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**KNOWLEDGE, ATTITUDE, AND PRACTICE TOWARDS
MUSLIM WOMEN'S RIGHT OF TALAQ-E-TAFWEEZ IN
LAHORE, PAKISTAN**

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ABBREVIATIONS

KAP: Knowledge, Attitude, Practice

BPS: Basic Pay-scale

SPSS: Statistical Package for the Social Sciences

NVivo: Qualitative data analysis computer software

UC: Union Council

MFLO 1961: Muslim Family Laws Ordinance of 1961

DMMA 1939: Dissolution of Muslim Marriages Act 1939

FCA: Family Courts Act 1964

NADRA: National Database and Registration Authority

CNIC: Computerized National Identity Card

CSP: Civil Service of Pakistan

CSS: Central Superior Services

OPC: Overseas Pakistanis Commission

MPDD: Management and Professional Development Department

BPS: Basic Pay Scale

TERMS USED

Nikah Nama: The standard instrument for Muslim marriage in Pakistan.

Clause 18: The 18th provision in the standard Muslim Nikah Nama, prevalent in Pakistan.

Talaq: Divorce

Talaq-e-Tafweez: Delegation of the right to divorce, by the husband

Haq-Mehr: Dower; right of wife under the contract of marriage

Khula: Judicial divorce

Maintenance: Monthly allowance and financial support provided by a husband to his wife to meet her reasonable living expenses and necessities.

Nikah Khuwan: The person authorized to solemnizing the Nikah

Nikah Registrar: The person authorized by the government to register the Nikah

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KNOWLEDGE, ATTITUDE, AND PRACTICE TOWARDS MUSLIM WOMEN'S RIGHT OF TALAQ-E-TAFWEEZ IN LAHORE, PAKISTAN

ABSTRACT

Introduction

Muslim marriage in Pakistan constitutes an agreement, imbued with the imperative duty of satisfying the legal requisites for its status as a binding and enforceable civil contract. Facilitating the realization of the rights of both parties, the prevailing normative instrument, the Nikah Nama, incorporates multifarious clauses serving to establish, enable, and protect the entitlements of both parties. A specific provision of paramount importance, denoted as Clause 18 delegates the right to divorce, to the bride, or a third party. It safeguards the rights of women, augments their agency, and upholds their personal autonomy within the context of marriage.

Aims

The proposed study aimed to (i) assess similarities and differences in the level of knowledge, attitudes, and practices toward the delegation of the right to divorce to the wife (Talaq-e-Tafweez) among the civil servants in Lahore, Pakistan, (ii) determine the specific sociodemographic factors associated with knowledge, awareness, and practices of Talaq-e-Tafweez and (iii) assess the barriers and enablers of employing Clause 18 among the civil servants in Lahore, Pakistan.

Methodology

The study employed a cross-sectional, mixed-methods approach: a quantitative survey on Knowledge, Attitudes, and Practices (KAP) and in-depth interviews for exploring the enablers and barriers in accessing Talaq-e-Tafweez among the civil servants in Lahore. Data was collected from male and female civil servants of variant Basic Pay Scales (BPS). The study included a sample of 440 civil servants in quantitative survey, and 25 participants in

qualitative interviews. SPSS and NVIVO were used for the analysis of the data. Descriptive statistics and regression analysis were used for quantitative analysis and reflexive thematic analysis for breakdown of the interview data.

Value

The results yielded insights about the ‘Knowledge’ of the population affecting the ‘Attitudes’ depicting the perceptions, leading to the ‘Practices’ and lived experiences of civil servants in Lahore. The findings of this study contribute to the existing body of knowledge on women's rights and promote gender equality. The research creates awareness about the legitimacy of stipulations of Nikah and suggests diminishing the unnecessary load of ‘Khula’ cases in the Family Courts, possibly resulting in in-expensive and timely adjudication. Since, the study encapsulates a central institution of society, ‘Marriage’, and caters to the Muslims, 96.4% of Pakistan's populace (Report of U.S. Department of State, 2022), and 24% of the global population (Pew Research Center, 2017); (Central Intelligence Agency, 2022), the conclusions possess a credible degree of generalizability. The outcomes promote awareness at micro and macro levels; inform policymakers, activists, and organizations promoting women empowerment, and are valuable in developing targeted interventions and reforms that can enhance Muslim women's access to equitable nuptial rights.

KEYWORDS

Knowledge, Attitudes, Practices, Muslim Marriage, Nikah Nama, Women empowering stipulations, Civil contract, Civil servants, Muslim Family Law Ordinance 1961, Dissolution of marriage, Talaq, Divorce, Talaq-e-Tafweez, Delegated divorce, Khula, Legal Matrimonial rights, Women rights, Legal procedure, Mixed Methods, Pakistan.

CHAPTER 1: INTRODUCTION

1.1 Statement of the Problem

Muslim women's access to the right of Talaq-e-Tafweez encounters various restrictive factors, affecting the ability to claim and exercise Clause 18, a religious and legal provision. This research identifies the variables influencing the decision-making processes of people of marriageable age, concerning the crucial legal prerogative of delegation of divorce in Lahore, the biggest city in the most populated province of Punjab, Pakistan.

Muslim jurists have a consensus that the doctrine of delegating the power to divorce is rooted in a Quranic incident [Q-33:28-29] where the Prophet (peace be upon him) granted his wives the freedom to choose whether to stay with him or seek separation. This act empowered the wives to either dissolve their marriages or continue them as they wished. It is deduced from this tradition that a husband can legally delegate to his wife the authority to dissolve the marriage if she desires. Though unanimously recognized among Muslim schools of thought, within Muslim Personal Law there are variations in the interpretation and acceptance of Talaq-e-Tafweez (Farooq, n.d.).

Influenced by factors such as religious beliefs, societal expectations, and personal desires, Marriage holds immense importance. It is a highly anticipated event within the Pakistani social framework. The process of a wedding involves extensive planning, often requiring the efforts of a throng. Counting down from the list of celebrative functions, exaggerated dresses, hundreds of guests, several food dishes on the menu, unlimited gifts, and dowry; each detail is thoroughly planned. A notch under agreements such as buying a house comes with a lot more formalities and assurances; the contract and its clauses are time and again deliberated, each party hires a lawyer to avoid any hassle afterward and cautiously reads before signing, and it is ensured that there are remedies available in case something goes wrong. Conversely, the cultural and societal aspects involved in a marriage are so overwhelming that

the most significant aspect of acknowledging and understanding marriage as a legal contract is neglected. The Nikah Nama consists of clauses that necessitate careful reading and thorough comprehension before signing. However, there is a common misconception that the filling out of the Nikah Nama is to be taken care of by the 'Nikah Khuwan' and the elders of the family, and the detailed clauses of the Nikah Nama can be overlooked or disregarded by the bride and groom (Malik & Javed, 2021).

Islamic principles stress the importance of securing the independent consent of both individuals before entering a marriage (Ahmad & Ahmed, 2021). In concurrence with the essence of 'Ijaab' (Offer) and 'Qabool' (Acceptance) in Nikah, the matrimonial contract outlines the fundamental elements of offer, acceptance, and clear communication before the agreement becomes a contract. In Islam, women have the right to enter the contract of marriage with informed and free consent, as recognized by the national laws of Pakistan. Understanding each other's rights and responsibilities creates a secure and trust-based marital relationship.

Article 227 of the Constitution of Pakistan 1973 dictates that all prevailing laws must align with the principles of Islam as outlined in the Holy Quran and Sunnah, collectively referred to as the Injunctions of Islam. Marriage is legitimized and regulated by the Family Law Enactments in Pakistan. The Nikah Nama has been implemented to enable harmonized conjugal relationships where nobody experiences injustice or neglect. Talaq-e-Tafweez contained in clause 18 of Nikah Nama, holds tremendous potential to empower women against the unlimited power of the husband to divorce. Islamic jurisprudence shows a consensus on the Islamic entity of Talaq-e-Tafweez and is ruled by Section 8 of the Muslim Family Law Ordinance (MFLO 1961).

1.2 Objectives of the Study

The study explored Knowledge, Attitude, and Practices (KAP) about Clause 18 of Nikah Nama: “Has the bridegroom delegated the right to divorce to the bride? If given, under what conditions?” The Research question devised for the study was, “What are the factors that enable or restrict Muslim women's access to the right of Talaq-e-Tafweez within Lahore, Pakistan?”

The objectives of the proposed KAP study were as follows:

1. To assess similarities and differences in the level of knowledge, attitudes, and practices toward the delegation of the right to divorce to the wife (Talaq-e-Tafweez), among the civil servants in Lahore, Pakistan.
2. To determine the specific sociodemographic factors associated with knowledge, attitudes, and practices of Talaq-e-Tafweez among the civil servants in Lahore, Pakistan.
3. To assess the barriers and enablers of employing Clause 18 among the civil servants in Lahore, Pakistan.

The research explored the knowledge and extent to which clause 18 is understood and utilized. It aimed to determine the level of awareness and understanding among the study population regarding the civil contract of marriage, Nikah Nama, and Talaq-e-Tafweez. It discovered the attitudes, perceptions, and mindsets towards the delegation of divorce, including the beliefs regarding its acceptance in different communities as a means of divorce. Moreover, it aimed at identifying the factors that shape these attitudes. The study aspired to go beyond the theoretical analysis and review, as done in the previous researches, and analyze the prevalent practices concerning the delegation of divorce to the wife and reveal the actual facilitators and hindrances for granting women such an empowering right.

1.3 Significance of Study

Clause 18 has existed for decades yet requires acknowledgment. Opting out of a marriage is procedural however trouble-free for men but has been made complicated and intimidating for women. Even though delegated divorce can swiftly dissolve a marriage, women are compelled to seek a remedy through courts which comes with several issues. It involves expenditure for hiring lawyers, court fees, documentation, and transportation to reach court at every hearing. Women undergo the psychological trauma of appearing and being questioned in court. Character assassination is a common practice. Monetary benefits and gifts are taken away from the woman, and even her basic right of dower (Haq Mehr) is given away, as a consideration of her legal right to claim divorce.

“The Family Court shall dispose of a case, including a suit for dissolution of marriage, within a period of six months from the date of institution.” Section 12-A of The Family Courts Act (FCA 1964) requires family cases to be adjudicated within six months, but in reality, a simple khula case takes years to be decided. Eventually, when Khula finalizes, a woman has a shattered personality, often depressed, insecure, and traumatized. Delegated divorce saves both parties from the trouble of going to court, and the wife can also retain her Haq Mehr and all the monetary benefits.

The family courts are burdened with the overflowing number of Khula cases. The Database Family Courts: number of cases acquired from Family Case Filing branch reflect an upsurge in the cases of ‘Khula’. 67.5% in 2021, 69.5% in 2022, and 70.1% on the data for 2023. In the year 2021, total filed family cases were 24470 out of which 16526 were for the dissolution of marriage (Khula). In the year 2022, total number of family cases was 25354 which had 17612 just for Khula, and in the year 2023, 26035 total family cases were filed in the city of Lahore, out of which 18248 were filed for Khula. (Table 1.3)

Table 1.3: Record of Filed Family Cases in Lahore

| Year | Total family cases filed | Cases for Khula | Percentage |
|-------------|---------------------------------|------------------------|-------------------|
| 2021 | 24470 | 16526 | 67.5% |
| 2022 | 25354 | 17612 | 69.5% |
| 2023 | 26035 | 18248 | 70.1% |

This study is valuable as it is the first-ever KAP study on Talaq-e-Tafweez. It is exceptional, as it intends to empirically assess the proportion of people who had thoroughly read as well as understood their contracts of marriage before signing. It investigates the living behaviors and reasons for not delegating the right to divorce to the wife, along with the factual conditions of practicing the right. The experiences of Muslim female civil servants who have sought or utilized delegated divorce in Pakistan disclose the motivations, challenges, and outcomes associated with exercising this right. It validates the identification of the complications encountered by women, while deciding the alternate ways of dissolving the contract of marriage, in the absence of delegated divorce. The findings identify the obstructing and mediating elements encountered during the process of employment Clause 18.

Islam is the second most practiced religion in the world, and Muslims are the fastest-growing religious group. Approximately 1.8 billion individuals, constituting a significant portion of the world's population, adhere to the Islamic faith. (Pew Research Center, 2017), (Report of U.S. Department of State, 2022). Marriage and its sanctity have ultimate significance in the structure of an Islamic society. The study draws attention to a right that enables Muslim women to live on equitable terms. Asserting Clause 18 can substantially curtail the criminal offenses of domestic violence and abuse against women. Tafweez puts a check on the unlimited authority of a man to divorce and provides the woman with the discretion to end the relationship if she feels threatened, restricted, or unhappy, and that too without going through the hard phase of litigation. A delegated divorce can be a significant safeguard

mechanism for women, although it cannot be regarded as equal to the husband's right in terms of talaq. Nevertheless, a woman whose marriage contract includes this right will find it more accessible to dissolve an undesirable union (Huda, 1994).

Social movements and legal activism around feminism and women's rights have paid inadequate attention to the potential of Clause 18. The findings of the study prove to be valuable in developing recommendations to improve women's access to the right of Talaq-e-Tafweez. These recommendations include legal reforms, awareness campaigns, educational initiatives, and community-based interventions aimed at empowering women and ensuring the protection of nuptial rights. The research also aligns with two Sustainable Development Goals, UN 2030: Goal 5 for Gender equality, and Goal 16 for Peace, justice, and strong institutions.

1.3.1 Research Gaps

The existing scholarship discourses the issues around Muslim marriage practices, marital rights and duties in Islam, triple talaq, Islamic law of divorce, legal issues on the dissolution of marriage, awareness on the Nikah Nama, equity versus equality of rights in Islam, divorce patterns and trends in Asia, psychological impacts of divorce on women, documentation requisites for marriage and divorce, divorce and dispute resolution, the role of nikah registrars and clerics, revocation of delegated divorce, and the interpretation of Talaq-e-Tafweez.

Several gaps were observed while reviewing the previous studies. All the available literature has its primary axis around Islamic jurisprudence and legal case laws. The existing works are majorly systematic reviews and legal analyses. Emphasis has been on the sources of Islamic law and the judicial verdicts, and that too in the vista of Talaq in general.

An evident **methodological gap** existed as hardly any research has been accomplished on Clause 18: Talaq-e-Tafweez, based on the qualitative and quantitative methodologies, with a sociological perspective.

Secondly, there's a **Population gap**. There's no study where data was collected among individuals of married and marriageable age, the primary stakeholders of Talaq-e-Tafweez.

The most noteworthy gap was the **Interdisciplinary gap**. The concept of Tafweez of Talaq comes directly from the religion Islam. Islamic jurisprudence and Islamic Personal law are the main sources and powerhouses for delegated divorce. Legislations govern the recognition and implementation of Talaq-e-Tafweez which makes law the second core component, but perceptions of people, their views, and lived experiences bring forth the practical image of applicability and usage of Clause 18. Integration of different perspectives was essential to fill the gap, as intended by this study.

Lastly, the only study (Munir, 2006) on the Nikah Khawan, religious clerics, and Nikah Nama stipulations, was achieved years ago. There was a **temporal gap** and new research was required as several variables, potentially influencing the target population, had changed. There's an expectation of an obvious shift in knowledge, awareness, and increasing use of the internet, social media, and smartphones. There has been an increase in the literacy rate as well. In Pakistan, the overall literacy rate in 2006 was 54% (Pakistan Social and Living Measurement (PSLM) Survey data 2005-06). Whereas the literacy rate in Pakistan in 2023 is 62.3% (The World Bank, 2023).

1.4 Operational Definitions of Key Terms

1.4.1 Marriage

Traditionally known as Nikah, Muslim marriage is a legal contract between a man and a woman, according to the principles of Islam, Islamic jurisprudence, and the required legal

framework. Laluddin et al., 2014 defines marriage as a commitment, recognized by society, between a man and a woman, to live together and create a family. Muslim marriages in Pakistan are required to be registered under MFLO 1961. A marriage in Islam, is understood as a dual commitment encompassing both a mutual social agreement and a legally binding contract. The negotiations and formal signing of the marriage contract are essential prerequisites for a valid and recognized union. The contract must fulfill specific conditions, such as registration, to establish its validity and enforceability. With its primary and secondary requirements, Nikah constitutes a solemn and binding contractual arrangement.

Marriage is a substantial mechanism to foster positive and harmonious relationships among individuals at micro and macro levels of society (Laluddin et al., 2014). In Pakistan, marriage is recognized as a legal union, exclusively permitted between individuals of opposite genders, specifically for heterosexual relationships. However, beyond its legal dimension, marriage in Pakistani culture is not solely limited to the bond between the husband and wife. It is instead, regarded as a broader union that implies a mutual understanding and connection between the respective families of the couple involved (Arjumand, Malik, & Javed, 2021).

1.4.2 Nikah Nama

In Pakistan, Nikah Nama is the standard, formal contract for Muslim marriage. Barring various details, it is ruled by Sections 8 and 10 of MFLO, 1961. Once duly solemnized, the law requires it to be officially registered with the National Database and Registration Authority (NADRA), enabling the update of the status of the bride and groom on their Computerized National Identity Card (CNIC). Nikah Nama is a two-page, legal-size, one-side printed, officially designed document to register a marriage in the area. It is available in Urdu and English with identical translations (Embassy of Pakistan, 2019; Asghar, 2001). The complete set of one Nikah Nama form consists of four copies, which require diligent

completion, usually done by the Nikah Registrar and subsequently signed by both the bride and groom. (Arjumand, Malik, & Javed, 2021). It documents the agreements between the parties, serving as legal proof of marriage and admissible evidence in any marriage-related court dispute. An ambiguous discourse in Nikah Nama undermines the power of rights and consent, neglecting important aspects that significantly impact future actions (Asghar, 2001).

There are 25 comprehensive sections. Clauses 1 to 6 provide the basic information about the bride and groom, including names, addresses, ages, and marital status in the past. Clauses 7 to 11 require the details of the attorneys and witnesses appointed by the bride and groom. Clause 13 intimates the date on which the marriage was solemnized. Clauses 13 to 17 are crucial as they deal with the dower (Haq-Mehr) and its details. Clauses 18 and 19 are paramount as they are about the right to divorce: the conditions pertaining to the dissolution of the contract. Clause 20 requires the details about the agreement, if any, about the monthly allowance and dower of the bride. 21 and 22 concern the details of the marital status of the groom. The last three clauses, 23 till 25 are about the person solemnizing the Nikah (Nikah Khuwan), the date, and the fee to register the marriage.

1.4.3 Haq- Mehr

Haq-Mehr (dower), in Muslim marriage, is the monetary or property settlement that the husband is obligated to provide to his wife at the time of marriage (Mehdi, 2005). Islamic jurists have no contention on this as it is directly anchored in the Quran: “Give women free gifts (their dower) in good cheer. Then, if they forego some of it, of their own will, you may have it as pleasant and joyful.” (Surah Al-Nisa; Quran 4:4). Haq Mehr is of two types: Prompt (Mu’ajjal) and (Ghair Mu’ajjal) Deferred (Ahmad & Ahmed, 2021). The very object of paying the dower money is to prevent a man from arbitrarily divorcing his wife (Munir, 2006).

The incorporation of Haq-Mehr stands as a symbol of a structure that cultivates love and respect. It is a multi-faceted concept extending way beyond its material value. Islam bestows men the rights of polygamy and divorce. Haq-Mehr gives women the power to negotiate profitable terms through their marriage contracts. It also marks the exploitative acts of demanding dowry and concessions from the bride's family as unjust and instills the act of giving and reciprocity among the relations.

1.4.4 Talaq

Divorce is an act of considerable consequence within Islamic jurisprudential tenets. Talaq (Divorce) means dissolution of marriage through any one of the modes as prescribed by Islamic Law. However, it remains controversial in Muslim personal law to date. Talaq, originating from Arabic, refers to 'release.' In Muslim law, it signifies the termination of a marriage by the husband. A husband is authorized to unilaterally pronounce talaq on his wife, without any specific cause, at any point during their marriage (Khatun, 2021).

Surah Al-Baqarah, Al-Quran (2:229) is the source of Talaq. The verse states: "Divorce must be pronounced twice and then (a woman) must be retained in honor or released in kindness. And it is not lawful for you that ye take from women aught of that which ye have given them; except (in the case) when both fear that they may not be able to keep within the limits (imposed by) Allah. And if ye fear that they may not be able to keep the limits of Allah, in that case, it is no sin for either of them if the woman ransoms herself. These are the limits (imposed by) Allah. Transgress them not."

Islam emphasizes healthy human relations, rights, and happy family life. About 40% of the Quran's commandments pertain to Marriage and Family matters. Marriage's primary purpose is tranquility, affection, and mercy. Yet, due to natural differences, some relationships

may become unsustainable, making divorce a viable option for a better life when personalities clash, or well-being is at risk.

Although a husband enjoys an inherent right to divorce which he cannot be deprived of, his rights can be restricted through the Nikah Nama. MFLO 1961, and Dissolution of Muslim Marriages Act (DMMA 1939) are the main legislations regulating Talaq in Pakistan. The divorce procedure encompasses four primary categories. Each has its own distinct forms: Divorce initiated by the husband; Divorce initiated by the wife; Divorce by mutual agreement; Divorce granted through a judicial decree.

1.4.5 Talaq-e-Tafweez

Talaq-e-Tafweez, or Delegated divorce, denotes that the authority to grant a divorce by the husband can be transferred by him to either the wife or a third party, unconditionally or with specific conditions, and for a specified period or indefinitely. In a Muslim marriage, a woman does not possess an intrinsic right to divorce. The husband can delegate the power of divorce to his wife through Tafweez, enabling her to independently dissolve the marriage at her discretion. Talaq-e-Tafweez, a stipulatory right, recognized by the Shariah and all the Muslim sects, is embodied in clause 18 of the Nikah Nama. It grants the woman a conferred right to dissolve the marriage. The divorce can be delegated to a third person as well. With respect to the time of delegation of the right of divorce, jurists hold that it can be at the time of marriage, in the Nikah Nama, or even subsequently at any time during the marriage. The delegation of power can also be subject to the fulfillment of specific conditions and is irrevocable. (Muzaffar, 1991).

Section 8 of MFLO 1961 legalizes delegated divorce and has been incorporated as Clause 18 in the Nikah Nama: “Has the bridegroom delegated the right to divorce to the bride? If given, under what conditions?” Marriages in Pakistan are established with the assumption of

lifelong commitment. The notion of divorce or entering a new marriage is widely frowned upon and often met with social disapproval, even though both religious teachings and legal provisions permit such actions (Asghar, 2001). Though a contract between two parties, the dissolution depends majorly on one. The husband possesses unquestionable and unlimited authority to declare divorce. The power is so copious that no justification is required. (Khatun, A. 2021). Talaq-e-Tafweez in the 18th Clause of Nikah Nama is unique as it enables the wife to demand the right of divorce duly delegated by the husband. It symbolizes equality and a democratic relationship formed where both parties have the right to dissolve.

1.4.6 Khula

Khula', initiated by the wife, refers to an offer that she can present to her husband, and its validity relies on his acceptance (Haider, 2000). It is the legal right of a woman to request the termination of a marriage. Khula, judicial divorce, is initiated when the wife alone wants a divorce. It is a means through which a wife can obtain a divorce from her husband by returning either a partial or full amount of the bridal gift (Mehr) as a form of settlement. A woman is compelled to seek legal help and file for separation when the husband refuses to give her divorce. A wife can get Khula only through court. Section 2 of DMMA 1939 mentions the ground for a decree for the dissolution of marriage: where a woman can file for a judicial divorce based on any of the nine grounds mentioned.

The importance of family in society lies in its ability to foster personal growth, emotional well-being, stability, and a strong foundation for the development and functioning of individuals within the larger social fabric. In Islam, it is evident that women are regarded as autonomous individuals. They possess complete rights to actively participate in married life, initiate divorce, and freely choose to remarry. Islamic teachings emphasize the importance of

maintaining democratic, nonviolent, and open communication within couples and among family members (Ahmad & Ahmed, 2021).

Marriage serves as a fundamental pillar of society, representing a significant social arrangement and forming the basis of relationships within a community. However, in certain circumstances, this sacred bond between husband and wife can become burdensome. It is incumbent upon both partners to nurture a loving and harmonious understanding, ensuring the perpetuity of their sacred and blissful connection. Emotions hold sway over human behavior, and when love is replaced by animosity and hatred, dissolution may seem like the only remedy to alleviate the overwhelming mental distress. The adverse consequence of such a situation is divorce, representing the negative aspect of marriage (Sufia Khanam, 2016).

1.4.7 Civil Servant

With reference to the **federal civil servants**, section 2 (b) of the Civil Servants Act 1973 defines 'civil servant' as: "'Civil servant' means a person who is a member of an All-Pakistan Service or of a civil service of the Federation or who holds a civil post in connection with the affairs of the Federation, including any such post connected with defense, but does not include a person:

- who is on deputation to the Federation from any Province or other authority.
- who is employed on contract, or on work-charged basis or who is paid from contingencies; or
- who is "worker" or "workman" as defined in the Factories Act, 1934 or the Workman's Compensation Act, 1923."

The **provincial civil servants** have been defined under the section 2 (b) of the Punjab Civil Servants Act 1974: “Civil servant’ means a person who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the province.”

1.5 Research Questions

The research questions of this study include:

Descriptive research questions

1. What is the knowledge of Talaq-e-Tafweez and Clause 18 among civil servants in Lahore?
2. What are the attitudes of civil servants in Lahore about Talaq-e-Tafweez?
3. What are the practices of civil servants in Lahore regarding Clause 18?
4. What is the role of Nikah Khuwan in the employment of Clause 18 perceived by the civil servants?

Inferential Research Questions

5. Is there a correlation between knowledge, attitude and practice related to Talaq-e-Tafweez in civil servants in Lahore?
6. Is there any association between the socio-demographic characteristics (age, gender, marital status, religious affiliation, and regional belonging) of civil servants and their level of knowledge, attitude, and practice about Talaq-e-Tafweez?
7. Is there any association between the occupational characteristics of civil servants and their level of knowledge, attitude, and practices about Talaq-e-Tafweez?

Qualitative Research Questions

8. What are the barriers and enablers for employing the right of Talaq-e-Tafweez as per the lived experiences of the civil servants?

1.6 Hypothesis Assumptions

The following were the hypotheses for this study:

Hypothesis 1: There will be a positive correlation between the civil servant's level of knowledge attitude and practice of Talaq-e-Tafweez, as measured by the KAP survey instrument.

Justification: The KAP survey in Al Ahdab, 2021 showed significant correlation between the variables of knowledge, attitude, and practice. Therefore, it is predicted that civil servants with more knowledge on Talaq-e-Tafweez shall have instances of employing Clause 18 and practicing Talaq-e-Tafweez. In Muslim culture, prenuptial agreements are viewed unfavorably, as people tend to assume negative outcomes when considering them (Islam Uddin, 2018). Therefore, people with confirmatory views are expected to have a constructive approach, understand the benefits of the practice, and consider it as an equitable way to resolve matrimonial disputes. There's also a probability that they are more aware of the legal complications and the social implications of Khula and therefore, prefer a more convenient way to dissolve the marriage. Therefore, if the knowledge levels are optimistic, the attitudes will show positivity and it will reflect on the practices as well.

Hypothesis 2: There will be a significant mean difference in knowledge, attitude, and practices with respect to sociodemographic variables of civil servants.

Justification: The KAP surveys conducted in the field of health display difference in the mean and median values of the KAP variables and the sociodemographic variables which makes the researcher assume that it is expected that different levels of knowledge and practice will be reflected in the responses of civil servants with variant sociodemographic attributes such as education, and gender. The norms around the institution of marriage are believed to be

dominated by men which leads to the prediction that men would know better about the rights granted under Nikah Nama and Clause 18. Women are generally disempowered due to patriarchal cultural norms that subordinate them to men in the major life choices and decision making. (Yunis, Hashim, & Anderson, 2018). The levels of education and social status are also believed to affect the access to delegated divorce. In educated communities, and among the upper classes, more women are increasingly exercising this right, (Omar, 2007). Men and women usually have different levels of access to information about stipulations, contracts, and legalities. The assumption is also based on the probability that civil servants shall have different life experiences and social backgrounds. They might have been exposed to a range of social norms influencing their perception and ways on Talaq-e-Tafweez.

Hypothesis 3: There will be a significant mean difference in knowledge, attitude, and practices with respect to occupational variables of civil servants.

Justification: It is assumed that civil servants with different occupational backgrounds will be exposed to distinct levels of knowledge, attitude, and practice about Clause 18. Occupational traits such as the BPS, experience and the relevant department are expected to affect their awareness, opinions, and thus real-life practices. Occupational characteristics impact one's personality and way of living overall which directs to the fact that the judges are interpreting the Family laws to promote social justice for women seeking divorce (Haider, 2000). It proves that people who witness or come across such instances are more aware of the existence of Clause 18. Different departments in the civil service require heterogenous qualities and training for their personnel which creates diversity among the workforces. Civil servants of different departments will be exposed to unlike information and experiences.

CHAPTER 2: REVIEW OF THE LITERATURE

As the research question falls at the intersection of the disciplines of Sociology, Islamic Jurisprudence and Law, much literature was found but to a large extent it was concentrated at the systematic review, textual analysis of Islamic jurisprudence, statutory provisions, prominent case laws and precedents on divorce and delegation of divorce in Muslim Law. Judicial precedents and case laws are essential sources of law and mirror the actual events of society therefore, relevant statutory laws and court rulings have also been added to corroborate. Moreover, some papers were found to have covered diverse aspects surrounding Tafweez and divorce, therefore, those sections are added in accordance with the relevant headings. The review of the literature was aimed at studying articles and resource related to: (i) Socio-legal history of Talaq-e-Tafweez, (ii) The Nikah Nama and Clause 18, (iii) Legislative and procedural requisites to utilize the right of delegated divorce, (iv) The prospects, value and benefits clause 18 holds to empower the women (v) Barriers to the right of delegation of divorce, (vi) The enabling factors of Talaq-e-Tafweez.

2.1 Socio-Legal History of Talaq-e-Tafweez

Ansari in his book (Ansari, 1997), wrote that the concept of Talaq-e-Tafweez has a well-documented historical presence in South Asia yet, it is important to note that this practice is predominantly observed among more privileged families and is not as widely recognized or valued by women and men in general, despite its potential significance. He has mentioned that the doctrine of delegating the power to divorce is rooted in a Quranic incident where the Prophet Muhammad (peace be upon him) granted his wives the freedom to choose whether to stay with him or seek separation. He stated that delegated divorce represents an intriguing vestige of the husband's historical property rights over his wife. Comparable to appointing an attorney for property affairs, the husband can appoint one to divorce on his behalf. The book

discussed that the conditions on which Tafweez is made, must align with Muslim law, however, in case of an illegal condition, the contract remains valid, but the condition itself becomes void.

A review on the theoretical literature in (Ahmad & Ahmed, 2021) presents an examination concerning marital relations from an Islamic perspective, along with an exploration of the current practices in Pakistan. It criticizes that many individuals who identify themselves as Muslims possess limited knowledge related to marriage and family values. The article highlights the prevailing cultural practices in marriage that contradict Islamic teachings, such as forced marriages, exchange marriages, denial of property rights to women, excessive demands of dowry and extravagant expenditures during wedding ceremonies. There is abuse, violence, disregard for women's rights, and indifference towards widows and divorced women within society. In Pakistani culture, divorce is generally discouraged, despite rising divorce rates. Islamic principles emphasize obtaining the independent consent of both parties before marriage. However, personal desires and adherence to customs often influence decisions. The study suggested a national marital policy aligned with Islamic principles and sociocultural contexts to address human suffering and promote marital happiness.

The article (Khatun, 2021) critically evaluates 'Talaq' and 'Talaq-e-Tafweez'. The Sixty-fifth Surah of the Holy Quran addresses 'Talaq' which encompasses all forms of divorce, usually initiated by the husband. Talaq-e-Tafweez enables a husband to delegate his right of divorce to another, including his wife. The husband can grant this power either during the marriage contract or at any time afterward. If the delegation is clear and unambiguous, the wife can initiate the divorce on behalf of the husband. It is important to note that in Talaq-e-Tafweez, the wife doesn't divorce the husband; she divorces herself on his behalf by exercising the delegated power. Clarity in the delegation is essential. The study cited that Tafweez comes in three forms which have been referred to in the judicial precedents as well. (PLD 1995 Lahore 187); (PLD 2011 Lahore 265).

1. Ikhtiar (Choice): Granting the wife the right to initiate Talaq herself.
2. Amr-bayed (Liberty): Leaving the decision entirely in her hands.
3. Mashiat (Will): Giving her the freedom to choose as she pleases.

The article also addressed the revocability of delegation and effects on the primary right of husband. When a husband grants Talaq-e-Tafweez to his wife, he does not lose his own right to pronounce Talaq. The delegation can be either permanent or temporary. Temporary delegation is irrevocable, while the husband can revoke a permanent delegation. The article concluded that Islamic law emphasizes justice over arbitrariness, and it is the responsibility of Muslim law experts to uphold the true spirit of Quranic teachings.

A Bangladeshi study (Sufia Khanam, 2016) is based on the statutory laws and precedents which explores the narratives of women who initiated divorce. Compassionate laws can alleviate marital suffering, and for many victimized women, divorce may offer protection. Talaq-e-Tafweez becomes a crucial shield against husbands' arbitrariness when marital life is shattered by various issues. Delegated divorce empowers Muslim wives to secure freedom without court intervention. The study claims that delegated divorce is widely used in Bangladesh and 70% of divorces are initiated by women, particularly from elite and highly educated backgrounds who assert their rights and refuse to compromise on social, political, economic, and religious freedoms. They swiftly make decisions to start anew rather than stay in unsatisfactory relationships. Islam permits divorce to prevent detestable consequences in society and encourages it when love, affection, faith, or understanding between spouses no longer exist. Numerous women are unable to seek legal protection due to factors such as lack of awareness, poverty, illiteracy, and community opposition. Therefore, raising awareness among women about their rights becomes crucial. The article suggests that challenge lies in educating women about their legal rights and facilitating their access to the law. Additionally,

promoting community awareness of both Islamic law and statutory law regarding Talaq-e-Tafweez is essential.

2.2 The Nikah Nama and Clause 18

Beyond affecting one's private life, marital status has implications on various matters like dower, property inheritance, job allowances, and public identity status. Given the numerous rights and duties associated with marriage, it is crucial to have an efficient and effective procedure to safeguard against disputes and protect the rights of those involved. To achieve this, a comprehensive system of 'Nikah Registrar' and 'Nikah Nama' was introduced in the Muslim Family Laws Ordinance, 1961 (Butt, 2021). Clause 18, introduced as part of the Muslim Family Law Ordinance of 1961, represents a relatively progressive step in family law. However, since its introduction, it has faced opposition from fundamentalist and conservative groups. (Mehdi, 2005)

The Nikah Nama is a legally registered document under the Muslim Family Laws Ordinance, 1961, and it carries a 'presumption of truth'. In accordance with the law, four copies of the Nikah Nama are prepared: one remains with the Nikah Registrar, the second is sent to the Union Council, the third copy is given to the bride, and the fourth is provided to the groom; ensuring that the terms of the marriage are accurately recorded and agreed upon. Where either party contests the terms Nikah Nama, the onus lies on them to provide evidence. The Courts justify this presumption of truth by recognizing that while humans can deceive, documents are inherently reliable and unbiased sources of information (Butt, 2021).

The significance of reducing agreements to writing is emphasized in the Quran (2:282), highlighting the Islamic tradition of avoiding future disputes by documenting and signing agreements. The marriage contract serves as a basic reflection of the couple's consent to marry without coercion, signed in the presence of competent witnesses. This contract enables couples

to discuss and make binding agreements on essential aspects of their marriage before becoming husband and wife, such as the place of residence, career choices, and decisions regarding children. Islamic marriage contracts function practically to allow couples to negotiate and align their significant goals and philosophies (Jaafar-Mohammad & Lehmann, 2011).

A study (Malik & Javed, 2021) highlighted that contrary to the common misconception, it is crucial for both parties to carefully read and comprehend the clauses before signing. In Pakistan, the family system is controlled by patriarchy and women lack awareness about the clauses in the Nikah Nama. It is a common cultural practice and assumption that both the bride and groom do not wish to add any specific conditions to the Nikah Nama (clause 17). Additionally, there is a general belief that the husband will not grant his wife the right of divorce (clause 18) and that there will be no question regarding the husband's right to divorce (clause 19). This was the only cross-sectional study with a mixed-methods approach, which targeted on assessing the actual knowledge levels of people, regarding the entire Nikah Nama. However, this study has a restricted spectrum as it sampled merely the unmarried population in the city of Lahore.

With the support of case laws, Muslim law, statutory provisions, and Islamic Jurisprudence Huda, (1994) links the rules of Shariah with the prevalent Muslim laws. When discussing women's rights within marriage, it's crucial to consider Muslim tradition where marriage is seen as a civil contract, not a sacrament. While Quranic recitations often accompany it, there's no prescribed ritual. Valid marriage requires meeting essential requirements like capacity, consent, witnesses, offer, and acceptance. Parties can set conditions known as "khayar al-shart" or choice to put conditions. It is advisable to request the husband to delegate this right. However, there have been cases where the groom's family refused to include this right, fearing it would bring bad luck to the marriage. The study reasons that if the

husband's right of talaq is considered inherent, the woman should also not be deprived of the protection of Tafweez.

Cogently, the analytical discussion in the article by Rao (2013) labelled the contract of Muslim marriage as “a weapon in the hands of Muslim Women”. This paper examined various strategies for Muslim wives to safeguard their marital relationships and strengthen their position within marriage. It explored how women can secure financial support, especially after the dissolution of marriage. The strategies include ensuring the freedom to pursue education and employment, the right to live separately and claim maintenance in cases of mistreatment, polygamy, or keeping a concubine. The paper discusses the potential benefits of having provisions for delegation of the power of pronouncing talaq. Additionally, based on the case laws the article establishes that Tafweez may be permanent or temporary. To ensure clarity and fairness, it is advisable to specify conditions and contingencies in the agreement rather than seeking a permanent delegation of talaq. Moreover, the marriage will not dissolve automatically; the wife must explicitly exercise her right to divorce.

An article, (Suneetha, 2012) explored that the standard Nikah Nama was introduced with a particular focus on addressing the issue of Muslim women's rights and entitlements within the institution of marriage. Its purpose extends to minimizing disputes and facilitating their resolution. The comprehensive examination of the Nikah Nama initiative is situated within the broader historical context of the ongoing discourse surrounding Muslim marriage laws. The Nikah Nama serves as a significant socio-legal instrument that has played a vital role in fostering community reform. While there is a consensus and consent regarding the existence of Tafweez-e-Talaq in general, incorporating it as a written condition in the Nikah Nama poses certain challenges, as there exists a detachment between the Nikah and the Tafweez. The paper suggested that if an agreement regarding Tafweez-e-talaq is reached before the Nikah, it should

be suggested by the man. However, during the Nikah ceremony itself, the initiative for such an agreement should be taken by the woman.

A critical discourse analysis (Asghar, 2001) reveals how specific language and discourses used in the marriage certificate restrict the possibilities of other legally and religiously granted options. The Nikah Nama establishes individuals' future roles and responsibilities according to societal and religious norms. An ambiguous discourse of a legal document reinforces harmful stereotypes and exploits both parties while undermining the power of rights and consent. Clauses 18 and 19 hold little significance as they are commonly disregarded by both parties. While the state intended to create a document protecting the rights of the bridegroom and bride, it failed to empower them to make decisions about their own future. The study emphasizes the need to revise the Nikah Nama to ensure equal representation and safety for both the bridegroom and the bride, enabling a prosperous and secure future life. It asserts that the state bears the responsibility for the well-being of its citizens and should not simply conform to exploitative social practices, but rather challenge them in various domains.

According to a historical and jurisprudential analysis (Ghani, 2022) this current era is characterized by the importance of documentation, where even the smallest details are recorded to ensure that rights and responsibilities related to various matters cannot be denied. Marriage, beyond being a religious act, also holds significance as a social and legal contract. Documenting these agreements helps in effectively distributing rights and duties and ensuring practical implementation. In Muslim societies, registration and various forms have been introduced in family laws, pertaining to marriage and divorce, to safeguard the rights and duties of spouses and children and to ensure their practical enforcement. The article highlights the significance of registering marriages and documenting divorces. It suggests the need for changes in the conventional Nikah Nama by incorporating a comprehensive list of dowry items and specific details about jewelry and other gifts exchanged between the parties. By including

these essential elements in the contract, individuals would avoid the necessity for additional documentation when seeking legal recourse or engaging in litigation.

The paper (Omar, 2007) explores divorce in Islamic teachings, contemporary practices, and Pakistani laws. It proposes expanding the standard Nikah Nama to address crucial elements for the groom, bride, and their families. This expansion should include provisions for maintenance during iddah, payment for Haq-Mehr, property division, and wife's possession rights over items bought with her earnings. Clause 18 in the Nikah Nama is rarely utilized due to unawareness and cultural omens. However, it's worth mentioning that in educated urban communities, and particularly among the aristocracy, more women are increasingly exercising this right, especially during marriage. The article concludes that despite the explicit provisions in family laws and Islamic teachings, the current practice in the country is unjust and, in some instances, harmful to women. Women facing such situations often have limited options and are compelled to endure unfavorable conditions, hoping for a positive change in the future.

2.3 Legislation and Procedure

2.3.1 Institutions of Family and Marriage

According to Article 35 of the Constitution of the Islamic Republic of Pakistan 1973; the state is responsible for preserving “marriage, family, mother, and child”. Conservatively protecting marital life signifies the commencement of various relationships, all connected via the social contract of marriage (Ghani, 2022). With a population of approximately 207.8 million (World Factbook), among which 96% are Muslims (US report on religious freedom in Pakistan, 2022), Pakistan considers marriage ties as the bedrock of family structures that demand preservation and protection. (Ahmad & Ahmed, 2021).

Muslim marriage is a civil contract. The Law of Contract outlines the fundamental elements of offer, acceptance, and clear communication before the agreement becomes a

contract. All these requisites are in concurrence with the essence of Nikah. Nikah Nama is a legal text demonstrating a bureaucratic nature and building a power dynamic between the institutions and individuals. Legal texts serve a specific purpose in the social context as the act of filling them has profound implications on the lives of individuals. Secondly, legal texts act as a mechanism through which institutions enforce a framework for interaction on individuals, compelling them to communicate using the language dictated by the institution (Asghar, 2001).

2.3.2 Legal Dissolution of Marriage

Muslim marriages can be dissolved through various methods. A divorce initiated by the husband is known as ‘talaq,’ while a divorce by mutual consent is called ‘Khula’ or ‘Mubara’at’, as per the contract terms. Other recognized methods of marriage dissolution include ‘Illa’, ‘Zihar’, ‘Li’an’, ‘Talaq-e-Tafweez’, contingent/conditional divorce, and judicial divorce. (Farooq, n.d.)

In Pakistan, marriages are dissolved following the regulations outlined in the following laws:

- The Dissolution of Muslim Marriage Act (1939)
- The Muslim Family Laws Ordinance (1961)
- The Muslim Family Law Rules (1961)
- The Conciliation Courts Ordinance (1961)
- The West Pakistan Muslim Personal Law, Shariah Application Act (1962)
- The West Pakistan Family Courts Act (1964)
- The West Pakistan Family Courts Rules (1965)

Muslim Family Law Ordinance (MFLO 1961) addresses ‘Talaq’ in Section 7 and ‘Talaq-e-Tafweez’ in Section 8. The provisions of section 7 are about the process and regulations related to the pronouncement of talaq, in which a husband can unilaterally end his marriage:

“S. 7: Any man who wishes to divorce his wife shall, as soon as may be after the pronouncement of talaq in any form whatsoever, give the chairman a notice in writing of his having done so, and shall supply a copy thereof to the wife”.

The sub-sections address procedure, waiting period, arbitration council, talaq during pregnancy, remarriage, and punishment for non-compliance. Section 8 grants the wife authority to initiate a divorce at her discretion if the husband has delegated the right of divorce to her.

“S.8: Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage wishes to dissolve the marriage otherwise than by talaq, the provisions of section 7 shall, mutatis mutandis and so far, as applicable, apply.”

2.3.3 Registration of Marriage

Registering the Nikah Nama with the Union Council is a legal requirement under Section 5(3) of the MFLO 1961 (Arjumand, Malik, & Javed, 2021). In rural areas, most couples do not formally register their Nikah and in urban areas, particularly among the working class, formal registration is nearly non-existent, and there is limited awareness about Talaq al-Tafweez (Munir, 2006). Non-registration does not automatically invalidate the marriage if it is proven to have followed Islamic law. Marriage registration should be done through Nikah registrars or the person who solemnized the marriage must report it to the registrar (Mehdi, 2005).

2.3.4 Nikah Registrar

The paper (Butt, 2021) emphasizes the significance of Nikah Nama as a public document and the high regard given to it by the Courts, treating it as presumptively truthful. The pivotal role of the Nikah registrar is explored and identifies issues of the system governing Nikah proceedings. The article points out that the current procedure surrounding Nikah proceedings in Pakistan lacks effectiveness and reliability. The methodology of the paper is

legal analysis via judicial precedents and statutory clauses. Nevertheless, the paper lacks case law citations and details of references.

The Nikah registrar qualifies as a 'public officer' based on the features of the role, including the mechanism for remuneration, which aligns with the legal criteria for a public officer. The Supreme Court of Pakistan, ruled in *Zubaida Bibi v Majidan* that 'Public Officer' is defined in serial No. (17) of section 2 of the Civil Procedure Code 1908, encompassing any officer remunerated through fees or commission for performing a public duty. As a result of the Nikah Registrar's duty and remuneration system meeting these criteria, the Nikah Registrar is considered a 'public officer,' and the Nikah Nama is classified as a public document. The Nikah registrar bears significant responsibility in performing their duties diligently. Their tasks include completing the Nikah Nama's columns, obtaining signatures from the relevant parties, registering the Nikah, providing copies to the parties and Union Council, and maintaining records. Before authenticating the Nikah, the registrar should exercise a strong sense of responsibility by ensuring the parties' competency to understand their actions, their ages, and their voluntary consent. Failure to fulfill these duties may lead to complications and potential civil or criminal litigation for the registrar (Butt, 2021).

2.3.5 Delegation of Divorce and Stipulations

It's crucial that the delegation is explicit and unambiguous, with a clear expression of words in either yes or no for the woman to effectively exercise this right. Delegation can be with certain conditions. However, in the absence of any specified conditions, it becomes an unconditional right which can be utilized by the wife at her discretion. If the husband grants his wife the autonomy to divorce herself at any time, this right remains absolute throughout their marriage (Farooq, n.d.).

In Islamic law, the delegation of the right to divorce to the wife is considered lawful by Muslim jurists. This right can be granted and used with specific conditions, but if no conditions are mentioned, it is considered an absolute right. The study implies that the authorization of divorce power is contingent upon the presence or absence of a specified condition. For instance, a husband can grant his wife the authority to divorce herself if he marries another woman. In this scenario, the wife is entitled to exercise this power solely when her husband marries another woman, as illustrated in the case of *Muhammad Amin v. Mst. Aimna Bibi* (A.I.R.1931 Lahore 134); (Mehdi, 2005). Tafweez can be granted and exercised by the wife under specific conditions, but if no conditions are specified, it is considered an unconditional right. If the husband, either during the marriage or at its inception, informs his wife that she has the autonomy to divorce herself whenever she desires, this right of the wife becomes absolute for the entire duration of their married life (Farooq, n.d.).

In (Carroll, 1982) emphasis is placed on the clauses and conditions present in a Muslim marriage contract that safeguard women's rights through legally analyzing statutory clauses and judicial verdicts. The conclusion drawn is that these stipulations in the Muslim marriage contract can be utilized in various ways to ensure and protect the rights and position of a Muslim wife in South Asia. In a case the husband agreed to several conditions including not marrying a second wife without the consent of the first wife, not subjecting the wife to any physical abuse or ill-treatment and allowing the wife to visit her parents as needed (1919 I.L.R. 46 Calcutta 141). The article further highlights that there is a substantial body of case-law spanning over a century, demonstrating the validity of such agreements and the Courts' willingness to uphold and enforce them. The reported decisions often make extensive mentions of three fundamental concepts rooted in English contract law: (a) 'Consideration,' which denotes that a contract lacking consideration is considered null and void; (b) 'Public policy,' indicating that a contract with consideration or objectives contrary to public policy will also be

deemed void; (c) 'Restraint of marriage,' meaning that any contract restricting the marriage of an individual other than a minor is considered void.

2.3.6 Legal Procedure to Enforce Clause 18

While Islam does not mandate a written document for the solemnization of Nikah, having one is crucial as it serves as vital proof of marriage and is necessary for evidentiary purposes. The law has established that Family Courts have jurisdiction over cases arising from the Nikah Nama. According to Section 5 of the Family Courts Act, Family Courts possess "exclusive jurisdiction to entertain, hear, and adjudicate upon matters specified in Part I of the Schedule," which specifically includes issues related to dissolution of marriage, dower, maintenance, and any other matters arising from the Nikah Nama (Butt, 2021).

The article (Farooq n.d.) cites the legally prescribed process of Talaq-e-Tafweez. After the wife utilizes the Tafweez and pronounces divorce, she must send a divorce notice to the relevant Union Council. The matter of jurisdiction depends upon the residence of the husband or the place of registration of Nikah. The chairman of UC, in harmony with the legislation, forms an Arbitration Council, whose main aim is to facilitate reconciliation between the spouses. Arbitration council as defined in MFLO S. 2(a), consists of the chairman and two representatives: one each from both the parties. Where the reconciliation efforts fail, the Chairman of the Arbitration Council issues a 'Certificate of Effectiveness of Talaq' after the 90-day period from the date of filing the divorce notice by the wife.

To validate, relevant statutory regulations are S. 7(4) of MFLO 1961:

“Within thirty days of the receipt of notice under Sub-section (1), the Chairman shall constitute an Arbitration Council for the purpose of bringing about a reconciliation between the parties, and the Arbitration Council shall take all steps necessary to bring about such reconciliation.”

read with S. 10(3) of The Family Courts Act 1964:

“The Family Court may, at the pre-trial stage, ascertain the precise points of controversy between the parties and attempt to effect compromise between the parties.”

There is no formal procedure to exercise the right of Talaq-e-Tafweez, and the only requirement is to provide a written notice to the Chairman of the Arbitration Council about the decision to divorce. Talaq becomes effective automatically after 90 days from the date of receiving the notice of Talaq-e-Tafweez under S. 7(3) MFLO, 1961:

“Save as provided in sub-section (5) talaq, unless revoked earlier, expressly or otherwise, shall not be effective until the expiration of ninety days from the day on which notice under sub-section (1) is delivered to the Chairman.”

A judgment holds that the legislative intent is to provide a final chance for reconciliation to the parties after the divorce has been pronounced and communicated. This opportunity falls within the ‘Iddat’ period, as the divorce becomes effective after 90 days unless it is revoked during this timeframe (PLD 1972 Lahore 694). Another judgment upholds that after submitting the notice to the Union Council, the marriage becomes void after the expiration of 90 days, unless either of the spouses revokes it. [2011] PLD 265 (Lahore HC). The waiting period serves a dual purpose: firstly, it provides time to ascertain the wife's pregnancy status, and secondly, it allows for the establishment of an Arbitration Council to facilitate reconciliation. Should the couple reconcile during this period, the husband is required to withdraw the initial notice (Haider, 2000).

2.3.7 Pronouncement of Talaq-e-Tafweez

Verbal divorce holds no legal validity and must follow due process to be finalized. Whether granted unconditionally or with certain conditions, a formal pronouncement of talaq and talaq-e-Tafweez is essential. PLD 1995 Lahore 187 adjudicated by judge Fakhar-un-Nisa Khokar holds that the husband has the option to transfer the authority to initiate a divorce to his wife through a contract, which can be either unconditional, subject to specific contingencies, or with certain conditions. Alternatively, this authority can also be granted to a

third party. In any case, a formal pronouncement of Talaq is required in these situations. If the wife sends a notice to the husband, it would be regarded as a formal declaration of divorce by the wife, exercising the power delegated to her to repudiate the marriage.

2.3.8 Revocation of the Tafweez

Though there are disagreements among the Muslim sects regarding interpretations and execution of permanent and temporary Tafweez, the court verdicts establish that once the husband delegates the right to divorce his wife, it becomes an irrevocable and absolute right. The principle has been repeatedly cited in various case laws that once a person is granted the power of divorce, it becomes irrevocable, and functions as a valid divorce of the wife by the husband. [1995] PLD 187 (Lahore HC); [2013] CLC 1625 (Peshawar HC); [2016] CLC Note 117 (Lahore HC); [2010] YLR 1 (Lahore HC); (Farooq, n.d.). Moreover, in cases where the person to whom the authority to initiate divorce is delegated announces the divorce, the delegated power becomes irrevocable, and the divorce will be considered as if the husband had initiated it i.e., a talaq of the wife by the husband (PLD 1963 Dacca 602).

2.4 The Prospects, Value and Benefits of Clause 18

Muslim women have rights to apply for divorce through legal proceedings, commonly known as Khula. Khula allows the wife to seek the dissolution of the marriage by compensating or paying the husband. This payment often involves forfeiting her 'Haq Mehr'. In contrast to talaq, where the husband is immediately liable for paying the wife's dower, in khula, it is the wife who pays the husband to obtain release from the marriage. Granting Muslim women an equal right to divorce, would have significantly positive implications. It would decrease the likelihood of forced and unhappy marriages (Mehdi, 2005).

The article (Saini & Trivedi, 2021), based on the case laws and statutory provisions of Muslim Personal Law, examines the historical and contemporary challenges encountered by Muslim women concerning divorce. The study anticipates potential future issues that may arise if these concerns remain unaddressed. Nikah is regarded as a pivotal and firmly established concept and the essential aspect of marriage is the bride's free consent as she holds the right to accept or decline specific marriage terms and conditions, empowering her in the process. Muslim women continue to face economic and social deprivation. Delegated divorce represents a powerful means for Muslim wives to attain their freedom without involving any court intervention, and it is increasingly becoming prevalent in India.

The study (Rao, 2013) stresses that matrimonial conditions are particularly beneficial for Muslim women as they provide protection and support, especially after the marriage is dissolved. Since the authority to pronounce talaq for divorce lies solely with the husband, Muslim wives can only exercise this power if it is delegated to them. Therefore, it becomes essential for Muslim wives to enter into such agreements with the assurance of various forms of support in their marital journey. Upon marriage, if a woman demands her right to seek employment, she can achieve financial independence, ensuring self-sufficiency even after a divorce. She has the autonomy to set her monthly allowance and maintenance terms, including the option to receive the entire prompt dower upfront, sparing her from potential difficulties in collecting it later from her husband or his legal heirs.

Based on statutory laws and legal precedents, the study (Mehdi, 2005) unveils a crucial aspect with respect to Muslims and Pakistanis living outside Pakistan. The study cites the instances and the complications faced by women with respect to jurisdiction, applicability of Muslim personal laws, and the national laws. The study endorses the significance of delegated divorce to confront structural difficulties in terminating exploitative and undesirable marriage contracts. The paper asserts that compared to other divorce options, Talaq-e-Tafweez is the

most convenient and optimal way for the Muslim women to seek divorce. While preserving their right to the full amount of dower, delegated divorce uniquely offers women a nearly equal standing with men in the dissolution of marriage.

Another study (Farooq, n.d.) advocates the avail of Talaq-e-Tafweez and claims it to be one of the most enabling tools available to Muslim women, offering them liberation from a toxic, harmful, and oppressive marriage. Delegation acts as a check on a husband who neglects his responsibilities to maintain his wife and children, is absent for extended periods without financial support, and refuses to release her from marriage. Tafweez offers women a more efficient and cost-effective way to exercise their rights, avoiding the lengthy and expensive procedures of other means like khula or judicial divorce. It spares them from navigating various forums and courts, saving time and trauma as the process of khula typically takes years to complete. The study recommends that in patriarchal societies like Pakistan, it is crucial for every woman to carefully read her Nikah Nama during marriage and assertively seek her delegated right to divorce.

2.5 Barriers to the Right of Tafweez

2.5.1 Role of Nikah Khuwan/Registrars/Religious Clerics

The research (Munir, 2006) examines case laws from the Indo-Pak sub-continent concerning stipulations influenced by the doctrine of ‘stare decisis’ (let the decision stand). It claims to have investigated the real-world implementation of Talaq al-Tafweez among the general population in Pakistan and explored the responsibilities of Nikah Registrars, Islamic scholars, and clerics. The study highlights the negative and restrictive role played by the religious clerics and registrars and maintains that the majority of Nikah Registrars expressed opposition to Talaq al-Tafweez. They cross out Clause 18, before providing it to the parties for completion. The parties are not informed about the existence of this right. The rate of delegation

is less than one percent in Pakistan. The individuals who exercised the right of delegated divorce were found to be wealthy, highly educated, and mostly held dual nationality, primarily British and Pakistani. The study claims to be the first ever practical survey by any researcher ever to assess the real impact of the option of Tafweez of talaq in the Nikah Nama. Nonetheless, some discrepancies have been observed. The sample was collected only among the Nikah registrars and religious scholars, no general population was sampled. The study mentions a random survey, but it's unclear as to which methodology was applied. No annexures are available to be sure of the scales applied or analyze the nature of questions. The details of sampling are ambiguous, no exact figure of the participants and locations is mentioned, and it's not revealed as to how the collected data was analyzed.

In a study (Islam Uddin, 2018), the focus was on 'Nikah-only' (unregistered) marriages, specifically among British Bangladeshi Muslim women residing in London. The study employed a qualitative methodology inspired by phenomenology. The results highlighted that Nikah-only marriages can result in exploitation and the denial of legal rights and protections, particularly for Muslim women who are unable to access family courts to seek financial relief in case of a divorce. Nikah is rushed and women are not informed about their right to include delegated divorce in the contract. Tafweez is akin to a prenuptial agreement, which can be beneficial, but it is seldom used.

In Muslim culture, prenuptial agreements are viewed unfavorably, as people tend to assume negative outcomes when considering them. The research findings indicate that participants did not consider Tafweez as an option during their Nikah, and neither their families nor the imams informed them about its potential inclusion in the marriage contract. This practice of avoiding Tafweez among British Muslims contradicts the codified laws in Muslim-majority countries, and it deprives Muslim women of their right to equality in Islamic divorce.

Considering that the women can apply for khula, undermines the fact that a delegated divorce would better serve their interests in case of a divorce.

In the context of a civil contract, 'free consent' denotes genuine comprehension of the contractual obligations and the consequences. It ensures that both parties willingly and voluntarily agreed to the contract's terms and conditions and implies that the consent was without any undue influence, coercion, fraud, misrepresentation, or mistake. It warrants that there was no deception, or manipulation. Absence of free consent renders the contract voidable, providing the affected party with legal grounds to challenge its enforceability. It is regrettable that a prevalent practice involves male family members, such as the father or brother, canceling the provisions in column 18 of the nikah Nama without consulting the bride during the marriage process. As a result of this practice, the option of Talaq-e-Tafweez is seldom utilized by women, primarily due to a lack of awareness in understanding the Nikah Nama correctly. Additionally, discussing the methods and means of dissolving a marriage at the outset of marital life is often considered inauspicious, further discouraging women from exercising this right. (Farooq n.d.)

Another significant issue concerning Nikah registrars is the absence of a formal training requirement in the law. Their appointments are at the discretion of the UC, leading to a lack of awareness regarding the importance of certain clauses. As a result, crucial matters like talaq-e-Tafweez, maintenance, and other important columns are often overlooked and crossed out in various Nikah Nama (Butt, 2021).

2.5.2 Wrongful Intervention of UC (Union Council)

Court verdicts prove that there have been instances where UC wrongfully intervened and acted outside its authority in matters concerning the validity of delegated divorce. A notable case, *Mehnaz Mehboob v. Ishtiaq ur Rashid*, highlighted that the Chairman of the

Union Council is obligated to establish an Arbitration Council and does not possess the authority to deem the right of divorce through Tafweez as un-Islamic, unlawful, or contrary to the teachings of the Qur'an and Sunnah. [2006] YLR 335 (Lahore HC)

Another relevant case, *Shema Farooq v. Chairman Union Committee*, provided additional clarification stating that the Arbitration Council does not hold the power to make decisions on the law or merits of a case. Their sole legal obligation is to attempt reconciliation between the parties involved in the marriage contract and cannot declare the delegation of the right to divorce as contrary to Islamic injunctions. [1996] CLC 673 (Lahore HC); [2005] PLD 358 (Sindh HC)

2.5.3 Void Stipulations and Imprecision

The presence of contradictory statements within the Nikah Nama poses challenges in enforcing the delegated right to divorce. The terms and conditions of delegated divorce should be clear and valid. In the case of *Abdul Haseeb v. Chairman Arbitration Council*, it was ruled that the right to divorce is not inherently granted to a married woman according to Shari'a law. Instead, it must be expressly delegated to the wife in clear and unambiguous terms in column 18 of the Nikah Nama. [2000] CLC 202 (Lahore HC)

The primary issue with the Nikah Nama is its vagueness, which allows for manipulation and interpolation, leading to disputes later. This lack of clarity can result in future disputes and infringe on a person's (especially a woman's) fundamental liberties and freedoms in the marriage contract. Columns dealing with crucial issues such as Talaq-e-Tafweez and restrictions on the husband's right to divorce are neglected, depriving women of potential securities provided by the law. Moreover, women have limited knowledge of the Nikah Nama, and often hesitate to negotiate marriage terms, fearing the label of being blunt. It is essential to

recognize the significance of the clauses in a Nikah Nama and ensure that they are efficiently filled out to protect the rights of all parties (Butt, 2021).

2.5.4 Variance among the Muslim Sects

Sects are barriers too as they create complications with differences in interpretations, applicability of rights provided by Islam. The procedure of marriage and divorce is slightly different in the two dominant sects of Pakistan: Shia and Sunni. For the Shia community it is not essential to have witnesses at the time of the Nikah, but witnesses are necessitated for the pronouncement of divorce. Sunni law believes in the vice versa (1993 CLC 219 Lahore). It was assessed in the study (Munir, 2006) that although some Shi'a jurists do not endorse unconditional Talaq al-Tafweez, the survey conducted in Islamabad and Rawalpindi showed that in over one percent of marriage contracts, husbands had unconditionally delegated the right of divorce to their wives. Furthermore, during the research, multiple Nikah Nama from the Shi'a community were detected with absolute delegation.

In the case of *Dr. Qambar Murtaza Bokhari v. Zainab Bashir* (PLD 1985 Lahore p. 187), the husband, who was a Shi'a, challenged his Sunni wife's notice of exercising her delegated right to divorce herself. He argued that he had not granted her the authority to do so and since he followed the Shi'a law, talaq had to be exercised according to Shi'a principles. The court ruled that the wife, being a Sunni Muslim, had properly exercised her right to divorce herself. In another case (1993 CLC 219) the husband (a Shia) has delegated the power to divorce to his wife (a Sunni), the case was built upon the mode of pronouncement of talaq. The court held that it was not necessary for the wife to adopt the modus operandi of pronouncing divorce as per husband's sect and her pronouncement (done according to her own sect) was valid and effective under Sunni law. The women can use the right dully delegated to her

according to her own sect as each sect is governed by its law (ref. 1841) 2 MLA, 441 page 477). However, such complications hinder the delegation of rights.

2.5.5 Stigma attached to Divorce

Divorce has a profound impact on the institution of marriage, disrupting the psychological and socio-economic functions typically fulfilled by married couples. A study (Zafeer, Maqbool, & Yanping, 2022) conducted in Lahore, Pakistan, examined these effects on divorced and married women. The researchers selected 427 female participants from Dar-ul-aman and employed a quantitative survey method. The study's results revealed that both psychological and social factors negatively affected both divorced and married women. Divorced women face significant psychological and social challenges and often experience depression, anxiety, and stress due to several factors, such as living in Dar-ul-Aman (abode) after family's rejection. Post-divorce, women encounter embarrassment, bitterness, insult, guilt, and family pressure, leading to reduced social interactions. Financial constraints become a major stressor as they struggle to provide for their children's basic needs. Moreover, illiteracy and limited job opportunities make it even harder for them to support their children compared to men. Divorce is a condemned legal act and any condition restricting the husband's exercise of it should be acceptable.

An analytical study on domestic violence against women in Pakistan (Tahir, 2017) has applied a contextual evaluation and tried to explore solutions with an Islamic perspective. In Pakistan, violence against women is a prevalent and serious problem, occurring across all economic and literacy backgrounds. Physical and verbal abuse are common, often perpetrated by husbands and in-laws, and tragically, some cases result in the death of women. Sociological theories, such as the general systems theory, attribute domestic violence to systemic issues rather than individual mental disturbances. The physical abuse of women is clearly linked to

several factors, including household resources, reliance on marriage for socio-economic stability, household income, limited access to education, and a negative perception of divorce.

2.5.6 Patriarchy

A qualitative study in KPK, Pakistan, (Yunis, Hashim, & Anderson, 2018) exploring the barriers and enablers to empowering women employed an interpretive framework. It points out patriarchy as a major hurdle. Women are disempowered due to patriarchal cultural norms that subordinate them to men. They are unable to decide for themselves. Traditional gender roles dictate women as reproducers in the home, while men are the breadwinners. This division limits women's opportunities and social status, leading to economic and social dependency. Additionally, religious extremism and lack of resources further constrain their progress.

Adopting a descriptive analytical investigation method, a study (Pakeeza, 2015) researched the prevalent perceptions of domestic violence in Pakistan. It found that a country's legal system reflects its fundamental values, encompassing both normative and social structures. Regrettably, in certain Muslim societies, cultural customs and traditions have overshadowed religious laws, resulting in adverse effects on women's rights. The underlying cause of gender inequalities and discrimination against women in these societies is the patriarchal gender system. Cultural values and economic patterns contribute to the varying status of women. In Pakistan, cultural norms continue to uphold male dominance in family, religion, law, politics, and socio-cultural practices, despite constitutional provisions for equal rights and opportunities.

An article based on review and analysis (Naz & Zia, 2008) stresses upon the fact that in the context of divorce and maintenance laws, a significant concern arises from the power given to men, which allows them to abandon their responsibilities. If a wife wishes to continue living with her husband after divorce, he can reject her plea, leaving her without any financial

support beyond the three-month 'iddat' period. When women lack work opportunities and qualifications, they become reliant on their families for support. However, even families may choose not to accept them back. Divorce carries a stigma, leading families to refuse aid or assistance to divorced women, viewing them as burdens. The prevailing issue in family laws is the biased treatment of women due to strong patriarchal values. These laws often grant the husband a dominant position, designating him as the primary provider and head of the household. Additionally, husbands have more rights in restoring conjugal relations compared to wives. This unequal status within the family directly impacts a woman's standing in other spheres, as her public and private rights are interconnected. When women are not regarded as equals within the family and lack personal and financial security, they face limitations in making decisions about their own lives and participating on equal footing with men in other aspects of public life, despite having social and political rights.

2.6 The Enabling Factors of Talaq-e-Tafweez

No existing literature could be found directly assessing the facilitating factors in granting, demanding, or utilizing the right of delegated divorce. Therefore, the components found to be indirectly relevant in different studies were reviewed.

The divorce rate in Pakistan is on the rise due to shifting societal trends and issues. In the past, the term "Divorce" was a taboo, but now it has become more acceptable. This change is evident from the increasing divorce ratio in recent years. Women seeking divorce often come to court accompanied by their parents, indicating that they receive some levels of support from their families (Zafeer, Maqbool, & Yanping, 2022).

According to a study (Haider, 2000) there has been a significant shift in the approach of the judiciary and courts regarding cases of judicial divorce. There is an observable trend where courts are increasingly granting women the right to divorce their husbands. A new 'no-

'fault' divorce principle has emerged in Pakistani family law, known as 'irreconcilable differences,' with a focus on a hate standard. If a judge determines that a woman harbors strong aversion or hatred towards her husband, making it impossible to continue as a married couple, he may issue a judicial decree of divorce based on the right to khula'. This allows women greater agency in seeking divorce without relying solely on their husbands' consent. The article displays that modernist judges are interpreting the MFLO 1961 to promote "social justice" for women seeking divorces, aligning with Modernist goals.

The extensive analysis in the study (Farooq n.d.) provides threefold recommendations which are supportive to practicing delegation of divorce. Firstly, organizing periodic awareness campaigns is crucial to educate all sectors of society, especially Nikah Khuwan. The campaigns conducted at different levels, including academic institutions and the Government would reach a broader audience and promote change. It is crucial that this delegation of the right to divorce is clearly and unambiguously expressed, either in the affirmative or negative. Finally, the Nikah Khawans should avoid using vague or evasive entries in column 18 to prevent complications or critical situations during the exercise of this delegated right. Clarity and transparency in this matter are essential to uphold fairness and ensure the proper execution of such rights.

Various feminist organizations, along with partner organizations, legal personalities, and activists, are advocating for amendments to outdated provisions in Muslim family laws. In Pakistan, civil society has made significant progress by collaborating with the government on pro-women bills, such as the Family Courts Amendment Act 2002, Criminal Law (Amendment) Act 2004 (The Honor Killings Act), The Protection of Women Act 2006 (amending the Hudood Ordinances), and the Sexual Harassment in the Workplace bill. While these may not be complete laws or successes, they reflect a positive trend where women's issues are gaining recognition, and civil society's voice is being taken seriously as a pressure group

urging the government to act. This progress indicates that women's needs and rights are being acknowledged and addressed (Naz & Zia, 2008).

An analysis (Siddiqah & Mukhtar, 2019) highlights the prevalent discriminatory practices against women in modern Pakistani society, which violate their fundamental rights. The article gives hope as a positive aspect of our modern world is the increasing acceptance of the fact that achieving economic development, social progress, and prosperity requires women's emancipation and equal rights. Concerted efforts are underway to address injustice and discrimination against women and improve their status in society. Pakistan has signed several international conventions, explicitly prohibiting prejudice and unfair treatment. Pakistan is bound to implement legislative and executive measures to guarantee human rights of the exploited, marginalized, or vulnerable groups.

CHAPTER 3: THEORETICAL FRAMEWORK

Theories assist in comprehending the intricacies and operations of societies. The framework of this study is based on the belief that marriage caters to the needs of and bequeaths equal rights to both husband and wife. Social exchange theory offers a close-up view at the individual level, and Liberal Feminist theory has been utilized for a broader perspective. In the context of this research, gender roles and power structures are extremely important as they may deprive individuals of their personal autonomy and decision-making processes. Knowing the significance of gender dynamics through Feminist theory and understanding marriage through the lens of social exchange is a meticulous way to investigate the instrumental factors in the employment of Clause 18.

3.1 Social Exchange Theory

Social exchange is a micro-level theory with a variety of applications regarding social interaction. Scholars concur that social exchange contains a sequence of interactions and exchanges resulting in the creation of commitments. Within the framework of social exchange theory, these interactions are usually identified as interconnected and conditional on others' behaviors. These independent dealings possess the potential of producing the finest of relationships (Cropanzano & Mitchell, 2005). Every social exchange theory considers social existence to revolve around a sequence of successive transactions among two or more entities. The element of reciprocity enables the exchange of resources in such transactions (Emerson, 1987).

3.1.1 Marriage a Social Transaction

Social Exchange posits human beings as logical creatures. They engage in interactions and performances with the rationale of mutual concessions and compromises. Marriage is a

social transaction where each party enters the contract on an equal footing. The validating ground for marriage is the reciprocity of gains. Both sides are supposed to peruse and evaluate the terms of the marriage contract.

3.1.2 Cost and Benefits

The theory rationalizes the decision-making processes of the people. It explains how relationships are affected by choices and the motive of maximizing rewards. It suggests that individuals evaluate the cost and benefit of the decisions and relations and opt to stay in that relationship if the benefits surpass the costs. The theory validates the logic of both parties having equal access to dissolve the relationship.

The study uses the theory to understand the elements limiting and enabling the scope of Clause 18. Talaq-e-Tafweez is a benefit for Muslim women to stay in a marital relationship. The right bestows autonomy and conviction to dissolve the contract where they believe that the costs have outweighed the benefits. It may be assumed that women may like to stay in a marriage even when they have been delegated the right to divorce if they consider the price for divorce: economic issues, losing the custody of their children, and the social stigma, supersede the benefits.

3.1.3 Religion and Cultural

Social exchange also helps in identifying the specific role of cultural practices and religious beliefs in curbing the access and practice of delegating the right to divorce. In many instances, women are hesitant to seek or exercise the right, thinking it to be in contradiction with their religious perceptions. The theory was helpful in identifying the hindrances and losses men and women might be facing in the process of exercising the Tafweez of Talaq through Clause 18.

The social exchange framework was valuable in assessing the resources men and women can gain or lose while giving/seeking the right of Talaq-e-Tafweez and how it affects the legal protection, financial freedom, emotional health, and the support society offers. It enabled the exploration of the power dynamics, how marital relationships and families influence the decisions, and the ability of Muslim women to negotiate their rights.

To gain insights into the negotiation and decision-making methods shaping the obtainability of the right of delegated divorce, it was vital to investigate the substitutes and alternate options available to women while considering and weighing the costs and benefits of accessing Talaq-e-Tafweez. It was equally important to assess the outcomes of having access to this right, including the changes in emotional well-being, economic stability, personal agency, and social status overall.

3.2 Feminist Theory

There is a misconception that Feminist theory is only about women. The scope of Feminist theory extends the issues of women and incorporates a broader perspective of the world. Both men and women are equally harmed by the existing inequalities. Examining through the intersectional lenses, feminist theory advocates equality, justice, and freedom, and challenges the dichotomous patterns which overgeneralize the gender roles and identities (Ferguson, 2017).

3.2.1 Gender Inequalities

The perspective focuses on interpreting and addressing gender inequalities and includes concerns about women's rights. It is a macro-level theory that dissects the influences of society, institutions, cultural practices, and the power imbalances contributing toward the discriminatory treatment of genders. The emphasis of the theory lies in the role of gender as

the core in molding social dynamics. The theory highlights the requirement to challenge inequalities and promote changes for a just society.

3.2.2. Gendered Power Dynamics

Feminist theory directly relates to gendered power dynamics and injustice. Patriarchy is one of the most assertive forces in Pakistani society and has its own ways of inhibiting the provisions favorable to women. Even with years of activism against abuse in South Asia, the mistreatment of wives by their husbands and relatives continues to be widely accepted. The legal measures have shown limited effectiveness (Chaudhuri, Morash, & Yingling, 2014).

The feminist theory considers gender as a social construct and is particularly relevant to grasp the patriarchal structures and how gender norms and stereotypes can restrict women's access to the right of delegated divorce. The theory assists in understanding the experiences of Muslim women from various backgrounds and evaluate the function of class, race, ethnicity, and sexuality.

3.2.3 Patriarchy

Feminist theory analyzes the ways in which patriarchal structures influence and curb the employment of Clause 18 at the time of Nikah, by misinterpreting religion or strategically applying other social pressures. The theory also highlights the autonomy and empowerment of women while facing legal and social barriers.

The right, Tafweez of Talaq is at a man's discretion. Though rooted in the holy scripture and agreed upon unanimously among the Muslim ummah, patriarchy has been the most hesitant and resilient barrier. The male-chauvinism has for years blocked women's ways to becoming an equally empowered gender. It is widely acknowledged that Islam has improved the status of women in several ways (Badran, 1986). Nevertheless, in Pakistan, marital unions are

predominantly shaped by cultural conventions rather than the principles of Islam. Numerous customs associated with arranging marriages contribute to the marginalized and depreciated status of women within their marital households. Generally, women are married to grooms chosen by their families, placing them in a subordinate role dictated by prevailing patriarchal and gender-based cultural norms (Chaudhuri, Morash, & Yingling, 2014).

Patriarchal agendas jeopardize the women's rights that Islam has bestowed. The interpretation and practical application of Islam in daily life demonstrate the way religion is exploited by patriarchy. Scholars and researchers are discovering instances where Islamic directives are disregarded and misinterpreted, and behaviors are endorsed as Islamic, although not aligned with the Islamic pretexts and teachings (Badran, 1986).

In Pakistan, marriage and family structures are controlled by patriarchal figures and women often lack information about the clauses and stipulations presented in the Nikah Nama (Arjumand, Malik, & Javed, 2021). The complicated dynamics of power within families and communities outweigh equity. Especially in the cases of marriage and divorce, traditional gender roles take control of the decision-making power. The constraints are to maintain the patriarchy and manipulate the weaker sex irrespective of what religion professes. As a matter of fact, religious interpretations and practices are deliberately manipulated to exploit women.

3.2.4 Agency of Women

Feminist theory stresses the agency and voice of women. It advocates the capacity to act and choose independently. Amid patriarchal limitations, women navigate through various strategies involving negotiated agreements. Women bargain through the gender norms and pre-established notions of patriarchy, to enhance their financial security and life choices. It is a challenging trade-off between exerting unbridled agency and adapting to the limitations imposed by the societal rules governing gender dynamics (Kandiyoti, 1988). The theory

supports the understanding of how women seeking Talaq-e-Tafweez, navigate through social constraints when their agency is restricted.

CHAPTER 4: RESEARCH METHODOLOGY

This chapter outlines the methodological approach adopted to investigate the objectives of this research.

4.1 Nature of the Study

A cross-sectional, mixed methods approach was used in this study. Details of the research method are given below.

4.1.1 Ontology

Ontological approach of the subject of Talaq-e-Tafweez is a complex one, because within the spheres of Islamic marriage, Tafweez of Talaq exists concurrently as an objective reality, also affected by subjective constructions and interpretations. As a concept of Islamic law, it is established and accepted with unchanging source and implications, determining it concrete. Nevertheless, the unignorable fact is that Islamic legal concepts have variations in understanding and application among different schools of thoughts, cultural perspectives, and individual perceptions. Therefore, to capture the diversity of interpretation and implementation of delegated divorce in various contexts, it is vital to explore both legal aspects and cultural implications.

4.1.2 Cross-sectional Mixed-methods Research Design

This study applied a cross sectional, mixed methods research methodology. More specifically, concurrent transformative design with a correlational approach was used. The aim of the study was to explore the various factors which influence the employment of Clause 18: Talaq-e-Tafweez, among the civil servants in Lahore. The adopted design of Concurrent transformation often takes up an advocacy perspective such as the feminist viewpoint (Hanson,

Creswell, Clark, Petska, & Creswell, 2005). It involves the collection of quantitative and qualitative data simultaneously (Almeida, 2018). In this study, there is an equal emphasis on both methods and data. Concurrent designs are valuable for giving voice to diverse viewpoints, advocating for rights, and gaining a deeper understanding of a phenomenon that may evolve due to the research itself (Hanson, Creswell, Clark, Petska, & Creswell, 2005). The figure summarizes the process of convergent designs in mixed methods, this study adopted the same.

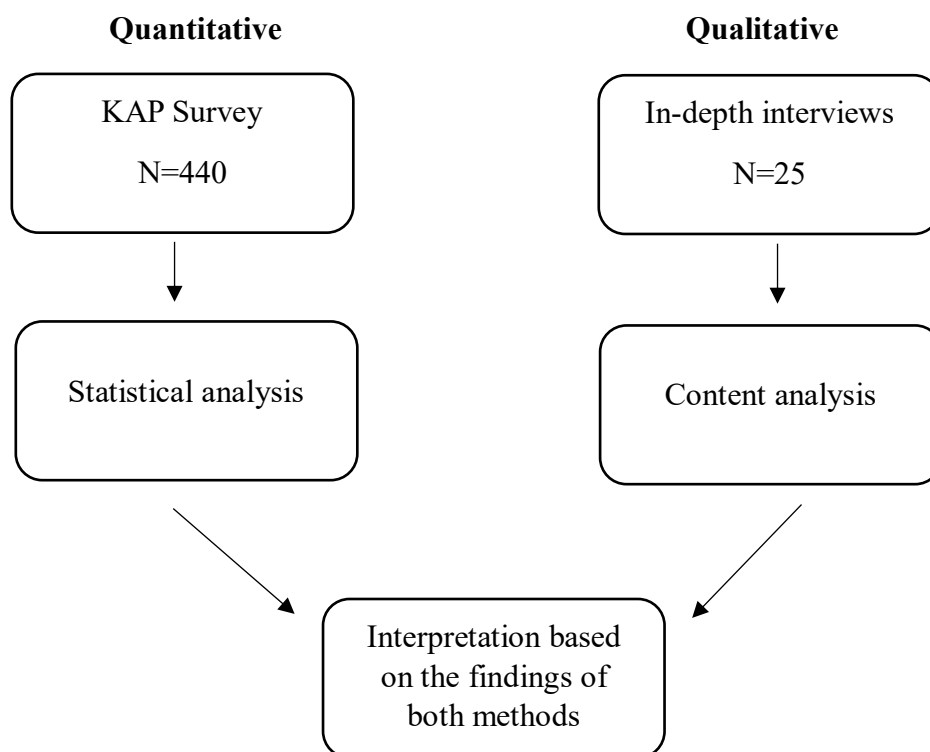


Figure: Concurrent Design (Ivankova & Creswell, 2009)

4.1.3 Triangulation of Methods

Triangulation is most effective when researchers seek to collect both types of data, about dimensions of a single phenomenon, simultaneously. The approach potentially yields well-validated data and supported conclusions because it compensates the weaknesses of one method with the strength of the other (Ivankova & Creswell, 2009). This study included data triangulation as it intended to collect data from two different sources: survey and in-depth

interviews. It adds in method triangulation by combining qualitative and quantitative methods. The data was collected separately and analyzed independently. Quantitative data was collected using the KAP survey with closed-ended options and an open-ended in-depth interview guide will be used to gather extensive data for the qualitative measure. Qualitative questions enabled the participants to express their experiences and thoughts in their own words, enabling a deeper understanding with regard to the employment of Clause 18 in Pakistan. Closed-ended questionnaire facilitated the collection of structured data which will be easy to quantify and helpful for making comparisons and testing the hypotheses (Ivankova & Creswell, 2009). The research made a comparison between the two data sets and drew conclusions on how they converge or diverge against one another.

4.2 Ensuring Ethics

Ethical principles were vigilantly adhered to, and the research was consciously conducted in a manner that upholds the rights of the target population. Civil servants' area population, busy and difficult to access therefore, prior appointments were taken for the interviews through the gate keepers. The researcher used personal contacts as gate keepers to access civil servants currently appointed in Lahore. The respondents and interviewees were provided with comprehensive information about the research purpose, procedures, potential emotional risks, and benefits. They were also informed about their basic right to withdraw at any time, without any consequence before the distribution of survey or during the interview. Informed written consent was obtained from all the participants at the beginning of the survey and the interview. The respondents filling out the survey via Google forms were also informed of the regulations about their voluntary consent and approval to participate in the study.

Confidentiality of the participants/respondents and their personal information was ensured by storing anonymized data files. The collected data was stored securely on the

personal hard drive, and a copy was also maintained for the backup. The reporting of the results does not disclose the identities of the population. Codes were assigned to the participants to protect anonymity, and data is accessible only by the researcher. The autonomy of the civil servants was respected throughout the research process. The individuality and free expression of participants was safeguarded. It was understood that perceptions on religion and marriage can be sensitive and carry some prejudices. Any potential psychological or emotional harm was prevented. Cultural sensitivity and respect for cultural values and norms were cautiously kept in view. Local customs and traditions were considered to avoid causing offense or discomfort during data collection and interactions with participants.

4.2.1 Informed Consent Form

The individuals among the population were informed that their participation in this study was completely voluntary, and participation would neither result in any reward nor any penalty. They were informed of the nature and objective of research and the potential risks, which were none in this study. They were informed that since the study is not funded or sponsored by any organization, there would be no remuneration for their participation. Moreover, the participants were intimated that they would be free to withdraw at any point. Additionally, they were assured that the information they provided would not be released to any third party and all the steps to protect the identity and confidentiality would be ensured. The formal signatures on the consent form were secured as evidence of their voluntary participation. (*Appendix A*)

4.2.2 Official Approval

Approval for the study was duly obtained from the Board of Advanced Studies & Research (BASR), and the FCCU Institutional Review Board (IRB).

4.3 Sampling Design

4.3.1 *Population of the Study*

The population for this study is civil service of Pakistan. Civil servants have been selected as the study population because of their significance as a visibly educated sub-population with high social and cultural capital in Pakistan. According to the report by Dr. Ishrat Hussain ("Who is a Federal Civil Servant," n.d.) including both the federal and provincial government levels, the public sector in Pakistan has a workforce of more than 3.4 million individuals.

There are two major types of civil servants in Pakistan: Federal and Provincial. The federal civil servants are employed by the federal government and are responsible for the implementation of federal laws and policies. Whereas the provincial civil servants are employed by the provincial governments and are responsible for the implementation of provincial laws and policies. Federal civil servants also known as CSP (Civil Service of Pakistan) or Ex-Cadre are recruited through CSS examinations (Central Superior Services) conducted by FSPC. They are initially inducted directly at BPS 17 and mainly belong to technical and professional categories.

There are several specialized types of civil servants including: Judicial Officers (Judges, magistrates, and attorneys), Foreign Service Officers (Diplomats, ambassadors, consuls), and Armed Forces Officers who are employed by the Pakistan Armed Forces.

There are also various cadre civil servants such as clerks, peons, and office assistants. These are subordinate staff between BPS-1 to BPS-16. Subordinate staff is ministry/division/department-specific employees except for Subordinate Accounts Service

(SAS) personnel who are routinely posted across ministries/ divisions /departments. They are not as well-paid or as prestigious as the higher-level civil servants.

Pakistani Civil service includes 20 spheres, also commonly known as the wings (Cabinet Secretariat of Pakistan), (Establishment Division of Pakistan), (Federal Public Service of Pakistan). Table 4.3.1 gives a summary of the general structure of the civil service in Pakistan.

Table 4.3.1: General Structure Civil Service

| | Wings | Division/ Ministry | Departments/Sub-departments |
|---|----------------------------|---|--|
| 1 | Administration and Finance | Establishment Division | Cabinet Division, Public Service Division, Planning Division, Finance Division, Economic Affairs Division, Commerce Division, Industries and Production Division, Food and Agriculture Division, Petroleum Division, Water and Power Division, Railways Division, Aviation Division, Defense Production Division, Information Technology and Telecommunication Division, Federal Education and Professional Training Division, National Health Services, Regulation and Coordination Division, Population Welfare Division, Poverty Alleviation and Social Safety Division, Science and Technology Division, Housing and Works Division, Climate Change Division, Local Government Division, Statistics Division |
| 2 | Agriculture | Ministry of National Food Security and Research | Pakistan Agricultural Research Council, National Fertilizer Development Centre, National Seed Registration and Certification Department, Agricultural Prices Commission, Agricultural Engineering Research Institute, National Institute of Food Science and Technology, National Agricultural Market Development Authority, Livestock and Dairy Development Board, Pakistan Fisheries Development Board, Agricultural Training Institute, National Centre of Excellence in Analytical Chemistry, National Agricultural Statistics Centre, Agricultural Policy Institute |
| 3 | Commerce | Ministry of Commerce | Trade Development Authority of Pakistan, Export Promotion Bureau, Pakistan |

| | | | |
|----|-----------------|---|--|
| | | | Standards and Quality Control Authority, Intellectual Property Organization of Pakistan, Price Monitoring and Competition Office, Pakistan Textile City Limited, National Textile University |
| 4 | Communications | Ministry of Communications | National Highway Authority, Pakistan Railways, Pakistan Post, Pakistan Telecommunication Company Limited |
| 5 | Defense | Ministry of Defense | Pakistan Army, Pakistan Navy, Pakistan Air Force, Defense Science and Technology Organization, National Defense University |
| 6 | Education | Ministry of Federal Education and Professional Training | Higher Education Commission of Pakistan, National Curriculum and Textbook Board, Federal Directorate of Education, Directorate of Special Education, National Vocational and Technical Training Commission, National Institute of Science and Education, Pakistan Science Foundation, National Education Foundation, National Institute of Special Education. |
| 7 | Energy | Ministry of Petroleum and Natural Resources | Oil and Gas Development Company Limited, Pakistan Petroleum Limited, Sui Southern Gas Company Limited, Sui Northern Gas Pipelines Limited, Pakistan State Oil Company Limited, Pakistan Mineral Development Corporation, Hydrocarbon Development Institute of Pakistan, National Electric Power Regulatory Authority |
| 8 | Environment | Ministry of Climate Change | Pakistan Environmental Protection Agency, Climate Change Division |
| 9 | Finance | Ministry of Finance | Federal Board of Revenue, State Bank of Pakistan, Securities and Exchange Commission of Pakistan, Insurance Regulatory and Development Authority of Pakistan, National Savings Directorate, Pakistan Credit Guarantee Scheme |
| 10 | Foreign Affairs | Ministry of Foreign Affairs | Pakistan Embassies and Consulates around the world |
| 11 | Health | Ministry of National Health Services, Regulation and Coordination | National Institute of Health, Pakistan Medical Commission, Pakistan Institute of Medical Sciences, National Institute of Child Health, National Institute of Mental Health, National Institute of Cancer Research, National Institute of Cardiovascular Diseases, National Institute of Neurosciences, Pakistan National Tuberculosis Control Programme, Pakistan Malaria Control Programme, Pakistan AIDS Control Programme |
| 12 | Housing | Ministry of Housing and Works | National Housing Authority, Federal Government Employees Housing Authority, Pakistan Housing and Development |

| | | | |
|----|------------------------|--|---|
| | | | Authority, National Disaster Management Authority, National Disaster Risk Management Fund |
| 13 | Information Technology | Ministry of Information Technology and Telecommunication | Pakistan Television Corporation, Pakistan Broadcasting Corporation, National Press Trust of Pakistan, Associated Press of Pakistan, Press Information Department |
| 14 | Interior | Ministry of Interior | Federal Investigation Agency, National Counter Terrorism Authority, Pakistan Rangers, Frontier Constabulary, National Highways and Motorway Police, Federal Bureau of Investigation, Narcotics Control Division, Civil Defense Department |
| 15 | Law and Justice | Ministry of Law and Justice | Supreme Court of Pakistan, High Courts, District Courts, Attorney General's Office, Law and Justice Commission of Pakistan |
| 16 | Labour | Ministry of Overseas Pakistanis and Human Resource Development | Overseas Pakistanis Foundation, Bureau of Emigration and Overseas Employment, Pakistan Institute of Labour Education and Research, Overseas Pakistani Commission |
| 17 | Planning | Ministry of Planning, Development and Special Initiatives | Planning Commission of Pakistan |
| 18 | Science and Technology | Ministry of Science and Technology | Pakistan Council of Scientific and Industrial Research, Pakistan Atomic Energy Commission, Space and Upper Atmosphere Research Commission, National Institute of Technology |
| 19 | Social Welfare | Ministry of Poverty Alleviation and Social Safety | Benazir Income Support Programme, Bait-ul-Maal, Social Welfare and Security Department |
| 20 | Water and Power | Ministry of Water and Power | Water and Power Development Authority, National Electric Power Regulatory Authority |

Note: The list is not exhaustive and merely gives an overview

4.3.2 Selection criterion

The data for this study was collected from currently serving male and female civil servants in Lahore. There are different cadres among the civil servants. Every officer is designated differently in different departments. The basic pay scales (BPS) of all the civil servants vary from 1 – 22. The officers working at 20 and above are the top management. There are annual increments, a variety of bonuses and allowances, and a pay rise at the promotion, therefore, the basic pays vary from department to department for the same grade.

The selection criterion of study participants will include the following:

1. Currently serving civil servants appointed in Lahore
2. Muslim
3. BPS: 1 – 22
4. Designated in either of these departments: MPDD, OPC, Railways

4.3.3 Sampling Technique

Data for quantitative phase of research was collected using convenience sampling technique. Snowball sampling technique was applied for qualitative data in this study. Snowball sampling is understood as a form of "convenience sampling" that facilitates access to individuals and groups that might otherwise be difficult to reach (Woodley & Lockard, 2016). Priority was given to the selection of participants from both genders, different marital statuses, and diverse ages to record rich and comprehensive data.

4.3.4: Target Sample

The target sample included civil servants appointed and serving in Lahore at the time of research. The three mapped departments for sampling were: MPDD (Management and Professional Development Department), OPC (Overseas Pakistanis Commission), and Railways Department, Lahore. MPDD is regulated by Administration and Finance wing, OPC is controlled under the Ministry of Overseas Pakistanis and Human Resource Development i.e., Labor wing, and Railways in Pakistan falls under the Communications wing of the civil service. Their regional offices in Lahore have been chosen for their convenience, considering female researcher's logistical needs, researcher's limited financial resources and her personal contacts at these institutions.

4.3.5: Sample Frame and Sample Size

Respondents of this study were recruited in the city of Lahore. The preliminary research for the sampling frame showed that MPDD and OPC are comparatively smaller departments with lesser staff and the Railways department has the most strength of the civil servants among the three selected departments. Therefore, the samples were collected in proportion (Table 4.3.5). According to Taro Yamane formula: $n = \frac{N}{1 + N(e)^2}$ to achieve the desired level of precision and variability of the population is 376. It was initially aimed at collecting 400 survey responses. For the qualitative part of the study, 20 participants were aimed at recruiting from the selected departments. Table 4.3.5 shows the summary of the sample frame and proportions.

Table 4.3.5: Sample Frame and Size

| Department | Filled Positions | Total Sanctioned Positions | Number of Questionnaires | Number of Qualitative Interviews |
|--------------|------------------|----------------------------|--------------------------|----------------------------------|
| MPDD | 46 | 54 | 10 | 5 |
| OPC | 64 | 136 | 20 | 5 |
| Railways | 7053 | 19235 | 370 | 10 |
| Total | 7163 | 19425 | 400 | 20 |

4.4 Study Questionnaire

This research explored the determinants influencing the accessibility of Talaq-e-Tafweez rights for Muslim women in Punjab, Pakistan. There's no previously existing research, qualitative or quantitative, specifically on the enabling and restricting factors of Clause 18, and no existing scales are available to be adopted. Therefore, the KAP instrument used in Al Ahdab, (2021) was modified. The adopted design and approach of cross-sectional, mixed methods was preferred to get hold of diverse and rich data.

There were three objectives of the research: (i) Assessing and comparing the knowledge, attitudes, and practices about Tafweez of Talaq, (ii) Determining the sociodemographic factors directly associated with the knowledge, attitudes, and practices of

Talaq-e-Tafweez and (iii) Evaluating the barriers and enablers of employing Clause 18. The first two objectives of research were explored and evaluated according to the quantitative methodology, KAP survey. Whereas the last objective of evaluating the facilitators and deterrents of Clause 18 was investigated with qualitative methods.

4.4.1. Quantitative Study

For the quantitative investigations a Knowledge, Attitudes, and Practices (KAP) survey used in Al Ahdab, (2021) was modified to suit this study. KAP survey becomes essential when no prior surveys have been executed within the target population or when there exist knowledge gaps even after previous surveys. KAP study aims to serve as a comprehensive assessment, striving to uncover fundamental knowledge, misconceptions, attitudes, beliefs, and behaviors pertaining to the specific subject (Andrade, Menon, Ameen, and Kumar Praharaj 2020). The survey in this study collected data regarding what respondents knew about Clause 18, what they felt about Talaq-e-Tafweez, and what they practiced in seeking the same.

4.4.1.1 Instrument

The survey has been divided into five sections:

- (i) Socio-demographics: It recorded the characteristics and basic description of the population.
- (ii) Knowledge: It contained questions testing the knowledge and awareness of respondents about the delegation of divorce.
- (iii) Attitudes: The segment had questions designed to gauge the prevailing attitudes, perceptions, and misconceptions.
- (iv) Practices: This assessed the actual practices and lived experiences of the population in general.

(v) Practices (ever-married population only): This section was subsidiary to Practices but was meant to collect responses specific to the ever-married population.

There were fifteen variables in the **socio-demographic** section to measure the characteristics of study population and the relevance of such characteristics with the access and employment of Talaq-e-Tafweez.

The sub-scale of '**Knowledge**' contained two sub-dimensions: Knowledge about the Nikah Nama and rights therein and knowledge on Talaq-e-Tafweez. It is central for both the husband and wife to have a clear understanding of terms and conditions of the Nikah Nama at the time of marriage in order to make informed decisions and protect their interests in the event of a marital dispute. 'Knowledge' measured the levels of understanding and awareness among the study population. It also determined the applicability and value of Clause 18 as known by the respondents. Finally, it investigated the knowledge of the civil servants about the frequently initiated option of 'Khula', with the goal of comparing the financial and legal aspects involved in filing and seeking a judicial divorce.

While providing response choices in 'Knowledge' of KAP surveys, it's essential to be cautious about not presenting an excessively wide array of options (Andrade, Menon, Ameen, & Kumar Praharaj, 2020). The answer options in this sub-scale were deliberately selected to be Yes, No, Don't Know. Dichotomous response options are easier to understand and respond to, for most respondents. Dichotomous and closed-ended options are also believed to add more clarity to the findings. The items were carefully worded to convey the true meaning. The total score for this segment is 0 – 20 (min – max).

The sub-scale of '**Attitude**' was designed to record views towards the importance of reading and understanding the contract of marriage. It captured the religious attitudes towards

delegation of the right to divorce. It integrated the social viewpoints, traditions, cultural and family norms with respect to Tafweez of Talaq. The section explored the symbolism of Talaq-e-Tafweez for Muslim women and how it is interpreted by civil servants. Additionally, it inquired on the views on the implications on the position and status of women if they are granted the right of delegated divorce. Further, it collected thoughts about the legal procedure for Talaq-e-Tafweez. It comprised three sub-factors measuring: General and cultural attitudes about Nikah Nama, Women's decision-making and employment of delegated divorce, and the legal navigation. The five-point Likert scale was used to evaluate the magnitude of the responses (Strongly disagree – Strongly agree). The total score for this segment was 0 – 60 (min – max).

The third construct of '**Practices**' recorded the responses about the general practices about Nikah Nama and the existing family traditions around Nikah as a fundamental aspect of marriage.

The fourth construct of '**Practices of ever married population**' gave a comprehensive insight into the actual, prevalent ways and lived experiences of married, divorced, and widowed civil servants. This section helped capture the instances where delegated divorce was conferred or refused. It was meant to explore if the population was aware of the content, meaning and application of Clause 18 at the time of marriage. In addition, the segment evaluated the role of religious clerics while solemnizing the contract of marriage.

The subscale included two sub-dimensions: Practices and experiences about Clause 18 and the role of religious clerics. This dimension assisted in measuring the actual experiences of the civil servants, depicting the on-the-ground situation. Realizing the fact that the survey designed for this study was lengthier than the usual surveys, and the sub-scale only focused on recording the presence or absence of practice, the response options for this construct were kept

dichotomous to save time of the respondents. The total score for this segment was 0 – 9 (min – max).

Appendix B: KAP Survey shares all the items in detail and Table 4.4.1.1 summarizes the scale.

Table 4.4.1.1: Summary KAP survey

| Sub-Scale | Sub-dimension | Scores |
|--|------------------------------------|---------------|
| Socio-demographics | Characteristics of population | None |
| Knowledge (Dichotomous) | Knowledge about Nikah Nama rights | 0 – 10 |
| | Knowledge on Talaq-e-Tafweez | 0 – 10 |
| Attitude (five-point Likert) | General and cultural attitude | 0 – 20 |
| | Women’s employment of Clause 18 | 0 – 28 |
| | Legal navigation | 0 – 12 |
| Practice (five-point Likert) | General Practices about Nikah Nama | 0 – 24 |
| Practice (ever-married population) (Dichotomous) | Practice about Clause 18 | 0 – 4 |
| | Role of Nikah Khuwan | 0 – 5 |

4.4.2. Qualitative Study

A qualitative questionnaire is a distinctive form of dialogue method to gather information. The interaction observes specific guidelines distinguishing it from the regular conversations (Olsen and St George, 2004). The qualitative evaluation was done on the third objective of the proposed research: assessing the barriers and enablers of employing Talaq-e-Tafweez.

4.4.2.1 Interview Guide

Besides the socio-demographic questions, a qualitative questionnaire, consisting of sixteen open-ended questions, was formulated to pursue quality data through in-depth interviews. The questionnaire focused at exploring barriers and enablers of employing Talaq-e-Tafweez through the lived experiences of civil servants.

The guide aimed at exploring the general views and opinions surrounding the phenomenon of divorce in Pakistani society. The detailed questions inquired about the cultural framework and the role of social, religious, and legal factors. It recorded the experiences of married people who have conferred/ claimed and utilized the right of Talaq-e-Tafweez, broader cultural context for the practice of Talaq-e-Tafweez, challenges and difficulties encountered during the process, any legal or procedural difficulties that may hinder the practice, societal acceptance for the women, and the role of family.

The questionnaire also aimed at exploring the facilitating factors for the employment of Clause 18. It examined the implications of conferring the delegated divorce within the context of divorce, possibility of granting more control and autonomy to the women in marriage, gender dynamics and equality within marriage, society's endorsement and role of social support, role of media, role of education system and the role of state in the utilization of clause 18.

The last section of the interview guide aimed at gathering relevant opinions and recommendations regarding women's access to the right of Talaq-e-Tafweez, any potential changes required to the legal and cultural landscape of divorce rights, and any additional insights or perspectives. (**Appendix C**)

4.4.3 Interview language

All face-to-face interviews were mostly conducted in English language. However, for further ease and comfort of expression in one's mother tongue, and to accommodate the lower cadres, the questions was also be translated into Urdu with the objective of obtaining rich and quality responses and was used where felt necessary.

4.5 Data Collection

KAP survey was used for gathering of quantitative data through cross sectional survey method. The KAP survey questionnaire was designed using Google Forms and distributed among the civil servants working in identified departments via gatekeepers and identified administrative staff through WhatsApp and emails (depending on the priority of the respondent). The filling out of the survey required approximately 20 minutes, depending on the respondent's capability to grasp each question and respond to the options.

Also, concurrently, in-depth interviews with the participants were conducted. Face-to-face interviews were scheduled at respondents' places of work, based on their convenience. Each interview was predicted to last approximately one hour. However, the duration varied based on the participants' comfort level and responses. To ensure accurate documentation, each interview was voice-recorded and subsequently transcribed.

4.6 Data Analysis

The data for the quantitative and qualitative investigations was analyzed separately and later integrated. Final conclusions and inferences were not drawn until data collection, recording, and analysis were complete, allowing for a comprehensive understanding of the findings.

4.6.1 Quantitative Analysis

The correlational approach measures two or more pertinent variables and assesses the associations among these variables. It's an objective method to explain the magnitude of the relationship between the variables. A specific advantage of correlational design is its capacity to calculate human behavior as it unfolds in daily life (Tillbrook, 2014), (Stangor, 2011).

For the purposes of quantitative analyses of the KAP survey, reliability analysis was performed to measure the internal consistency of the KAP survey. The hypotheses were tested. Multiple linear regression and correlation tests were used to show the direction and significance of the relationship between knowledge, awareness, and practices of employing Clause 18. The software of Statistical Package for the Social Sciences (SPSS) was utilized for the analysis and inferences.

4.6.2 Qualitative Analysis

For the qualitative investigations, content analysis was done. Every interview was efficiently transcribed, concurrent with data collection. The data analysis process involved thorough reading and re-reading of the transcribed data at a detailed level, examining each word and sentence. This thorough approach assisted an all-encompassing understanding of the data before breaking it down into meaningful parts for further analysis.

The software, computer assisted qualitative data analysis: NVivo, was utilized for the analysis. It facilitates coding and organizing data. Tags and labels were assigned to provide meaning to each segment. Once the coding of all the transcribed interviews was complete, categories and subcategories were created by clustering codes with similar ideas. Finally, themes were extracted from the categories and subcategories.

CHAPTER 5: RESULTS

This chapter presents the findings of the study. It has been divided into two parts: Quantitative Analyses and Qualitative Analyses. The quantitative method used KAP survey to assess the first two aims of the study: (i) assess similarities and differences in the level of knowledge, attitudes, and practices toward the delegation of the right to divorce to the wife (Talaq-e-Tafweez) among the civil servants in Lahore, Pakistan, and (ii) determine the specific sociodemographic factors associated with knowledge, awareness, and practices of Talaq-e-Tafweez. The qualitative research method of in-depth interviews was applied to achieve the third aim of the research i.e. assessing the restrictive and facilitating factors in employing Clause 18 among the civil servants in Lahore. The initial coding of interview data confirmed three levels of enabling and barring factors; 1) individual-level factors; 2) socio-cultural factors; and 3) institutional factors.

D) Quantitative Analyses – KAP Survey

The survey successfully exceeded the targeted participation numbers in each department. The collected data was expected to have missing values due to two foreseeable reasons: The KAP survey designed for this study targeted to capture married, unmarried as well as ever-married respondents and, the ethical considerations of study ensuring voluntary responses.

Questionnaire Composition

- Socio-demographic Variables: 15 questions
- Sub-scale “Knowledge”: 10 questions
- Sub-scale “Attitude”: 15 questions
- Sub-scale ‘General Practice’: 6 questions
- Sub-scale ‘Practice of Ever married population’: 9 questions
- Total: 55 questions

- Survey size: N=440

5.1 Reliability and Factor Analysis

Data reduction technique of factor analysis was run to explain the correlations between the items theoretically devised to assess specific dimensions in the instrument. Since the KAP questionnaire was modified and designed to suit the requirements of this study, it was deemed necessary to assess whether the questionnaire administered to measure the levels of ‘Knowledge’, ‘Attitude’ and ‘Practice’ of the civil servants had construct validity as well as internal consistency.

The internal consistency of the entire scale using Reliability statistics showed Cronbach's Alpha ($\alpha = .712$, 40 items) representing a good internal consistency. For the factor analysis, the oblique rotation of Direct Oblimin with Kaiser Normalization was utilized to assess the correlation of the factors. The sub-scales were theoretically known to the researchers therefore, fixed number of factors were extracted and small coefficients below .49 were suppressed. The values generated by rotated component matrix were maintained.

Knowledge

The sub-scale of ‘**Knowledge**’, measured at ordinal level, contained ten items. There were no outliers and the skewness of -.794 exhibited moderately strong skew of the data. Principal Component analysis was run to check the validity of the construct of ‘Knowledge’ and the results aligned with the theoretical expectations. All the ten items loaded together under two components in the table for component matrix; and the extraction values were all $> .5$ indicating the validity of the sub-scale to measure ‘Knowledge’ about Talaq-e-Tafweez. KMO value = .855 ($> .6$) showed the sampling adequacy, and the Bartlett test showed significance $< .001$ proving that the indicators were correlated. Furthermore, the internal consistency of the

sub-scale using Reliability statistics showed Cronbach's Alpha ($\alpha = .834$, 10 items) representing a good internal consistency of the sub-scale. (Table 5.1)

Attitude

The second sub-scale of '**Attitude**' contained continuous variables i.e., fifteen items. There were some outliers exhibited by the box plots and one was significant. There was an insignificant difference between the values of Mean and Median with a negative weak skew of $-.372$. The visuals denoted a moderate spread of data.

Principal Component analysis was run to check the validity of the construct of "Attitude". The results did not completely align with the theoretical expectations. Rotated Component Matrix did not load four indicators with the rest. The extraction values for all the loaded items were $> .5$. The communalities table was referred to for the values of the unloaded factors: item 3 (.082), item 4 (.130), item 8 (.613), and item 15 (.211). Table 5.1 presents the summary; however, these values have not been added to Table 5.1.

In the table for Component matrix, items 1, 2, 5, 6, 7, 13, and 14 loaded under one component. Items 9, 10, 11, and 12 loaded under the second component and none loaded under the third component. However, further evaluated, table for pattern matrix showed correlation between the standardized variables and loaded items 1, 2, 6, and 7 under the first component; items 9, 10, 11, and 12 under the second component; and items 5, 8, 13, and 14 under the third component. All the extracted values in three components were $> .5$ reflecting that the sub-scale was partially valid to measure 'Attitude' of the civil servants towards Talaq-e-Tafweez.

The scree plot showed four values above the Eigen value of 1: three clearly above and one faintly. $KMO = .787 (> .6)$ showed the sampling adequacy, and the Bartlett test showed significance $< .001$ proving that the indicators were correlated. Furthermore, the internal

consistency of the sub-scale was assessed using Cronbach's Alpha ($\alpha = .59$, 15 items) representing a poor internal consistency.

Practice in General

The third sub-scale of '**Practice in General**' intended to capture the family norms and general practices around Nikah Nama. The variables were measured at continuous level. There were no outliers as evident from the box plots. The weak negative skew of $-.336$ and insignificant difference between the values of Mean and Median reflected a moderate spread of data.

As summarized in Table 5.1, the internal consistency of the sub-scale was assessed using Cronbach's Alpha ($\alpha = .76$, 6 items) representing a statistically acceptable internal consistency. To confirm the construct validity, Principal Component analysis was run, and the results were found to be in consonance with the theoretical expectations of the sub-scale. The factor loading of items 1 – 5 was $> .5$ showing that all five variables loaded highly on General Practice about Talaq-e-Tafweez among the civil servants. However, item 6 did not load, and the Communalities table was referred to which showed extraction value of $.008$ that has been excluded from Table 5.1. The KMO value for this analysis was $.836$ which is statistically plenty. There were no outliers exhibited in the box plots. Bartlett's Test of Sphericity was statistically significant $< .001$ indicating the correlation of the variables.

Practices of Ever Married

The fourth sub-scale was designed to evaluate the experiences of the ever-married population (N= 363). The variables were measured at interval level. There were no outliers shown in the box plots. There was a minor difference between the values of Mean and Median with a very weak positive skew of $.130$ and therefore, the data exhibited a near-symmetrical distribution.

The extracted factor values in the Principal Component analysis were all $> .5$ except item 6 that did not load with the rest of the indicators. Although the Communalities table extracted its value of .465 yet has been excluded from Table 5.1. In the table for Component matrix, all the items except 6 loaded under one component. Item 8 loaded under both components but extracted lesser value (.535) under the second component and item 6 loaded under neither. To evaluate further, the table for pattern matrix was referred to which showed correlation between the standardized variables and loaded items 1, 2, 3, 4, 7 under the first component. It also loaded items 6, 8, and 9 under the second component. All the extracted values loaded highly and were $\geq .5$ reflecting that the sub-scale was authentic to measure the practices of the ever-married population among the civil servants.

The results aligned with the theoretical expectations of the sub-scale. The internal consistency of the sub-scale was assessed using Cronbach's Alpha ($\alpha = .845$, 9 items) representing statistically good internal consistency and reliability even after including the values of all the nine items. The KMO value was .817 which is statistically satisfactory. Bartlett's Test of Sphericity was $< .001$ signifying that the items were not orthogonal.

Table 5.1: Reliability and Factor Analysis

| Constructs and Items | Factor loading | Cronbach Alpha | Mean | Median | SD | KMO | Range |
|----------------------|----------------|----------------|-------|--------|------|------|-------|
| Knowledge | | | | | | | |
| Item 1 | .552 | .834 | 12.21 | 13.00 | 4.84 | .855 | 20 |
| Item 2 | .559 | | | | | | |
| Item 3 | .516 | | | | | | |
| Item 4 | .556 | | | | | | |
| Item 5 | .618 | | | | | | |
| Item 6 | .742 | | | | | | |
| Item 7 | .762 | | | | | | |
| Item 8 | .718 | | | | | | |
| Item 9 | .588 | | | | | | |
| Item 10 | .693 | | | | | | |
| Attitude | | | | | | | |
| Item 1 | .588 | .594 | 35.60 | 36.00 | 5.95 | .787 | 43 |
| Item 2 | .696 | | | | | | |
| Item 5 | .520 | | | | | | |

| | | | | | | | |
|--------------------------------|-------|------|-------|-------|------|------|----|
| Item 6 | .694 | | | | | | |
| Item 7 | .736 | | | | | | |
| Item 9 | -.675 | | | | | | |
| Item 10 | .757 | | | | | | |
| Item 11 | .784 | | | | | | |
| Item 12 | .544 | | | | | | |
| Item 13 | .559 | | | | | | |
| Item 14 | .545 | | | | | | |
| Practice in General | | | | | | | |
| Item 1 | .754 | .767 | 11.78 | 12.00 | 4.63 | .836 | 24 |
| Item 2 | .827 | | | | | | |
| Item 3 | .842 | | | | | | |
| Item 4 | .727 | | | | | | |
| Item 5 | .801 | | | | | | |
| Practice of Married Population | | | | | | | |
| Item 1 | .668 | .845 | 4.31 | 4.00 | 2.84 | .817 | 9 |
| Item 2 | .777 | | | | | | |
| Item 3 | .651 | | | | | | |
| Item 4 | .797 | | | | | | |
| Item 5 | .663 | | | | | | |
| Item 7 | .724 | | | | | | |
| Item 8 | .605 | | | | | | |
| Item 9 | .630 | | | | | | |

(Rotated Component Matrix)

5.2 Univariate Analyses

5.2.1 Socio-demographics

Table 5.2 presents the socio-demographics, frequencies, and percentages of the respondents of this study.

i) Gender

87% i.e. 383 respondents were male civil servants. 13%; 57 of the respondents were female civil servants.

ii) Age

In the age distribution of the sampled civil servants, 39 respondents (8.9%), the least as compared to the other tiers, responded to the option of 18-25. 175 respondents (39.8%) i.e. the majority of respondents (Mean= 2.60, SD= .877) reported to be within the brace of 26-38. 149 respondents (33.9%) were within the ages of 39-50. 77 respondents (17.5%) reported to be of age 51 and above.

iii) Highest Educational Degree

There were six response options for the variable. Out of 440, 7 respondents (1.6%) responded as having 'no formal education'. 72 (16.4%) responded as having a 'Matriculation' degree. Most respondents 43% (N=189) replied to the option of 'Bachelors' (Mean 3.32, SD .989) and 140 (31.8%) responded as having a master's degree as their highest. Only 2.5% (N=11) reported as having acquired a PhD. Whereas 21 of the respondents (4.8%) responded to the option of 'professional degree'.

iv) Department in Civil Service

Three departments of civil service were targeted for the data collection. A total of 440 respondents responded to the survey. MPDD accounted for 4.1% of the total respondents (n=18). The original target of 10 surveys was surpassed. The department of OPC represented 6.6% of the total respondents (n=29). The goal of 20 surveys was exceeded. As aimed, the majority of respondents were from the department of Railways (Mean 2.85, SD .456), constituting 89.3% (n=393). The target of 370 surveys in the Railways department was outperformed.

v) Basic Pay-scale

There were five tiers for this variable. 28 (6.4%) respondents had BPS 1 – 5. 15%, 66 respondents fell under 6 – 10. 50.2% i.e., half of the respondents (N=221) reported their BPS

within 11 – 16 (Mean 3.08, SD .957). 91 respondents (20.7%) responded to the option of 17 – 20 and 7.7% (N=34) reported their BPS as above 20.

vi) Years of Experience in Civil Service

Among 440 respondents, 79 (18%) had experience between 1 – 6 years. 22.7% (N=100) reported their service experience within 7 – 12 years. 123 (28%) responded to the option of 13 – 19 years and the majority of respondents (N=138, 31.4%) selected the option of ‘20 and above’ (Mean 2.73, SD 1.09).

vii) Religious Affiliation Within Islam

A huge majority of respondents (N=393, 89.3%) belonged to the Sunni sect of Islam (Mean 1.15, SD .456). 29 respondents 6.6% were from the Shia sect and 18 respondents (4.1%) reported to have affiliation other sects of Islam.

viii) Father’s Education

156, majority of respondents (35.5%) reported their father’s educational level as ‘no formal education’ (Mean 2.14 SD 1.078). 30.5% (N=134) responded as ‘Intermediate’. 84 respondents (19.1%) responded to ‘Bachelors’. 14.3% (N=63) respondents chose ‘Masters’ and only 3 (.7%) reported their father’s educational level at ‘Doctorate’.

ix) Father’s Occupation

Out of 440 respondents, 32 (7.3%) responded to ‘Unemployed’. 13.6% (N=60) replied as ‘Employed’ (Mean 3.73, SD 1.266). 56 (12.7%) reported their father’s education as ‘Self-employed’ and 140 civil servants (31.8%) responded to the option of ‘Retired’. Whereas most respondents, 152 (34.5%) reported their fathers as ‘Deceased’.

x) Marital Status

69 of the respondents (15.7%) responded as 'Never married'. However, the majority of our respondents were married as 354 (80.5%), reported as 'Currently married' (Mean 1.88, SD .426). Only 17 respondents (3.9%) were 'Divorced/separated'.

xi) Number of Marriages

Most of the respondents i.e., 344 (78.2%) reported to have married once (Mean 1.92, SD .460). 15% (N=66) were unmarried and 30 respondents (6.8) reported having married more than once.

xii) Cousin Marriage

142 respondents (32.3%) responded as 'Yes'. Whereas the majority, 60.9% (N=268) responded to the option 'No' (Mean 1.65, SD .476). There were 30 missing values (6.8%) which were re-coded as -99.

xiii) Type of Marriage

This variable had 32 (7.3%) missing values re-coded as -99, Mean 2.02, SD .567. The majority of respondents N=277 (63%) had 'Arranged' marriages. 13.9% (N=61) responded to the option of 'Love' marriage and 70 respondents (15.9%) reported as 'Both'.

xiv) Spouse's Education

76 respondents (17.3%) responded that their spouses had 'no formal education'. 98 (22.3%) of the respondents responded to the option of 'Intermediate'. The majority of respondents, 27.3% (N=120) opted for 'Bachelors', (Mean 2.68, SD 1.118). 98 (22.3%) responded to 'Masters' and spouses of only 11 respondents (2.5%) had a 'Doctorate'. There were 37 (8.4%) missing values that were re-coded as -99.

xv) Spouse's Occupation

A majority of respondents N=242 (55%) reported that their spouse was ‘Not working’ (Mean 2.61, SD .615). 131 respondents replied as ‘Working’, depicting 29.8% as pursuing career. 18 (4.1%) responded to the option of ‘Student’ that reflects a continued study after marriage. 10 respondents (2.3%) reported their spouse as deceased. There were 39 (8.9%) missing values for this variable.

Table 5.2 Socio-Demographic

| Socio-demographic variables | F | % |
|---|----------|----------|
| Gender | | |
| Male | 383 | 87% |
| Female | 57 | 13% |
| Age | | |
| 18 – 25 | 39 | 8.9% |
| 26 – 38 | 175 | 39.8% |
| 39 – 50 | 149 | 33.9% |
| 51 and above | 77 | 17.5% |
| Highest Educational degree | | |
| No formal Education | 7 | 1.6% |
| Matriculation | 72 | 16.4% |
| Bachelor's | 189 | 43.0% |
| Master's | 140 | 31.8% |
| Doctorate | 11 | 2.5% |
| Professional | 21 | 4.8% |
| Department in civil service | | |
| MPDD | 18 | 4.1% |
| OPC | 29 | 6.6% |
| Railways | 393 | 89.3% |
| Basic Pay-scale (BPS) | | |
| 1 – 5 | 28 | 6.4% |
| 6 – 10 | 66 | 15.0% |
| 11 – 16 | 221 | 50.2% |
| 17 – 20 | 91 | 20.7% |
| 20 and above | 34 | 7.7% |
| Years of Experience in civil service | | |
| 1 – 6 | 79 | 18.0% |
| 7 – 12 | 100 | 22.7% |
| 13 – 19 | 123 | 28.0% |
| 20 and above | 138 | 31.4% |
| Religious Affiliation within Islam | | |
| Sunni | 393 | 89.3% |
| Shia | 29 | 6.6% |
| Other | 18 | 4.1% |
| Father's Education | | |

| | | |
|----------------------------|-----|-------|
| No formal education | 156 | 35.5% |
| Intermediate | 134 | 30.5% |
| Bachelors | 84 | 19.1% |
| Masters | 63 | 14.3% |
| Doctorate | 3 | 0.7% |
| Father's Occupation | | |
| Unemployed | 32 | 7.3% |
| Employed | 60 | 13.6% |
| Self-employed | 56 | 12.7% |
| Retired | 140 | 31.8% |
| Deceased | 152 | 34.5% |
| Marital Status | | |
| Never married | 69 | 15.7% |
| Currently married | 354 | 80.5% |
| Divorced/separated | 17 | 3.9% |
| Number of Marriages | | |
| No marriage | 66 | 15.0% |
| One | 344 | 78.2% |
| More than one | 30 | 6.8% |
| Cousin Marriage | | |
| Yes | 142 | 32.3% |
| No | 268 | 60.9% |
| Type of Marriage | | |
| Love | 61 | 13.9% |
| Arranged | 277 | 63.0% |
| Both | 70 | 15.9% |
| Spouse's Education | | |
| No formal education | 76 | 17.3% |
| Intermediate | 98 | 22.3% |
| Bachelors | 120 | 27.3% |
| Masters | 98 | 22.3% |
| Doctorate | 11 | 2.5% |
| Spouse's Occupation | | |
| Student | 18 | 4.1% |
| Working | 131 | 29.8% |
| Not working | 242 | 55.0% |
| Deceased | 10 | 2.3% |

5.3 'Knowledge' regarding Talaq-e-Tafweez

Table 5.3 exhibits the knowledge of the respondents about delegated divorce. The sub-scale of 'Knowledge' was composed of two sub-dimensions. Indicators 1 – 5 measured, 'Knowledge about Nikah Nama' (Mean 7.0, SD 2.2). Indicators 6 – 10 evaluated 'Knowledge on Talaq-e-Tafweez' (Mean 5.1, SD 3.3). There were no missing values in the sub-scale.

Table 5.3 Knowledge Regarding Talaq-e-Tafweez

| Statements | Correct response n (%) | Incorrect response n (%) | Don't know n (%) |
|--|-----------------------------------|---|-----------------------------|
| 1. The key elements of a Nikah Nama include the legal rights of both spouses. | 327 (74.3%) | 35 (8.0%) | 78 (17.7%) |
| 2. All Nikah Nama agreements require identical terms and conditions for both husband and wife. | 59 (13.4%) | 312 (70.9%) | 69 (15.7%) |
| 3. Nikah Nama includes the wife's rights of Haq-Mehr (dower). | 406 (92.3%) | 12 (2.7%) | 22 (5.0%) |
| 4. It is possible to restrict the husband's right to divorce in the Nikah Nama. | 129 (29.3%) | 219 (49.8%) | 92 (20.9%) |
| 5. The Nikah Nama includes conditions about the wife's rights to maintenance and monthly allowance. | 288 (65.5%) | 92 (20.9%) | 60 (13.6%) |
| 6. Clause 18 of Nikah Nama has provisions about Talaq-e-Tafweez. | 183 (41.6%) | 75 (17.0%) | 182 (41.4%) |
| 7. Talaq-e-Tafweez is a form of divorce that can be initiated by the wife. | 207 (47.0%) | 93 (21.1%) | 140 (31.8%) |
| 8. Talaq-e-Tafweez requires a husband's consent. | 173 (39.3%) | 115 (26.1%) | 152 (34.5%) |
| 9. A woman undergoes the same legal process whether she seeks Khula or exercises the right of Talaq-e-Tafweez. | 102 (23.2%) | 181 (41.1%) | 157 (35.7%) |
| 10. As compared to Khula, Talaq-e-Tafweez is a cheaper and faster option. | 211 (48.0%) | 69 (15.7%) | 160 (36.4%) |

It was evident that the majority knew that a Nikah Nama includes the legal rights for both the parties. However, although the contract can be customized, 70.9% of the respondents were under the misconception that all the Nikah Nama(s) require the same terms and conditions. The rights of Haq Mehr and Maintenance were known to the majority but the knowledge about the restrictions on the husband's right to divorce wasn't as 49.8% chose the wrong option.

On the questions about knowledge on Talaq-e-Tafweez, two equally notable values emerged under the options of ‘Don’t know’ (41.4%) and ‘Yes’ (41.6%). The majority of our respondents were male, and they reported knowledge about the fact that Talaq-e-Tafweez is a right where divorce can be initiated by the wife and necessitates husband’s consent in delegating the right. However, n=181 (41.1%) selected the wrong option when asked about the procedural difference between Khula and Talaq-e-Tafweez. 48% agreed that as compared to Khula, Talaq-e-Tafweez was a cheaper and faster option.

5.4 Attitudes towards Talaq-e-Tafweez

Table 5.4 shows the details of the responses for the ‘Attitudes’ regarding Talaq-e-Tafweez among the civil servants in Lahore. The sub-scale assessed three sub-dimensions. Indicators 1 – 5 measured, ‘General and cultural attitudes’ (Mean 12.59, SD 2.71). Indicators 6 – 12 measured, ‘Women’s decision-making and employment of delegated divorce’ (Mean 15.6, SD 3.13) and indicators 13 – 15 measure the sub-dimension of ‘Legal navigation’ (Mean 7.37, SD 2.11).

Table 5.4: Attitudes towards Talaq-e-Tafweez

| Statements | SA* | A* | N | DA* | SDA* |
|--|----------------|----------------|----------------|---------------|--------------|
| 1. It is essential to read any contract, including the Nikah Nama, before signing. | 185 (42%) | 171 (38.9%) | 44 (10.0%) | 17 (3.9%) | 23 (5.2%) |
| 2. It is important for every Muslim to know his/her rights under the Nikah Nama. | 211 (48.0%) | 174 (39.5%) | 27 (6.1%) | 8 (1.8%) | 20 (4.5%) |
| 3. The Nikah Nama is more protective of the rights of a husband. | 40 (9.1%) | 170 (38.6%) | 137 (31.1%) | 65 (14.8%) | 28 (6.4%) |
| 4. Considering Talaq-e-Tafweez as "un-Islamic" is a common opinion among people. | 33 (7.55) | 151 (34.3%) | 162 (36.8%) | 61 (13.9%) | 33 (7.5%) |
| 5. Discussing divorce and Clause 18 before marriage can be a positive and productive experience. | 46 (10.5%) | 179 (40.7%) | 123 (28.0%) | 68 (15.5%) | 24 (5.5%) |
| 6. It is important to educate Muslim women about their legal rights in marriage. | 179 (40.7%) | 202 (45.9%) | 35 (8.0%) | 10 (2.3%) | 14 (3.2%) |

| | | | | | |
|--|----------------|----------------|----------------|---------------|--------------|
| 7. Muslim women should participate in decision-making related to the terms of their Nikah Nama. | 131 (29.8%) | 231 (52.5%) | 45 (10.2%) | 19 (4.3%) | 14 (3.2%) |
| 8. Talaq-e-Tafweez is a legal and equitable way for Muslim women to end their marriages. | 34 (7.7%) | 179 (40.7%) | 128 (29.1%) | 56 (12.7%) | 43 (9.8%) |
| 9. Women should avoid exercising their delegated right to divorce because it could make them economically dependent on their families. | 54 (12.3%) | 171 (38.9%) | 110 (25.0%) | 81 (18.45) | 24 (5.5%) |
| 10. Women should refrain from exercising their delegated right to divorce because it could have a negative impact on their children. | 74 (16.8%) | 203 (46.1%) | 80 (18.2%) | 62 (14.1%) | 21 (4.8%) |
| 11. Women should avoid using the right of delegated divorce because talaq brings dishonor to their family. | 59 (13.4%) | 168 (38.2%) | 94 (21.4%) | 92 (20.9%) | 27 (6.1%) |
| 12. Granting women the authority to initiate divorce will reduce their willingness to compromise in marriage. | 40 (9.1%) | 172 (39.1%) | 120 (27.3%) | 80 (18.2%) | 28 (6.4%) |
| 13. Accessing judicial divorce (Khula through court) is a troublesome and lengthy process for women. | 69 (15.7%) | 229 (52.0%) | 84 (19.1%) | 41 (9.3%) | 17 (3.9%) |
| 14. For women, the legal procedure for Talaq-e-Tafweez is simpler and easier to navigate than the procedure for Khula. | 24 (5.5%) | 180 (40.9%) | 158 (35.9%) | 52 (11.8%) | 26 (5.9%) |
| 15. Haq-Mehr is usually required to be surrendered by women for demanding Khula. | 41 (9.3%) | 219 (49.8%) | 96 (21.8%) | 57 (13.0%) | 27 (6.1%) |

* **SA= Strongly Agree, A=Agree, N=Neutral, DA=Disagree, and SDA=Strongly Disagree.**

The results for the first sub-dimension of general and cultural attitudes depict that majority of the respondents strongly agreed (42%) or agreed (38.95%) that it is crucial to understand any contract including the Nikah Nama before signing and it is important for every Muslim to know his/her rights granted and secured by the contract of marriage.

The analysis reveals that most of the respondents agreed (38.6%) or strongly agreed (9.1%) to the false outlook that the prevalent Nikah Nama is more protective of the rights of a husband than those of a wife. 36.8% of the respondents selected the option of 'Neutral' when they had to respond if Talaq-e-Tafweez was considered unislamic, revealing the lack of

information about the religious reference on the right of delegated divorce. For the statement, whether it's productive and positive discussing Clause 18 and divorce matters before entering marriage, most of the respondents strongly agreed (10.5%) or agreed (40.7%). However, 28% opted for the option, 'Neutral', reflecting an indifferent attitude.

The results for the second sub-dimension of women's decision-making exhibit that a majority of respondents strongly agree (40.7%) or agree (45.9%) that Muslim women should be educated about the legal matrimonial rights and the women should participate in the decisions about the terms and conditions of their marriage. Majority also agreed (40.7%) or strongly agreed (7.7%) that Talaq-e-Tafweez is a legal and equitable way for Muslim women to end their marriages. 29.1% of the respondents selected 'Neutral.' Most of the respondents: 12.3% strongly agreed and 28.9% agreed that exercising the right of Talaq-e-Tafweez should be avoided as women are likely to become financially dependent on their families. A vast number of respondents agreed (46.1%) or strongly agreed (16.8%) that women should avoid exercising the delegated right of divorce as it can negatively impact their children. The majority of the respondents also agreed (38.2%) or strongly agreed (13.4%) that divorce carries stigma and dishonor for their families therefore exercising the right of Talaq-e-Tafweez should be refrained from. Lastly, a substantial number of respondents either agreed (39.1%) or strongly agreed (9.1%) that granting women the authority to initiate divorce will reduce their willingness to compromise in marriage.

The results for the third sub-dimension measuring legal navigation of divorce matters depict that most of the respondents either strongly agreed (15.7%) or agreed (52%) that judicial divorce (Khula) is a lengthy and troublesome process for women. Majority agreed that women are required to forgo their Haq Meher and the legal procedure for Talaq-e-Tafweez is simpler and easier to navigate as compared to the route of Khula.

5.5 General Practice Regarding Talq-e-Tafweez

Table 5.5 shows the results for the responses about the general practice about the delegated divorce among the population of civil servants in Lahore (Mean 11.78, SD 4.63). It provides an insight into the ground reality towards Talaq-e-Tafweez. Most respondents agreed (38.9%) or strongly agreed (12.7%) that it's not a common practice in their families to read or explain the Nikah Nama to the bride and groom before they sign it. Most of the respondents agreed (44.8%) or strongly agreed (11.6%) that only the male elders decide the terms of the Nikah Nama in their families. The majority agreed (35.7%) or strongly agreed (9.3%) that as a common prevalent practice, opinions of the bride are not thought necessary to decide about the various clauses of Nikah Nama. It was widely agreed (38.9%) and strongly agreed (9.3%) that women do not know about their rights under the Nikah Nama. It was disagreed (36.4%) and strongly disagreed (33.6%) by a majority of respondents that Talaq-e-Tafweez was practiced in their families.

Table 5.5: General Practices towards Talaq-e-Tafweez

| Statements | SA* | A* | N | DA* | SDA* |
|---|---------------|----------------|---------------|----------------|-------------|
| 1. In my family, the Nikah Nama is NOT read or explained to the bride and groom before they sign it. | 56 (12.7%) | 171 (38.9%) | 58 (13.2%) | 115 (26.1%) | 40 (9.1%) |
| 2. In my family, only the male elders decide the terms of the Nikah Nama. | 51 (11.6%) | 197 (44.8%) | 73 (16.6%) | 85 (19.3%) | 34 (7.7%) |
| 3. In my family, opinions of the bride are not thought necessary to decide about the various clauses of Nikah Nama. | 41 (9.3%) | 157 (35.7%) | 94 (21.4%) | 106 (24.1%) | 42 (9.5%) |
| 4. In my family, opinions of the groom are not thought necessary to decide about the various clauses of Nikah Nama. | 23 (5.2%) | 143 (32.5%) | 89 (20.2%) | 145 (33.0%) | 40 (9.1%) |
| 5. In my family, women do not know about their rights under the Nikah Nama. | 41 (9.3%) | 171 (38.9%) | 70 (15.9%) | 121 (27.5%) | 37 (8.4%) |

| | | | | | |
|--|-------------|--------------|---------------|----------------|-------------|
| 6. Talaq-e-Tafweez is commonly practiced in my family. | 6 (1.4%) | 43 (9.8%) | 83 (18.9%) | 160 (36.4%) | 148 (33.6%) |
|--|-------------|--------------|---------------|----------------|-------------|

* *SA= Strongly Agree, A=Agree, N=Neutral, DA=Disagree and SDA=Strongly Disagree.*

Implication of 'Neutral'

Since the sub-scales except the one assessing the practices of ever-married population required compulsory responses, many respondents as reproduced in the table 5.4 and 5.5 chose the option of 'Neutral'. Mode for four statements was the third option i.e., 'Neutral'. The option indicates a lack of strong opinion and feeling about the statement. There is a probability that the respondents felt uncertain about their opinion and did not feel strong enough to lean towards agreement or disagreement. However, a cynical interpretation may be that there was a lack of engagement with the questions in the survey or the respondents were unable to completely comprehend the question as in some cases, 'Neutral' indicates uncertainty or a lack of knowledge about the topic.

5.6 Practice of Ever-Married Civil Servants Towards Talq-e-Tafweez

Table 5.6 presents the results about the actual practices of married, divorced, and widowed respondents among our population. 371 out of 440, (84.4%) respondents fell under the category of ever-married civil servants. Indicators 1 – 4 measured the sub-dimension of 'Practice about Clause 18' (Mean 1.64, SD 1.52). Items 5 – 9 measured the sub-dimension of, 'Role of Nikah Khuwan' (Mean 2.69, SD 1.65). The frequency and percentage in Table 5.6 depicts the actual number of respondents who responded to this subscale. The data and the missing values indicated that not every married respondent chose to answer the statements under this subscale indicating the probable reluctance to respond about the personal/ individual practices. There is also a likelihood that since the survey was comparatively lengthier and the

fourth subscale of assessing ever-married population was not mandatory to respond, some respondents skipped the questions.

Table 5.6: Practice of ever-married towards Talaq-e-Tafweez

| Statements | Yes n (%) | No n (%) |
|--|------------------|-----------------|
| 1. I had thoroughly read and understood the terms of my Nikah Nama before signing it. | 240 (54.5%) | 146 (33.2%) |
| 2. I was fully aware of Clause 18 (Talaq-e-Tafweez) at the time of my Nikah. | 155 (35.2%) | 229 (52.0%) |
| 3. I granted/demanded the right of Talaq-e-Tafweez in my Nikah Nama. | 104 (23.6%) | 276 (62.7%) |
| 4. I was fully aware of the legal requirements and procedure for Clause 18 (Talaq-e-Tafweez) at the time of Nikah. | 140 (31.8%) | 244 (55.5%) |
| 5. At the time of my Nikah, the Nikah Khuwan properly informed me regarding rights about maintenance. | 205 (46.6%) | 178 (40.5%) |
| 6. At the time of my Nikah, the Nikah Khuwan informed me regarding rights about Haq-Mehr. | 309 (70.2%) | 75 (17.0%) |
| 7. At the time of my Nikah, the Nikah Khuwan informed me regarding rights about Talaq-e-Tafweez. | 109 (24.4%) | 275 (63.0%) |
| 8. None of the sections in the Nikah Nama were cut out without my knowledge. | 210 (47.7%) | 172 (39.1%) |
| 9. None of the sections in the Nikah Nama were cut out without my consent. | 205 (46.6%) | 176 (40.0%) |

The majority of respondents (54.5%) affirmed to the statement that they had thoroughly read and understood the terms of their Nikah Nama before signing. However, the results for the second statement somehow contradict where 52.0% of the respondents reported that they were not aware of Clause 18 at the time of their Nikah. 62.7% have confirmed that they had not employed Clause 18, and 55.5% of the respondents were not aware of the legal requirements and procedure for Talaq-e-Tafweez at the time of Nikah.

The results for the second sub-dimension, assessing the role of Nikah Khuwan showed positive responses by the majority of respondents. It was affirmed by many respondents that Nikah Khuwan informed them about the rights on maintenance (46.6%) and Haq Mehr (70.2%). However, the majority of respondents N=275 (24.8%) reported that they were not informed about the right of Talaq-e-Tafweez by the Nikah Khuwan. Many respondents held

that clauses of Nikah Nama were not cut out without their knowledge (47.7%) and consent (46.6%).

5.7 Hypotheses Testing

5.7.1 Hypothesis: *There will be a positive correlation between the civil servant's level of knowledge attitude and practice of Talaq-e-Tafweez, as measured by the KAP survey instrument.*

Statistical tests were aimed at measuring the strength and direction of the association between the variables of 'Knowledge', 'Attitude' and 'Practice'. Composite variables were entered for the analysis. The Shapiro-Wilk test was run to assess the normality of the distribution of data. Expectations for the normal distribution was violated as $p < .001$ for all three KAP variables. The cloud in the scatterplots showed homoscedasticity but no linear relationship was evident between the data points. Furthermore, the variable of 'Attitude' showed outliers. Assumptions for Pearson Correlation coefficient could not be met and monotonic relationship among the variables was established therefore, non-parametric test of Spearman's rank-order correlation coefficient was preferred to be performed.

The correlation values between 'Knowledge' and 'Attitude' $r_s = .126$ exhibited a weak positive correlation. While the p value was statistically significant at .01, the results indicated a slight tendency for the variables to increase together. It denoted that 'Knowledge' does influence the 'Attitude' of utilizing the right of delegated divorce. Although weak, the positive correlation did prove that increase in knowledge about Talaq-e-Tafweez had affected the affirmative attitudes towards acceptance of the same as an Islamic right and legal provision.

The correlation values between 'Knowledge' and 'Practice' $r_s = -.067$ showed a very weak, negative correlation. Statistically, the results reflected upon the slightest possibility for the variables to move in opposite directions but practically the association was close to zero

thus negligible. However, the results reinforced the theoretical expectations and the strategic role of ‘Attitude’ towards practicing Talaq-e-Tafweez, implying that the right mode and direction of Knowledge can enable the development of supportive Attitude that can potentially encourage the Practice of employing the right of delegated divorce.

The correlation values between ‘Attitude’ and ‘Practice’ $r_s = .231$ rendered comparatively better scores and presented a small positive correlation. The p value was statistically significant at .01, and the results indicated a slight to moderate tendency for the variables to increase together. The results optimistically prove that increase in the Attitude, inclusive of the cultural dimensions and legal navigational viewpoints, had positively impacted the Practice of Talaq-e-Tafweez, and utilization of Clause 18.

Additionally, to analyze the relationship between ‘Knowledge’ and the fourth subscale of ‘Practices of ever married’, measuring the experiences of the married segment of our population of civil servants. The correlation scores between ‘Knowledge’ and the ‘Practices of ever married’ were .314 indicating a positive moderate association. Correlation was statistically significant $p < .001$ and the results showed moderate tendency for the variables to increase together, proving that increase in ‘Knowledge’ had played a role in the increase of the employment of Talaq-e-Tafweez as per the married respondents.

Table 5.7.1: Spearman’s Correlation

| Variable | M | SD | Knowledge | Attitude | Practice | Practice (ever married) |
|-------------------------|-------|------|-----------|----------|----------|-------------------------|
| Knowledge | 12.21 | 4.84 | - | | | |
| Attitude | 35.60 | 5.95 | .126** | - | | |
| Practice | 11.78 | 4.63 | -.067 | .231** | - | |
| Practice (ever married) | 4.31 | 2.84 | .314** | -.077 | -.272** | - |

Note: ** Correlation is significant 0.01

Regression Analysis

For further investigation, it was preferred to perform the Standard Multiple Regression analysis to predict the change in the variable of 'Practice' caused by the independent variables of 'Knowledge' and 'Attitude'. Shapiro-Wilk test declared that none of the variables were normally distributed $< .001$ and there were some outliers exhibited in the variable of 'Attitude'. Nonetheless, the analysis was performed to check the prediction.

The Mean values of both predictor variables showed differences i.e., Knowledge: 12.2, Attitude: 35.6. The table for Correlations showed the values: Knowledge -.112, Attitude .251. Since all values were $< .7$, it reflected no collinearity and established that all three independent variables were not multicollinear. All the scores were $< .3$ (-.112 and .251) showing weak correlations between the predictor variables with Practice.

In the visual investigation of P-P Plot, there were deviations in the central part but generally most of the points fell either close to the line or in it. The Scatterplot values were between $-3 - 2$ (only one value slightly above 2) which was statistically acceptable as none of the values was < 3 or > 3 . There was no heteroscedasticity.

Standard residual values: min -3.05 max 2.18 were within statistically acceptable range. Cook's distance value was .007 (< 1) which was adequate. There was independence of residuals as assessed through Durbin-Watson statistics which was within the statistic range: 1.86 indicating no significant autocorrelation and the possibility of positive correlation among the residuals. There was no threat of multicollinearity as the tolerance values for both independent variables were > 0.2 (.989) and VIF values were less than 5 (1.01). Case-wise diagnostics generated one significant outlier which was included in the analysis. Adjusted R^2 value = .078 indicated only 7.8% of the variance caused in 'Practice' by 'Knowledge' and 'Attitude' towards Talaq-e-Tafweez which was statistically significant $< .001$. The ANOVA table showing $p = .001$ approved of rejecting the null hypothesis.

The results overall showed that the model predicting ‘Practice’ from ‘Knowledge’ and ‘Attitude’ was statistically significant, $F(2, 437) = 19.62$, $p < .001$, $R^2 = .082$, $\text{adj. } R^2 = .078$. This shows that the model explained 7.8% variance.

The unstandardized Beta value of ‘Knowledge’ showed that one unit change in it, resulted -.134 units change in ‘Practice’ negatively. $t = -3.04$, 95% CI: $-.221 - .047$, $p = .002$. The unstandardized Beta value of ‘Attitude’ showed that one-unit increase resulted in .207 units change in ‘Practice’: $t = 5.76$ 95% CI: $.136 - .277$, $p < .001$. The p values were all significant, indicating the position variance. The standard Coefficient Beta values of ‘Knowledge’ (-.140) and ‘Attitude’ (.266) proved that the predictor variable of ‘Attitude’ had greater contribution in creating an impact on the ‘Practice’. The correlation score of .251 also indicated that as compared to having ‘Knowledge’, a mindset portrayed by ‘Attitude’ contributed more to the employment of Talaq-e-Tafweez.

Table 5.7.1.1: Standard Multiple Regression Analysis

| Variable | Beta | SE | CI | | B | t | R | p |
|-----------|-------|------|-------|-------|-------|-------|-------|------|
| | | | LB | UB | | | | |
| Constant | 6.058 | 1.38 | | | | 4.49 | | .000 |
| Knowledge | -.134 | .044 | -.221 | -.047 | -.140 | -3.04 | -.112 | .002 |
| Attitude | .207 | .036 | .136 | .277 | .266 | 5.76 | .251 | .000 |

Note: $p < .05$

5.7.2 Hypothesis: There will be a significant Mean difference in knowledge, attitude, and practices with respect to sociodemographic variables of civil servants.

To test the hypothesis, three variables were assessed: Age, Highest educational degree, and Marital Status. The hypothesis aims at determining the impact of different socio-demographics variables of the civil servants on the levels of Knowledge, Attitude and Practice regarding Talaq-e-Tafweez.

5.7.2.1: Age

To test the difference among the mean values of 'Knowledge', 'Attitude' and 'Practice' among the different age groups, we had the four-categorical independent variable of 'Age' and the dependent variables of 'Knowledge', 'Attitude' and 'Practice', computed, and measured at continuous levels. To assess the fulfillment of the assumptions for One-Way ANOVA, the distribution of data was measured. According to the Shapiro Wilk test results, the p-value was not $> .05$ for all the categories of the variable of 'Age' which indicated that there was no normal distribution of the data, and some outliers also existed. There was no homogeneity of variance as Levene's statistic was $< .05$ for the variables of 'Knowledge' and 'Practice'. The assumptions of one-way ANOVA could not be met therefore, a non-parametric test of Kruskal Wallis H was run to determine if there were differences in the scores of 'Knowledge', 'Attitude' and 'Practice' among all age-groups: "18-25" (n = 39), "26-38" (n = 175), "39-50" (n = 149) and "51 and above (n = 77).

Distributions of '**Knowledge**' scores for the age categories were somewhat similar, as assessed by visual inspection of the box plots. A bar chart was created for thorough evaluation. The second category appeared larger, but the difference reflected was trivial. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .285. SPSS did not generate multiple comparisons as the overall results did not show significant differences amongst the collected samples. The scores for 'Knowledge' about Talaq-e-Tafweez were not statistically significantly different between the four age groups of civil servants: $\chi^2(3) = 3.790$, $p = .285$. Hence, the hypothesis was rejected for the variable of 'Knowledge' as the test results reflected no significant differences across the samples among all age-groups: "18-25" (Mean 11.00), "26-38" (Mean 12.62), "39-50" (Mean 12.18) and "51 and above (Mean 11.96). Age groups had no significant impact on the levels of Knowledge about Talaq-e-Tafweez.

Spreading of the '**Attitude**' scores for the age categories were analogous as evaluated by visual inspection of the box plots. A bar chart was created for extended evaluation, and it reinforced the visuals presented by the box plots. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .952. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the collected samples. The scores for 'Attitude' towards Talaq-e-Tafweez were not statistically significantly different between the four age groups of civil servants: $\chi^2(3) = .343, p = .952$. Hence, the hypothesis was rejected for the variable of 'Attitude' as the test results reflected no significant differences across the samples; among all age-groups: "18-25" (Mean 35.23), "26-38" (Mean 35.55), "39-50" (Mean 35.47) and "51 and above" (Mean 36.19). All the age groups had almost similar levels of Attitude towards Talaq-e-Tafweez.

Division of '**Practice**' scores for the age categories were also somewhat similar, as assessed by visual inspection of the box plots. A mean bar chart generated for thorough evaluation showed faint transition among the age groups: '18 – 25' exhibited the minimum whereas '51 and above' showed the maximum scores of Practices on Talaq-e-Tafweez but overall, there wasn't much difference. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .122. SPSS did not generate multiple comparisons as the overall results did not show significant differences amongst the collected samples. The scores for 'Practice' about Talaq-e-Tafweez were not statistically significantly different between the four age groups of civil servants: $\chi^2(3) = 5.799, p = .122$. Hence, the hypothesis was rejected for the variable of 'Practice' as the test results reflected no significant differences across the samples; among all age-groups: "18-25" (Mean 10.90), "26-38" (Mean 11.34), "39-50" (Mean 12.18) and "51 and above" (Mean 12.47). Age groups showed no substantial impact on the levels of 'Practice' towards delegation of divorce among the civil servants.

Table 5.7.2.1: Age

| IV | DV | Kruskal Wallis H | Hypothesis Status |
|-----------|-----------|-------------------------------|--------------------------|
| Age | Knowledge | $\chi^2(3) = 3.790, p = .285$ | Rejected |
| | Attitude | $\chi^2(3) = .343, p = .952$ | Rejected |
| | Practice | $\chi^2(3) = 5.799, p = .122$ | Rejected |

The hypothesis was not supported as none of the dependent variables showed any impact in the mean scores. It was established that age had no significant influence on the Knowledge, Attitude and Practice of civil servants towards the delegation of divorce.

5.7.2.2 Highest Educational Degree

To test the difference among the mean values of ‘Knowledge’, ‘Attitude’ and ‘Practice’ among the educational level of civil servants, we had the six-categorical independent variable of ‘Highest educational degree’ and the dependent variables of ‘Knowledge’, ‘Attitude’ and ‘Practice’, computed and measured at continuous levels. To assess the fulfillment of the assumptions for One-Way ANOVA, the distribution of data was measured. There was homogeneity of variance as Levene’s statistic was $> .05$ for all the factors. According to the Shapiro Wilk test results, the p-value was not $> .05$ for all the categories of the variable of ‘Highest educational degree’ which indicated that there was no normal distribution of the data, and some outliers also existed. Since all the assumptions of one-way ANOVA could not be met therefore, a non-parametric test of Kruskal Wallis H was run to determine if there were differences in the mean scores of ‘Knowledge’, ‘Attitude’ and Practice’ among all categories: “No formal education (n = 7), “Matriculation” (n = 72), “Bachelor’s” (n = 189), “Master’s” (n = 140), “Doctorate” (n = 11), and “Professional” (n = 21).

Visual examination of the box plots exhibited that spreading of ‘**Knowledge**’ scores for the categories of respondents’ educational level were somewhat similar. A bar chart was created for thorough evaluation. There was an insignificant difference reflected in the fifth category of

‘Doctorate’ showing relatively larger levels of Knowledge. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .707. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for ‘Knowledge’ about Talaq-e-Tafweez were not statistically significantly different between the six groups measuring the highest educational levels of civil servants: $\chi^2(5) = 2.954$, $p = .707$. Hence, the hypothesis was rejected for the variable of ‘Knowledge’ as the test results reflected no significant difference across the samples among all groups: “No formal education (Mean 11.14), “Matriculation” (Mean 12.58), “Bachelor’s” (Mean 12.28), “Master’s” (Mean 11.91), “Doctorate” (Mean 13.82), and “Professional” (Mean 11.86). Different levels of education were proven to have had no significant impact on the levels of Knowledge about Talaq-e-Tafweez.

Distribution of ‘**Attitude**’ scores for the categories of educational level of respondents were not similar, as assessed by visual inspection of the box plots. A bar chart created for further investigation exhibited visible difference in the levels of Attitude among the respondents with a doctorate degree. Table generated for Hypothesis test summary recommended to reject the null hypothesis: $p < .001$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited significant scores of $< .05$ for the comparisons between ‘No formal education and Doctorate’, ‘Matriculation and Master’s’, ‘Matriculation and Doctorate’, ‘Bachelor’s and Doctorate’, and ‘Master’s and Doctorate’. The scores for ‘Attitude’ towards Talaq-e-Tafweez were statistically significantly different between the six groups measuring the highest educational levels of civil servants: $\chi^2(5) = 36.02$, $p < .001$. Hence, the hypothesis was retained as there was a significant difference of Mean scores across the samples among all groups: “No formal education (Mean 32.00), “Matriculation” (Mean 32.93), “Bachelor’s” (Mean 35.21), “Master’s” (Mean 36.81), “Doctorate” (Mean 44.63), and “Professional” (Mean 36.76). The highest scores for Doctorate indicated that higher levels of education demonstrated

to have greater impact on the ‘Attitude’ of civil servants towards delegation of divorce, cultural norms, decision-making of women and legal navigation around Talaq-e-Tafweez.

Spreading of ‘Practice’ scores for the categories of respondents’ educational level were similar, as assessed by visual inspection of the box plots. A Mean bar chart generated for further evaluation supported that there was an insignificant difference reflected among the categories. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .462. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for ‘Practice’ towards Talaq-e-Tafweez were not statistically significantly different between the six groups measuring the highest educational levels of civil servants: $\chi^2(5) = 4.638$, $p = .462$. Hence, the hypothesis was rejected for the factor of ‘Practice’ as the test results reflected no significant difference across the samples among all groups: “No formal education (Mean 14.42), “Matriculation” (Mean 11.61), “Bachelor’s” (Mean 11.41), “Master’s” (Mean 12.09), “Doctorate” (Mean 12.00), and “Professional” (Mean 12.61). Different levels of education demonstrated to have had no significant impact on the levels of Practice towards Talaq-e-Tafweez among the civil servants.

Table 5.7.2.2: Highest Educational Degree

| IV | DV | Kruskal Wallis H | Hypothesis Status |
|----------------------------|-----------|----------------------------------|-------------------|
| Highest Educational Degree | Knowledge | $\chi^2(5) = 2.954$, $p = .707$ | Rejected |
| | Attitude | $\chi^2(5) = 36.02$, $p < .001$ | Retained |
| | Practice | $\chi^2(5) = 4.638$, $p = .462$ | Rejected |

Overall, there was statistically significant difference between the mean values of Attitude for the socio-demographic variable of Highest educational degree. The hypothesis was partially maintained, and the results determined that higher educational levels had impacted the Attitude of the civil servants towards Talaq-e-Tafweez.

5.8.2.3: *Marital Status*

To test the difference among the mean scores of 'Knowledge', 'Attitude' and 'Practice' among the different categories of marital status, we had the three-categorical independent variable of 'Marital status' and the dependent variables of 'Knowledge', 'Attitude' and 'Practice', computed, and measured at continuous levels. Levene's statistic was $< .05$ for 'Knowledge' and $> .05$ for 'Attitude' and 'Practice'. To assess the fulfillment of the assumptions for One-Way ANOVA, the distribution of data was measured. According to the Shapiro Wilk test results, the p-value was not $> .05$ for all the three categories of 'Marital status' which indicated that there was no normal distribution of the data. It also established the existence of some outliers. The assumptions of one-way ANOVA could not be met therefore, non-parametric test of **Kruskal Wallis H** was run to determine if there were differences in the mean scores of 'Knowledge', 'Attitude' and 'Practice' among all categories: "Never married" ($n = 69$), "Currently married" ($n = 354$), and "Divorced / Separated" ($n = 17$).

The distribution of values for '**Knowledge**' for the groups of respondents' 'Marital status' were not similar as assessed by visual inspection of the box plots. A bar chart created for further investigation exhibited visible difference in the levels of Knowledge among the respondents who were 'Currently married'. Table generated for Hypothesis test summary recommended to reject the null hypothesis: $p = .027$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited scores for the comparisons between 'Divorced / Separated and Currently married' (.160), 'Divorced / Separated and Never married' (1.00) and 'Never married and Currently married' (.127). The scores for 'Knowledge' about Talaq-e-Tafweez were statistically significantly different between the three groups measuring the marital status of civil servants: $\chi^2(2) = 7.23$, $p = .027$. Hence, the hypothesis was retained as there was significant difference of Mean scores across the samples among all groups: "Never married" (Mean 10.71), "Currently married" (Mean 12.59), and "Divorced / Separated" (Mean

10.41). The highest scores of Knowledge were shown for the group of ‘Currently married’ respondents which highlight the theoretical expectation that married class knew more about Talaq-e-Tafweez.

As assessed by the visual inspection of the box plots, spreading of ‘**Attitude**’ scores for the categories of respondents’ Marital status were somewhat similar. A bar chart was created for thorough evaluation. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .280. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for ‘Attitude’ about Talaq-e-Tafweez were not statistically significantly different between the three groups measuring the marital status of civil servants: $\chi^2(2) = 2.54$, $p = .280$. Hence, the hypothesis was rejected for the variable of Attitude as there was no significant difference of Mean scores across the samples among all groups: “Never married” (Mean 36.21), “Currently married” (Mean 35.42), and “Divorced / Separated” (Mean 36.94). Different levels of marital status proved to have had no significant impact on the levels of Attitude towards Talaq-e-Tafweez.

The distribution of values for ‘**Practice**’ for the categories of Marital status of the respondents was different as assessed by visual inspection of the box plots. A bar chart created for further investigation exhibited visible differences in the levels of Practice among the respondents who were ‘Divorced / Separated’. Table generated for Hypothesis test summary recommended to reject the null hypothesis: $p = .010$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited significant scores for the comparisons between ‘Divorced / Separated and Currently married’ (.007), and ‘Divorced / Separated and Never married’ (.027). The scores for ‘Practice’ towards Talaq-e-Tafweez were statistically significantly different between the groups measuring the marital status of civil servants: $\chi^2(2) = 9.187$, $p = .010$. Hence, the hypothesis was retained as there was significant difference of

Mean scores across the samples among all groups: “Never married” (Mean 11.86), “Currently married” (Mean 11.59), and “Divorced / Separated” (Mean 15.29). The highest score of tendency to ‘Practice’ Talaq-e-Tafweez was shown for the group of respondents who were ‘Divorced / Separated’.

Table 5.7.2.3: Marital Status

| IV | DV | Kruskal Wallis H | Hypothesis Status |
|----------------|-----------|-------------------------------|-------------------|
| Marital status | Knowledge | $\chi^2(2) = 7.23, p = .027$ | Retained |
| | Attitude | $\chi^2(2) = 2.54, p = .280$ | Rejected |
| | Practice | $\chi^2(2) = 9.187, p = .010$ | Retained |

Overall, there were statistically significant differences between the mean values of Knowledge and Practice for the socio-demographic variable of Marital status. The hypothesis was retained to a greater extent as the results established that married fragment of respondents had lower levels of knowledge about Talaq-e-Tafweez, and the divorced / separated section had higher levels of Practice towards the same.

5.7.3 Hypothesis: There will be a significant mean difference in knowledge, attitude, and practices with respect to occupational variables of civil servants.

To test the hypothesis, three occupational variables were assessed: Department in civil service, BPS, and Years of experience in civil service. The hypothesis aims at gauging the impact of variables, directly related to the work of civil servants, on the Knowledge, Attitude and Practice regarding Talaq-e-Tafweez.

5.7.3.1 Department in Civil servants

To test the difference among the mean scores of ‘Knowledge’, ‘Attitude’ and ‘Practice’ among the different categories of department, we had the three-categorical independent variable of ‘Department in civil service and the dependent variables of ‘Knowledge’, ‘Attitude’

and 'Practice', computed, and measured at continuous levels. Levene's statistic was $< .05$ for 'Knowledge' and $> .05$ for 'Attitude' and 'Practice'. To assess the fulfillment of the assumptions for One-Way ANOVA, the distribution of data was measured. According to the Shapiro Wilk test results, the p-value was not $> .05$ for all three categories of 'Department' which indicated that the data was not distributed normally. Box plots also established the existence of outliers. The assumptions of one-way ANOVA could not be met therefore, non-parametric test of Kruskal Wallis H was run to determine if there were differences in the mean scores of 'Knowledge', 'Attitude' and 'Practice' among all categories: "MPDD" (n = 18), "OPC" (n = 29), and "Railways" (n = 393).

The distribution of values for '**Knowledge**' for the categories of Department of the respondents were different as assessed by visual inspection of the box plots. A bar chart created for further investigation exhibited visible differences in the levels of Knowledge among the respondents who worked in the Railways department. Table generated for Hypothesis test summary showed $p = .008$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited scores for the comparisons between 'OPC and MPDD' (1.00), and 'OPC and Railways' (.036) and 'MPDD and Railways' (.154). The scores for 'Knowledge' about Talaq-e-Tafweez were statistically significantly different between the groups measuring the department of civil servants: $\chi^2(2) = 9.587$, $p = .008$. Hence, the hypothesis was retained as there was significant difference of Mean scores across the collected samples of groups: "MPDD" (Mean 9.50), "OPC" (Mean 9.51), and "Railways" (Mean 12.53). The highest score of 'Knowledge' regarding Talaq-e-Tafweez was shown for the group of respondents who were in 'Railways' department.

Visual evaluation of the box plots displayed that the distribution of values for '**Attitude**' for the groups of respondents' 'Department in civil service' were not similar. The mean bar chart generated for further investigation exhibited visibly higher levels of Knowledge among

the respondents who were working in MPDD and OPC departments. Table generated for Hypothesis test summary showed $p = .011$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited scores for the comparisons between ‘Railways and MPDD’ (.317), ‘Railways and OPC’ (.026) and ‘MPDD and OPC’ (1.00). The scores for ‘Attitude’ concerning Talaq-e-Tafweez were statistically significantly different between the groups measuring the department of civil servants: $\chi^2(2) = 9.49$, $p = .011$. Hence, the hypothesis was retained as there was significant difference of Mean scores across samples among the groups: “MPDD” (Mean 37.83), “OPC” (Mean 38.48), and “Railways” (Mean 35.29). The highest score of ‘Attitude’ regarding Talaq-e-Tafweez was shown for the group of respondents who were in the department of ‘OPC’.

The distribution of values for ‘Practice’ for the categories of Department of the respondents were different as assessed by visual inspection of the box plots. A bar chart created for further investigation exhibited visible differences in the levels of Practice. Table generated for Hypothesis test summary showed $p = .040$ and recommended to reject the null hypothesis. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited scores for the comparisons between ‘OPC and MPDD’ (1.00), and ‘OPC and Railways’ (.098) and ‘MPDD and Railways’ (.417). The scores for ‘Practice’ regarding Talaq-e-Tafweez were statistically significantly different between the groups measuring the department of civil servants: $\chi^2(2) = 6.432$, $p = .040$. Hence, the hypothesis was retained as there was significant difference of Mean scores across the collected samples of groups: “MPDD” (Mean 13.16), “OPC” (Mean 13.41), and “Railways” (Mean 11.59). The highest score of ‘Practice’ regarding Talaq-e-Tafweez was shown for the group of respondents who were in the department of ‘OPC’.

Table 5.7.3.1: Department in Civil Service

| IV | DV | Kruskal Wallis H | Hypothesis Status |
|----|----|------------------|-------------------|
|----|----|------------------|-------------------|

| | | | |
|-----------------------------|-----------|-------------------------------|----------|
| Department in civil service | Knowledge | $\chi^2(2) = 9.587, p = .008$ | Retained |
| | Attitude | $\chi^2(2) = 9.49, p = .011$ | Retained |
| | Practice | $\chi^2(2) = 6.432, p = .040$ | Retained |

Overall, there were statistically significant differences between the mean values of Knowledge, Attitude and Practice for the occupational variable of Department. The hypothesis was completely retained, and the results established that the respondents from the department of Railways had higher mean levels of knowledge about Talaq-e-Tafweez, while the department of OPC showed had higher levels of Attitude as well as Practice towards Talaq-e-Tafweez.

5.7.3.2 Basic Pay-scale (BPS):

For testing the difference among the mean scores of ‘Knowledge’, ‘Attitude’ and ‘Practice’ among the different categories of BPS, we had the five-categorical independent variable of ‘BPS’ and the dependent variables of ‘Knowledge’, ‘Attitude’ and ‘Practice’, computed, and measured at continuous levels. Homogeneity of variance was assessed. Levene’s statistic was $< .05$ for ‘Knowledge’ and $> .05$ for ‘Attitude’ and ‘Practice’. To assess the fulfillment of the assumptions for One-Way ANOVA, the distribution of data was measured. According to the Shapiro Wilk test results, the p-value was not $> .05$ for all the categories of ‘BPS’ which indicated that the data was not distributed normally. Box plots also established the existence of outliers. The assumptions of one-way ANOVA could not be met therefore, non-parametric test of Kruskal Wallis H was run to determine if there were differences in the mean scores of ‘Knowledge’, ‘Attitude’ and Practice’ among all categories: “1 – 5” (n = 28), “6 – 10” (n = 66), “11 – 16” (n = 221), “17 – 20” (n = 91), and “above 20” (n = 34).

As evaluated by the visual inspection of the box plots, the distribution of the values for ‘*Knowledge*’ for the categories of respondents’ BPS were somewhat similar. A simple mean bar chart was created for further assessment. The scores for “6 – 10” reflected relatively larger

levels of Knowledge but the variance was insignificant. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .389. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for 'Knowledge' about Talaq-e-Tafweez were not statistically significantly different between the six groups measuring the highest educational levels of civil servants: $\chi^2(4) = 4.125, p = .389$. Hence, the hypothesis was rejected for the variable of 'Knowledge' as the test results reflected no significant difference across the samples among all groups: "1 – 5" (Mean 11.25), "6 – 10" (Mean 12.84), "11 – 16" (Mean 12.43), "17 – 20" (Mean 11.82), and "above 20" (Mean 11.35). Different levels of BPS proved to have had no significant impact on the levels of Knowledge about Talaq-e-Tafweez.

The distribution of values for '*Attitude*' for the groups of respondents' BPS were dissimilar as assessed by visual inspection of the box plots. A bar chart created for further investigation exhibited observable difference in the levels of Attitude among the respondents who were within the BPS of '17 – 20', reflecting a larger levels. Table generated for Hypothesis test summary recommended to reject the null hypothesis: $p < .001$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited significant scores for the comparisons between '6 – 10 and 11 – 16' (.010), 6 – 10 and 20 and above (.000), 6 – 10 and 17 – 20 (.000), 1 – 5 and 17 – 20 (.012), and 11 – 16 and 17 – 20 (.000). The scores for 'Attitude' regarding delegation of divorce were statistically significantly different between the groups measuring the BPS of civil servants: $\chi^2(4) = 50.686, p < .001$. Hence, the hypothesis was retained as there was significant difference of Mean scores across the samples among groups: "1 – 5" (Mean 33.96), "6 – 10" (Mean 32.45), "11 – 16" (Mean 35.12), "17 – 20" (Mean 38.64), and "above 20" (Mean 38.11). Different levels of BPS proved to have had significant impact on the levels of Attitude towards Talaq-e-Tafweez and the highest levels were shown for the category of '17 – 20'.

The dispersal of values for '*Practice*' for the groups of respondents' BPS was different as assessed by visual inspection of the box plots. A mean bar chart generated for further scrutiny exhibited observable differences in the levels of Practice among the respondents who were within the BPS of '17 – 20', reflecting a comparatively larger levels. Table generated for Hypothesis test summary also recommended to reject the null hypothesis: $p = .024$. SPSS applied Bonferroni correction and performed multiple comparisons that exhibited significant scores for the comparisons between '11 – 16 and 17 – 20'(.016). The scores for 'Practice' regarding delegation of divorce were statistically significantly different between the groups measuring the BPS of civil servants: $\chi^2(4) = 11.207$, $p = .024$. Hence, the hypothesis was retained as there was significant difference of Mean scores across the samples among groups: "1 – 5" (Mean 12.39), "6 – 10" (Mean 11.39), "11 – 16" (Mean 11.29), "17 – 20" (Mean 11.93), and "above 20" (Mean 12.08). Different levels of BPS proved to have had a significant impact on the levels of Practice towards Talaq-e-Tafweez and the highest levels were shown for the category of BPS '17 – 20'.

Table 5.7.3.2: BPS

| IV | DV | Kruskal Wallis H | Hypothesis Status |
|-----------------|-----------|-----------------------------------|-------------------|
| Basic Pay-scale | Knowledge | $\chi^2(4) = 4.125$, $p = .389$ | Rejected |
| | Attitude | $\chi^2(4) = 50.686$, $p < .001$ | Retained |
| | Practice | $\chi^2(4) = 11.207$, $p = .024$ | Retained |

Overall, there were statistically significant differences between the mean values of Attitude and Practice for the occupational variable of BPS. The hypothesis was partially retained. The results established that the respondents within the BPS of '17 – 20' had higher levels of Attitude and Practice towards Talaq-e-Tafweez.

5.7.3.3 Years of Experience

To examine the difference among the mean scores of 'Knowledge', 'Attitude' and 'Practice' among the different categories of experience, we had the four-categorical independent variable of 'Years of experience in civil service' and the dependent variables of 'Knowledge', 'Attitude' and 'Practice', computed, and measured at continuous levels. There was homogeneity of variance as Levene's statistic was $> .05$ for the dependent variables. To assess the fulfillment of the assumptions for One-Way ANOVA, the distribution of data was measured. According to the Shapiro Wilk test results, the p-value was not $> .05$ for all the categories of 'Years of experience' which indicated that the data was not distributed normally. Box plots also established the presence of outliers. The assumptions of one-way ANOVA could not be met therefore, non-parametric test of Kruskal Wallis H was run to determine if there were differences in the mean scores of 'Knowledge', 'Attitude' and 'Practice' among all categories: "1 – 6" (n = 79), "7 – 12" (n = 100), "13 – 19" (n = 123), and "20 and above" (n = 138).

As evaluated by the visual assessment of the box plots, the distribution of the values for '**Knowledge**' for the categories of respondents' years of experience in civil service were rather alike. A simple mean bar chart was created for further assessment. The scores for "7 – 12" reflected slightly better levels of Knowledge but the variance was insignificant. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .309. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for 'Knowledge' about Talaq-e-Tafweez were not statistically significantly different between the four groups measuring the years of experience of civil servants: $\chi^2(3) = 3.596$, $p = .309$. Hence, the hypothesis was rejected for 'Knowledge' as the test results reflected no significant difference across the samples among all groups: "1 – 6" (Mean 11.68), "7 – 12" (Mean 12.83), "13 – 19" (Mean 11.64), and "20 and above" (Mean 12.57). Statistically, different levels of years of

experience in civil service showed no significant impact on the levels of Knowledge of civil servants, about Talaq-e-Tafweez.

The visual inspection of the box plots exhibited that the distribution of the values for '*Attitude*' for the categories of respondents' years of experience in civil service were similar. A simple mean bar chart was created for further assessment. There was no noteworthy difference. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .696. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for 'Attitude' about Talaq-e-Tafweez were not statistically significantly different between the four groups measuring the years of experience of civil servants: $\chi^2(3) = 1.443$, $p = .696$. Hence, the hypothesis was rejected for 'Attitude' as the test results reflected no significant difference across the samples: "1 – 6" (Mean 35.27), "7 – 12" (Mean 35.98), "13 – 19" (Mean 34.91), and "20 and above" (Mean 36.14). Statistically, different levels of years of experience in civil service showed no significant impact on the levels of Attitude of civil servants, towards Talaq-e-Tafweez.

The box plots exhibited similarity in the distribution of the values for '*Practice*' for the categories of respondents' years of experience in civil service. A simple mean bar chart generated for further assessment showed no observable variance either. Table generated for Hypothesis test summary recommended to retain the null hypothesis. Significance value was .824. SPSS did not perform multiple comparisons as the overall results did not show significant differences amongst the samples. The scores for 'Practice' concerning the delegation of divorce were not statistically significantly different between the four groups measuring the years of experience of civil servants: $\chi^2(3) = .908$, $p = .824$. Hence, the hypothesis was rejected for 'Practice' as the test results reflected no significant difference across the samples: "1 – 6" (Mean 11.64), "7 – 12" (Mean 11.40), "13 – 19" (Mean 11.88), and "20 and above" (Mean

12.04). Different levels of years of experience in civil service demonstrated to have had no significant impact on the levels of Practice of civil servants, towards Talaq-e-Tafweez.

Table 5.7.3.3: Years of Experience in Civil Service

| IV | DV | Kruskal Wallis H | Hypothesis status |
|---|-----------|-------------------------------|-------------------|
| Years of Experience in Civil Service | Knowledge | $\chi^2(3) = 3.596, p = .309$ | Rejected |
| | Attitude | $\chi^2(3) = 1.443, p = .696$ | Rejected |
| | Practice | $\chi^2(3) = .908, p = .824$ | Rejected |

The hypothesis was not supported rejected. The results proved that there were statistically no significant differences between the mean values of Knowledge, Attitude and Practice for the occupational variable of experience in civil service establishing that there was absolutely no impact of the experience of civil servants on any of the dependent variables.

II. Qualitative Analyses

Qualitative in-depth interviews were conducted to understand and explore the factors that function as the barriers and enablers for the employment of Clause 18. The participants, though designated in Lahore, had different domiciles. The interviews included participants between BPS-1 and BPS-20. Eight out of twenty-five participants were females. Only ten of the participants demonstrated knowledge of the clause: five were male and five were female. Six of these participants also shared that they had delegated or claimed the right of divorce under clause 18. The ages of those six participants were between 28 - 56. Most of the participants who demonstrated knowledge had post-graduate educational level. Four of the participants who had delegated the right were domiciled in Lahore. The majority of interviewees were affiliated with Sunni sect of Islam. Two among the twenty-five participants belonged to the Shia sect and both had utilized Clause 18. The sociodemographic profile of the participants is shared in **Appendix D**.

5.8 Qualitative Findings

The findings of this study present a unified understanding of multi-level enablers and barriers to practicing divorce in general and employing the Clause 18 specifically. The experiences of civil servants related to the practice of marital and divorce rights represent barriers and enablers at three levels of influence: 1) Individual-level factors, 2) Socio-cultural factors, and 3) Institutional factors. Table 5.8 presents a summary, and all these factors are discussed in detail in the following section.

Table 5.8: Barriers and Enablers of Talaq-e-Tafweez (N= 25)

| Factors | Barriers | Enablers |
|---------------------------------|--|--|
| Individual level factors | <ul style="list-style-type: none"> • <i>Unawareness and lack of education</i> • <i>Negative perception of liberalism</i> • <i>Negative beliefs about women's decision-making limitations</i> | <ul style="list-style-type: none"> • <i>Legal education and awareness</i> • <i>Individual beliefs about marriage</i> • <i>Positive beliefs about value of women (empowerment)</i> • <i>Beliefs in importance of mental wellbeing</i> |
| Cultural factors | <ul style="list-style-type: none"> • <i>Trivialization of Nikah as "Just a ritual"</i> • <i>Perception of marriage and the stigma of divorce</i> • <i>Patriarchal family structure</i> • <i>Lack of security for women within social networks</i> • <i>Cultural practices related to inheritance, dowry, and marriage</i> | <ul style="list-style-type: none"> • <i>Family values and socialization</i> • <i>Positive role of the patriarchs</i> • <i>Love marriage</i> |
| Institutional factors | <ul style="list-style-type: none"> • <i>Gendered nature of divorce process</i> • <i>Language of Nikah Nama</i> • <i>The role of Nikah Khuwan</i> • <i>Influence of media</i> | <ul style="list-style-type: none"> • <i>Legal aspects and difficulties of judicial divorce</i> • <i>Judicial divorce and Clause 18</i> • <i>Supportive role of Islam</i> |

5.9 Barriers to the Practice of Talaq-e-Tafweez in Pakistan

Three broad levels, with several sub-themes, were discovered as barriers in employing the right of Talaq-e-Tafweez among the civil servants in Lahore. The findings for the restrictive factors included: Individual-level factors, Cultural/Family related factors, and Institutional/procedural factors. The first level contains the themes that influence an individual's decision resulting in acceptance or rejection of Clause 18. It encompasses sub-themes including the barriers of unawareness and lack of education, negative beliefs about women's limitations in decision-making, and the presumption of Talaq-e-Tafweez as a modern and feminist right.

The second major theme depicts the widest of the barring factors and sub-themes involving Pakistani culture and family structure. It includes perception of Nikah as merely a requirement of Shariah, patriarchal decision-making within family, perception of marriage, motherhood and the stigma of divorce, lack of security for women within social networks, and the cultural practices related to inheritance, dowry, and marriage.

The third major theme includes institutional and procedural barriers. It consists of sub-themes containing the gendered nature of divorce process, the language of Nikah Nama itself, the optional nature of Clause 18, role of Nikah Khuwan, and the role of media in influencing and shaping cultural and familial practices. It discusses the user-friendliness of the apparatus of Nikah, the norms encouraging the neglect of the stipulations of the document and most importantly, the role played by the person solemnizing and recording the Nikah.

5.9.1 Individual-level Factors

The findings of this study suggest that the majority of the participants experienced significant individual level barriers related to knowledge and practice of Clause 18. At the

individual level three major key barriers were identified: lack of awareness, lack of education and perception of Nikah as a non-legal religious ritual.

i) Unawareness and Lack of Education

According to the findings of this research, the participants showed lack of knowledge and awareness regarding divorce rights at two levels: Legal knowledge and religious knowledge. The majority of the participants, i.e., fifteen out of twenty-five did not display knowledge, or awareness of clause 18. It was discovered that a significant majority of participants i.e., nineteen participants, signed their Nikah Nama without even reading it; proving that the lack of attention to the contract of marriage is a norm.

I did not read it. I just signed it. I have no idea what this clause is. I have no idea about this right. (Male, 43, BPS-15)

Even among the participants who had utilized the right of delegated divorce under clause 18, some discussed they were not fully aware of the procedure and details.

People lack knowledge, even I do, and that lack of knowledge can result in the rejection of this right. (Male, 30, BPS-17)

Clause 18 owes its unemployment to lack of, knowledge, awareness, and attention to the clauses of Nikah Nama. Some of the participants attributed their lack of knowledge or awareness of this Clause to the fact that it was rarely demanded, discussed, or practiced in their families or surroundings.

I haven't heard of any instance where a woman has demanded. Women don't know about it; how will they claim it! (Male, 28, BPS-16)

I have never witnessed in any wedding or nikah ceremony that this clause was employed. Never! (Male, 32, BPS-12)

About the aspect of formal education in Pakistan, it was discovered that any information regarding Nikah Nama clauses, matrimonial laws and conjugal rights has not been incorporated in the curriculum of the formal education system. Lack of education and in particular, lack of Islamic education are among the dominant barriers to employing Clause 18.

We all study Islamiyat for 10 years. But we never study anything like that. We study politics but Women's rights, human rights, nothing like that. There is nothing like that. Our education system lacks it. I don't remember having studied any such thing. Not even Gender studies address such factors. (Female, 34, BPS-18)

But are these things taught, that what are your rights in the name of marriage? You see the syllabus from Prep to Masters, there is no chapter of Nikah. You pick up any syllabus, or you go to the comparative exam of CSS, there is no such topic. There is no topic on Nikah, delegated divorce, Khula, on halala and such things. (Male, 28, BPS-16)

The findings of the study proved that unawareness of the existence of such a right is a major reason for the lack of utilizing Clause 18. All the participants acquiesced that they had never come across any incident where the clause in question was being discussed or used in any Nikah ceremony. Since people were not aware, they were unable to employ the same.

ii) Negative Perception of Liberalism

It was highlighted in the interviews that some participants perceived it as a symbol of liberalism and Western values. Thus, it was seen as something foreign to their culture and

religion leading to negative perception of the Clause and lack of its utilization. Owing to its associations with western culture and values, the Clause was also generally attributed to the elite class exclusively. It was denoted that divorce is not much of a taboo in the upper class and since the middle and lower social classes scorn Talaq more that's why this clause is not utilized. However, some participants also affirmed that even in upper-class weddings, they have not witnessed any instance where the right was engaged.

There is the elite in Pakistan, who are highly educated, who have an exposure.

There, perhaps, there is acceptance. But the vast majority view is that this is an exodus from our cultural norms, and an exit from our religious norms. (Male, 45, BPS-20)

There will be a greater ratio of divorce if people utilize this clause. Where the society is advanced, divorce ratio is higher. (Male, 34, BPS-17)

We interpret it, the feminist movement in the West, the Me-Too movement, where women assert their rights, we link it with that. When we link with that, we make a perception about such women who claim these rights, that they do not claim their identity or identity from our system, but from another system. (Male, 45, BPS-20)

It was interpreted from the interviews and the statements of the participants that even the practicing Muslims were unaware of the Islamic entity of Talaq-e-Tafweez. Even if generally sighted as a legal right, the Clause was perceived as exclusive to the upper and feminist fragment of society.

iii) *Negative Beliefs about Women's Decision-Making Limitations*

It was discovered that there is a common distrust over women. Men generally do not trust women for their intellect, their wisdom, or their decision making.

It is easy to provoke and manipulate a woman. Women are emotional fools.

(Male, 39, BPS-18)

It was expressed that a man has more exposure and knowledge about the practical aspects of society whereas women have limited vision.

Women are emotional. They can't handle this right. They can repent later. That's why we don't want women to have the right to divorce. (Male, 43, BPS-15)

There are fights. If a man divorces, he still tries to compose and rethink his decision. The man stops even if he is angry, but the female might not stop.

(Male, 39, BPS-18)

It was also discussed that the girls, at the time of marriage, are young and immature to understand what marriage is. Therefore, she should not be delegated the right as she might get irrational and pronounce divorce.

She is not rational. A woman cannot make a good decision. (Male, 42, BPS-16)

Our women are not mentally strong. They are emotional. They haven't started thinking yet. (Female, 27, BPS-16)

It was also learnt that even women's families prefer not to claim the right in Nikah Nama because they have an apprehension that their daughter might make an irrational and hasty decision.

Even the bride's own family somehow distrusts her. They don't insist. (Male, 56, BPS-20)

The lack of trust in women's emotional stability emerged as a barrier, restricting men from delegating the right under Nikah Nama.

She can use it without any reason. She can abuse the right. (Male, 34, BPS-17)

While sharing experiences in the interviews, it was also discovered that men distrust the women who put their foot down in claiming the right via Nikah Nama. There remains an aftertaste of such claims which directly affects the conjugal relationship and results in trust issues.

The guy never really trusted her. He wasn't really able to trust her because anytime they would fight, this thing would come in between them that he would say, fine, don't live with me. You have the right to divorce already. This is what you really wanted. So, you are free to make that choice. (Female, 32, BPS-18)

It was discovered that negative beliefs in the inability of women to be able to make good decisions for themselves had been one of the biggest psychological barriers in the practice of Talaq-e-Tafweez and employment of Clause 18. The acceptability of this notion was observed in the female civil servants, too.

5.9.2 Cultural and Family Related Factors

i) Trivialization of Nikah as “Just A Ritual”

The findings suggest that one of the key barriers to practice of Clause 18 among study participants was the way the process of Nikah and the document of Nikah Nama was generally perceived and practiced. According to the participants, Nikah ceremony was seen as purely a

religious formality, a demand by the Shariah. The ceremonial aspect of Nikah makes it appear like a traditional sacrament which is deeply entrenched in emotional values. The successful implementation of Nikah ceremony is also essential to formation and maintenance of social ties between the families of bride and groom as well as display of social status in Pakistan. Participants stated that it is for this reason that the brides and their family members are often more focused on the event, the bride's dress, and the minute details such as how well the pen is decorated which shall be used to sign the Nikah Nama. It's rare that one realizes the magnitude of the clauses and their implications. There are emotions, good intentions, and positive expectations.

It remains as a ritual only; nobody thinks of it as a contract. (Female, 38, BPS-4)

While the ritualistic aspect of the Nikah was emphasized, the majority of the participants stated that they did not pay attention to the document of Nikah Nama. The reason stated by some of the respondents for their lack of interest was that the Nikah Nama was not perceived as a consequential legal document which resulted in lack of interest and lack of engagement with specific components of its procedure.

We have a very traditional thought about marriage. People just rate it as a piece of document. So, they would believe that marriage should work. They don't even want to think about divorce. (Male, 45, BPS-18)

It was explored that the fact that things might not work as they're expected to, hardly crosses the mind. It was discovered that lack of precautionary measures and contingency plans have roots in superstitions and the trust in destiny.

It's a fatalistic society. We leave a lot of things to fate and destiny, being calculative is rare in our society. (Male, 56, BPS-20)

The customary habit of signing Nikah Nama assuming it as a scot-free document devalues the right of delegated divorce. The inclination towards assuming the whole process as benign and stoic was found to be among the prominent barriers.

ii) Perception of Marriage and Stigma of Divorce

The cultural aspects of Pakistani society emerged as the primary barriers. It has been discovered that the participants believe in the influence of cultural background prevalent in the Indo-Pak subcontinent. It was shared that living among Hindus had influenced the mindset of generations about the institution of marriage, concept of divorce as well as the nature of conjugal rights and obligations. The influence has been expressed to have resulted in the deteriorated social status of females overall.

You must rise to a certain level to demand certain rights. Our society has not risen to that level. (Female, 35, BPS-18)

It was observed that even the progressive individuals are barred by the culture. For girls being career-oriented is a rare option as marriage is believed to be the ultimate goal accompanied by manifold unwritten regulations about the marriageable age, the ideal level of obedience and the expectations of compromise.

Because of all the pressure that my mom put on me, and society put on her, they thought that marriage is the best thing to do with me. And it was very hard for me to convince them that this is not the aim that I have for myself.
(Female, 32, BPS-18)

Divorce is to date a taboo and carries a stigma, affecting females more in comparison to the males. It's a disliked act. It has been detected to be deemed as a bad omen to discuss divorce rights at the time of entering the contract of marriage.

We have a stigma attached to divorce. We do not think it is a right that can be availed. We think it is a disgrace or it is given as a punishment. (Female, 35, BPS-18)

Since divorce itself is considered bad, the rights and clauses related to it are preferred not to be discussed. Superstitions repel people from bringing up such matters at the time of agreement.

It's not okay that on such an auspicious occasion, we talk about such bad things; 'Manhoos'(inauspicious) to be specific. It's a bad omen! (Female, 31, BPS-17)

Some participants shared that in their family and community, there's a rigidity against accepting it as a right.

In my community, we don't have the idea and acceptance for divorce. It is such a bad word. (Male, 32, BPS-12)

It was observed that most of the participants believed divorce to be one of the most hated act in religion. It was despised to the extent that they were ready to ignore the practical value of Clause 18, merely because it was related to Talaq.

iii) Patriarchal Family Structure

An analysis of the narratives of participants of this study suggests that patriarchal family structure is the key determinant of gender disparities in men and women's divorce rights in Pakistan. It was revealed that Patriarchy directly affects the freedom of women to decide and claim right of delegated divorce under Clause 18: i) There is a gender imbalance between the

conjugal rights sanctioned by the patriarchal system ii) exercise and dominance of male ego iii) negative influence of family and iv) unsupportive role of mother and mother-in-law.

Men dominate. Women are not given equal rights as men. The man is the head of the household. The woman is in the man's control. He can do anything. He can keep her or divorce her anytime he wants. Even in the paperwork, his name is mentioned as the head of the household. (Male, 43, BPS-15)

Some participants expressed that the institution of marriage in Pakistan functions in a manner where a significant majority of women are given into marriage without their active exercise of choice with respect to their partners. Instead of making their own marital decisions, these women have someone else, mostly men in their families, negotiating on their behalf. In many instances, the individuals negotiating for the women are fathers and brothers, even though the matter should ideally be the women's own concern.

A woman doesn't look good while talking about such rights of divorce. It doesn't suit her. When parents tie a woman to a man, she should have a positive attitude and no matter how much time she lives, she should live with that man. When a woman thinks of equality between herself and her man, she faces difficulties which lead to divorce. (Male, 57, BPS-6)

Some participants highlighted the generalized gender disparity within Pakistani family structure that perpetuates this lack of choice in marital matters for women. The key mechanism in this regard is the gendered socialization of men and women in the family. Girls are not raised and trained to be in control of their own lives. They are not encouraged to make a career and be in a position where they can negotiate their rights. It was articulated by the participants that a girl is instilled that the house she has been raised in is not hers, and that she has to leave it one day with whosoever her parents will deem right. She also knows that she will have to

compromise with her husband once she leaves her parents' house. Therefore, she is in no position to demand any rights for her future.

She is aborted as a fetus. She is not accepted when she is born. She is not allowed to exist the way males are. She is not cherished. She is not allowed to decide for herself. We do not give her the right to exist, then how can we give her the right to get divorced? (Female, 35, BPS-18)

In my relationship with my husband, I am not the boss. If you keep feeling like a subordinate, then the house will run well, otherwise a woman's survival becomes difficult. (Female, 30, BPS-16)

We have created a halo of piety around a woman, placed Jannah under her feet and then started hitting her head with our shoe. In the same household, if there is a father and two children, and the children are taught that there is Jannah under the feet of their mother, and the father is taught that your wife's status is under your shoe, then both these things cannot be true at the same time. A person who has Jannah under her feet should not have a shoe on her head. (Male, 45, BPS-20)

In our tribe, women are restricted from going out of the house. Whatever they need we buy for them. (Male, 57, BPS-6)

Gender Inequality was discovered as the sub theme that hinders men and women to delegate and claim the right of Tafweez. The norms around gender prefer subdued women. A man has more opportunities and more rights.

Women are kept in a subdued position, in the household, and added to the society that avoids confrontation, especially for women, it's expected that they have to compromise. (Male, 30, BPS-17)

While entering into marriage, the priorities of the girls are not taken into consideration. The priorities of the men are definitely taken into consideration. (Female, 35, BPS-18)

The findings also highlighted the fact that men develop and maintain male ego within the patriarchal family unit which acts as a barrier towards delegating the right of divorce to women. The right is also expected to make men insecure as it challenges their dominance over their wives and undermines their status. The results indicate that the fear of loss of status in the society as the dominant man, acts as a key deterrent to the delegation of Clause 18.

Personally, I would never want to delegate this power to my wife. (Male, 34, BPS-17)

This is a man's right and only men should be handed over. (Male, 42, BPS-16)

If a woman gets this right, she will dominate. She will be in a position where she will expect others to listen to her and will not compromise. (Male, 43, BPS-15)

It was also discovered that men are not generally interested in delegating the divorce right because there's no consideration for them and they find no gain in it, rather it's considered as a loss of power. It was also a perspective that it's neither a loss nor a gain for the men whereas it'll be beneficial for the women only when at some point in time the relationship doesn't work, and she wants to end it. According to the findings of the study, gendered socialization and gender disparity in exercise of autonomy and attribution of power within the family structure

creates conditions for women to either lack awareness of their marital rights or for forgoing these rights due to societal pressures. It also creates an incentive for men to not explore, pursue and practice gender equality within marriage.

There is no benefit of giving this right to the wife. It will be a loss for men.

(Male, 42, BPS-16)

He will have to be a bit restrained regarding the things that may lead to the use of this right. (Male, 47, BPS-19)

The interviews and discussions highlighted that the family dynamics of Pakistani society prohibit the employment of clause 18. Families have an exaggerated interference in the decisions and lives of the couples. The women's marital status in patriarchal families is associated with male honor and social standing of the patriarch in the society. As a result, women are put under an unfair pressure to maintain their marriages under all conditions, and many do not experience support in considering acquisition of divorce from their partners. The traditional and rigid approach of a majority of families hinders their children, especially daughters, from employing delegated divorce.

We say a lot about the girl that it is a blessing, but very few families consider the girl to be a blessing. The majority consider the girls to be a burden and to get them married the moment they attain puberty. When you move with this philosophy, it is important to push them out of the house, rights and equality are secondary. (Male, 45, BPS-20)

I have delegated this right of divorce to my wife. My father ensured the utilization of this right. My Nikah Nama was made by my wife. She filled it and

my father just made sure that the rights of my wife are protected in it. (Male, 30, BPS-17)

It was discovered that women are mostly not asked about their knowledge and consent about the clauses of Nikah Nama. It was also learnt that young men are also restricted from delegating this right.

I told my family that I want to give divorce right to my wife. My family, my elders said no, you shouldn't delegate the right to divorce to your wife. I would have given it if my father or family had not prevented. One should listen to his family. (Male, 39, BPS-18)

The findings revealed that although there was no unfairness while raising a daughter; she was provided with education, and comparable privileges, yet the right was not claimed for her. It was also discussed that once married, the typical family set up in Pakistani society doesn't expect a girl to return.

Even if she exercises this right, her family will keep her for a few days. Parents might tolerate her but if the parents are not there, then it will be difficult for her. If she has no parents then her brothers and sisters-in-law will taunt her that you yourself got divorced, it's your fault and life will be difficult for her. (Female, 38, BPS-4)

Another dimension to the prevalent patriarchy was the **role and influence of mothers** on the lives of their sons and especially daughters materialized as an important barrier to exercise of divorce rights. The participants highlighted that their mothers had no awareness about the utility of nikah clauses and therefore they have been unable to guide the offspring.

A woman has more influence on the kids. If she is educated properly, then generations can be developed. (Female, 35, BPS-18)

Our mothers, even if they are educated, are not trained to confront bad things. They have been suppressed all their lives. Their parents have not given them the rights, so they think this is normal. (Female, 34, BPS-18)

It was also highlighted especially by the female participants that instead of creating solidarity, women have a hegemony which hinders the empowerment of other women. The unsupportive role of mother-in-law and the negativity among female peers in the working environment discouraged women from claiming and exercising the right of Talaq-e-Tafweez.

This whole progression of the 90s, we had women coming into service, women becoming fighter pilots, and so on. What happened was that our male counterparts, nothing was done to change their mindset, or their mother's mindset, to accept girls who would now be empowered. (Female, 32, BPS-18)

The mother-in-law never supports her daughter-in-law. If a woman supports a woman, what else is needed? A woman causes harm to a woman. (Female, 38, BPS-4)

Men still cooperate with women, but women are the ones who create issues. They gang up and propagate against other women, spreading false rumors and harming her reputation. (Male, 42, BPS-16)

It was found that overall Pakistani society even today, is a male-dominated one and it has prescribed certain standards around women that restrict them in several ways and most significantly, in the conjugal matters.

iv) Lack of Security Within Social Networks

According to the analysis of the interviews, lack of security and safety nets and associated challenges, specifically for single and divorced women, emerged as a major barrier to practice of divorce rights among interviewees. This lack of security and the associated feeling of being helpless emerged as a common sub theme among the female participants. Women shared social dependence on husbands in matters related to 1) accessing secure housing, 2) personal and children's safety and 3) maintenance of social status in society. It was explored that even women working on higher BPS felt like that. Some of them shared that they were equally contributing to the finances, raising the children and balancing the work-life yet bearing the abuse. Social protection and safety of women has been explored to be at risk if she opts for divorce.

A woman has no home!!! (Female, 38, BPS-4)

Society will say that she's alone which means that she is available, and we all can use and abuse her. (Female, 34, BPS-18)

She doesn't ask for this right because she knows that even if she takes it, she won't be able to exercise. (Female, 38, BPS-15)

The study uncovered that there is fear among women. They don't feel safe and secure with the prevalent social set-up in Pakistan. They feel skeptical and threatened in demanding the rights guaranteed by both Islam and Law. Female participants stressed upon the harassment and relentless persecution, perpetually inflicted upon the females in Pakistani society.

Our girls, for all boys, are an object. Wherever you find them, you should tease them. If you get married, you should tease them. If you see them walking, you should comment on them, tease them. If you see them in the classroom, you

should tease them. You think you have a right to do that, and she has to face it.

Girls are already insecure. Whether it is school, university or any other place.

There is harassment. (Female, 34, BPS-18)

It was found that the incessant, merciless intimidation is embedded in every woman. She evaluates her limits and her worth through that social system.

There is so much pressure that once they employ and utilize this right, they'll be the culprit. After all, they have to live in Pakistan and survive here! (Female, 27, BPS-16)

It was discovered that in offices and society at large, when a woman goes through a divorce, her entire image takes a hit. She is often labeled as not meeting the traditional standards of a good woman. Being a divorcee sets her apart, making her less accepted. The trauma she had gone through leading to the dissolution of marriage is not taken into consideration. The findings revealed that even the empowered and educated women didn't ask for these rights.

Talaq is such a taboo that I fear this word, although I am an empowered civil servant, I am a privileged officer, yet I fear divorce. (Female, 34, BPS-18)

The discussions uncovered that getting married is a challenge for women, and once they do, they often avoid the idea of going through the process again. Many women endure their marriages without contemplating divorce, leading them to avoid discussing and claiming the divorce rights altogether. Moreover, it was also discovered that financial stability is unable to make any significant difference and women on honorable posts and higher pay-scales are also reluctant from claiming and exercising the right.

Divorce is a problem for a woman whether she is rich or poor, educated or illiterate. (Female, 38, BPS-4)

If a girl demands, she is not considered as a good girl. It's not good. And they all believe that she will never compromise and settle down (basnay wali nai hay). (Female, 38, BPS-15)

It was explored in the findings that innumerable questions haunt a woman before she decides to exercise the right of delegated divorce.

I don't know what fraction of beauty is left in me! I have children. Is my education enough to get me a reliable source of income? Will I be able to get hold of a good man after divorce? Such questions harass women. She wonders if her parents would accept her. And when the siblings get married, they are no good for her. So, if a woman gets an abusive and bad house, she will still try to make things work. (Female, 34, BPS-18)

It was highlighted that there's immense social pressure on the women to bear a child right after getting married. Once she becomes a mother exercising the delegated right to divorce becomes almost impossible as her children's future is at stake. It was discovered that most of the sacrifices for children are made by mothers and for the better future of children they prefer staying in abusive marriages rather than exercising the right to divorce even if they would have employed clause 18.

If she leaves her man, the children will not be able to get the love of their father, so a woman compromises on many things, just because she is a mother. (Female, 30, BPS-16)

Her children are her priority. She also gets beaten up because of those children. She agrees to remain silent and tolerate. (Female, 34, BPS-18)

The findings revealed that whether it be an educated woman, a financially sound woman, a mother, or a childless woman, she experienced an equally marginalized social status. Such a fearful environment was not believed to be suitable for women to demand and exercise the right under Clause 18.

v) Cultural practices related to Inheritance, Dowry, and Remarriage

The interviews revealed that marriage is the ultimate goal of a woman's life in Pakistani society. Once she decides to exercise the right of delegated divorce, she must confront the limited prospects of remarriage. The issue is even severe in the lower, and middle-class individuals. Their due share in the inheritance is denied as their parents must oblige their in-laws with the demanded dowry articles. Deprivation of inheritance and the custom of 'Jahez' (dowry) emerged as barriers that restrict women from claiming as well as exercising their right under clause 18. It was also asserted by the participants that dowry, typically associated with the Punjabi mindset, is believed to uphold a girl's status in her husband's house.

When we left our parents' house, we were told that you have been given so much in dowry that's why you have no right in the property. Only your brothers have the right. This house is not yours. So where will we go? (Female, 31, BPS-17)

It was shared by the participants that even the closest of relatives are hesitant to propose to the divorced woman.

Women don't ask for this right because they know that in our society if they use this right, nobody will accept or marry a divorced woman. The children will suffer so they prefer staying in that unhappy marriage. Also, the family does not accept them. They are financially dependent. Who will support them? (Male, 31, BPS-12)

In-depth interviews revealed that discussions about the clauses of rights, prior to Nikah ceremony, is an uncommon practice. The most discussed clause, if any, is about Haq Meher.

When my family asked to write the Haq Mehr, there started a fight. It was an odd situation. (Female, 38, BPS-4)

A majority of marriages are arranged where the elders decide about the significant clauses impacting the lives of the couple. It is not considered important to educate, inform or consult the couple. The role of women's family was uncovered as a crucial part. Since it's dormant in most cases, it was detected as a considerable barrier.

It depends as to what the aim of the bride's family is. Have they raised their daughters to get married? Have they raised their daughters to be independent and stand on their own? Now the family of a lower middle class who have raised their daughter to have a good, respectable home and they do get her married, that is the pinnacle of point for their parents. It's like I am ready to take an exam for which I have been preparing for 20 years. I have to pass through it and achieve and get over it. (Male, 30, BPS-17)

At that stage of marriage where everybody wants a surety and people are winning each other's confidence, for a girl to say that she wants this right, means that somehow people construe it as being that she already has that idea at the back of her mind, that, you know, the relationship might not work. (Female, 32, BPS-18)

The bride's parents can't do anything because our society won't let them. If they talk about anything, even about Haq Meher, there are reactions. (Male, 39, BPS-18)

Findings highlighted the lack of smooth negotiations over the clauses of Nikah Nama. It was discussed that patterns around arranged marriages make the man and the woman detached till they start living under one roof.

Why is there no direct negotiation between the woman and the man in the marriage? Why is it so that we have to make it so ceremonial and formal? We get the Nikah Nama signed just like the file is moved in the bureaucracy. (Male, 45, BPS-20)

Many participants attributed the norms around 'women and marriage' to be in harmony with the centuries' long history of living among the Hindus in Indian subcontinent. They realized that the religion preached otherwise yet they were unable to go against the prevalent culture.

5.9.3 Institutional and Procedural Factors

i) Gendered Standards for Divorce

According to the findings of this study the process of divorce emerged as a gendered phenomenon that is structured to favor men and maintain their dominant status within marital relations. It is inherently believed to be a right exclusively assigned to men. Where it is not necessary for men to explain the reason for divorce, women are expected to have a thorough explanation for the same. In addition, the benefits and consequences of divorce are not equally shared among male and female partners in a marital relationship.

There must be a reason if she is asking for it at the ceremony. I understand Khula takes a bit longer, she has to file a case in court, then there are hearings in process, and some people can't afford this procedure. It is very hectic, and it is costly, but the main reason is that she can abuse the right. (Male. 34, BPS-17)

It was found that even divorce pronounced by an angry husband is justified whereas a wife would be ridiculed and humiliated if she uses her divorce right over the same argument. Such notions were explored as barriers as they discourage women from claiming their right as none of her reasons are seemingly justifiable.

Divorce, whoever it is, howsoever, in whichever way; the woman is blamed.

Whether he initiates or she demands. People always blame the woman that it was her fault. No one says anything to the man. (Female, 30, BPS-16)

It was expressed that under the MFLO, Nikah Nama and Shariah, it's easy for a man to divorce his wife. Whereas, it has been made hard for the wife to acquire the same right.

That boy should have been punished, he should have been asked the reason for divorce, he said there is no reason. He just said that I don't want to keep her.

This is how easy it is for a man to divorce and abandon a woman in our society!

(Male, 43, BPS-2)

The discussions denoted that since the right inherently rests with the man, he is never questioned as to why he divorced, but when a woman exercises her delegated right, she is questioned and prevented from enforcing if not implemented already.

ii) Language of Nikah Nama and Clause 18

It was found that although the language of Nikah Nama is traditionally Urdu in the Nikah ceremonies, and Urdu is understood by masses, it is perceived to be complicated by some of the participants.

Nikah Nama itself is a bit complicated. When we see it, we get intimidated by its language and appearance. You can't see what is written: so many words scooched in. (Female, 34, BPS-18)

It was evident that most of the people signing the Nikah Nama were neither aware of the existence of Clause 18 nor did they understand it. The lack of understanding was attributed to the language as well.

Whatever is your preferred language, which you find better should be filled. It should be understandable; you are entering into a contract. If in front of me there is a contract written in Chinese language, I will be clueless. (Female,31, BPS-17)

The majority mentioned that particularly the word, “Tafweez” is not comprehended by a layperson.

The language of Nikah Nama, like the “word, Tafweez” is difficult to understand. Although I work, I am educated, even though I don't know it well. And probably that's why we ignore it. (Female, 34, BPS-18)

The findings manifested that the optional nature of the clause also works as a barrier. As a common perception, non-obligatory components are not taken seriously. Participants also related the cutting and canceling of Clause 18 to its not being mandatory.

Society is not supporting this right because it is optional. If a subject is compulsory, then we give it more importance but if it is not compulsory for us, then we do not focus on it. (Male, 43, BPS-2)

I am not educated on this matter but if this is Islamic, then this should not be optional. (Male, 34, BPS-17)

It was suggested that if not making the delegation compulsory, at least some reason should be put forward by the husband for not granting the right.

iii) Role of Nikah Khuwan and Canceling out of the Clause 18

The findings disclose that the dormant and unprofessional role of Nikah Khuwan works as a barrier in employing clause 18. The study discovered that Nikah Khuwan typically plays the role of a person solemnizing and recording the marriage. Many participants blamed the Nikah Khuwan and religious clerics for not disseminating the information and knowledge on the rights in the Nikah Nama and not playing the demanded role. They highlighted that there's no role played by the Nikah Khuwans besides asking about the acceptance of the bride and the groom thrice.

They come for the signatures only. The parties are not told anything regarding the clauses and rights in the Nikah form. (Male, 34, BPS-17)

Since the Nikah Khuwan charge a fee which is usually not fixed rather dependent upon the status of the families, it was explicitly expected in the discussions that they should as their duty inform and explain the clauses pertaining to the rights of both parties.

He takes money for this. It is his duty. He should come and tell the females especially about everything and ask about their free consent. He should tell her that this is written in this. If you agree to this, then we will get you married. (Female, 38, BPS-4)

It was also asserted that the religious clerics are patriarchs therefore they deliberately avoid talking about clause 18.

Our religious scholars are also patriarchs. They have their own views on male rights and domains. Their interpretations are their own. (Female, 34, BPS-18)

Some participants also shared that besides being the responsibility of Nikah Khuwan, the onus also falls on the prime stakeholders to give Nikah Nama a thorough read and ask about what is beyond their understanding. It was also expressed that the clerics are merely following the instructions of the families.

Nikah Khuwans don't talk about things that the parties are not talking about as well. They look at the parties to tell them or guide them on what to discuss and what not to discuss. (Female, 32, BPS-18)

The participants also shared that they were unaware of the existence of Clause 18, as most of the participants found it crossed or marked as void in their Nikah Nama. The cutting of the clause implied that it was irrelevant, and insignificant.

When I got the Nikah Nama, there were lines on it, many clauses were canceled out. I didn't know anything about this right. (Female, 38, BPS-4)

A majority of participants shared their dissatisfaction with the ways of the Nikah ceremony in their communities. It was emphasized by all the participants that the Nikah Khuwan should at least educate about the clauses that have been utilized or not utilized.

They can do it, but they don't want to because their bread and butter is their rating among people. If the rating is low their income will be low. It will remain

so till being a moulvi is not separated from the source of income. They don't want to get fired from the job. (Female, 27, BPS-16)

Haven't witnessed ever in my life when the Nikah Khuwan is telling the girl or the boy that you both have these rights and duties over each other. (Female, 35, BPS-18)

To conclude, all the participants pointed out that Nikah Khuwan plays no role besides recording the acceptance and getting the contract signed. No incident was quoted where Nikah Khuwan had elaborated the clauses or asked the boy or the girl if there's any right that they would like to claim or delegate.

iv) The Influence of Media

The findings discovered how media influences and shapes cultural and familial perspectives. It was reasoned by the participants that Media especially the TV dramas, portray divorce negatively. The perception promoted and instilled by the media acts as a barrier. None of the dramas spread knowledge and awareness on the rights incorporated in the standard Nikah Nama. Though there are programs and talk shows on religious topics, Talaq-e-Tafweez has never been a part of such shows.

Pakistani media mostly reinforces stereotypes and does not play a constructive role. The reason for this is that in our society, free thought, and free speech have terrible consequences. (Male, 45, BPS-20)

Where rest of the participants refused to have observed or coming across any content relevant to Clause 18 and the right of 'Tafweez', one of the participants shared having watched a TV drama named 'Nikah', on aired in February 2023 (Episode 15) on Geo TV, where the girl

wanted to read the clauses of Nikah Nama and was also adamant to claim her divorce right under clause 18, at the time of her Nikah.

Her marriage gets canceled, her father dies, and the girl is in a difficult situation; that's why women stop. They are afraid. Such dramas scare them off. (Female, 38, BPS-15)

Usually, they are showing that if there's a divorce, then strange loud music will be played. A girl who is watching, of impressionable age, will think that such music was played, there were zoom ins and zoom outs, females started crying, screaming...What will she think? That is a negative thing! (Female, 31, BPS-17)

The interviews and discussions revealed that media possesses immense power to influence both the individuals and society. It was asserted by the participants that rights such as Talaq-e-Tafweez should be taught about in the dramas and talk shows in a positive way so that people understand the utility of the same instead of perceiving it as a triggering effort to encourage divorce.

5.10 Enablers to the Practice of Talaq-e-Tafweez in Pakistan

The study explored that as compared to the barring factors, there were far less variables that acted as the enablers for the employment of Clause 18. The interviews of the participants who had utilized Clause 18 were given additional attention to identify the elements that supported the employment of delegated divorce. Numerous sub-themes were discovered as the factors that enabled the employment of Talaq-e-Tafweez among the civil servants in Lahore at 1) individual-level 2) socio-cultural level and 3) institutional level. See Table 5.8

5.10.1 Individual-level Factors

i) Legal Education and Awareness

The findings revealed that four out of ten participants, and two out of five female participants that displayed knowledge about Talaq-e-Tafweez had a background in legal education and they attributed their awareness to their degrees in Law. Out of six participants who had granted the delegated divorce, one had a Law degree and the other's wife who had claimed was a barrister. There's an indication that legal education is supportive of awareness and knowledge on the legal documentation and consequently of Clause 18. For instance, a male respondent shared how his wife filled the Nikah Nama as she had the legal education and understood the technicalities of the document.

My Nikah Nama was made by my wife. She filled it. (Male, 30, BPS-17)

At the time of nikah I was clear about Talaq-e-Tafweez due to my background of legal education. Otherwise generally people don't know about it. (Male, 45, BPS-20)

The findings denote that legal education can possibly restrain the high levels of unawareness that has emerged as a major barrier and facilitate the utilization of Clause 18.

ii) Individual Beliefs About Marriage

Analysis of the narratives of interviewees revealed following individual-level beliefs about marriage that acted as facilitators for practice and/or claiming of marital and divorce rights; 1) Acceptance of free consent and equality of conjugal rights, 2) Granting divorce rights as a significant means for gaining partner's trust and respect, and 3) Claiming divorce rights as protective shield against domestic abuse.

The participants expressed that the relationship of marriage is based upon compassion and reciprocity, where each party plays its own role and compliments the other. It was found that trust and goodwill in forming a relationship works as a facilitating factor for Clause 18 since the mindset of the parties is grounded in the notions of mutual faith and amity. Marriages created on the philosophy of harmony and free will enable the employment of the right of delegated divorce which gives both parties the choice to stay or leave the relationship.

It's a relationship based on mutual consent and both the parties should have equal rights. If they want to continue with the relationship, it's their will and if either party feels suffocated or unfulfilled then there should be a way to leave that relationship. (Male, 45, BPS-20)

She didn't ask for this right, I gave it myself because I believe that if a person does not want to live with me for any solid reason, then I should give her the freedom to leave. (Male, 28, BPS-16)

It was found that the participants who had delegated the right, delegated it on the reasoning of equality, freedom, and human rights rather than religion. To them it was a matter of fairness and displaying candid beliefs.

In my Nikah, I was just thinking based on equality. Islamic or societal views were not my concern. If I have something, then why doesn't she? In the one-plus-one principle. (Male, 30, BPS-17)

If you have the right, then the other person should have it too. So, it's just about right and wrong. (Female, 31, BPS-17)

The findings proved that while apparently the delegation of divorce seemed to be of no benefit to men, instead considered a loss of an inherent power, but the gesture of delegation itself

carried the practical gain required the most in the connubial relationships: positive intentions and veracity essential to create a lifelong agreement.

The bona fide intentions were transmitted because I gave her prompt dower and clause 18. This right of delegated divorce is a huge CBM (Confidence Building Measure). I remember everybody was happy and positively surprised. We had a better level of trust and confidence in the relationship because for her risk management, I was guaranteeing things. (Male, 47, BPS-19)

If a man gives this right to his wife, she will think good and positive about her husband, like I do! My husband left me in Pakistan. He did not contact me for 3-4 months. But still, I did not feel bad for him. Because he had already told me about his good intentions in the beginning by giving me this right. (Female, 38, BPS-15)

It was discovered that delegating the divorce right operates as a medium through which a man welcomes a partner with comparable rights to dissolve the contract, resulting in a balanced bond and a healthier relationship.

It gives your wife the understanding that I am an equal player in this marriage, in this contract. And you would have a friendship-based relation. You trust each other so it affects the relationship positively. The woman will have more trust on her own self. I don't have to make her trust me. When she feels equal, she feels in control and for me, that's a healthy relationship where you trust each other equally. (Male, 30, BPS-17)

Clause 18 necessitates a husband's seal of approval signifying equity and equilibrium of the powers. Participants expressed that successful partnerships involve honesty and open dialogue

and employing Clause 18 represented equal investment and compromise for both the stakeholders.

The couple who utilized this clause thinks rationally that they are entering a contract, marriage which has legal repercussions. They have deliberately signed a contract where they will try not to hurt each other and make this work. (Female, 27, BPS-16)

It is said that power corrupts, and absolute power tends to corrupt absolutely. When you have an absolute right in a relationship, then it brings corrupt tendencies in you. When they improve their behavior, their family will be stable. Family stability stabilizes society and civilization. (Male, 45, BPS-20)

Finally, it was discussed that Clause 18 can possibly work as a protective shield against domestic abuse. The findings concur with Huda, S. (1994) and Tahir, M. (2017) that employing Clause 18 can noticeably curtail the criminal offenses of domestic violence and abuse against women as it puts a check on the unlimited authority of a man to divorce and provides the woman with the discretion to end the relationship if she feels threatened, restricted, or unhappy.

Some men are very abusive and cruel, they beat and hit their wives. Giving this right will make them a little scared that they should not torture the women. This way he will always remember that if I hit a woman, she can leave me. (Male, 43, BPS-2)

Since I have this right, besides feeling empowered, there's mutual respect, and the chance of abuse is over. If a person doesn't delegate this right, he knows that she cannot walk out on me. He has more chances of abusing his wife. Because

you cannot trust anyone right away, it is an additional shield. It should be there regardless of anything. (Female, 31, BPS-17)

The findings indicate that individual value systems can significantly bring a change. This progressive attitude was mostly demonstrated by the participants between the ages of 28 and 35, which reflects an optimistic view evolving and functioning as a repellent of patriarchal and traditional practices in society that functioned as major barriers.

iii) Positive Beliefs About Value of Women (Empowerment)

Another significant enabling factor for Talaq-e-Tafweez was the fact that it is a women empowering right. The forceful mechanism of Clause 18 encourages women to claim and practice the right. The findings of the research imply that Clause 18 provides a right that is empowering for the women in marriage. It places both the investors in an equal position when it comes to effort and compromise. The participants upheld that delegated divorce confronts the perception that a woman must be subjugated to her man.

At least this parity comes from the fact that the husband will say that he should not do anything that will offend her so much that she will leave the relationship. So that at least sets a value bar that the behavior should not be below this value bar. (Male, 45, BPS-20)

This right gives self-determination to women. Yes, of course. It is powerful. It gives us autonomy. (Female, 30, BPS-16)

It was found that many participants generally perceived women as fickle-minded and emotionally unstable to handle the right to divorce but some participants also confronted the perception with the argument that this general view has developed as women are almost never delegated the right and once, they have it they will use it prudently.

If the woman is given the power and the rights, then she will become more careful and cautious. She will have her own power, but she will become more alert. This is a positive thing. They will be more careful. (Male, 42, BPS-16)

It was found that Clause 18 can strengthen women. It was also signaled by the participants that upon delegation of divorce, men might stop using divorce as a weapon against their wives. The threat of divorce will bear less magnitude since both would have the right.

iv) Beliefs in Importance of Mental Well-being

The discussions with the participants divulge the pragmatic impact of mental health awareness on the employment of Clause 18. In Pakistan, mental health, a topic completely neglected in the past, has recently gained more attention.

I ask such parents, is it better to lose your daughter? Is your ego bigger than this? (Female, 31, BPS-17)

The alarming rate of suicides, particularly among women, goes largely unacknowledged. Society tends to label suicide as haram, making it challenging to organize proper funeral services. There is a general lack of discourse and investigation into the underlying causes of these tragic incidents.

Initiatives by both governmental and non-governmental organizations have changed the way parents view the well-being of their children. Educational institutions have also started to incorporate mental health awareness programs in their curriculums. Together with the concepts of good touch and bad touch, children are made aware of bullying and anti-bullying mechanisms. This is helping develop empathy among the younger generations. However, it was emphasized by the participants that it's about time that Pakistani society changed the ways of training the children.

Literacy has nothing to do with enlightenment. We need to train our women. That there's no problem. They should be asking for this, right? There's no problem. And we should be supporting them in such a situation instead of pulling out of the situation or maybe discouraging them. (Male, 47, BPS-19)

The general idea of health has always been physical; if there are no bruises, even the police are reluctant to file an FIR (First Information Report) against abuse. A majority, especially the female participants stated the fact that disregard for the emotional struggles and psychological pains faced by women in an abusive or unpleasant marriage can have devastating consequences.

Although in this process of peace keeping a woman dies from inside but apparently life will be good. The day you take a little stand for yourself, I have tried doing it many times and I know what has happened to me. They try to break me, psychologically, physically, mentally. It becomes difficult to sustain. It becomes difficult to survive. (Female, 34, BPS-18)

The findings proved that people have by and large started giving thought to the healthy mind and emotional well-being in marital relations. Acknowledging mood swings, hormonal imbalance and emotional turbulence gives room to the recognition of women empowering rights such as Talaq-e-Tafweez.

5.10.2 Cultural and Family Related Factors

i) Family Values and Socialization

Revealing another facilitating aspect for the delegated divorce, the findings suggested that a person's values and approach to life are primarily shaped by their upbringing and overall background of the family. The participants insisted that claiming or granting the right under

Clause 18 could not be logically expected to be a sudden or haphazard decision. Instead, it required a constant and consistent imparting of the values that embed emotional security and a realization that every human being is an independent entity, owning equal access to every right.

It's not just that moment, it's about the whole upbringing. It's not the moment, it's the momentum that matters. The whole upbringing and the way you instill everything in your daughter. (Male, 30, BPS-17)

The findings also suggested that social class and exposure to different environments can influence individuals' progressiveness and openness to diverse values opposed to the traditional cultural patterns that are rooted in injustice and inequality.

The people who have exposure to living abroad or who are well educated, will be comparatively progressive. (Male, 56, BPS-20)

It was explored that a progressive and enlightened family, most conceivably, is expected to treat daughters as no less than sons and empower them to claim as well as exercise the right if required.

The girl's parents should ask their daughter about this if she wants to claim this right or not. They should guide her and tell her that our doors are open for you, if this person does anything to you, then you have this right, and we will support you in this right. This one thing will give the woman the courage, that she will never feel alone and abandoned. (Male, 28, BPS-16)

It was asserted by the participants that the foremost internalization starts from one's home and the 'nurture' holds the power to enable generations to overcome the barricades of lack of awareness, lack of formal education on the subject, and even the archaic cultural values that hinder the utilization of Clause 18 and other such rights.

ii) Positive Role of the Patriarchs

The study found that since Pakistani society follows the dominant ideology of patriarchy, a father, a husband, and a brother can potentially play a positive role in the matrimonial matters. Legal documentations, and official matters are believed to be a man's business in Pakistani society. Since in majority of the households, elders and men are leading the marital decisions as well, their positive role also functions as an enabler for the delegated divorce.

My paternal uncle (Taya) was my guardian. He discussed if I want this right. I told him that he knows better, and he should decide as he is educated. He did claim this right for me in the Nikah. So yes, I have this right. (Female, 38, BPS-15)

A dad plays a big role in determining how empowered his daughter will be in her coming life. (Male, 30, BPS-17)

I didn't initially read my Nikah Nama. My mom did. My dad was not well but my mom took a lot of time to read everything. (Female, 31, BPS-17)

It was expressed by the participants that constructive role of the patriarchs can alleviate the social status of women and lead the society to the directions of change and positivity that can consequently enable Muslim communities to follow law and religion in its true sense.

iii) Love Marriage

Among the six participants who had utilized the provisions of Clause 18, four shared their marriage type as love marriage. Evidently, as suggested by the findings of the research, between the types of marriages, there is a substantial probability of employing clause 18. It

was discussed by the participants that where there is an acquaintance between the consorts prior to the marriage, there are better prospects of considering each other as equal and since women are the equal decision-makers in love marriage, they are in a stronger position to negotiate and claim the right of Talaq-e-Tafweez for herself.

Delegated divorce was demanded by my wife and there was no reaction from my family. We had known each other for many years. So, there was not any offense or any ill feeling. (Male, 56, BPS-20)

I gave the option to my wife if she wanted to claim this right, but she chose not to. It's still our unofficial understanding that whenever she would like, she can have it. (Male, 45, BPS-20)

It was discovered that usually in an arranged marriage, both the parties barely know each other. Such marriages are usually arranged by professional matchmakers or some common relatives and friends. In arranged marriages, a girl's family is subdued; however, in love marriages, both the families are on a par with each other.

The girl's side agrees to whatever the boy's side is saying. This is particularly truer for arranged marriages where the families don't know each other, where the boy and girl don't know each other. So, obviously the level of understanding, the mental equation, that chemistry is missing. (Male, 56, BPS-20)

The findings also discovered that though culturally it's restricted and considered an act against honor and prestige of the family, religiously there's an acceptance of the concept that the girl and boy are allowed to meet each other and judge the level of wavelength and harmony between both.

The mental connection between the two is very important. Islam allows this that you meet before marriage and see if your personalities match. It's better to understand each other and then get married rather than get married and then have problems afterwards. (Male, 34, BPS-1)

The findings exhibit that if the girls are allowed to take part in the decisions for their marriage and given the basic right of free consent and decision-making that has been granted by the religion itself, they will be in a stronger position to negotiate and claim their nuptial rights.

5.10.3 Institutional and Procedural Factors

i) Legal Aspects and Difficulties of Judicial divorce

The study findings discovered that the legal system around divorce is arduous overall but for women, the procedure is extremely challenging, both physically as well as psychologically. The adversity of the legal apparatus does no favors to a woman rather exploits and discourages her from claiming her basic rights.

When a man gives Talaq of his own free will, where does the woman go? What protection is there? You cannot give such a divorce in the West, there are consequences. So, the legal fabric that we have designed in the name of religion, has destroyed the woman. On one level, you did not give her the given right. On the other hand, you have made the right so absolute and without any consequences, that whenever the other party wants, they can throw the woman out of the house, even at the age of 75. (Male, 45, BPS-20)

Majority of the participants expressed that the devised legal framework has failed to provide social protection to women. The cumbersome procedures act like a punishment before the

actual verdict. It was found that women prefer staying in an abusive marriage than complaining to the police and going to court.

Process should be easy. Nobody trusts the police and legal system in Pakistan.

We all avoid any issue that can lead to police. (Female, 27, BPS-16)

It was discussed by the participants that even the legal fraternity and highly qualified judiciary plays a part in complicating the process since it's their source of income. If the procedures are made easy their livelihoods will be endangered. The findings disclose that a usual Khula case takes years to decide, dragging the women along whereas the men are free to enter another marriage.

Interestingly and unfortunately, whenever lawyers are telling somebody about the legal recourse they have as well, they also tell them that you will be more disgraced like this. You know, like you already keep this in mind that you will definitely be humiliated. You may not even get the verdict passed for 2-3 years.

(Female, 32, BPS-18)

All the participants affirmed that legal proceedings take a toll on a woman's life, her psychological well-being, her finances, and her social status. Even the educated and empowered women feel hounded.

Legal proceedings, like going to court, and paperwork is overall complicated. Normally, people manage but it is difficult for women. Going to court again and again and tolerating the looks of people and men. (Male, 31, BPS-12)

I am an educated woman, I am an officer, even I feel reluctant to go to thana (police station) and court because the culture doesn't accept this. I did not join the judiciary. I qualified in the examination, I qualified for the post, yet I left it

simply because I thought I cannot survive with the judicial system, and I joined the CSS. (Male, 35, BPS-18)

Women go through the trauma of getting a divorce through court. They don't remain normal. Their confidence level is completely shattered. (Female, 31, BPS-17)

The study found that the complicated framework and tiring process of filing and claiming Khula was the amongst the biggest enablers for employing Clause 18.

ii) Judicial Divorce and Clause 18

The results indicate that although the right of Khula is available to be filed at a woman's discretion, Talaq-e-Tafweez guarantees an alternative that is considered easier and prompt for the women. The participants who had claimed/delegated the right maintained that the simplicity and celerity of the procedure can be easily understood as it is no different from the way a man divorces. Whereas, in Khula, a woman has to plead under the grounds provided in Section 2 of DMMA 1939.

Khula is a conflict. How can a person forcefully stay with someone? Forcing is forbidden in religion. It is forbidden yet it is done. That is why there is a two-month period to show that we do not waste each other's time. If reconciliation cannot be done, then move on! (Female, 31, BPS-17)

The participants asserted that Khula is a legal war where a man denies dissolving the marriage and a woman is left with no other choice but to seek judicial help. The scrimmage hauls women to court rooms, multiple hearings over a long period of time, and several false accusations harming her reputation.

Yes, absolutely, this right will empower her. I think that she will be saved from humiliation, she will be saved from the hassle of judicial divorce procedure.

(Male, 43, BPS-2)

Khula has to be done through court. Many times, husbands don't agree to this and decide on weird terms and conditions. Women have to forget about the Haq Meher as well. It becomes a very ugly situation. So, it is better to have this right.

There are two parties in this relation. Both should have equal rights. (Female, 31, BPS-17)

The findings reveal that Clause 18 unquestionably supports the women who are financially dependent and can't bear the cost of the legal process. It frees them of the troublesome obligation to appear in courts and face the cruelty of societal standards.

There are many women who can't apply for judicial divorce thus they stay in an unpleasant marriage. Because they feel that the procedure of divorce is so long, how should I pursue it? They don't have the support base; they don't have the financial resources. They don't have financial independence; they don't have emotional strength. (Male, 56, BPS-20)

I don't know about the difference between Khula and exercising clause 18 but I know that Khula is a very hard process for women. Upon knowing about this, I think this clause is to save a woman from this corrupt judicial system of khula, and it's for her convenience. (Male, 51, BPS-16)

Women will be empowered! They will know that they don't have to put up with all the negativities. No toxicity, no abuse, if you don't want to tolerate. If

someone is damaging your self-esteem, you can walk out. You have the option!

(Female, 31, BPS-17)

It was expressed by the participants who had delegated the right that Clause 18 is the logical explanation of the fact that a connection formed effortlessly, through mutual agreement, should likewise be terminable with minimal difficulty.

When you are walking out of a relationship, there are a thousand things you have to look into. From the custody of the kids to how will I provide for myself and my kids, how will I run this relationship after divorce? How will my kids meet their dad? How will I meet them? So much to think about and above all this, the procedure is so difficult! (Female, 31, BPS-17)

The participants with the knowledge of legal complications contended that employing Clause 18 in the contracts of marriage will have a positive impact on the burdened family courts. The rise in the number of Khula cases proves the inevitability of Talaq and at the same time works as one of the strongest enabling factors for the employment of Clause 18.

You'll be offloading the courts also. If you don't want to live with each other, don't go to court. This is the right that you're going to exercise. They're just overburdening the whole system. (Male, 47, BPS-19)

The findings emphasize on the hardships borne particularly by women during the process of claiming a judicial divorce and the value of Clause 18 in saving time, money, and psychological damage.

iii) Supportive Role of Islam

Islam emerged as the greatest advocate for the utilization of Talaq-e-Tafweez. The findings prove that the right is accepted and practiced by the dominant sects Sunni and Shia as among the six participants that had practiced one belonged to Ahl-e-Tashih and the rest were religiously affiliated with Ahl-e-Sunnat. Although most participants were unaware of the right and the fact that it's an Islamic right, the ten participants who showed knowledge and the six participants who had practiced the right maintained that Islam is perceived to be a barrier as Talaq is a disliked act, although Islam allows and enables the right of Tafweez.

Religion acts as a barrier against tradition. Exactly 180 degrees opposite to what we think, but we have not used this barrier. So, we need to bring that barrier in to stop this onslaught of tradition. (Male, 47, BPS-19)

Religion is explicitly empowering you, there is no religious barrier. Religion has given you a principle. It means that women are equal partners. (Male, 45, BPS-20)

Participants discussed how un-Islamic practices and the historical influence of coexisting with Hindus for centuries have placed Islam in a challenging position. It was alleged that there is unawareness of Islamic terms, rights, and practices such as spending extravagantly on marriages for the sake of ostentation.

Although it is an Islamic right, I think that those who call themselves pure Muslims, will definitely face challenges and get reactions from their families. Those who are a little liberal, they won't. (Male, 28, BPS-16)

80% of the things that we have at our weddings have nothing to do with Islam or any religion. They are just customs. (Male, 51, BPS-16)

The findings reflect that in Pakistani cultural context, the concept of marriage is different from where Islam was originally introduced. Islam was revealed in Arabic culture and its basic practitioners took divorce as a normal process but in Indo-Pak a woman was tied to the husband to the extent that if he died, she had to die with him. The custom of Sati said a lot. Patching up with other religions, the dynamics of Islam were modified resulting in the non-prevalence of actual rights rooted in the source.

The culture in which Islam was actually revealed, and its actual practitioners took marriage and divorce as a normal process. (Male, 45, BPS-20)

Parents of Hazrat Abdullah bin Zubair (RA) were Hazrat Asma(RA) and Hazrat Zubair(RA). They didn't get along and got divorced. If someone gets divorced here, we will make them the residents of hell. (Female, 27, BPS-16)

The participants alleged that Pakistani Muslims are more focused on the Arabic recitation and Hifz rather than understanding the true message of the Quran.

I think it seems impossible to them that in Islam there can be such advanced and progressive arrangements. Although Islam allows and allowed in that backward era. Now there's feminist movements, coded laws, human rights movements, universal declaration of human rights, Muslim societies should have gone way ahead. Unfortunately, Muslim societies not only failed to empower the women instead they made such concessions redundant in a way that it looks like it doesn't exist. (Male, 45, BPS-20)

Most of our Pakistani people are into 'peeri-fakiri' (consulting religious and psychic people) and they may not have read the Quran in their life. (Male, 39, BPS-18)

Hazrat Musa was demanded of 10 years as Haq Meher, and he had to live there and serve there for ten years. His wife's father said that this will be my daughter's Haq Meher. He talked about his daughter's rights first. (Female, 27, BPS-16)

The theme clearly identified practice of Islam and its core values, as the supporter and provider of delegated divorce. It also established that application of Islam in its true sense can bring an end to the cultural stigma of Talaq, making the employment of Clause 18 a widely accepted right.

5.11 Similarities and Differences in Findings

There's a divergence in the responses collected about the reading and understanding of the terms of Nikah Nama before signing it. A majority of the respondents strongly agreed (SA: 42%, A: 38.9%) that it is necessary to read a contract before signing (Table 5.4). However, a majority of participants did not read their Nikah Nama before signing. The majority responses (SA: 12.7%, A: 38.9%) stated that in their families, Nikah Nama is not read or explained to both parties before they sign it (Table 5.5). It is also supported by the majority responses on the statement that in most families, only the male elders decide the terms of Nikah (item 2, Table 5.5). Whereas, in the fourth subscale, the majority (54.5%) maintained that they read and understood the same before signing. The clash and confusion of practice is also noticeable between the items 1 and 2 of practice of ever married civil servants (Table 5.6).

The themes emerging under the qualitative thematic analysis included Patriarchy and patriarchal practices in Pakistani families. It was specially emphasized by the female participants and verified by the male participants, too, that patriarchy prevails in Pakistani cultural practices and matters across marriage and married life for women confronts it as a barriers to practice Talaq-e-Tafweez. The findings reflect that women are mostly not asked

about their knowledge or consent about the various clauses of Nikah Nama. The KAP survey data supported the qualitative findings and established through the high scores of SA: 11.6% and A: 44.8%, that only the male elders decide the terms of the Nikah Nama (Table 5.5). The majority of respondents agreed to the practice that opinions of the bride are not thought necessary to decide about the various clauses of Nikah Nama. Nonetheless, it was not the case for the groom and respondents agreed in majority that the opinions of groom/boy matter when it comes to the clauses and terms of Nikah Nama. (Table 5.5)

Most of the respondents felt (SA: 12.3% and A: 38.9%) that the women should avoid exercising their delegated right to divorce because it makes them economically dependent on their families. The results validate the qualitative findings where participants expressed that using the right of delegated divorce can potentially make the women a financial liability for their parents and siblings which is disliked and avoided in the cultural and family set of families in Pakistan. The findings conclude that financial independence is a must for Pakistani women to demand as well as exercise their marital rights. (Table 5.4)

A majority believed (SA: 16.8%, A: 46.1%) that women should refrain from exercising their delegated right to divorce because it can affect their children negatively. These responses can be verified from the responses by the participants as they also expressed about the burden motherhood places upon women demanding them to stay in abusive and unhappy marriages just for the secure future and betterment of their children. (Table 5.4) Similarly, majority respondents (SA: 13.4%, A: 32.2%) perceived that if a woman exercises her right to divorce, which was officially delegated by her husband, she will bring dishonor to her family (Table 5.4). The findings are backed-up by the interviewees' responses, especially the female civil servants, where they expressed and affirmed the same notion.

The study uncovers the perception of the majority (SA: 9.1%, A: 39.1%) that if the women are delegated the right of divorce, they will be less willing to compromise in the

marriage (table 5.4). Such presumptions were communicated by the participants as well. Some participants expressed that the bride's parents are not very keen in demanding the right of Talaq-e-Tafweez for their daughter because they anticipate that their daughter will not compromise. It was also discussed by the male participants that the wife will not abide by the ways of husband's family and would not try to adjust completely if she will have the right to divorce i.e., an option to end the marriage if she feels so. The male participants dreaded that they would have less control in such marriages and the wife will have an edge as she will have an equal opportunity to dissolve the marriage.

It was also discovered through the findings that a notable majority (SA: 7.55% A: 34.3%) believes Talaq-e-Tafweez to be unislamic (Table 5.4). Substantiating evidence was provided by the thematic analysis. The sub-theme of 'Negative perception of liberalism' gives an analogous view where some participants perceived it as a symbol of liberalism and Western values. The findings of this study validate the entity of this perception, owing to the unawareness of the laws and rights granted by Islam, the Muslims believe Talaq-e-Tafweez to be an alien right, leading to lack of its application.

'On the pre-marital discussions of Clause 18, majority of respondents showed a neutral attitude (item 5, Table 5.4). The theme 'Stigma of divorce' endorses the results where participants showed express hesitation in uttering the word, Talaq. They also revealed that discussing divorce rights at the time of marriage is strongly believed to be a bad omen. It is avoided by the families to bring up such matters at the time of entering into the marriage agreement. 33.6% of the respondents shared that Talaq-e-Tafweez was not commonly practiced in their families (Table 5.6). These results are parallel to the qualitative findings as most participants shared that employing Clause 18 was not a usual practice in their families.

CHAPTER 6: DISCUSSION

This study was conducted to understand dimensions and aspects surrounding the right of delegated divorce in Pakistan. Three facets were under special focus. It was thought necessary to understand these aspects as the standard Nikah Nama and the Clause 18 had been in force since 1961, a span of sixty-three years. However, the rise in Khula cases (Table 1.3) indicated the dormancy of the right available to every Muslim woman. It was also projected through the existing literature that the right was inapplicable due to its non-utilization.

All the three goals of study were achieved. The foremost objective was to measure as to how much the civil servants knew about the existence of Tafweez of Talaq and the basic nature of this right. Followed by the exploration of the attitudes, perceptions, and feelings of the civil servants about Talaq-e-Tafweez, it also included assessing the practices and recording

the instances of utilizing Clause 18 in the Nikah Nama by the civil servants. The second aim was to discover the specific socio-demographic elements that had direct or indirect impact and comparisons with the levels of knowledge, attitude, and practices of delegating the divorce. The research was keen to identify the population's characteristics that played a part in influencing what they know about Talaq-e-Tafweez, what they thought about it, and what they actually practiced in their lives. The third aim of the research was to search and ascertain the factors acting as the facilitators and barriers towards the employment of Clause 18, according to the civil servants. Obstacles and facilitators experienced by the civil servants have been categorized into three major factors: Individual-level factors, cultural factors, and institutional factors.

The objectives have been accomplished by applying both quantitative and qualitative methods. The first two goals were assessed through the KAP instrument. The target of 400 surveys was exceeded and a total of 440 surveys were collected. The third aim was achieved through the qualitative method of in-depth interviews. The target of 20 interviews was surpassed as 25 civil servants were interviewed for exploring the barriers and enablers to Talaq-e-Tafweez. All the surveys and the interviews were collected in fulfillment with the planned proportion of three departments of civil service: MPDD, OPC, and Railways. Complying with the concurrent study design, this chapter concludes the results acquired through the mixed methods. The chapter also includes the recommendations for making Clause 18 more incorporated in the matrimonial norms of Pakistan.

6.1 Quantitative Insights

Knowledge

It is inferred from the presented findings that there are several misconceptions about the rights under Nikah Nama. Asghar, (2001) upholds that entering into marriage with ambiguity about the rights damages the power held by Nikah Nama and can impact the future of parties. The interviews also verify that due to various underlying reasons, Nikah Nama remains deprived of the necessary attention. 70.9% of the respondents were unaware of the fact that each Nikah Nama can be tailored and filled in according to the parties' wish and requirements. The belief of divorce right being innate to man is embedded to the extent that 49.8% respondents were under the misperception that it is not possible to restrict husband's right of divorce.

92% had shown knowledge about the right of Haq-Mehr and 65% knew about the maintenance and monthly allowance provisions. However, there isn't much difference in the scores of having knowledge and not having knowledge about Talaq-e-Tafweez. The values for item 6 and 7 (Table 5.3) present a dissimilar picture when compared with the qualitative results. 39% agreed with the fact that delegation of divorce is possible only with the husband's consent, while 34% showed no knowledge of it. A comparatively large response ratio of scores of having knowledge about Clause 18 can probably be attributed to the preliminary information given out to seek their free consent in filling the survey. It is also found through the in-depth interviews, which attest that a majority (15 out of 25) of the participants were unaware of the right of Tafweez and Clause 18. It can additionally be corroborated as in the response to item 2, 'practices ever married', as 52% of the respondents agreed that they were not aware of Clause 18 and Talaq-e-Tafweez at the time of their marriage.

Farooq, (n.d.) states that Talq-e-Tafweez saves women from the tiring procedures of judicial divorce. 41% of respondents and the majority of participants, had incorrect knowledge about the procedural similarities for judicial divorce and delegated divorce. Consensus among the findings was found in the questions about complexities of Khula proceedings and the

financial/physical/psychological hardships in legal navigation for women. It was found that majority among the participants as well as the respondents, agreed that demanding Khula through court is a time-taking and financially troublesome process for women (Table 5.4).

Attitudes

The findings of this study suggest the prevalence of a mix of positive and negative attitudes about the Nikah Nama among respondents. Interesting relations and parallels can be drawn from qualitative findings and narrative analysis of respondents.

The majority of the respondents (47%) viewed the Nikah Nama as more protective of the rights of husband as compared to that of the wife. Similar findings have been reported in a recent research where lack of trust on state institutions or belief in ineffectiveness of state sanctioned institutional procedures can deter citizens from utilizing policies and laws in Pakistan (Masood & Azfar Nisar, 2021). The findings of this study also suggest similar evidence. (42%) percent of survey respondents believed that considering Talaq-e-Tafweez as "un-Islamic" is a common opinion among people. In addition, narrative analysis in interviews revealed specific perceptions related to divorce rights as key barriers to utilization of divorce rights in Pakistan. These included negative perception about Talaq-e-Tafweez as liberal/Western/unislamic and beliefs about women's inability to make sound/rational decisions. Importantly, the data also suggests that prevalence of positive attitudes/beliefs about women's divorce rights exist but can be offset by attitudes related to perceptions about their ability to exercise that right effectively. For instance, majority of the respondents displayed belief in importance of educating women on their legal rights in marriage (86%), premarital discussion of marital rights (51%), inclusion of women in decision making processes related to marriage (82%) and Talaq-e-Tafweez is a legal and equitable way for Muslim women to end their marriages (48%). The respondents simultaneously displayed attitudes about women's inability to exercise these rights effectively as it could make them financially dependent. This

can explain the fact that a small positive correlation was established between ‘Attitude’ and ‘Practice’ with statistically significant p values. However, the optimistic results denoted that positive attitudes regarding Talaq-e-Tafweez were associated with a greater likelihood of employing Clause 18.

Furthermore, half of the respondents agreed (51%) in favor of the premarital discussion of divorce rights. Whereas the participants opined that Talaq-e-Tafweez at the time of marriage is believed to be a bad omen, and the fear of bringing bad luck to marriage hinders pre-marital discussions about the clauses of Nikah Nama. Huda, (1994) reasons that if the right to divorce was a right considered inherent for the man, the woman should also be provided with the protection of Tafweez. However, other results correspond with Huda (1994) as majority of respondents have agreed to the statement that Talaq-e-Tafweez is a legal and equitable way for women to end their marriages. The common attitude suggested by the findings of this study that granting women the authority to initiate divorce will reduce their willingness to compromise in marriage (48%) is in contrast with Huda, (1994) highlighting capacity, free consent, offer and acceptance as the basic requisites of a valid marriage.

Talaq-e-Tafweez preserves women’s right to the full amount of dower (Farooq, n.d.). The findings suggest that Talaq-e-Tafweez eases the complications that come with the demand of judicial divorce while retaining their amounts of Haq-Mehr. The respondents agreed (item 14, 15) on the troubling procedure to gain divorce through court and the additional misery inflicted on the women of taking away their rights of dower. The indications are similar to a study (Mehdi, 2005) that Tafweez of talaq grants women the privilege to fully retain their Haq Mehr and stand on equal footing in the conjugal relations.

Practice

Asghar, (2011) asserts that the neglect of the notion of free consent undermines the power of Nikah Nama. More than half of the respondents (51%) affirmed that in their families the Nikah Nama is neither read nor explained to the bride and groom (Table 5.5). The findings ratify the study (Malik & Javed, 2021) highlighting the common misconception that the details of the Nikah Nama and its clauses do not require any attention of the immediate parties involved and the terms of Nikah are decided by the male elders of families or just left to the discretion of Nikah Khuwan. Ahmad & Ahmed, (2021) criticizes that Muslims have limited knowledge about marriage laws. It is also corroborated by the findings as majority (48.2%) agreed that women in their families have no knowledge about their rights under the Nikah Nama.

As analyzed by the research (Ghani, 2022), documentation of the agreements carries indispensable magnitude. The KAP scores about the importance of reading the Nikah Nama diligently match with the assertion that beyond being a religious act, marriage holds a legal significance and requires utmost attention of the immediate parties. The findings also correspond with Butt, (2021) that emphasizes the requirement of ensuring that the clauses in the Nikah Nama are filled out efficiently to protect the rights of both parties.

Practice of Ever Married

Pertinent findings were rendered by 'Practice of ever married'. The majority of the respondents, 55% admitted that they had no awareness about the legal requirements and procedures regarding Talaq-e-Tafweez at the time of their marriage and 62% reported that they had not granted/demanded the right of Talaq-e-Tafweez under Clause 18. Our findings substantiate the paper (Omar, 2007) that says that Clause 18 is rarely utilized because of unawareness and cultural omens. Despite the definite provisions in Islamic teachings and Pakistani family laws, practices are harmful for the women as they lack options and have to

endure unfair conditions. The qualitative findings verify the situation and suggest no visible difference even after a gap of seventeen years.

Most agreed that Nikah Khuwan had informed them about the rights of Haq-Mehr and maintenance but not about the Tafweez of talaq at the time of Nikah (63%). The existing literature establishes that the Nikah Khuwan/Nikah registrar, are under the obligation to be responsible of ensuring the competency of both parties to understand the magnitude of their actions and consent to marriage. Failing to fulfil his duties can lead him to civil or criminal litigation (Butt, 2021). This study explored that 46% of respondents affirmed that Nikah Khuwan had informed them regarding the rights of maintenance and Haq-Mehr (70%). Nevertheless, a majority of responses (63%) reflected that they were not informed regarding rights about Talaq-e-Tafweez. The findings of this research coincide with (Munir, 2006) to the extent that the parties are not informed of the presence of this right. However, another important highlight of the (Munir, 2006) and (Butt, 2021) that the religious clerics and registrars cross out Clause 18 before providing the Nikah Nama to the parties, was partially corroborated by this research. The KAP survey signified no such cut out of the clause, however, many participants expressed in their interviews that they had noticed cuttings and sections declared void/not applicable in their Nikah Nama.

6.2 Key Findings: Hypotheses

The study found that people with more knowledge about Talaq-e-Tafweez had slightly more positive attitudes towards it. Age had no impact, but higher education was linked to more positive attitudes. Almond, (2010) affirms that education focuses on raising the levels of tolerant attitudes including the effects on personal and familial aspects, as well as affiliations to culture and religion. Interestingly, married people knew more about it, while those who were divorced or separated were more likely to use it. Crompton & Harris, (1998) declare that

occupational structure is helpful in evaluating the processes that are elementary to social change and also found a difference in patterns and variations around the formation of families among two occupations. The work people do, and the skills required for performing particular jobs, impact the way they perceive and act. It was intriguing to notice that the department civil servant worked in, and their pay-scale had a bigger influence on their knowledge, attitude, and practice of delegated divorce than the number of years they've been a civil servant. Higher BPS affected Attitude and Practice. The department of Railways showed higher levels of Knowledge while OPC had higher levels of Attitude and Practice.

6.3 Qualitative Insights

Ten participants had knowledge about the clause and only six out of 25 had delegated/claimed the right of Talaq-e-Tafweez. It's notable that most of the participants who demonstrated knowledge had post-graduate educational level. It's also significant that the researcher interviewed two civil servants from Shia sect and they both not only knew but had granted/demanded the right of Talaq-e-Tafweez.

6.3.1 Key Barriers

The study reveals that most participants signed their Nikah Nama without reading it, suggesting a general lack of attention to its contents. Even among the participants who had utilized Clause 18 some lacked comprehensive knowledge of the procedures. It was also discovered that some perceived Clause 18 as a Western concept, leading to negative views and association with the elite class. Negative beliefs about women's capability of decision-making emerged as a significant barrier. Male participants displayed a strong perception about women being emotional and irrational and viewed women as incapable of handling divorce-related decisions. The perception is defended by Farooq (n.d.) as, where the rights are masked or denied, the concept of free consent is jeopardized.

The findings implied that Nikah is believed to be a religious formality and not understood as a legal contract. The norms around the ceremony overshadow the magnitude of agreement and its legal significance. The majority of the participants stated that they did not pay attention to the document of Nikah Nama. It is also supported by the responses recorded by KAP survey as a majority agreed to the statement that only the male elders decide about the terms of Nikah Nama in their families. (Table 5.5) The corroborating findings from the interviews are also similar to the findings of Huda, (1994) that asserts that while discussing the matrimonial rights of Muslim women, it's fundamental requisite to consider marriage as a civil contract instead of a ritual. Asghar, (2011) establishes that Nikah Nama is a legally binding document, a legal cornerstone of a marriage. It's administrative in nature as the document formalizes the union and builds a control dynamic between the institutions and individuals. Filling out the Nikah Nama serves a specific social purpose and impacts the couple's future (Asghar, 2011).

Stigma attached to divorce emerged as a major theme and validated the findings of (Zafeer, Maqbool, & Yanping, 2022) and (Naz & Zia, 2008) indicating that psychological and social elements exert adverse effects on both married and divorced women. Divorced women confront psychological and social hurdles, frequently encountering feelings of depression, anxiety, and stress attributed to various factors, including rejection by their families. The symbols of disgrace, shame and humiliation are attached with the word, Talaq. Some participants were reluctant to pronounce 'Talaq' in their interviews. Many participants upheld the impact of the prevalent cultural background in the Indo-Pak subcontinent and that residing among Hindus has shaped generational attitudes towards marriage, divorce, and the expectations surrounding marital rights and responsibilities. The findings correlate with the KAP survey conclusions where the majority of respondents agreed that a woman should avoid getting divorce as the act brings dishonor to their families (Table 5.4). This cultural psyche is

suggested to have contributed to the declining social status of Pakistani women overall. It was also underlined that Pakistani society is fatalistic. The lack of precautionary measures and contingency plans have roots in superstitions, exaggerated trust in destiny, and the revulsion for the act of divorce itself. It is scorned to the extent of neglecting a secure future and the rational utility of Clause 18.

Malik & Javed, (2021) highlight the patriarchal family systems and the lack of women's knowledge and awareness about their rights in marriage. The conclusions of this study find relevance with the cultural practice of leaving the decisions of marriage contract to the others, and the general belief that neither will there be a question about husband's right to divorce nor delegating the right to the wife. This research suggests that patriarchal family structures prevail in Pakistan and significantly influence the gender gap and the utilization of delegated divorce. The patriarchal system grants men more control in the marital decisions. It was explored that the prevalence of male dominance discourages women from asserting their rights and the societal and family pressures can dissuade women from pursuing Talaq-e-Tafweez. The patterns of choosing the spouse were also revealed to be biased as traditionally fathers and brothers handle the marriage negotiations on the behalf of women restricting them from actively participate in the decision-making process and demanding her rights under Clause 18. As voiced by participants, women are expected to compromise and not assert her rights. It is a red flag, a threat to a man's dominance if she demands the right of Tafweez before entering into marriage. The fear of loss of control and dominating status acts as a deterrent for the men granting Talaq-e-Tafweez.

The interviews unfolded the social and financial insecurity faced by Pakistani women. Such insecurities were expressed to be multiplied if a woman is divorced. The female participants communicated the social dependence on husband, fear of lacking a secure housing, safety of their children after the divorce, and their own safety. This feeling of helplessness

emerged as a major theme acting as probably the mightiest barrier in demanding and exercising the right of delegated divorce. The fear of character assassination and the insulting labels are repellant of utilization of Clause 18. Even the female civil servants working on higher pay-scales conveyed the feelings of risk of losing essential social standing and security, despite the potential abuse in marriage.

There are various social and economic factors discouraging women from utilizing Clause 18. Participants showed apprehension of limited prospects for second marriage if a woman initiates divorce. This pressure was believed to be acute for the women from lower and middle classes. Other barriers were the expectation of extravagant dowry (Jahez) and minimal chances of receiving the due share in inheritance after the divorce. Another study, Ahmad & Ahmed, (2021) criticizes forced marriages, customs of dowry, denial of inheritance to women and exaggerated expenditures in wedding ceremonies. The knowledge level, disregard for women's rights, and indifference towards free consent explored in our findings ratifies the criticism.

The identified patterns indicated a lack of meaningful discussions prior to signing the contract and limited understanding of the clauses, leading to a marriage where the bride and groom enter the agreement with a sense of detachment and inadequate understanding of their rights and duties. Tafweez is similar to a prenuptial agreement, which can be favorable, but it is rarely used. The findings align with the study (Islam Uddin, 2018) that most of the time, Nikah is sermonized in a rushed manner and women are not informed about their right to include delegated divorce in the contract.

6.3.2 Key Enablers

The study findings reveal an imbalance. There are fewer factors that enabled the utilization of Clause 18 as compared to those barring it.

The collected data establishes a link of legal education with the knowledge and awareness of Talaq-e-Tafweez as well as Clause 18. This finding is further supported by a male participant's anecdote where his wife, barrister of law, filled out the terms of their Nikah Nama as she understood the legal documentational aspects.

Some participants expressed their belief in free consent and equal conjugal rights within marriage as a key requisite to create a strong union. The participants who utilized Clause 18 framed their views in terms of equality and freedom and the principles of human rights compared to the religious justifications. They were found to be less devoted to the traditional practices acting as barriers towards Clause 18. It was also observed that this openness reflects a challenge to the typical patriarchal norms of Pakistani society. It was also discussed that exposure to diverse environments and experiences of living outside Pakistan could influence an individual's progressive values to support gender equality and hence, the divorce rights.

It was opined by the participants that Clause 18 can empower women against facing the marital abuse. While some participants had viewed it as a loss of power and control over women, others highlighted the act of delegation itself as a bona fide and positive step. They upheld Tafweez of Talaq as a symbolic gesture that could foster positive intentions and integrity; qualities that are believed crucial for building a successful and durable marital relationships. The findings also verify the points raised by (Tahir, 2017) to the extent that the cumbersome procedure of khula and the stigma of divorce compels women to tolerate domestic abuse. For married women, physical abuse is directly connected to the negative perception of divorce. Tafweez of Talaq may ease their way out of an unhappy relationship.

It was voiced that right to initiate divorce could enable women who face domestic violence or emotional abuse to leave the relationship; also challenging the traditional notions of female subjugation. This perception of control and escape route might contribute to a women's well-being within marriage. The findings concur with Saini & Trivedi, (2021) in

claiming Talaq-e-Tafweez to be one of the most enabling tools for Muslim women, promising emancipation from toxic, abusive and oppressive marriages. The research also suggests that granting Clause 18 might lessen the prospective of men to use threat of divorce as a means of control creating a balanced power dynamic where divorce becomes a mutual decision and not a weapon wielded by one party.

The study also explored the potential for the male figures of the family, to play a positive role in enabling Clause 18, despite Pakistan's patriarchal social construct. The studies (Siddiqah & Mukhtar, 2019), (Pakeeza, 2015) and (Yunis, Hashim, & Anderson, 2018) highlight that women are subordinated to men due to patriarchal cultural norms and the traditional gender roles limit women's social status and opportunities in life, ultimately leading to financial and social dependency where they are unable to decide about the major decisions in life. The findings of this study acknowledge that decision-making primarily rests with the patriarchs, therefore, their constructive role could act as facilitator of Clause 18, leading to a more supportive and safer environment for women's. It can contribute to a broader societal shift towards gender equality. The findings are supported by the anecdote of a male participant whose father guaranteed the divorce rights under Clause 18 for the daughter-in-law.

A higher proportion of participants who had availed themselves of the right of delegated divorce reported having love marriages. Participants suggested that love marriages might encourage a sense of partnership and equality among spouses, making women more confident in negotiating for Tafweez of talaq. The study discovered a parallel existence of restrictive culture and the supportive Islamic perspectives allowing for pre-marital meetings. Findings assert that women who have a choice in selecting their spouse might be in a stronger position to demand the delegation of divorce right.

Legal barriers were explored as the enablers for Talaq-e-Tafweez. The current legal framework was perceived as failing to provide sufficient social support for women during

divorce proceedings. The complexities were found to be discouraging for women to pursue Khula to an extent where they rather remain in abusive marriage than face the legal procedures. Farooq, (n.d.) claims that Talaq-e-Tafweez is one of the most enabling tools for Muslim women, promising emancipation from toxic, abusive and oppressive marriages. Participants who had delegated divorce rights viewed Clause 18 as an empowering mechanism overall. They also felt it aligned with the idea that a marriage built on mutual consent should also be terminable through mutual agreement without unnecessary complications.

While the study explored the interplay between religion and perceptions of Clause 18, Islam emerged as the biggest facilitating factor towards the enactment and performance of Talaq-e-Tafweez. Participants felt that cultural practices and historical influences, like coexisting with Hindus, created a perception of Islam as a barrier to divorce and argued that extravagant weddings and misconceptions about women's roles after marriage strayed from the actual Islamic teachings. They proclaimed that divorce was viewed more openly in early Islamic societies, whereas Pakistani traditions emphasized a wife's obligation to stay in marriage at every cost, even to the point of Sati (widow's self-immolation).

6.4 Theoretical Implications

6.4.1 Social Exchange Theory

Social exchange theory suggests that individuals enter into relationships based on a cost-benefit analysis, seeking more benefits while minimizing costs. Our study's findings around the decision-making processes in marriage align with the concept. The narratives, especially of the participants that had granted and claimed Clause 18 suggest that marriages based on the philosophies of harmony, free consent and will, reciprocity will be more receptive to employment of Clause 18 as it supports the idea of choice and mutual benefits within the

relationship. The study findings suggest that even Islamic teachings and Family laws view human beings as vigilant and logical in their dealings. It is expected of them to enter into agreements with free will, mutual considerations and compromises. Similarly, a marriage is understood as a transaction where both man and woman agree on reciprocity. Such a transaction is only long lasting and beneficial if both sides thoroughly understand and participate in deciding the terms and conditions of the Nikah Nama.

It is also deduced that relationships are directly affected by choices and the explicit acts of giving the other party freedom enough to evaluate the cost and benefits within a relationship and imparting a practical sense of free consent throughout the marriage. Male participants who had granted the right perceived it as only fair and the female participants that had claimed had rationalized the decision-making process. Suggestive of the option to leave the marriage where cost outdo the benefits, findings assert the equal opportunity to end the marriage.

While understanding the enabling and barring factors through social exchange theory, the findings relate to the situations where the participants gauged the price to leave the relationship was higher than staying in an abusive relationship. The penalty for divorce is the social stigma, financial dependence, fear of losing the children and unpredictability of future stability. It was found that these costs are threatening to the extent that even if given the right of delegated divorce, the majority of women might not utilize it ever; cost of Talaq-e-Tafweez may outweigh its benefits.

The research also suggests that the concept of cost and benefits gets affected by the cultural and religious factors. In some ways the cultural practices limit the access to the rights deemed beneficial. Many respondents and participants had no knowledge of the Islamic entity of the right of delegated divorce. The prevalent lack of awareness and absence of efficient education had made them believe in the right to be unislamic and a symbol of liberalism. In such situations individuals may be reluctant to avail themselves of the right.

Overall, the findings support the core principles of social exchange theory but also suggest the importance of incorporating cultural influences, influence of the families and the gendered standards of divorce when evaluating the process of decision-making and its outcomes within marriage.

6.4.2 Feminist Theory

The findings of this study contain the elements of discriminatory societal influences, cultural practices, and the power imbalance in marriage. The findings highlight the role of gender in shaping the society and align with the conceptual foundation of feminist theory that compartmentalized gender roles and patriarchal structures within family can restrict women's access to the right of Talaq-e-Tafweez, no matter which caste or social class they belong to. Patriarchy has been found to be resilient and afraid of losing control and the subjugation over women. One of the participants expressed that the women in their families can't even go out to buy the objects of basic use. Such practices imply that gendered power dynamics acts as a social barrier towards the empowerment and autonomy of women. The findings suggest that it's not considered important to ask about the consent of women in most families, whether it be the choice of a life partner, career, or the rights under the Nikah Nama.

Talaq-e-Tafweez requires man's consent to delegate the right inherently rested in him. Gender inequalities give way to a patriarchal culture by interpreting and preaching their own version of Culture-shadowed religion and using that to subdue and restrict the women from protecting themselves with the rights guaranteed by religion and the law of the country. Mistreatment and subjugation of wives is accepted even after years of activism (Chaudhuri, Morash, & Yingling, 2014). This is the very reason explored as barrier by this study, inapplicability of Talq-e-Tafweez due to its non-utilization that is owed to the unawareness and misconceptions. The gendered power dynamics have created a stifling circle of social and

cultural pressures to cage the women. The participants expressed that the terrors of being labeled as divorced impede their ways to employment and utilization of Clause 18.

The findings find a direct relevance to the agency and voice of women. Islam's role in improving the status of women is widely acknowledged (Badran,1986). The study establishes that majority of women are unaware of their rights in general and the rights under Nikah Nama in particular. The findings serve as an awakening call to all the Pakistani and Muslim women to realize the importance of knowledge about their rights guaranteed by Islam. Women need to support each other, educate themselves and the generations to come about every mechanism under law and religion that can possibly defend them to get practically empowered in making important life choices.

6.5 Strengths of the Study

The study lies at the inter-section of Law, Islamic Jurisprudence and Sociology. It combines the perspectives of three distinct disciplines. There is no prior study on Talaq-e-Tafweez that has applied an interdisciplinary approach.

To the best of researcher's knowledge, this is the first ever KAP study on the right of Talaq-e-Tafweez. There's no qualitative or quantitative prior study where the data was collected among the prime stakeholders of marriage: individuals married or of marriageable age.

The study introduces a new instrument. There was no existing tool available to measure the phenomenon. The KAP instrument used has been devised for the purposes of this study and it was modified from the KAP survey used by Al Ahdab (2021).

The study is cross-sectional and engages a mixed methods strategy to gain a maximum insight into the various dimensions of the phenomenon of delegation of divorce right under Islamic and Pakistani laws.

Along with the existing literature, the study utilizes the records from the Family court case filing branch, precedents, and case laws to corroborate the facts with the ground reality.

This study fills four research gaps: i) Interdisciplinary gap, ii) Population gap iii) Methodological gap, and iv) Temporal gap.

The study population is a prominent category among the citizens of Pakistan, actively participating and duly responsible for running the governmental machinery from lower to higher levels. Three prominent departments were sampled and there's a wide range of age, sects, domiciles, years of experience, grades and BPS among our participants and respondents, indicating diversified and rich data.

The research has rendered significant results about the applicability of Talaq-e-Tafweez, the value of Nikah Nama clauses, the Islamic existence and legal assertion of delegated divorce, the drawbacks of judicial divorce and legal navigation, the decision-making processes among individuals in matrimonial matters, the clash between the cultural practices and religious injunctions, and the status and value of women empowerment. The study confirms the existing literature in many ways and makes notable additions as well.

The research tries to offload the family courts of the constantly increasing cases of dissolution of marriage.

The research is also aligned with two Sustainable Development Goals, UN 2030: Goal 5 for Gender equality: Target 5.1, 5a, and 5c; and Goal 16 for Peace, justice, and strong institutions: Target 16.3.

6.6 Limitations of the Study

There are two major limitations of this study. Firstly, there were no comprehensive, publicly available records about the actual strength of the civil servants serving in the different departments. Thus, due to the procedural formalities and hindrances in accessing the civil servants and their data, only three departments have been sampled.

Secondly, compared to the departments of MPDD and OPC, the department of Railways was far bigger and might have affected the tendencies of quantitative results.

6.7 Future Recommendations

Future research is recommended to expand to other cities, small towns, and villages of different provinces of Pakistan. It is also recommended to sample other populations.

It is suggested to study the stance of the Nikah Khuwan about Clause 18. It is also proposed to research their levels of knowledge and awareness on the Nikah Nama Clauses.

It is recommended to sample the individuals who had actually not just employed but utilized the delegated right of divorce. It will provide a picture of the procedural comparisons.

6.8 Policy Implications

The findings of this research suggest the following necessary reforms to four prominent authorities.

Recommendations to the Departments of Education, HEC, and Curriculum Development

The study signifies the pessimistic levels of knowledge about the conjugal rights. The foremost inference is that there's a dire need for practical interventions that can educate the individuals of marriageable age about the basic rights in marriage and the clauses of Nikah

Nama. The study identifies the productivity of legal education in the awareness of religious and legal rights. It is recommended that along with teaching the basic principles of Islam, the curriculum should be modified to add the rational facets of Islam, Islamic laws, and marital rights. It's also recommended to organize and facilitate the arrangements of short courses, seminars, and programs to spread awareness about the basic family laws, women empowering rights, shunning gender discrimination, religious legitimacy of pre-marital discussions, and the magnitude of the Nikah Nama Clauses.

Recommendation to the Family Courts

The findings encountered an ugly picture in the situations where the women try to access courts for Khula. It's recommended to the Family courts to banish the negative culture of character assassination of women, and also to adjudicate the cases of dissolution of marriage within the lawful timeframe of six months, as provided by Family Courts Act, 1964.

Recommendations to the Council of Islamic Ideology, Pakistan

The learned Islamic Council is recommended to devise ways, Under Article 227 (Constitution of Pakistan), of working in a direction that can shun the unislamic marital practices. It should be mandatory for the Nikah Khuwan(s) of every city, town, and village to ensure free will in its true sense. They should be responsible for informing and inquiring both the parties if they fully understand the gravity of each clause and the contract of marriage that they're signing.

It is also recommended that the Islamic Council takes firm and effective steps to put an end to the unislamic practices of extensive dowry (Jahez), denial of inheritance rights to women, and extravagant spending on marriages.

The findings manifest that the optional nature of the Clause 18 also works as a barrier towards the employment of the right of delegated divorce. It was voiced by the participants that

non-compulsory components are not taken seriously. Participants also attributed the common cutting and canceling out of Clause 18 to the reason that it's optional. It is recommended to the Islamic Council, as it's an Islamic right accepted by all major sects; the Clause should be made mandatory to be filled in and in case the parties don't want to utilize the right, the reason for not doing so should be stated clearly instead of cutting it out altogether.

Recommendations to the State of Islamic Republic of Pakistan

It was found by the study that women face a difficult social state of affairs if they decide to initiate divorce. They face innumerable insecurities of finances and personal safety. Under the articles 4, 9, 15 and 25 (Constitution of Pakistan), women are eligible to equal amenities and rights. It's the responsibility of the state to make Pakistan a safe place for every woman, and to a greater extent, for the single mothers, and divorced women. It's recommended to devise specialized financial policies, stricter laws for workplace harassment, functional laws about domestic abuse and violence, and eliminate the rules that restrict women from getting refuge of a safe rented residence in her own name.

It was found that many women stay in abusive marriages and suffer the violence due to the prevalent social insecurity and fear of being unable to sponsor their children. The state is recommended to implement specialized programs that are to ensure the smooth facilitation of health and education of children of single mothers.

Lastly, it was explored through the findings of this study that the media narratives shape and influence the cultural ideologies and practices. It is recommended to the state to restrict the media houses from spreading the negative cultural stereotypes that increase the gender inequality and feed patriarchal norms. It is expected of media to play its role in bringing a positive change by emphasizing on the Islamic teachings and superiority of the law of land that preaches otherwise.

CASE LAW REFERENCES

1. A.I.R.1931 Lahore 134.
2. PLD 1995 Lahore 187 (Lahore HC)
3. [2013] CLC 1625 (Peshawar HC)
4. [2016] CLC Note 117 (Lahore HC)
5. [2010] YLR 1 (Lahore HC)
6. PLD 2011 Lahore 265 (Lahore HC)
7. [2006] YLR 335 (Lahore HC)
8. [1996] CLC 673 (Lahore HC)
9. [2005] PLD 358 (Sindh HC)
10. [2000] CLC 202 (Lahore HC)
11. PLD 1985 Lahore p. 187
12. (1841) 2 MLA, 441, at p. 477
13. PLD 1963 Dacca 602
14. 1993 CLC 219 Lahore
15. PLD 1972 Lahore 694

16. 1919 I.L.R. 46 Calcutta 141

17. PLD 2011 Lahore 265

STATUTORY REFERENCES

- i. MFLO 1961
- ii. DMMA, 1939
- iii. Civil Procedure Code 1908
- iv. Family Courts Act 1964
- v. Civil Servants Act 1973
- vi. Punjab Civil Servants Act 1974
- vii. The Constitution of Pakistan 1973

REFERENCES

- AbAM, M. U. Z. A. F. F. A. R. (1991). Maittt of Isioe (Doctoral dissertation, ALIGARH MUSLIM UNIVERSITY).
- Ahmad, G., & Ahmed, M. G. (2021). Marital Relationship: The Islamic Perspective and Prevailing Practices in Pakistan. *American Research Journal of Humanities & Social Science*, 4(06), 15-31.
- Al Ahdab, S. (2021). A cross-sectional survey of knowledge, attitude and practice (KAP) towards COVID-19 pandemic among the Syrian residents. *BMC public health*, 21, 1-7.
- Almeida, F. (2018). Strategies to perform a mixed methods study. *European Journal of Education Studies*.

- Almond, B. (2010). Education for tolerance: cultural difference and family values. *Journal of Moral Education*, 39(2), 131-143.
- Andrade, C., Menon, V., Ameen, S., & Kumar Praharaj, S. (2020). Designing and conducting knowledge, attitude, and practice surveys in psychiatry: practical guidance. *Indian Journal of Psychological Medicine*, 42(5), 478-481.
- Ansari, S. (1997). Talaq-i-Tafwid: The Muslim woman's contractual access to divorce: An information kit.
- Arjumand, M., Malik, S., & Javed, N. (2021). Knowledge and Awareness about Nikah Nama Reforms and its Clauses in Lahore: Memona Arjumand, Subha Malik and Nayab Javed. *Forman Journal Of Social Sciences*, 1(1).
- Asghar, J. (2001). A Critical Discourse Analysis of the Marriage Certificate (Nikah Nama).
- Badran, M. (1986). Islam, patriarchy, and feminism in the Middle East. *Trends in History*, 4(1), 49-71
- Big Cities of the World: <https://www.nationsonline.org/oneworld/bigcities.htm>
- Butt, A. J. (2021). Reforming the procedure of Nikah proceedings in Pakistan. *LUMS LJ*, 8, 98.
- Cabinet Secretariat of Pakistan: <https://cabinet.gov.pk/>
- Carroll, L. (1982). Talaq-i-Tafwid and Stipulations in a Muslim Marriage Contract: Important Means of Protecting the Position of the South Asian Muslim Wife. *Modern Asian Studies*, 16(2), 277-309. doi:10.1017/S0026749X00007460
- Central Intelligence Agency. (2023). Pakistan. *The World Factbook*. <https://www.cia.gov/the-world-factbook/countries/pakistan/#people-and-society>

Chaudhuri, S., Morash, M., & Yingling, J. (2014). Marriage migration, patriarchal bargains, and wife abuse: A study of South Asian women. *Violence against women*, 20(2), 141-161.

Cropanzano, R., & Mitchell, M. S. (2005). Social exchange theory: An interdisciplinary review. *Journal of management*, 31(6), 874-900.

Crompton, R., & Harris, F. (1998). Gender Relations and Employment: The Impact of Occupation. *Work, Employment and Society*, 12(2), 297-315.

Dr. Ishrat Hussain: Who is a Federal Civil Servant?

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjsgpaBruaBAxUUG-wKHZvbCm8QFnoECBQQAQ&url=https%3A%2F%2Fishrathusain.iba.edu.pk%2Fspeeches%2FWordDocs%2FWHO_IS_A_FEDERAL_CIVIL_SERVANT.doc&usg=AOvVaw3MihhoCMjx1wS5xrJ8VHBg&opi=89978449

(Embassy of Pakistan, 2019) <https://embassyofpakistanusa.org/wp-content/uploads/2019/10/NikahNama.pdf>

Emerson, R. M. (1987). Social exchange theory.

Establishment Division of Pakistan: <https://establishment.gov.pk/>

Farooq, S. Jurisprudence on Concept of Talaq-e-Tafweez: A Mode of Dissolution of Muslim Marriage.

Federal Public Service Commission of Pakistan: <https://fpsc.gov.pk/>

Ferguson, K. E. (2017). Feminist theory today. *Annual Review of Political Science*, 20, 269-286.

- Ghani, S. M. U. (2022). Documentation (Nikah Form and Talaq Nama) in Pakistani Muslim Family Laws: Historical and Jurisprudential Review Survey. *Al-Kashaf*, 2(1), 12-24
- Haider, N. (2000). Islamic Legal Reform: The Case of Pakistan and Family Law. *Yale JL & Feminism*, 12, 287.
- Hanson, W. E., Creswell, J. W., Clark, V. L. P., Petska, K. S., & Creswell, J. D. (2005). Mixed methods research designs in counseling psychology. *Journal of counseling psychology*, 52(2), 224.
- Heigham, J., & Croker, R. (Eds.). (2009). *Qualitative research in applied linguistics: A practical introduction*. Springer.
- Huda, S. (1994). "Untying the Knot"-Muslim Women's Right of Divorce and Other Incidental Rights in Bangladesh. *Dhaka Univ. Stud. Part F*, 5, 133.
- Islam Uddin, Nikah-only Marriages: Causes, Motivations, and Their Impact on Dispute Resolution and Islamic Divorce Proceedings in England and Wales, *Oxford Journal of Law and Religion*, Volume 7, Issue 3, October 2018, Pages 401–426, <https://doi.org/10.1093/ojlr/rwy051>
- Ivankova, N. V., & Creswell, J. W. (2009). Mixed methods. *Qualitative research in applied linguistics: A practical introduction*, 23, 135-161.
- Jaafar-Mohammad, I., & Lehmann, C. (2011). Women's rights in Islam regarding marriage and divorce. *Journal of Law and Practice*, 4(1), 3.
- Kandiyoti, D. (1988). Bargaining with patriarchy. *Gender & society*, 2(3), 274-290.
- Khanam, S. (2016). Talaq-I-Tafwid And Its Application In Context Of Bangladesh: An Analytical Approach, 21 *IOSR Journal Of Humanities And Social Science* 34-41.
- Khatun, A. (2021). A critical evaluation on the rights of Muslim women in India from Islamic perspective (Doctoral dissertation).

- Leech, N. L., Dellinger, A. B., Brannagan, K. B., & Tanaka, H. (2010). Evaluating mixed research studies: A mixed methods approach. *Journal of mixed methods research*, 4(1), 17-31.
- Lund, T. (2012). Combining qualitative and quantitative approaches: Some arguments for mixed methods research. *Scandinavian journal of educational research*, 56(2), 155-165.
- Masood, A., & Azfar Nisar, M. (2021). Administrative capital and citizens' responses to administrative burden. *Journal of Public Administration Research and Theory*, 31(1), 56-72.
- Mehdi, R. (2005). Facing the enigma: Talaq-e-Tafweez a need of Muslim women in Nordic perspective. *International Journal of the Sociology of Law*, 33(3), 133-147.
- Munir, M. (2006). Stipulations in a Muslim Marriage Contract with Special Reference to Talaq Al-Tafwid Provisions in Pakistan. *Yearbook of Islamic and Middle Eastern Law*, 12, 2005-2006.
- Naz, R., & Zia, M. (2008). Muslim Family Laws in Pakistan. Aurat Foundation/Laporan Negara oleh Musawa: For the Equality in the Family, diakses dari <http://www.musawah.org>.
- Omar, S. (2007). Dissolution of marriage: practices, laws and Islamic teachings. *Policy Perspectives*, 91-117.
- Olsen, C., & St George, D. M. M. (2004). Cross-sectional study design and data analysis. *College entrance examination board*, 26(03), 2006.
- Pakeeza, S. (2015). Domestic violence laws and practices in Pakistan. *VFAST Transactions on Education and Social Sciences*, 6(1).
- Pakistan Social and Living Measurement (PSLM)
Survey:<https://www.finance.gov.pk/survey/chapters/10-Education08.pdf>

- Pew Research Center. (2017, April 6). Why Muslims Are the World's Fastest-Growing Religious Group. <https://www.pewresearch.org/short-reads/2017/04/06/why-muslims-are-the-worlds-fastest-growing-religious-group/>
- Rao, N. C. (2013). MARRIAGE AGREEMENTS UNDER MUSLIM LAW - A WEAPON IN THE HANDS OF MUSLIM WOMEN. *Journal of the Indian Law Institute*, 55(1), 94–103. <http://www.jstor.org/stable/43953629>
- Saini, P., & Trivedi, M. (2021). Dilemma of Muslim Women regarding Divorce in India. *Legal Lock J.*, 1, 11.
- Siddiqah, Ayesha and Mukhtar, Maryam, Enactment And Enforcement Of Protective Legislation For Women In Pakistan (June 15, 2019). Available at SSRN: <https://ssrn.com/abstract=4290011> or <http://dx.doi.org/10.2139/ssrn.4290011>
- Stangor, C. (2011). *Research methods for behavioral sciences*. (Laureate Education, Inc., custom ed.).
- Sufia Khanam, Talaq-I-Tafwid And Its Application In Context Of Bangladesh: An Analytical Approach, 21 *IOSR Journal Of Humanities And Social Science* 34-41 (2016)
- Suneetha, A. (2012). Muslim women and marriage laws: Debating the model nikahnama. *Economic and Political Weekly*, 40-48.
- Tahir, M. (2017). Domestic violence against women in Pakistan and its Solution from an Islamic perspective: A critical and analytical study. Available at SSRN 2986723.
- Tillbrook, C. *Strengths and Limitations of Correlational Design* Michelle A. Crawford FPSY 6115-Understanding Forensic Psychology Research Walden University October 12, 2014.
- U.S. Department of State. (2022). Report on International Religious Freedom: Pakistan. <https://www.state.gov/reports/2022-report-on-international-religious-freedom/pakistan/>

World Bank: <https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?locations=PK>

Woodley, X. M., & Lockard, M. (2016). Womanism and snowball sampling: Engaging marginalized populations in holistic research. *The Qualitative Report*, 21(2), 321-329.

Yunis, M. S., Hashim, H., & Anderson, A. R. (2018). Enablers and constraints of female entrepreneurship in Khyber Pukhtunkhawa, Pakistan: Institutional and feminist perspectives. *Sustainability*, 11(1), 27.

Zafeer, H. M. I., Maqbool, S., & Yanping, L. (2022). Psychological and social factors and their impact on divorced and married women: A case study from Punjab Pakistan. *Journal of Divorce & Remarriage*, 63(5), 352-373.

APPENDIX A: Consent Form

Title of Research: “Knowledge, Attitude and Practice towards Muslim women’s right of Talaq-e-Tafweez in Lahore, Pakistan.”

Researcher: Maliha Choudhary

Supervisor: Shermeen Bano

Institutional Review Board: IRB, FCCU, Lahore.

Introduction of the Study:

The right of delegated divorce is a religious and legal provision. Muslim women's access to the right of Talaq-e-Tafweez (delegated divorce) encounters various restrictive factors, affecting the ability to claim and exercise it. This research explores Knowledge, Attitude and Practices regarding Talaq-e-Tafweez and aims to identify the elements influencing the decision-making processes of civil servants in Lahore. about Clause 18 of Nikah Nama.

Subject Participation:

To participate in this research, you must be a Muslim and a civil servant designated at Lahore, Pakistan. The study requires your time and sincere responses. Your participation is voluntary, and you can withdraw at any point.

Potential risks and compensation:

You will not be asked to provide any personal and/or sensitive information.

There is no risk of any type.

There is no compensation for responding.

Confidentiality:

Information collected for this study will not be released to any third party and all the steps to protect the identity and confidentiality will be ensured. You’ll not be required to provide any name or personal details. All responses will be coded. No identifying information will be used when discussing or reporting data.

Please share if you have any questions about the study. In case of any additional information, please write to choudhary.maliha@gmail.com

Consent:

By signing this form, you agree that you have read the above information and give your free consent to participate in this research study.

Authorization:

I authorize the use of my responses, any observations, and findings found during this study for education, publication, and/or presentation.

 Signature

APPENDIX B: KAP Survey

SOCIO-DEMOGRAPHIC INFORMATION

| Socio-demographic Variables | Response Options |
|--|---|
| 1 Gender | Male Female |
| 2 Age | 18 – 25 26 – 38 39 – 50 51 and above |
| 3 Highest Educational degree | No formal Education Matriculation Bachelor's Master's Doctorate Professional |
| 4 Department in civil service | MPDD OPC Railways |
| 5 Basic Pay-scale (BPS) | 1 – 5 6 - 10 11 - 16 17 - 20 20 and above |
| 6 Years of Experience in civil service | 1 – 6 7 – 12 13 – 19 20 and above |
| 7 Religious Affiliation within Islam | Sunni Shia Other |
| 8 Father's Education | No formal education Intermediate Bachelors Masters Doctorate |
| 9 Father's Occupation | Unemployed Employed Self-employed Retired Deceased |
| 10 Marital status | Never married. Currently Married Divorced/separated |

| | | |
|----|---------------------|--|
| 11 | No. of marriages | No marriage One More than one |
| 12 | Cousin Marriage | Yes No |
| 13 | Type of marriage | Love Arranged Both |
| 14 | Spouse's Education | No formal education Intermediate Bachelors Masters Doctorate |
| 15 | Spouse's Occupation | Student Working Not working Retired |

KNOWLEDGE

| | Indicator | Construct | Response | Score |
|---|--|---|------------|-------|
| 1 | The key elements of a Nikah Nama typically include the legal rights of both spouses. | Knowledge about Nikah Nama and rights therein | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |
| 2 | All Nikah Nama agreements require the same terms for husband and wife. | - | Yes | 1 |
| | | | No | 2 |
| | | | Don't know | 0 |
| 3 | Nikah Nama includes the wife's rights of Haq-Mehr (dower). | - | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |
| 4 | It is possible to restrict the husband's rights to divorce in the Nikah Nama. | - | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |
| 5 | The Nikah Nama includes stipulations on the wife's rights to maintenance. | - | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |
| 6 | Clause 18 of Nikah Nama has provisions on Talaq-e-Tafweez. | Knowledge on Talaq-e-Tafweez | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |
| 7 | Talaq-e-Tafweez is a form of divorce that can be initiated by the wife. | - | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |
| 8 | Talaq-e-Tafweez requires a husband's consent. | - | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |

| | | | | |
|----|---|---|------------|---|
| 9 | A woman undergoes the same legal process whether she seeks Khula or exercises the right of Talaq-e-Tafweez. | - | Yes | 1 |
| | | | No | 2 |
| | | | Don't know | 0 |
| 10 | Talaq-e-Tafweez is a cheaper and faster option than Khula? | - | Yes | 2 |
| | | | No | 1 |
| | | | Don't know | 0 |

Scoring details Knowledge: 0 – 20

Sub-dimension: Knowledge about Nikah Nama = 0 – 10

Sub-dimension: Knowledge on Talaq-e-Tafweez = 0 - 10

ATTITUDE

| Indicator | Construct | Response | Score |
|--|--|-------------------|-------|
| 11 It is essential to read any contract, including the Nikah Nama, before signing. | General/ cultural attitudes on Nikah Nama | Strongly Disagree | 0 |
| | | Disagree | 1 |
| | | Neutral | 2 |
| | | Agree | 3 |
| | | Strongly Agree | 4 |
| 12 It is important for every Muslim to know his/her rights under the Nikah Nama. | - | Strongly Disagree | 0 |
| | | Disagree | 1 |
| | | Neutral | 2 |
| | | Agree | 3 |
| | | Strongly Agree | 4 |
| 13 The Nikah Nama is more protective of the rights of a husband. | - | Strongly Disagree | 4 |
| | | Disagree | 3 |
| | | Neutral | 2 |
| | | Agree | 1 |
| | | Strongly Agree | 0 |
| 14 Considering Talaq-e-Tafweez as "un-Islamic" is a common opinion among people. | | Strongly Disagree | |
| | | Disagree | 0 |
| | | Neutral | 1 |
| | | Agree | 2 |
| | | Strongly Agree | 3 |
| 15 Discussing divorce and Clause 18 before marriage can be a positive and productive experience. | - | Strongly Disagree | 0 |
| | | Disagree | 1 |
| | | Neutral | 2 |
| | | Agree | 3 |
| | | Strongly Agree | 4 |

| | | | | |
|----|---|---|---|-----------------------|
| 16 | It is important to educate Muslim women about their legal rights within marriage. | Women's decision-making and employment of delegated divorce | Strongly Disagree Disagree Neutral Agree Strongly Agree | 0 1 2 3 4 |
| 17 | Muslim women should participate in decision-making related to the terms of their Nikah Nama. | - | Strongly Disagree Disagree Neutral Agree Strongly Agree | 0 1 2 3 4 |
| 18 | Talaq-e-Tafweez is a legal and equitable way for Muslim women to end their marriages. | - | Strongly Disagree Disagree Neutral Agree Strongly Agree | 0 1 2 3 4 |
| 19 | Women should avoid exercising their delegated right to divorce because it could make them economically dependent on their families. | - | Strongly Disagree Disagree Neutral Agree Strongly Agree | 0 1 2 3 4 |
| 20 | Women should refrain from exercising their delegated right to divorce because it could have a negative impact on their children. | | Strongly Disagree Disagree Neutral Agree Strongly Agree | 4 3 2 1 0 |
| 21 | Women should avoid using the right of delegated divorce because talaq brings dishonor to their family. | | Strongly Disagree Disagree Neutral Agree Strongly Agree | 4 3 2 1 0 |
| 22 | Granting women, the authority to initiate divorce will reduce their willingness to compromise in marriage. | | Strongly Disagree Disagree Neutral Agree Strongly Agree | 4 3 2 1 0 |
| 23 | Accessing judicial divorce (Khula through court) is a troublesome and lengthy process for women. | Legal navigation | Strongly Disagree Disagree Neutral Agree Strongly Agree | 0 1 2 3 4 |
| 24 | The legal procedure for Talaq-e-Tafweez is simpler and easier for women to navigate than the procedure for Khula. | - | Strongly Disagree Disagree Neutral Agree Strongly Agree | 0 1 2 3 4 |

| | | | | |
|----|--|---|-------------------|---|
| 25 | Haq-Mehr is usually required to be surrendered by women for demanding Khula. | - | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |

Scoring details Attitude: 0 – 60

Sub-dimension: General and cultural attitude = 0 - 20

Sub-dimension: Women's decision-making and employment of delegated divorce = 0 - 28

Sub-dimension: Legal navigation = 0 – 12

PRACTICES

| Indicator | Description/Construct | Response | Score | |
|-----------|--|------------------------------------|-------------------|---|
| 26 | In my family, the Nikah Nama is not read or explained to the bride and groom before they sign it. | General Practices about Nikah Nama | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |
| 27 | In my family, only the male elders of the family decide the terms of the Nikah Nama. | - | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |
| 28 | In my family, opinions of the bride are not thought necessary to decide about the various clauses of Nikah Nama. | - | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |
| 29 | In my family, opinions of the groom are not thought necessary to decide about the various clauses of Nikah Nama. | - | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |
| 30 | In my family, women do not know about their rights under the Nikah Nama. | - | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |
| 31 | Talaq-e-Tafweez is commonly practiced in my family. | - | Strongly Disagree | 0 |
| | | | Disagree | 1 |
| | | | Neutral | 2 |
| | | | Agree | 3 |
| | | | Strongly Agree | 4 |

Scoring details Practice:

General Practices about Nikah Nama = 0 – 24

PRACTICE EVER MARRIED POPULATION: MARRIED/DIVORCED/ WIDOWED

| | Indicator | Construct | Response | Score |
|----|---|---|-----------------|--------------|
| 32 | I had read and understood the terms of my Nikah Nama before signing it. | Practices and Experiences about Clause 18 | Yes | 1 |
| | | | No | 0 |
| 33 | I was aware of Clause 18 (Talaq-e-Tafweez) at the time of my Nikah | | Yes | 1 |
| | | | No | 0 |
| 34 | I granted/demanded the right of Talaq-e-Tafweez in my Nikah Nama. | | Yes | 1 |
| | | | No | 0 |
| 35 | I was fully aware of the legal requirements and procedure for Clause 18 (Talaq-e-Tafweez) at the time of Nikah | | Yes | 1 |
| | | | No | 0 |
| 36 | At the time of my Nikah, the Nikah Khuwan properly informed me regarding rights about maintenance. | Role of Nikah Khuwan | Yes | 1 |
| | | | No | 0 |
| 37 | At the time of my Nikah, the Nikah Khuwan informed me regarding rights about Haq-Mehr. | - | Yes | 1 |
| | | | No | 0 |
| 38 | At the time of my Nikah, the Nikah Khuwan informed me regarding rights about Talaq-e-Tafweez. | - | Yes | 1 |
| | | | No | 0 |
| 39 | None of the sections in the Nikah Nama were cut off without my knowledge. | - | Yes | 1 |
| | | | No | 0 |
| 40 | None of the sections in the Nikah Nama were cut off without my consent. | - | Yes | 1 |
| | | | No | 0 |
| 41 | Is there anything else you would like to share about Talaq-e-Tafweez or its impact on women's rights in Pakistan? | - | - | - |

Scoring details Practice of ever-married: 0 – 9

Sub-dimension: Practice about Clause 18 = 0 – 4

Sub-dimension: Role of Religious clerics = 0 – 5

APPENDIX C: Interview Guide

Assessing the barriers and enablers of employing Talaq-e-Tafweez among the civil servants in Lahore, Pakistan.

SOCIO-DEMOGRAPHIC INFORMATION

1. Gender
2. Age
3. Domicile
4. Caste
5. Education
6. Occupational groups and Department
7. Grade
8. BPS
9. Years of experience in civil service
10. Religious affiliation within Islam
11. Father's Education
12. Father's Occupation
12. Marital status
14. No. of marriages
15. Cousin marriage
16. Type of marriage
17. Spouse's education
18. Spouse's occupation

QUESTIONNAIRE

1. Do you think that conjugal relationships ensure equal rights and obligations in our society?
 - 1a. What are your thoughts on the current state of gender equality in conjugal relationships in our society?
2. If you have conferred/claimed and utilized Clause 18: Tafweez of Talaq, can you describe your experience?
 - 2a. What were the stipulations of your agreement?
 - 2b. Were there any objections from your family or community? If so, what reasons were given?
 - 2c. If you have not conferred/claimed and utilized Clause 18: Tafweez of Talaq, why not?
3. How do you think society views the notion of delegating the husband's right of divorce, to the wife or a third person?
 - 3a. What are the main reasons why society may/ may not support Talaq-e-Tafweez?
4. What do you think are the common challenges and obstacles that men face in employing Clause 18 and conferring the right?
 - 4a. How can these challenges and obstacles be overcome?

5. What are the most common challenges that *women* face when trying to claim and utilize Clause 18 in their Nikah Nama.
- 5a. What restricts Pakistani women from demanding the delegated right to divorce?
- 5b. How can these challenges and obstacles be overcome?

6. Are there any social or cultural norms that impact the acceptance or rejection of Talaq-e-Tafweez?
- 6a. Are there any sort of religious barriers that restrict the employment of Clause 18?
- 6b. Are there any legal or procedural complexities that deter individuals from utilizing Talaq-e-Tafweez?

7. How does Pakistani society view and treat women who choose to exercise the conferred right of Talaq-e-Tafweez?

8. What role does the family of the bride play in the decision of conferring/claiming and utilizing Clause 18?
- 8 a. Do you think that the parents of the bride should demand the right of Tafweez for their daughter at the time of Nikah? Why? /Why not?

9. What are the factors that can facilitate the use of Clause 18?
- 9a. How can legal awareness and knowledge contribute to the employment of Clause 18?

10. How do you think Talaq-e-Tafweez impacts the relationship between husband and wife? / What difference do you think it makes if a husband grants Talaq-e-Tafweez to his wife?
- 10 a. What are the potential benefits and drawbacks of Talaq-e-Tafweez for both men and women?

11. Do you think Talaq-e-Tafweez provides more autonomy and control to women in comparison to traditional divorce provisions? How?
- 11a. What are some of the ways in which Talaq-e-Tafweez can empower women?

12. What is the role played by the Nikah Khawans regarding awareness and access of Clause 18? Do they cut off the clauses on their own? What should they be doing as per the law and their job description?

13. What role does Pakistani media play in this regard? (Social media, Films, TV, Radio)

14. What role do you think our education system and academic curriculums are playing a positive role to promote the access to the basic matrimonial rights?

15. What are some specific things that can be done to promote the use of Clause 18 and Talaq-e-Tafweez?

16. What do you think is the role of the state in enabling access to the right of delegated divorce?
17. Is there anything else you would like to share about Talaq-e-Tafweez or its impact on women's rights in Pakistan?

APPENDIX D: Demographic Details of the Participants

| C d. | Dept. | Gen der | A ge | B PS | Domicil e | Caste | Educat ion | Spouse' Educati on | Spouse' Profession | Sect | Marriag e type | Knowle dge/ Delegat ion |
|------|----------|---------|------|------|----------------|----------|------------|------------------------|--------------------------|---------------|---|-------------------------|
| P1 | OPC | M | 34 | 17 | Hafizab ad | Khok har | MBA | MA | Teaching | Sunn i | Arrange d | None |
| P2 | - | F | 38 | 4 | Lahore | Rajpu t | Middl e | Matric | Civil servant | Sunn i | Arrange d | None |
| P3 | - | M | 31 | 12 | Kasur | Araee n | M.A | BSc. | Housewife | Sunn i | Love – Cousin marriag e | None |
| P4 | - | F | 27 | 16 | Faisalab ad | Araee n | MSc. | MSc. | Civil servant | Sunn i | Arrange d | K= Yes D= No |
| P5 | - | M | 34 | 1 | Lahore | Abba si | B. A | Middle | Housewife | Ahl-e- Hadi s | Arrange d | None |
| P6 | - | M | 32 | 12 | Pakpatta n | Rajpu t | F.A | Masters | Housewife | Ahl-e- Hadi s | Arrange d | None |
| P7 | - | M | 56 | 20 | Lahore | Mugh al | 3 Master s | Masters | Teaching/Hou sewife | Isla m | Love | K= Yes D= Yes |
| P8 | MPD D | M | 57 | 6 | Toba Tek Singh | Rajpu t | Matric | Matric | Housewife | Isla m | Arrange d | None |
| P9 | - | M | 43 | 2 | Lahore | Rajpu t | Matric | Middle | Housewife (Tailoress) | Sunn i | Arrange d | None |
| P10 | - | F | 30 | 16 | Lahore | Sheik h | MPhil | Softwar e Engineer ing | Software Engineer | Sunn i | Arrange d | None |
| P11 | - | M | 55 | 5 | Bhakhar | Gallu | Matric | Primary | Housewife | Brel vi | 2 marriag es 1=Love (deceas ed) 1=Arra nged | None |
| P12 | - | M | 43 | 15 | Lahore | Araee n | M.A | Middle and Hafiz Quran | Housewife | Sunn i | Arrange d | None |
| P13 | - | M | 28 | 16 | Bhakhar | Hanjra | M.A | Interme diate | Housewife | Shia | Arrange d – Cousin marriag e | K= Yes D= Yes |
| P14 | Rail way | M | 45 | 20 | Mansehra | Paktu n | LLB | M.A | Teaching | Sunn i | Love | K= Yes D= No |
| P15 | - | M | 45 | 18 | Jhelum | Mugh al | MSc | M.A | Teaching / Housewife now | Sunn i | Arrange d – Cousin marriag e | None |
| P16 | - | M | 47 | 19 | Lahore | Rajpu t | LLB | M.A, LLB | Teaching | Sunn i | Love | K=Yes D=Yes |

| | | | | | | | | | | | | |
|-----|---|---|----|----|-------------|--|---------------|------------------------|------------------------------|--------------------------------|----------------------------|----------------|
| | | | | | | Khokhar | | | | | | |
| P17 | - | F | 32 | 18 | Lahore | Pathan | LLM | Electrical Engineering | CSP Officer Civil servant | Sunni | Arranged (Divorced now) | K=Yes D=No |
| P18 | - | F | 35 | 18 | Vehari | Rajput | LLB | Engineer | Businessman | Sunni | Arranged | K=Yes D=No |
| P19 | - | M | 30 | 17 | Chakwal | Awan | BSc Honors | Bar at Law | Barrister | Sunni | Love | K=Yes D=Yes |
| P20 | - | F | 34 | 18 | Islamabad | Bajwa Jutt | Master's | Masters | Civil servant Police | Sunni | Love | None |
| P21 | - | M | 39 | 18 | Lahore | Sheikh | Master's | Masters | Civil servant | Sunni | Love | None |
| P22 | - | M | 42 | 16 | Lahore | Araeen | MPhil | PhD Botany | lecturer | Sunni | Arranged | None |
| P23 | - | F | 38 | 15 | Lahore | Araeen | B.A. | Masters | WAPDA Employee | Sunni | Arranged | K=Yes D=Yes |
| P24 | - | M | 51 | 16 | Sheikhupura | Warraich | F.A. | F.A. | Housewife | Ahl-e-Hadees | Love-Cousin marriage | None |
| P25 | - | F | 31 | 17 | Lahore | Syed Gillani (mother Shia, Father Sunni) | MPhil | M.A | Civil servant | (mother Shia, Father Sunni) | Love | K=Yes D=Yes |