

Knowledge and Awareness about Nikah Nama Reforms and its Clauses in

Lahore

Memona Arjumand¹, Subha Malik², and Nayab Javed³

1. MS Scholar

Lahore College for Women University

Email: memonausman073@gmail.com

2. Assistant Professor

Government College for Women Gulberg, Lahore

Email: Subhamalik@yahoo.com

3. Lecturer

Department of Gender and Development Studies

Lahore College for Women University

Email: nayab.javed@lcwu.edu.pk

ABSTRACT

The present research was carried out to investigate the knowledge and awareness regarding Nikah Nama reforms and its clauses among the unmarried males and females of Lahore. The objectives of this study were to explore knowledge and level of awareness about Nikah Nama reforms and to explore the reasons for not reading the Nikah Nama before marriage. A total of 400 adults were sampled, including 200 males and 200 females. A self-developed questionnaire was used; which included both closed and open ended questions. The results of this study revealed that most of the people were not aware about Nikah Nama reforms and women supportive clauses. It was also revealed that three broad factors contributed to not reading the Nikah Nama before marriage: (i) Patriarchal culture, (ii) Lack of awareness; and (iii) Insecurity and fear. It is recommended that awareness about marriage rights should be part of the formal and informal education system and there must be some accountability against people who break laws and strike out the Nikah Nama clauses or prevent the reading of the contract.

Key Words: Nikah Nama, Reforms, Women Supportive Clauses, Patriarchy, Ignorance

INTRODUCTION

The essential element of an Islamic marriage is the Nikah Nama, or a marriage contract, which is a legal and binding contract under the Ordinance of Muslim Family Law of 1961. The Nikah Nama contains clauses which must be read and understood before signing (Chagani 2018). For Muslims, the Islamic marriage (Nikah) is a moral imperative and a binding ‘legal’ contract, (Gilliat-Ray, 2012). A person has to note down basic details such as names of parties and their lawyers, age, address, names of witnesses and other necessary demographics. The common misunderstanding about the Nikah Nama is usually regarding the detailed clauses and that the bride and groom do not have to read it (Chagani, 2018).

In Pakistan marriage is a legal union permitted between males and females for heterosexual unions. Culturally, it is not only a relationship between the husband and wife, but also a union and understanding between their relevant families. About 97 percent of Pakistan's population is Muslim, who follow the Islamic law or *Sharia*. The marriage contract in Pakistan is known as the Nikah Nama and it is the primary and basic component of an Islamic marriage. The Nikah Nama consists of rights, responsibilities and favors from both the bride and groom and their families (Husayn & Rizvi 2009). It is necessary to register the Nikah Nama in the Union Council. A single copy of the Nikah Nama is provided to the Union Council as a public record as per the Muslim Family Law Ordinance, 1961. The Nikah Nama form has four copies that are dully filled by the Nikah Registrar and signed by the bride and groom.

In countries like Pakistan where the marriage and family system is in the hands of patriarchs, females are usually deprived of the awareness about the Nikah Nama clauses (Alkhateeb, 2012). In fact, because the The Nikah Nama is usually filled by the elderly male members of the family even the groom or younger males in society do not have knowledge about the clauses of the Nikah Nama. Due to this, younger married couples are unable to avail or enjoy the rights that are mentioned in the Nikah Nama. According to research, two out of three women are unaware of the rights that are mentioned in the Nikah Nama and majority of the women only see their Nikah Nama at their wedding ceremony before signing it (Mehfooz, 2020). Islam has given women the right to marry with free and full consent as incorporated by the national laws of the country. This has also been stated under the international human rights law in many accords such as the Universal Declaration of Human Rights, 1948 (Tahirih Justice Center, 2011).

In Pakistan, clause 17, 18 and 19 of the Nikah Nama are usually cut off by the *Maulvi* or religious scholar before the Nikah Nama comes to the family or the bride and groom. It is a cultural practice and general assumption that both the bride and groom do not want to add any specific condition to the Nikah Nama (clause 17); that the husband does not want to allow his wife to avail the right of divorce (clause 18); and that there will be no question on male right to divorce (clause 19). Sometimes even if the couple is united about the right of wife to give divorce in the contract, the *Maulvi* (religious scholar) has already cut out these clauses and it is too late to discuss the matter with family or higher authorities. It is also true that few people in Pakistan want to create unpleasantness just before the wedding ceremony and thus they accept this culture of not reading the Nikah Nama or asking questions pertaining to it.

Aim of the study

This study was conducted to understand if unmarried people are aware about the Nikah Nama clauses. There is a need to create knowledge and awareness about this important contract in order to secure rights and protection, especially for vulnerable groups like women and minorities of Pakistan. Based on the findings of this research, recommendations can be made about the gaps in knowledge and what measures can be taken to improve knowledge about Nikah Nama clauses. Moreover, during the sampling and data collection, the participants will also indirectly gain awareness about the contract. In lieu of this, the objective of this study is to: (i) explore the knowledge and level of awareness about Nikah Nama reforms among unmarried males and females, and (ii) identify the factors behind not reading the Nikah Nama before marriage.

LITERATURE REVIEW

Punjab Commission on the Status of Women (PCSW) conducted a project in 2015 to train the Nikah Registrar, LG and CDD officials. The aim was to promote and protect women's rights in all spheres of life, and to build capacity of all local government incumbents about the new laws, reforms, policies, filling of Nikah Nama, Nikah registration, and rights of women. PCSW trained a total of 38,793 Nikah Registrars, 4,015 Union Council Secretaries and 4,015 Union Council Chairpersons in Punjab. The training was intended to develop understanding about proper filling of the Nikah Nama and help in preventing women from unfavorable practices such as child and early age marriages. It was believed that this training would be helpful in protecting women against exploitation and discrimination and also in protecting women for rights of divorce (Training of Nikah Registrar, Local Government and CDD Officials, 2015).

A contract means there are a set of rules, boundaries and expectations under the law. A marriage contract is very different from other contracts as it specifies a couple's rights and responsibilities. Knowing each other's rights and responsibilities makes the marital relationship more secure and built on trust (Rob & Primervra, 2015). Jaafar and Lehmann (2011) described how a marriage under Islamic Law that is settled without the consent of woman, and without providing her rights to read the marriage contract, is prohibited in Islam. Divorce is also permitted in Islam, and there are specific rights for both men and women pertaining to seeking divorce. A marriage is cancelled or becomes null if the following measures are taken which include: (i) force, (ii) coercion, (iii) fraud, and (iv) misrepresentation. A forced marriage can be taken as a criminal offence. A person has the right to obtain a decree from the Family Court declaring the marriage to be null even if it had been registered under the law by force, coercion or if misrepresentation has taken place during the signing. This is termed as Jactitation of marriage (Qamar, Zia & Khan, 2019).

Scholars agree that Nikah Nama awareness and clauses needs to be researched in Pakistan (Haq, 2002). This is mainly because in a conservative country like Pakistan, women and men are usually kept under the dark about the Nikah Nama clauses by their own families (Munir & AbdulQusddus, 2018). In this way, an arranged marriage can turn into a forced marriage if manipulation or pressure is imposed upon the bride or groom (Huda, 2007). In addition, research in this area, will itself create importance and realization about the necessity of improving awareness about Nikah Nama clauses and the rights of bride and groom to read and use the clauses to protect their futures.

METHODS

Ethical Considerations

Ethical approval for this study was obtained from the Department of Gender and Development Studies, Lahore College of Women University, Lahore, Pakistan. To safeguard the welfare and rights of the research participants, as identified by the standards of APA Ethics Code, author's shared complete information of the research objectives with the participants. Informed consent was also taken. Participants were assured that their responses will be kept confidential, and their personal information will be protected. Participants were also informed that they could leave the study at any time they wanted.

Research design

The present study has a cross-sectional quantitative design. A questionnaire was developed after extensive review of literature and it included both closed-ended and open-ended questions. In lieu of the literature review, the study also aimed to test the following hypotheses:

H1. There will be significant gender differences regarding awareness of Nikah Nama reform and clauses

H2. There will be significant differences regarding awareness of Nikah Nama clauses in people belonging to rural and urban areas

Sample

The sample was drawn through convenience purposive sampling technique. The selection criterion was unmarried Muslim participants, both males and females, from urban and rural areas of Lahore. In total 400 participants were sampled, including 200 female and 200 male.

Data Collection

Data was collected from various places including educational institutions and restaurants.

Participants from rural areas near Lahore like Muridke, Sharqpur and Safdarabad were also approached. The researcher approached the participants and asked them if they were unmarried and willing to participate in a study concerning Nikah Nama.

Data Analysis

The quantitative part was analyzed using SPSS Version 24.0. Descriptive statistics was used to summarize the sample characteristics. Independent-samples t-tests were used to compare results between the variable of gender and urban-rural belonging. Thematic analysis was used to analyze the open-ended questions.

RESULTS

Demographic Results

The demographic details of the participants are presented in Table 1. All the participants were between 18 to 35 years. Sixty percent of the sample belonged to urban Lahore areas and 30.8% to rural regions of Lahore. Only 25.0% of the participants had graduate degrees.

Table 1
Demographical representation of characteristics (N=400)

Demographics	<i>f</i>	%
Age		
18-25 years	200	50.0
26-35 years	200	50.0
Gender		
Male	200	50.0
Female	200	50.0
Education		
Under middle	100	25.0
Matric	100	25.0
Inter	100	25.0

BSc. and above	100	25.0
Region		
Rural	123	30.8
Urban	256	60.9

Quantitative Results

Table 2 presents the result for knowledge and level of awareness about Nikah Nama reforms and its clauses among participants. Most of the sample did not know the recent amendments in Nikah Nama. Result also shows that 70% people do not know that there have been changes in the Nikah Nama. A majority of respondents (55%) agreed that there is little consideration given to provide Nikah Nama awareness to the bride and groom before marriage. Most people (65%) want to read their Nikah Nama before signing it and they want to fill all the clauses in the Nikah Nama. Most (56%) also agreed that women supportive clauses are cut in the Nikah Nama. Participant's responses show that the Nikah Registrar does not provide adequate information about the Nikah Nama clauses at the time of marriage (51.3%).

Most of the participants agreed that women should have the right to divorce (54%). Most (77.2%) also reported that conditions like mental maturity and age is necessary for the marriage. Results indicate that a large number of people are unaware about punishments mentioned in the Marriage Registration Law with respect to guardians and *Maulvi* not obeying the rules regarding Nikah Nama (63.5%). Majority (53.7%) are also unaware about the blank space, at the end of Nikah Nama, where the bride can write a special condition agreed with the groom's family, prior to the marriage.

Most of the participants (56%) were unaware that the Marriage Registration Law has punishments for not following the mentioned rules in the Nikah Nama. Additionally, many

participants (67%) agreed that women are under pressure by their families while filling out the Nikah Nama. Majority participants (64%) said that they want to allow their daughter or sister to read the Nikah Nama and avail the women supportive clauses at the time of their marriage. This shows willingness of people that they want to change the societal norms by neglecting gender stereotypes. Most of the participants were of the view that the state should make it compulsory to fill the entire Nikah Nama (74%).

Table 2
Results for awareness of Nikah Nama clauses among males and females (N=400)

	Yes (f)	Yes %	No (f)	No %
1. I am aware about the recent changes in Nikah Nama	120	30.0	280	70.0
2. I would like to read the Nikah Nama before signing it	222	55.4	178	44.6
3. There is little or no consideration given to the terms and conditions about Nikah Nama before marriage	260	65.0	140	35.0
4. I would like to fill all the clauses before signing the marriage contract	255	63.7	145	36.3
5. The Nikah Registrar does not provide adequate information about every clause	205	51.3	195	48.7
6. The women supportive clauses in Nikah Nama are cut	226	56.5	174	43.5
7. Women should be given right to divorce	219	54.7	181	45.2
8. Mental maturity and age is important to consider before marriage	309	77.2	91	22.8
9. I am aware about the punishments mentioned in Marriage Registration Law upon guardian and Maulvi for not obeying the rules	146	36.5	254	63.5
10. I am aware that there is a blank space at the end of the Nikah Nama where the bride can write a special condition	185	46.3	215	53.7
11. I am aware that the Marriage Registration Law has punishments for not following the mentioned rules in Nikah Nama	176	44.0	224	56.0
12. I believe that women are under pressure by their families while filling out the Nikah Nama	270	67.5	130	32.5
13. I would want my daughter/sister to read their Nikah Nama and fill all the clauses	256	64.0	144	36.0
14. I think the state should make it compulsory through laws to fill the entire Nikah Nama	296	74.0	104	26.0

An independent-samples t-test was conducted to compare the awareness about Nikah Nama clauses scores for males and females (Table 3). Results revealed that there was significant difference in scores for males (M=20.99, SD=2.00) and females (M=19.18, SD=1.64) in awareness of Nikah Nama clauses, $t(386.018) = 9.815$, $P = 0.00$ (two tailed). Females had less awareness about the Nikah Nama clauses.

Independent-samples t-test was also conducted to compare the awareness about Nikah Nama clauses scores for urban and rural participants (Table 4). Results revealed that there was significant difference in scores for urban (M=20.44, SD=1.814) and rural (M=19.92, SD=2.13) in awareness of Nikah Nama clauses, $t(275.96) = 2.505$, $P = 0.013$ (two tailed). In this way, results show that rural populations have less awareness of Nikah Nama clauses compared to the urban population group.

Table 3

Independent sample t test measuring gender differences in awareness about Nikah Nama clauses (N=400)

Gender	M	SD	t(df)	P	95% Confidence interval of the difference	
					LL	UL
Male	20.99	2.00	9.81 (386.018)	0.00	1.44	2.17
Female	19.18	1.64				

Table 4

Independent sample t test measuring impact of background on awareness about Nikah Nama clauses (N=400)

Background	M	SD	t(df)	P	95% Confidence interval of the difference	
					LL	UL
Urban	20.44	1.81	2.50 (275.96)	.013	0.11	0.92
Rural	19.92	2.13				

Qualitative Analysis

In the qualitative part of this study reasons behind not reading the Nikah Nama before marriage were explored. The themes discovered are summarized in Table 5 and include: (i) Patriarchal Culture; (ii) Lack of awareness; and (iii) Insecurity and fear.

Patriarchal Culture

Many of the participants, both men and women, agreed that the patriarchal culture created barriers in reading the Nikah Nama. It was assumed and accepted that the male guardians and male elders of the family are the primary authority figures and the main decision makers. One male participant wrote: *“Nikah Nama decisions are the responsibility of the men and women have nothing to do with it”*. One female respondent shared: *“I am fine with the decisions made by my father for me. I don’t need to read the Nikah Nama”*.

Lack of Awareness

Majority of the participants agreed that they did not have awareness about the Nikah Nama clauses. There was especially low awareness with regard to the clauses for women’s rights. One female participant wrote: *“I was unaware of the female supportive clauses. I am so surprised”*. A male respondent shared: *“This is the first time I am reading about clauses such as permission for second marriage from the first wife”*.

Insecurity and fear

Participants also shared that one of the reasons for not reading the Nikah Nama before marriage was due to fear and insecurity. Men feared that the wedding would not happen and women feared that their future in-laws and husband would abuse them if they showed interest in reading

the Nikah Nama. One female shared: “*Women who are aggressive in discussing the Nikah Nama before the wedding have to suffer after the wedding due to mistreatment by husband and in-laws*”.

Table 5

Thematic Analysis for reasons behind not reading the Nikah Nama before the wedding

Themes	Sub themes
Patriarchy	Dependency on male guardians Dependency on male elders
Lack of Awareness	Lack of awareness about Nikah Nama Refoms Lack of awareness about female supportive laws
Insecurity and fear	Marriage will not take place as bride/ groom seen as aggressive Women will face abuse after marriage for discussing Nikah Nama

DISCUSSION

This study aimed to explore the awareness of Nikah Nama reforms in male and female adults of Lahore. The study adopted a mixed approach using a survey to collect both closed and open ended questions. Overall, there was low awareness about Nikah Nama reforms and clauses. However, there was a high level of desire in wanting to be aware, read clauses, and avail the different rights pertaining to Nikah Nama in both the male and female sampled population.

Our findings reveal that there are gender differences between men and women about awareness of Nikah Nama clauses. Men are more aware about the Nikah Nama reforms and women supportive clauses compared to the females. Another local research also confirms that women are usually kept in the dark about their Nikah Nama rights in underdeveloped regions having a patriarchal culture (Mansoor & Maryam 2017). This is not in line with the previous findings from international scholarship which report that women have more awareness about

their marital rights (Keet, 2011). The result in our study may be reflective of a more illiterate or semi-literate women population group, which is inherent of developing nations.

We also found that people who belong to the urban areas of Lahore are more aware about Nikah Nama reforms and women supportive clauses than people who belong to rural areas. Previous literature contrarily reports that people living in villages and tribal areas of Pakistan are more aware of Islamic rights including marital rights as they strictly follow Islam and have strong faith in Islamic teachings (Jaafar & Lehmann, 2011). Our results suggest that with time people of urban areas are becoming more cognizant of Nika Nama reforms in the country, and perhaps social media usage and higher education levels in urban populations have a role to play in improved awareness and mindfulness about marriage laws.

Through the open-ended questions we were able to ascertain three major perceived areas behind not reading the Nikah Nama before marriage. First, the patriarchal culture prevented people from reading the Nikah Nama as they considered it the domain of elder male members of the family. Second, there was a general lack of awareness about Nikah Nama clauses and the necessity of reading the Nikah Nama. Finally, there was also insecurity and fear of facing retribution for showing interest in or reading the Nikah Nama and being perceived too aggressive in a conservative society. Whereas, men feared that the marriage would not take place, women believed future in-laws and husbands would abuse them. Other scholarship agrees that it is very difficult to negotiate marriage contracts as people do not want the other family to lose trust in them (Scott & Scott, 1998).

Limitations

This study is limited to sampling in Lahore. Additionally, married people were not sampled. It is recommended that future studies sample people from across Pakistan and include married people as well. However, the strengths of this study are that it sheds light on the level of awareness in men and women about Nikah Nama clauses and reforms and also identifies cultural reasons for not reading the Nikah Nama before marriage. In this way it is one of the few studies in Pakistan that can be used by future researchers and also help to design policy to improve awareness and protection for marriage rights in the country.

CONCLUSION

This study has important implications for Pakistani society and marriage laws. Awareness of marriage laws and Nikah Nama rights is a human rights issue, especially for vulnerable population groups like women and minorities in the country. We find that women and rural people have less awareness of Nikah Nama clauses and women's rights clauses. The findings have implications for designing of training projects for diverse bodies such as Punjab Commission on the Status of Women, national women development bodies, and community awareness programs. It is recommended that awareness about marriage rights should be part of the formal and informal education system of Pakistan. Additionally, laws must be implemented and swift accountability must be delivered against people who strike out the Nikah Nama clauses and prevent reading of the marriage contract.

Conflict of Interest Statement

There is no conflict of interest to declare.

Funding

This study has not received funding.

Ethics

Ethical approval for this study was obtained from the Department of Gender and Development Studies, Lahore College of Women University, Lahore, Pakistan.

Data sharing and availability statement

Data is available upon email request from the corresponding author.

Author Contributions Statement

MA collected data and did the initial draft. SM supervised the study. SM and NJ reviewed and improved the manuscript.

Acknowledgements

Authors are grateful to the participants in this study who gave their time to fill the survey.

References

Alkhateeb, M. (2012). *Islamic Marriage Contracts; a Resource Guide for Legal Professionals, Advocates, Imams and Communities. Peaceful Communities Project, Asian & Pacific Islander Institute on Domestic Violence, and Battered Women's Justice Project.*

Chagani, A. R. (2020, January 4). *Read this before you sign your nikah nama.* Images.
<https://images.dawn.com/news/1178937>

Curtis, E. E. (Ed.). (2010). *Encyclopedia of Muslim-American history.* Infobase Publishing.

Gilliat-Ray, S. (2012). *Muslims in Britain.* Cambridge University Press: ~~Cambridge.~~
<https://doi.org/10.1017/CBO9780511780233>

- Haq, M. (2012, July 8). *What you need to know about Nikkah Nama.* The Express Tribune.
<https://tribune.com.pk/story/404557/what-you-need-to-know-about-the-nikahnama/>
- Huda, S. (2007). *Report of the special rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children.* United Nations Digital Library.
<https://digitallibrary.un.org/record/569066?ln=en#record-files-collapse-header>
- Husayn, S. A. & Rizvi, S. H. (2009). *Islamic marriage handbook.* World Islamic Network: India.
- Jaafar-Mohammad, I., & Lehmann, C. (2011). Women's rights in Islam regarding marriage and divorce. *William Mitchell Journal of Law and Practice*, 4(1), 1-13.
- Keet, A. (2011). *Social Justice, reconciliations and non-racialism: Shared complexities; collective futures* [Unpublished manuscript]. University of the Free State, Bloemfontein.
- Mansoor, M. (2017, April 27). *A women friendly nikah-nama and Muslim women's right to divorce.* Feminism in India. <https://feminisminindia.com/2017/04/27/nikah-nama-muslim-women-divorce/>.
- Munir, M., & AbdulQuddus, T. (2018). Female Muslim Petitioners in Pakistani Family Courts-Cases, Problems and Solutions. *Al-Az vā*, 33(50), 51-58.
- Qamar, N., Zia, M., & Khan, T. (2019). De-constructing conjugal rights in Pakistani law. *Legal Aid Society*, 1-45. <https://www.las.org.pk/wp-content/uploads/2019/12/De-Constructing-Conjugal-Rights-in-Pakistani-Law.pdf>
- Rob, P. & Primervra, L. (2016, August 15). *Marriage as a social contract.* Psychology Today.
<https://www.psychologytoday.com/us/blog/so-happy-together/201608/marriage-social-contract>

Scott, E. S., & Scott, R. E. (1998). Marriage as relational contract. *Virginia Law Review*, 1225-1334.

https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=1478&context=faculty_scholarship

Tahiri Justice Center. (n.d.). *Forced marriage in immigrant communities in the United States:*

2011 national survey results. [https://www.tahirih.org/wp-](https://www.tahirih.org/wp-content/uploads/2015/03/REPORT-Tahirih-Survey-on-Forced-Marriage-in-Immigrant-Communities-in-the-United-States.pdf)

[content/uploads/2015/03/REPORT-Tahirih-Survey-on-Forced-Marriage-in-Immigrant-Communities-in-the-United-States.pdf](https://www.tahirih.org/wp-content/uploads/2015/03/REPORT-Tahirih-Survey-on-Forced-Marriage-in-Immigrant-Communities-in-the-United-States.pdf)

Training of nikah registrar, local government and CDD officials (2015). The Punjab commission on the status of women. <https://pcsw.punjab.gov.pk/tnr>