

# no, I Don't

## Arranged Marriages in Pakistan

by Amtul Naheed of Shirkat Gah

**G**enerally the term "arranged marriage" is used for marriages that are arranged by the families of the bride and groom. It means that neither of the partners has a say in who they are about to marry. It is assumed that family elders, usually the men, are in a better position to decide than the two individuals who will be actually bound in matrimony. It is widely believed that parents have the right to decide for youngsters.

The practice is found throughout the subcontinent which comprises of Pakistan, India and Bangladesh and dates back centuries, cutting across classes and religions. In arranging marriages, male elders misuse their customarily assumed rights to the extent of destroying a woman's life. The arrangements tend to benefit the family rather than the woman as an individual. Women can be forced into marriages to settle a dispute or retain property within the family.

In Pakistan, a country comprising of the four provinces of Punjab, Sindh, North Western Frontier Province (NWFP) and Baluchistan, educated women from affluent classes in urban areas are now increasingly able to choose their own spouses, either entirely on their own or with the help of their families. Choice marriages are

on the rise among the urban and rural working class also.

But Pakistan is still mostly an agricultural country where tribal and feudal systems prevail, where 70 percent of the population live in rural areas where the educational level is very low for the community as a whole (26%), and for women specifically (17%). Because male domination and the patriarchal system remain strong and powerful, men control all the day to day and major decisions about women's lives such as education, clothing, mobility, marriage and child-bearing.

In Pakistan, arranged marriages take a variety of forms, and involve a range of abuses of women's human rights. The following are some of arranged marriages worst forms:

### **Exchange Marriage**

The practice of exchange marriages is found throughout the country. It is known in the Punjab as *watta satta* and in Sindh as *addo baddo*. In such marriages, a man and a woman from one family are married to a man and woman of another family; usually, a brother and a sister exchanged for a brother and a sister. In the absence of a suitable exchange, a transgenerational exchange is accepted. Exchange marriages happen because a family wants to secure a daughter by taking a woman

from the other family. In other words, a woman is held hostage to make sure that another woman is safe. However, what happens is often the opposite: one couple's marriage can be made vulnerable and insecure by the problems of another.

Invariably, the marriages are mismatched. Many exchange marriages are means to find a bride for a groom who has passed the acceptable age of marriage. So while one couple may be compatible, the other is not because of the age difference. It is also common that one couple is happily settled while the other is not, but the family will not allow the unhappy couple to be divorced since it will, according to practice, necessarily entail the dissolution of the other happy marriage.

An exchange marriage thus compounds all the problems common in arranged marriages because it makes it doubly difficult for a woman to assert her rights within marriage. And by ensuring the continuation of mismatched and unhappy marriages, exchange marriages also contribute to the continuation of polygamy. Under statute law in Pakistan, a Muslim man may have up to four wives. Commonly, a well-educated son of a feudal background is married to an older or much younger village-based cousin in an exchange marriage. The difference in their education and age lead to an unhappy match which the husband can simply solve through marrying a more educated and younger woman. Both women, however, suffer from disadvantages in the matter of inheritance, for example. Also, the first wife effectively lives as an estranged wife.

### Child Marriage

In child marriages, either the girl or boy or both are married in their childhood with parents consenting on behalf of whichever spouse is a minor. Child marriages are intricately linked with the practice of exchange marriages because in the absence of a suitable adult partner, one or both spouses being exchanged may be a

### Findings of Naeem Tariq's research on Pakistani women convicts

Adverse marital conditions	Female	Percentage
Sharp disparity in age	39	64
Early marriage	30	49
Exchange marriage	13	21
Husband's other wife	7	11
Forced marriage	21	34
Problems with in-laws	54	88
Husband's extra marital relations	28	17
Severe conflict with husband	77	47

Note: A married subject was usually exposed to more than one adverse marital conditions.

minor. While this trend is generally declining, the practice is still found in rural areas. Being illegal, no written document is available in such marriages.

There are many reasons behind child marriages. Parents marry off their daughters when they feel they are a burden and want them settled in other homes. Girls are married off when a family needs the bride price money from the groom's family. Child marriages could also take place due to a contract between two families for an exchange marriage. Child marriages also happen as compensation for a wrongdoing committed by a family member, usually male, or to settle land disputes. Virginity is essential for the girl. If the marriage is delayed, the girl could be involved with a boy and could lose her virginity.

When the married children grow up and develop no understanding amongst themselves, problems arise. In the absence of official marriage documents, women have found it extremely difficult to exercise their legal rights in marriage.

Child marriages result in severe health problems for women. They have to produce children even when their bodies are not yet prepared for child-bearing. Women are often not allowed to decide about the number of and spacing between children. Pregnancies without the healthy gaps result in miscarriage and diseases in both mothers

and children.

### Cousin Marriage

In all of Pakistan's rural areas and to some extent in urban areas, cousin marriages are still prevalent. In such marriages, cousins are engaged, and sometimes even married, while still children. Some are even betrothed before their birth, a hateful practice known as *pait likkhi*, literally, "the booking of the womb."

Cousin marriages are done to keep property within the family (a Muslim woman has the right of inheritance) and to maintain the "purity" of bloodlines. Divorce is avoided at all costs in cousin marriages in order to prevent rifts within the family.

There are four percent chances of abnormal children in cousin marriages. Genetic disorders such as the Down's Syndrome (a specific form of mental retardation), congenital heart disease, cleft palate, hare lip, the narrowing of the stomach tube, albinism, hearing and speech disorders can be passed on to children through cousin marriages.

All these arranged marriage practices are woven like an intricate web and are used to perpetuate abuses against women. They lead to the denial of women's rights. Parents train girls to be respectful of their family elders and to obey all decisions made about their life first by their paternal family and, after marriage, by their in-laws. So in very oppressive situations

after marriage, when a woman feels she can complain to her paternal family about her situation, it is too late. She is already the mother of two or three children, her parents might have died and no one else is ready to take her responsibility.

In cases where the girl is not willing to marry according to her parents wish, she may elope. This extreme step is taken out of desperation and often also fails to secure happiness for the woman.

### CHANGING ATTITUDES

The practice of arranged marriages has slowly declined over the past one or two decades and the attitude of Pakistan's society towards this gradual decline has also been positive. People have started thinking about the negative affects of age-old customary marriage practices on women and on the community as a whole

Society has recognized that arranged marriages destroy a woman's life. A bad marriage causes women adverse psychological conditions and some commit crimes and are jailed. A research on "Women Convicts in Four Prisons in Pakistan: Offenders or Victims" by Naeem Tariq says that 61 married female were forced to become convicts because they were living in adverse marital conditions.

### VIOLATES LAWS

Under Pakistan's Muslim Family Laws Ordinance of 1961(MFLO), a marriage requires a bride and a bridegroom, two witnesses, the registration of marriage, fixing dower and that the age of the bride should be 16 and the bridegroom, 18. A girl under the age of 16 cannot contract marriage on her own. Free consent is an essential requisite of marriage, both under Muslim Jurisprudence and Pakistan Statute Law.

All engagements before marriage, even if families have prepared a document, which sometimes happen in exchange marriages, have no legal value. So a woman can take the initiative to

break her engagement.

Therefore, under the MFLO of 1961, child marriages are illegal. Child marriages are also illegal under the Child Marriage Restraint Act of 1929, although the marriage itself is not invalid. In cases where a girl's parents have tried to get custody of her from her husband, the courts have generally ruled that she is free to go where she pleases. Generally, superior courts are sympathetic towards the girls and the women. In the lower court, the trend is uneven. On the other hand, decisions at both levels also depend upon the political atmosphere and the personal attitude of the judge towards women.

## Arranged marriages in all its forms contradict the fundamental rights granted to women by the Constitution of Pakistan.

A woman who wants to divorce can get a judicial divorce, a *khula*, or a delegated right of divorce. A judicial divorce requires a woman to prove the specific grounds that allow divorce, such as the husband's impotence, severe disease, the husband's marriage to another woman without the permission of the Union Council, his failure to provide her maintenance, or her subjection by him to different forms of violence. Woman can get a judicial divorce through the family courts.

A *khula* leads to the dissolution of marriage. According to Muslim jurisprudence and the Pakistan laws, a woman may ask the court to dissolve her marriage when, from her point of view, she can no longer live with her husband within the limits prescribed by Allah (God), that is, peace, love and affection and blessings. In some cases,

judges have accepted her hatred of him as a reasonable ground for *khula*. It is not necessary for the wife to prove the extent of her hatred. In case of *khula*, a woman might have to forgo her dower, or pay some money to get her freedom. Pakistan is the only Muslim country where case law has established that *khula* is a women's right and for which she does not require the husband's permission in any form.

Another form of divorce is delegated right of divorce. This is the easiest way to divorce a husband, but can be obtained only at the time of *nikah* or the filing of the marriage contract. Even if parents married off their daughter while she was still a child, the marriage contract, according to the MFLO of 1961, can be filed only when the girl is 16 and of majority age. However there is confusion stemming from the Majority Act 1875, which holds that a girl is minor until she is 18. The MFLO fails to clarify this discrepancy. Therefore, given these two laws, a girl between the ages of 16 to 18 years can use the option of puberty to file for dissolution of the marriage.

Clearly, arranged marriages in all its forms contradict the fundamental rights granted to women by the Constitution of Pakistan. While the family is an institution that should be protected, and members have some right on the others, it is family custom that violates women's fundamental rights. An adult woman should be able to use her free will to choose her life partner. She should also be able to avail of her right of divorce if she is not happy with her marriage.

All the cultural values and customs which are used to suppress the individuality and personality of women as human beings should be discouraged. No one should assume that she is a creature to be sacrificed and to serve others. Rather, she should be given the right to lead her life based on equality and free will.

Reference: *Women, Law and Society*, an action manual of Shirkat Gah.

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