natural, religious, and moral need of man and the basis of society. Islam has paid special attention to the effective formation and organization of this fundamental institution and the distribution of the rights and duties of the members of society, especially spouses. Documentary registration is considered indispensable for the sure protection and effective disbursing of the rights and duties of the spouses. In Muslim societies, the Ottoman Law of Family Rights of 1917 is referred to as the foremost effort to document marriage and divorce matters. The research at hand describes the significance of family and marital rights and duties in Islamic law. It investigates Pakistani legislation concerning family and its protection. This research explores the documentation of marriage and divorce in Muslim family laws. It reveals the historical evolution of the registration of marital matters. This paper focuses on the content of forms found in Pakistani legislation. It reviews the Nikah Form and Talaq Nama and highlights the challenges. It studies the opinion of the council of Islamic ideology and the federal shariat court in order to record marriage and divorce. This This research introduces effective amendments to the Nikah Form and Talaq Nama.

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## 1 Introduction

Family is the basic unit of society. The strong formation of this unit gives stability to the society. Islam has named the mutual relationship between husband and wife as "Musthaaqn Ghalizh" (firm contract). This research will provide an understanding of the Islamic rulings related to Muslim family matters (Nikaah and Divorce). It will be known. In today's context, there will be guidance to ensure the payment of spouse's rights. In current Pakistani Muslim family laws (marriage and divorce), the contents of the documents, and the rights and duties of the spouses will be highlighted. Life will be protected. This research will play an important role in jurisprudence, social, legal and judicial support. In this research, only the rulings related to marriage and divorce will be discussed as part of Muslim family laws. In this paper, the documents related to marriage and divorce (nikah form and divorce form) will be studied from a historical and jurisprudential perspective. In addition, the rights and duties of the spouses in the marriage and divorce form in Pakistan at the time will be discussed and the Shariah, social and legal challenges faced. In this research paper, there will be a discussion on the importance and usefulness of marriage form and divorce certificate in protecting married life.

To complete this research, the Qur'an and Sunnah, jurisprudence books and research papers will be used. The Muslim Family Law of 1917 and the laws of the British era in 1876, are the samples of the marriage form and the divorce certificate will be carefully examined. In the paper, the current Pakistani marriage

form and divorce form, and the decisions of the Islamic Ideological Council and the Supreme Court on the rights and duties of the spouses will be used.

This research will study the Shariah and Jurisprudential rules on Muslim family matters (marriage and divorce). It will examine the contents of documents given in family laws. This paper will explore how documentation secure the marital life and its affiliated rights and duties.

The society and the state are strengthened by the protection of rights and duties and fair distribution. The distribution of rights and duties between individuals and institutions and practical payment is the first priority of the government. The family is called the basic unit of the society and in all societies, civilizations and laws, this institution has sanctity. In Islamic teachings, detailed rulings on the rights and duties of the family and the spouses are mentioned. A sacred relationship like marriage is called "Misthaq Ghali" (firm contract). It has been declared. This contract has religious, social, economic, psychological and legal aspects, therefore, detailed provisions on its creation and cancellation have been described. Many rights and duties including the relationship of spouses, inheritance, economic responsibility, and the right of inheritance. are related to the contract.

Writings are made for the effective distribution of rights and duties and practical payment. In Muslim societies, registration and various forms were introduced in family laws (marriage and divorce) to protect the rights and duties of spouses and children and practical transfer. Ottoman Empire. The first Muslim family law was made in 1917 and later all Muslim kingdoms implemented the same law as a model. Similarly, during the British period, the Marriage and Divorce Act came into force in the subcontinent in 1876. After the formation of Pakistan, a marriage certificate was created in 1961, which needs to be amended with the change of times, while there is no model of the divorce certificate.

Due to non-registration of complete marriage certificate and especially lack of sample of divorce certificate, family problems are increasing and the institution of family is weakening. Child marriages, forced marriages, non-payment of dowry, usurpation of dowry property, increasing rate of divorce, marriages with Qadianis, and many other problems are causing the court cases to be flooded. The rights of spouses and children are being affected. Malik It has been pointed out by several major Dar al-Ifta, Islamic Ideology Council, and courts.

This era is the era of documents, every small and big thing is preserved in writing so that the rights and duties related to that thing cannot be denied. Marriage is not only a religious act but also a social and legal contract. Muslim empires, British era, and There is a need for a historical and jurisprudential review of the documents in the current Pakistani family laws (marriage and divorce). In modern times, it has become necessary to introduce marriage forms and divorce papers to ensure the rights and obligations of spouses and children.

The study of history and anthropology shows that the institution of the family is the oldest human social institution. The present state began with the tribal society. The family traditions are the main means of protection and continuity of values. Similarly, the coming species Human education also starts from this institution, so this is the first place of education for every human being. In Islamic teachings, detailed rulings on the rights and duties of family and spouses have been mentioned.

In the Holy Qur'an, a sacred relationship like marriage has been described as a "mustaq-e-ghilaiz" (firm contract).

Dr. Mahmood Ahmad Ghazi writes in his book "Muhadrat-e-Shariat".

“Marriage contract has religious, social, economic, psychological and legal aspects, so detailed Islamic provisions have been described on its creation and annulment. Many rights and duties, including the relationship of the spouses, inheritance, economic responsibility, and the right of inheritance, are from this contract. are related”.

Undoubtedly, the development and success of human society depends on the individual and the institution of the family, so family life should be ideal. Islam has given the most importance to the institution of the family after the individual. More than one-third of the verses related to the family, the rights and duties of individuals, and the protection of family life have been introduced in the Holy Quran, which makes it clear how much importance Islam attaches to family life.

Dr. Mahmood Ahmed Ghazi writes that the first and basic unit of family life is the relationship between husband and wife, i.e. conjugal life.

Syed Jalaluddin Umari writes in his book "Family System of Islam".

Islam has provided such a complete outline for the protection and stability of family life, the reformation of the family and its construction and development, without which no stable system can be imagined.

#### Family and Islam

It is known from the Holy Qur'an that the collectivity of man has been placed in his creation. Among all living beings, man is a creature that has a collective existence by nature, as Allah says

“يا ايها الناس انا خلقنكم من ذكر و اثنى و جعلناكم شعوبا و قبائل لتعارفوا ان اكرمكم عند الله اتقكم”

O people! We have created you from male and female and divided you into nations and tribes so that there may be a way of recognition among you.

In this Ayah Karima, it is pointed to the collective philosophy of the creation of man that man is created in such a way that he takes the form of different nations and different tribes. Being associated with nations and tribes makes it possible to identify with each other, which is an integral part of collective life.

He said at another place

“هو الذى خلق من الماء بشرا فجعله نسبا و صهرا”

Your Lord is the One who created man from water and then declared him to be related.

In this Ayah Karima, the kinship and causal links that are the reason for connecting individuals to each other and becoming a symbol of recognition among them. In fact, collectivity is in the nature of human beings - the scholars call it Madanit and human building in their terms.

“ومن آياته أن خلق لكم من أنفسكم أزواجا لتسكنوا إليها وجعل بينكم مودة ورحمة إن في ذلك لآيات لقوم يتفكرون”

And among His signs is that He made for you mates of your own sex, so that you may find comfort in them and put love and mercy between you. Indeed, there are signs in it for those who reflect.

In Islam, family life is not just a name for sexual satisfaction, but a complete life which is a symbol of love and mercy. There is a regular regulation of its formation and then there are rules on its continuation and objectives.

In family life, not only the man, but the woman, the parents, and the children are all equal participants, but it begins with the spouses through marriage. Such a broad concept of family life is extinct. The status of family life is like a small but basic government which guarantees the establishment of peace and order for the construction and social responsibilities in the world. Its head is the husband while the wife has the status of a minister. Domestic life is the basis of the entire civilization, but the relationship between man and woman, family ties is such that the Holy Quran has clearly explained its partial problems and then the Prophet ﷺ has explained it because civilization and civilization. The edifice stands on this foundation. When marital relations deteriorate, children and the new generation are affected.

He said

” ألاكلكم راع وكلكم مسؤول عن رعيته فالإمام الذي على الناس راع وهو مسؤول عن رعيته والرجل راع على أهل بيته وهو مسؤول عن رعيته والمرأة راعية على بيت زوجها وولده وهي مسؤولة عنهم“

Beware! Each of you is the guardian of his subjects and on the "Day of Resurrection" each of you will have to be accountable for his subjects, so the Imam, the head of state and government who is the guardian of the people, must be accountable for his subjects. Accountability: The man who is the guardian of his family must be accountable for his family; the woman who is the guardian of her husband's house and children must be accountable for their rights.

The definitions of family institution and related terms are defined in international papers and documents of United Nations meetings, etc.

"The family is the natural and fundamental group unit of society and is entitled to protection by society and the State".

Dr. Khalid Alvi writes that the family is an institution that shapes human behavior and behavior. The family is the institution through which social training takes place. The family is the institution that makes the individual aware of his duties. It makes him aware of the differences. If the stability of the family is reduced, then human behavior, the consciousness of social duties and the belief in the ranks of individuals in the society will all be lost.

Every nation of the world, whether civilized or barbarian, has its own special family system which has been formed by social evolution, divine revelation or divine law, but the institution of the family has been a major part of the formation of nations.

Ali Izzat Baloch writes in his book "Islam Between East and West".

In all religions, the institution of the family is described as if it is a nest for the man and the woman holds the status of the first teacher, such a teacher is impossible to provide.

Dr. Abdul Hai Abro writes in his book "Family System of Islam"

Islam has given detailed orders about family matters contrary to other matters, even in the Holy Quran.

Surah Al -Baqarah

Surah An -Nisa

Surah Al -Ma'idah

Surah An -Nur

Surah Al -Hajab

Surah Al -Mujaddal

Surah Al -Duqaq

Surah al -Tahrum "

Dr. Abdul Hai Abro writes in his book "Family System of Islam"

"Legal laws and guidance related to the family are studied under the laws of Islam, and the part of Islamic jurisprudence that discusses these laws is called" jurisprudence ". Used has been used. For some time, the term "Ahl -e -Pardah" has also been used for the family orders, which is apparently taken from French law. The same term is used in Arab scholars' circles when That the term of the Muslim Personal Law Personal Law is practiced in the legal circles of the Indian subcontinent. "

Although a written marriage certificate or marriage registry is not necessary to confirm the marriage, but in this modern organized world, to avoid numerous social and social problems, the registration of marriage and the passing of its documents have become almost inevitable. It is recommended to register the marriage. But whether the marriage is registered or not does not affect the legality of the marriage. If someone's marriage has not been registered, but the required elements of the marriage have been fulfilled, then the marriage is legally solemnized. A written marriage status is a legal and administrative requirement. Originally, marriage comes into being only through verbal acceptance, but in those contracts where the rest of the issues are to be paid in the future, it is best to prepare a written agreement and the Holy Quran itself has made it clear.

”يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَانَيْتُمْ بِدِينٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ“

O believers! When you deal with a debt for a fixed period, write it down.

In this blessed verse, Allah Ta'ala has ordered to prepare documents for buying and selling, transactions and agreements and transactions. The wisdom of this is that no conflict arises later and no party is harmed. Similarly, in cases like murder, dacoity and adultery, it was ordered to record the statements of the witnesses with strict conditions so that the decision could be based on the facts. Therefore, like other matters, it is necessary to have witnesses for the marriage, without witnesses the marriage is not recognized. Although the marriage is solemnized with the consent of the boy and the girl in the presence of two wise adult Muslim witnesses, he still ordered publicity so that the news would reach more people. It is a sign of protection because the same evidence helps in making the right decision if any deterioration occurs later. Hence adoption of testimony, written documents and nowadays audio, video recording, photographs and other modern means that can be produced to prove any event is the need of the hour. And this is also Islamic teachings.

The seal is often paid later in the marriage, so it is also entered into these contracts, many legal issues also require authentic records of marriage, so if the marriage contract is written in writing. If it is done, it is in

accordance with the Shariah. Registration provides proof of marriage among the spouses and if a party turns away from it, then there is an argument against it. The registration proves that this woman's inferiority. The children who are born are the descendants of the same man, it is the responsibility of the man and the responsibility of their sponsorship, and these children have the right to inherit this man's Turkish, the registration proves when the woman. From this man deserving of the neglect, the marriage contract provides evidence of many relationships that are forbidden to marry, registration shows the amount of seal and it is also clear that the marriage is made. Time seal was paid or not?

Islam has solved the problems of life in the context of the basic concept of humanity in the context of the basic concept of humanity. In the Islamic teachings, the protection of the rights of all social classes, including women, has been ensured. The foundations of society are based on different principles from other societies. The air of modernity led to many social changes in human society. In the modern world, Muslim modern issues have emerged as a controversial issue. Many movements have been launched to protect women's rights and women's rights.

In the Muslim world, the laws of the law, especially the family laws, do not find the period of the Prophet (peace and blessings of Allaah be upon him). With the breadth of Muslim areas, the changes in the outside world also affected Muslim societies. The first time in the history of Muslim family laws was carried out by the Ottoman Empire. The first Muslim family law in the world was drafted to them, which later implemented with brief changes in several Muslim areas.

Dr. Abdul Hahi writes that democratic jurists agree that divorce is divorced when a husband divorces his wife without proclaiming or registration, but it is better to avoid hasty and conflicts that divorce should be divorced in the presence of two witnesses. He writes more that According to the circumstances of the present, the divorce or the written record of divorce has become a necessity. In the Muslim period, divorce was not high and re -marrying was not considered impossible but today the divorce rate is increasing. The legislature was worried to protect the family system.

### **Ottoman Law of Family Rights 1917**

The family is the source of individual and collective life of the individual. Islamic family laws depend on the Qur'an or the jurisprudence. For the first time in the Muslim world, the Ottoman Caliphate introduced the family laws to the modern style of the Ottoman Caliphate to protect marital relations and its rights. The two classes, the two classes, ensured the protection of the interests of all their citizens.

One of the great empires of the long -standing empire in the world was the Ottoman Empire, which has been a superpower on the vast region of the Middle East, Eastern Europe and North Africa, as historians write: The Ottoman Empire was one of the greatest, most extensive, and longest-lasting empires in the history of the world. It included most of the territories of the eastern Roman Empire and held portions of the northern Balkans and north Black Sea coast, areas that Byzantium had never ruled”.

In 1915, divorce law was modified by two imperial edicts. Accordingly, women could now sue for divorce "in cases of desertion or the existence of a husband's contagious disease making conjugal life dangerous. Although these changes constituted a departure from the traditional Hanafi jurisprudence, they were in harmony with the potential grounds of divorce available to women under other schools of Islamic law”.

The main purpose of the aforementioned law was to organize the issues of divorce and divorce. Under this, it was necessary for Muslim and non-Muslim citizens to obtain a certificate for marriage to marry religious leaders/courts and to inform the population officer within eight days. The Ottoman Empire adopted the principle of jurisprudence for the protection of the rights and the protection of rights and the implementation of the rights of all religions in the marital affairs. Giving the right while the termination of the marriage is based on the Maliki and Hanbali religions for the marriage. Otherwise, introduce the terms of divorce, divorce and divorce, etc.

The Ottoman Elite Law was a law of numerous specialty. It was the first Muslim historical family law that was adapted to Shariah principles in the Western structure. Apart from the traditional Hanafi religion, other jurisprudential religions, but also the Muslim jurisprudence of individual opinions were used. This law was imposed from traditional jurisprudence from the traditional jurisprudence to the law. The Muslim family law was present in various jurisprudence books. This document was systematically organized in a modern legal form, which later became a number of Muslim countries in the world, especially in the Middle East.

### **Fatwa Alamgiri**

The society of the Indian subcontinent was a multi-faceted society and everyone was free to do their family affairs in accordance with their religious rituals or instructions. Generally, and especially for Muslims, the family affairs of the Muslims were run according to Islamic teachings, but there was a Madon law. Family matters were run in the light of fatwas. In the Mughal period, Aurangzeb Alamgir formed a commission of scholars to prepare a comprehensive jurisprudence.

Mufti Sajid Memon writes that this collection was edited on Islamic jurisprudence, known as "Fatwa Alamgiri" in India, and in the Arab world as "Fatwa Hindi" in the Arab world.

Justice Mufti Mohammad Taqi Usmani wrote that its compilations keep judicial requirements, so it also includes some chapters that are not available in ordinary books, such as books and books of books, compromise, compromise, contract and nausea. And they reveal the style of agreement, etc. in the light of Islamic jurisprudence.

### **Bengal Act 1876**

The most famous and related laws are the drafts of the Muhammadan Marriage and Divine Registration Act, the Bengal Act, in which the voluntary registration of Muslim marriage and division was encouraged. In this law, the Muslim /Mohammedan Registrar was appointed in the districts of Bengal. The aforementioned Act was given in the name of the Muhammadan Wedding and Divine Registration Act, while in the beginning it was only about the Bengal Act No. 2. The registrar was given verbal. The government provided a seal in Persian and had four types of registration.

In the Act of Bengal, the divorce registration provisions were introduced, but they were volunteered. Registration and appointment of marriage and divorce was a prolonged debate under the titles of judgment, but also discussed the powers of the marriage and the powers of the judge. After presenting the practical discipline of several Muslim empires, the compulsory registration was recognized as the Muslim ruler's Shariah authority. The aforementioned committee discussed the registration of Muslim marriage and divorce but could not agree on any point. Most members of the committee were justified in registration, but there were different views on compulsory registration.

## **Pakistani Relevant Legislation**

There is a long list of current family laws in Pakistan, with more than fifty laws apply to Muslim and non - Muslim people. Family laws could not be paid immediately due to multilateral engagement after the establishment of Pakistan and a regular commission was formed with reform of family laws in the 5th. The recommendations of this commission implemented the Muslim Family Law Ordinance.

### **Article: 227 Provisions relating to the Holy Quran and Sunnah**

Explanation. -In the application of this clause to the personal law of any Muslim sect, the expression “Quran and Sunnah” shall mean the Quran and Sunnah as interpreted by that sect.

Pakistan is an Islamic state and it is declared a state responsibility to facilitate Muslims to spend individual life in accordance with the principles of Islam, as is mentioned in Article 2 of the Constitution of Pakistan.

### **Article 31: Islamic way of life**

1. Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities

whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.

2. The state shall endeavour, as respects the Muslims of Pakistan,-

- a) to make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;
- b) to promote unity and the observance of the Islamic moral standards; and
- c) to secure the proper organisation of zakat, ushr, auqaf and mosques. ”

Similarly, in Article 2, ensuring the protection of marital life has been declared as a state duty as mentioned

### **Article: 35 Protection of family, etc.**

Protection of family etc.–The state shall protect the marriage, the family, the mother and the child”.

This article provides conservative protection to marital life, which mainly mentioned four social roles:

The first social phase is a wedding institution, because all the relationships like parents 'spouses' brothers 'daughter' daughter -in -law begin with the social contract of marriage.

Second Family: The wedding contract is only between the spouse, but the family unit is considered an extension of marriage in many respects.

The first social role in human life and in society is the mother, whose responsibility is the biggest and a continuous series of responsibilities in regard to every relationship. The series also has two separate families and their affairs.

The fourth role in this article is the child, called the future of any nation and who has to be responsible for the protection of the future of the nation, as a child, a student 'generous' family 'marriage'.



## **Article 16: UDHR**

“The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”.

Marriage and other related matters are called Muslim Family Laws. A general law about them is the Muslim Personal Law (Shariah) application Act, 1, which has been declared under Section 2 that the family matters were not legislated. If there is, the courts will decide according to the Shariah rules.

### **Section.2. Application of Personal Law to Muslims. -**

Notwithstanding any customs or usage to the contrary, in all questions (save questions relating to agricultural land) regarding intestate succession, special property of females, including personal property inherited or obtained under contract or gift or any other provision of Personal Law, marriage, dissolution of marriage, including talaq, ila, zihar, lian, khula and mubaraat, maintenance, dower, guardianship, gifts, trusts and trust properties, and wakfs (other than charities and charitable institutions and charitable and religion endowments) the rule of decision in cases where the parties are Muslims shall be the Muslim Personal Law (Shariat).

This law was enforced in India in the 5th century. After that, various editions came. Since these issues are not generally legislated, the court decides on the Shariah, such as the Ordinance of the Muslim Family Laws, except for the distribution of inheritance in Pakistan. Therefore, when the case of division inheritance comes to the courts, the court seeks a fatwa of an authentic mufti regarding it and then issues a degree of division of inheritance through this fatwa as it is necessary to decide according to Sharia laws. Similarly, if there is a problem with the inheritance of the orphan grandchildren/grandchildren or grandchildren/grandchildren, then there is a Madoon law.

Even before and even before the partition of India, Muslim family laws have been mostly unprecedented, and it has been legalized on the basis of judicial ideology.

### **Council of Islamic Ideology**

The admission of the marriage contract is of great importance; Realizing this important responsibility, the marriage /marriage registrar should make all the entries of the marriage contract in the correct and complete form. In particular, column No. 2, which is related to the amount of the seal and its payment, should be registered with full explanation. An important question in the column number 2 is whether the husband has assigned the right to divorce to his wife. This column is usually left empty, while the answer should be registered in the column with complete clearly. Column No. 2 contains a question regarding any restriction on the husband's right to divorce, and the column number 1 asked the question of the preparation of the non-nutritional document and its contents, the answers to these questions also clearly. Should be written on.

All the debate of the Islamic Ideology Council is very important with regard to the contents of the marriage contract and its details so that there is no doubt between the parties and the marriage will not be faced. Be fully aware of all the responsibilities that arise after marriage.

When a marriage contract, no party should be hidden if the marital life is destroyed when it is disclosed. Respect for sides and bilateral duties is essential.

In its recommendation, the Islamic Ideological Council, while discussing the medical tests and registering it in a regular marriage form, decided that

"In the marriage contract, the column for deadly diseases should be added, however, the information supply is optional and the marriage is not prohibited legally due to the disease. The parties should be left free to provide information about deadly diseases in the marriage contract. And if they marry if they identify the diseases. The following column text is as follows:

Are the parties (bride and bride) suffer from any infectious and deadly illness?

Has the parties put a blood test head tuft?

The Islamic Ideological Council recommends the divorce registration at its 8th meeting

"The divorce registration system should be made effective and its registration should be the same, just as the marriage registration is done and the council approved for registration should be used.

Similarly, the Islamic Ideological Council recommends that the whole country needs to be introduced as a marriage contract as mentioned.

"A uniform marriage form should be introduced all over the country and the photo state of the ID card should also be attached to ensure the identity card number.

Divorce is correct. However, in the light of the proposal of the Honorable Council, Mr. Maulana Aidullah and his compiled text, the text of Article 2 should be re -prohibited and clearly compiled in such a way that no ambiguity remains and all the causes (Khalid, congratulations). The definitions should be mentioned with praise, etc.), this time (Muslim family laws, 2 and the law enforced Muslim, 3 AD) should be included in both the laws as additional sections, as well as the marriage form. In light of the section, and a letter should be sent to the concerned ministry to make the computerized marriage form renewed according to the Council's opinion. "

### **Federal Shariat Court**

"Non-Registration of Nikah under the section 5 of the Muslim Family Laws Ordinance, 1961 as held by this Court in the cases doesn't invalidate marriage/Nikah itself merely on account of non- registration of Nikah, if otherwise Niakh has been performed in accordance with the requirements of Islamic Shariah. We in view in of the above feel inclined to recommend that the government should clarify this position in the provision itself.

We may also observe that for having effectual compliance of the provision it would be desirable that the punishment prescribed by sub-section (3) of the section 5 be suitably enhanced as that prescribed presently is not adequate to attract strict compliance of the provision."

"If he is unable to do this or is negligent then he can be held responsible for the legal complications that arise subsequently and be made a party to any civil and/or criminal litigation that arises as a result."

### **Conclusion**

Pakistan is an Islamic state in which no law can conflict with the Qur'an. Protection, and a failed law in practical payment. Similarly, in accordance with the modern requirements in the marriage form, the non - content of the marriage form, the unaware of the contents of the marriage contract, and the responsibility of the marriage and the registrar, did not. Due to the fact that marital rights are being paid and protection. Likewise, there is no sample of the divorce. Divorce is delayed, delay in divorce notice, the same type of divorce, all three divorces collected. Issuing, not returning the dowry after divorce, not returning male

jewelry, no form of khala Do not understand any difference in the division of the absence of existence, all of which are causing the family's destruction.

Islam has described marriage as a symbol of mercy and peace. Due to the insecurity of marital life in Pakistani society, the contract of marriage is considered a burden of harassment and responsibilities. There is a consent agreement in which the spouses determine another rights as such, as the Pakistani Muslim family rules are addressing the details of the marriage form, but they need several increased amendments. Likewise for divorce. A unanimous document is needed in which details of the nature of the divisive and other relatedness can be addressed so that no exploitation and abuse can be abused later.

The marriage contract is an important document for registration. In which the rights and duties of the parties are determined. So none of the parties could be denied. The clauses of this important document are not fully registered on the basis of consciousness and understanding, or disappears on the basis of malpractice. In the case of any kind of dissatisfaction, the non-ending judicial goals for the parties begin. Due to which legal complications arise. The plaintiff files a claim for his rights. And the defendant either disappears or files a claim. And unnecessary cases are registered, which increases the court cases, but also leads to the loss of wealth and time of the parties, and mental disobedience. There is a need for public awareness for this important document. Similarly, training of the marriage and the registrar is essential.

Generally, due to the absence of a list of dowry in the marriage contract, the courts cannot rule the dowry due to non-evidence/ non-writing in the case of divorce. To achieve this, the party has appealed to the Supreme Court. In his decisions, the High Courts declared that no father in our society leaves his daughter without dowry, every father, according to his ability, leaves her daughter with dowry. Therefore, it is not true that the woman will not deserve the dowry, so that the goods and receipts of the dowry are not available at the time of departure. It is important that the daughter or relatives of the daughter do not have the opportunity to handle receipts at such an important occasion. And thus the Supreme Court decides on this assumption. Due to the lack of goods, receipts or estimates of the goods, the courts do the job of the dowry, nor any such explanation is sought in the marriage contract.

Similarly, the courts about the jewelery given by the groom on the occasion of the marriage are that the "Near and Dear" is very dear to the gold, so in case of any dispute or separation, she leaves her husband's house He would have taken with you. In order to remove this ambiguity, the list of dowry in the marriage contract and the registration of jewelery given by the husband is very important. So that the judicial decisions are not merely the prescription.

## **Recommendations**

1. Considering the progress made in the rules laws and the changing requirements of the time, it felt the need to re-evaluate the marriage contract document so as to pre-remedy the difficulties and legal complications of the post. What can
2. Effectively arranged for familiarity with family rights and practical payment training.
3. The marriage contract should be given to the spouse.
4. Fully registration of the marriage contract should be ensured.
5. The marriage contract should be encouraged to do with the spouse.
6. The marriage form should be registered in the marriage form.

7. In the seal box, it should be registered that at least ten dirhams or twenty -one and a half mashed silver must be fixed.
8. The seal of a woman must be given to her and no marriage should be registered at Rs.
9. The lawyer should accept and accept it and make someone else a lawyer.
10. Amendment to the component of the marriage form should be amended whether the husband has assigned the right to divorce to the wife that she can give himself a divorce whenever he wants.
11. The husband will not be allowed to divorce more than one month. Otherwise, one month will be imprisoned.
12. In the marriage contract, instead of the word condition or terms, the word mutual agreement should be listed, which is not subject to the word 'ejaba, but should be written in the first place because the marriage is not valid in the marriage.
13. Before the marriage, the marriage and divorce issues should be arranged.
14. Family laws and related judicial systems should be made possible at the Union Council level.
15. Pakistani Muslim family rules should remove complications in divorce implementation or effective.
16. All types of divorce should be introduced in Pakistani Muslim family laws and a good way should be introduced.
17. The Family Arbitration Council or the Reconciliation Council should be established before divorcing.
18. Those who demand the dowry should be punished and proportion to dowry and seal.
19. In addition, reconciliation commitments should be set up at the tehsil and rural level, including representatives of the scholars, social activists and the trial case. The same reconciliation committers should also assist in the mobile family courts in the trumpet of non -reconciliation.
20. Documents for marriage, divorce, Khalid and other family matters should be prepared.
21. The divorce or the creation should be registered with the Imam or a jurisprudence.
22. In the divorce, the contents of the children's breasts and other matters should be set up.
23. Make more than one divorce in one assembly or one Tahir to be a criminal offense.
24. The media should raise their awareness by telling the public the harmful effects of three divorces.
25. Stamp do noists should be obliged to encourage people coming to divorce to prepare for divorce or divorce and divorce and avoid divorce.
26. If the stamps of the stamp, ignoring the official instructions, the license should be canceled.
27. The difference between the Khilafah and the Delay should be made clear.
28. When deciding the divorce, the courts should determine the affairs of the respective women and make it a part of the decision.

29. Recommending the woman's right to divorce, it is suggested that if the wife demands divorce in writing, then a period will be declared a divorce if there is no response from her husband. In the case of the parties, the parties should approach the court.

30. In the book and curriculum, the necessary rules of Islam should be included in divorce and family affairs, which will reduce the ignorance of the educated class at least.

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