

Shariah Analysis of prevention and protection of Victims of Domestic violence in proposed Domestic violence Bill-2021

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ABSTRACT

Cases of domestic violence are rapidly increasing in Pakistan. Therefore, to prevent such incidents, the Domestic Violence Bill has been passed in three provinces of Pakistan, and in the Federal, the bill is in the process of becoming law. The research discusses possible Islamic solutions for offenders of domestic violence. This study highlights points from the bill that are contradictory which Shariah. Finally, the key findings are summarized in the conclusion section and recommendations are presented for future research and studies. This endeavor employs a qualitative research methodology to analyze textual data of the Quran and Sunnah. It is hoped that understanding the issue will be imperative and beneficial for Muslim families and communities in Pakistan and worldwide.

Keywords: Domestic Violence, Domestic Violence Bill-2021, Sharia, Protection

Introduction

Domestic violence is a bitter reality and unfortunately in Pakistan cases related to domestic violence are increasing day by day. It is a common misconception. In Pakistan whenever domestic violence is discussed in any forum, it is confined to spousal Relationships especially husband violence against his wife. While all the members of the family are victims of some form of violence. This violence is not only physical but also sexual, mental, and economic violence which is used to exploit others. Therefore, to prevent such incidents, the Domestic Violence Bill has been passed in three provinces of Pakistan, Punjab, Sindh, and KPK. The proposed Domestic Violence Bill 2021 in federal is in the process of becoming law.

The paper goes on to outline an extensive discussion of the possible Islamic solutions for offenders of domestic violence. The Bill mentions the types of domestic violence along with the definition of abuses and fixed punishments for different abuses, thus protecting the rights and duties of each individual in the family.

Literature review

Pakistan was established as an Islamic State to put Islamic philosophy into practice. The people of Pakistan were promised in all three constitutions of 1956, 1962, and 1973 that essential steps would be taken to enable them to conduct their lives according to the teachings of Islam and by the injunctions of the Holy Quran and the Sunnah. No law shall be passed that conflicts with the injunctions of the Qur'an and the Sunnah; any such legislation shall be deemed void according to the Constitution of the Islamic Republic of Pakistan, 1973.¹ Pakistan's 1973 constitution has several Islamic laws aimed at promoting and strengthening Islamic principles in the country's state and society. The 1973 Constitution's Article 1(1) declares Pakistan to be an Islamic Republic² Art. 2 declares Islam the state religion. In Chapter 2, "Principle of Policy", Article 31, Para (1) stipulates that efforts must be made to make it possible for the populace to live by Islamic principles and promote them. "Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives by the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah."³

Significance of study

In Pakistan for the prevention and protection of victims, the Federal Domestic Violence Bill was proposed in 2021 and presented in the National Assembly of Pakistan and is under consideration for approval to become a law. Pakistan is a Muslim state thus it is important to analyze this Bill in light of Sharī'ah. So, this research study is designed to analyze different sections of the bill and to comprehend Islāmic Teachings on the protection rights of the victim.

Research Methodology

To collect data on the Domestic Violence Bill and its protection and prevention; Primary and Secondary sources are used. To see the Islāmic Perspective for the protection and prevention of Victims of domestic Violence Primary sources; The Holy Qur'ān, Ḥadith and Juristic opinions are used and secondary sources; Books of eminent scholars, encyclopedias, dictionaries, research journals, magazines, articles of Newspapers are consulted to establish clear findings.

Analysis and Discussion

Petition to the court

According to this bill, an aggrieved person or any other person that the aggrieved person has permitted may file a petition to the court. The place where the aggrieved person resides or conducts business or the place where the respondent and aggrieved person last dwelt together. The court will schedule the first hearing date, which will be no more than seven days after the court receives the petition.

Upon receiving the petition, the court is required to send a notice to the person who is the subject of the complaint. This notice calls upon them to respond within seven days from the date of receiving the notice. They must explain why a protection order should not be issued against them for their alleged involvement in an act of domestic violence as described in the petition, whether or not an interim order has been issued. The court must decide the petition within 90 days, and any adjournment must be allowed for a cause that must be recorded in writing by the court".⁴

In the time of Prophet Muhammad (S.A.W), people came to him to resolve their family disputes. He used to settle disputes between these people and if anyone deserved to be punished, he was also punished. After the Prophet Muhammad (S.A.W) people used to turn to their companions for their problems. Courts were also set up where people submit their petitions. For instance, *Hinda*, the mother of Muawiya complained about his husband and said to Allah's Messenger (S.A.W)

"إِنَّ أَبَا سُفْيَانَ رَجُلٌ شَجِيحٌ، فَهَلْ عَلَيَّ جُنَاحٌ أَنْ أَخُذَ مِنْ مَالِهِ سِرًّا قَالَ " خُذِي أَنْتِ وَبَنُوكِ مَا يَكْفِيكِ بِالْمَعْرُوفِ"⁵

"Abu Sufyan (her husband) is a stingy person. Is it okay for me to take his money in secret? The Prophet (S.A.W) instructed her; "You and your sons may take what is sufficient reasonably and fairly." Narrated Khansa' bint Khidam Al-Ansariya complained about his father to Prophet Muhammad (S. A.W);

"أَنَّ أَبَاهَا، زَوَّجَهَا وَهِيَ ثَيِّبٌ، فَكَرِهَتْ ذَلِكَ، فَأَتَتْ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرَدَّ نِكَاحَهُ"⁶

"That her father gave her in marriage when she was a matron and she disliked that marriage. She went to the Prophet and complained. Prophet declared that marriage invalid."

According to Sayyidna Jabir ibn Abdullah (R.A), once a man complained to the Holy Prophet that his father was taking away what belonged to him. Hazrat Muhammad (S.A.W) called his father. When the son and his father arrived back, he asked the father, "Why does your son complain about you? Do you want to take away his property? The father was very sad to hear this complaint from his son and he shared his feelings in a

few lines of poetry. After hearing these ayats of poetry, the Holy Prophet (S.A.W) said: “Go, You and your property, everything belongs to your father”⁷

From these incidents, it is clear that people submit their complaints and domestic issues to an authoritative person and this person has a right to call the aggrieved person and offender before issuing a verdict. He must issue a verdict after hearing the views of both parties. People used to present their disputes to the Prophet (S.A.W) and he would suggest solutions to them and resolve conflict among the people.

Right to reside in a household.

In Domestic Violence Bill 2021 "Notwithstanding anything contained in any other law for the time being in force, the aggrieved person, shall be entitled to live in the joint household, whether or not the aggrieved person has any right title or beneficial interest in the same. The aggrieved individual may choose to live in the house according to the respondent's financial resources as determined by the Court order, or in a shelter you arranged by any service provider".⁸

Allah has assigned rights and responsibilities to every individual according to equity and justice for the family to function properly. The male has been assigned the role of caretaker, while the woman is the family's focal point.⁹ Even in conflicts between family members, man must take financial responsibility. For Instance, if In-laws are abusive and women is demanding separate accommodation then in Durr al-Mukhtar, Imam al-Haskafi states that the husband must give his wife a refuge (house) that is free of his and her family members. Ibn Hazam said: He has to provide her with accommodation according to his means because Allah says in Surah talaq ayah 6 that “Lodge them (the divorced women) where you dwell, according to your means”¹⁰ Al-Kaasaani said in Badaa’i al-Sanaa’i: “She must be accommodated in a separate home if the husband wants her to live with her co-wife or in-laws, such as the husband's mother, sister, daughter from another wife, or his relatives, and she refuses. If they live together, they may annoy her or harm her, and her refusal is a sign that she is being bothered or hurt”¹¹. The great Hanafi Jurist, Imam Ibn Abidin said that sharing a home with others can often be damaging for her because her possessions might not be secure. For the wife to live with her husband and children, she is entitled to separate housing, whether it be a house or a room inside of a house with a lock that only she has access to and is not shared by her in-laws. It depends on the financial condition of his husband.¹²

So if in-laws are abusive it is the responsibility of men to arrange separate accommodation for their wives same as the case with parents the

son is responsible for their financial needs. Hazrat Ayesha narrated that the Messenger of Allah said:

"إِنَّ أَطْيَبَ مَا أَكَلَ الرَّجُلُ مِنْ كَسْبِهِ وَإِنَّ وَلَدَهُ مِنْ كَسْبِهِ"¹³

"The best (most pure) food a man consumes is that which he has earned himself, and his child (and his child's wealth) is part of his earnings." So is the responsibility of the son to provide every financial support to their parents. If her wife is abusive, it is his responsibility to arrange a safe place for them because according to Shariah he will not force her wife to serve her in-laws.

On the other hand, even in conflict, the aggrieved person has a right to live in a house and it is against Shariah to force them to go out of home. Women who are divorced, whether they are pregnant or not, have rights to the provision of maintenance during the whole length of the waiting period. The ex-husbands must provide all aspects of maintenance such as food, clothes, place of residence, and others.¹⁴

أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلَا تَضَارُّوهُنَّ لِيُضَيِّقُوا عَلَيْهِنَّ وَإِنْ كُنَّ أُولِي حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّىٰ يَضَعْنَ حَمْلَهُنَّ"¹⁵

"Let the women live (in the waiting period) in the same style as ye live, according to your means: annoy them not, to restrict them. And if they carry (life in their wombs), then spend (your substance) on them until they deliver their burden..."

Proposed Federal Domestic Violence Bill 2021 gives the victim the right to live in a shared home with the abuser or after applying, regardless of whether this person has the right to live or not. It is also a strange logic that is legally and mystically reprehensible that the court ordered the respondent to arrange a separate house for the aggrieved person whether he has financial responsibility to support this person or not. While the rules of Shariah are different, a man is responsible for arranging a separate house for his wife if she does not feel comfortable or safe with her in-laws. A man is responsible for fulfilling all needs of his parents and other family members. No one can be forced to bear something that Shariah has not burdened him with.

Power to gain interim order and protection and residence order.

In this bill it is stated that "if the court is satisfied with the occurrence of domestic violence or the possibility of its occurrence in the future the court grants a protective order in the aggrieved party's favor, commanding the direct respondent not to commit any more domestic violence. With or without exception, he has had no communication with the aggrieved person in any shape or way, whether physical, oral, written, electronic, telephone, or cellular. The respondent stays away from the aggrieved person. He wears

a GPS tracker on his wrist or ankle in case he commits any serious violent acts that could endanger the aggrieved person's life, dignity, or reputation. He is also required to leave the house if serious violent acts occur and the aggrieved person's life, dignity, or reputation is at risk".¹⁶

After the application of this bill, every essential step will be taken to protect an aggrieved person because the human dignity and safety of every individual is a priority of every religion, culture, and country. Islam is completely against every kind of oppression and holds peace in high esteem.¹⁷ Peace truly refers to a process in which humans attempt to lay the groundwork for harmonious interactions with Allah's creation—human and non-human alike—as well as to construct an equitable society.¹⁸ Islam portrays peace as an ideal condition of interior and external equilibrium and harmony that can be achieved by a persistent struggle against destabilizing aspects of individual and societal peace like greed, arrogance, envy, racism, exploitation of any type, and social injustices.¹⁹ Prophet Muhammad (S.A.W) put the Islamic principles of peace and nonviolence into the greatest possible practice. He is reported to have said that the best among humankind is he from whom good is expected and evil unexpected, while the worst among mankind is he from whom neither goodness is expected nor safety from his evil ensured.

" الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ " ²⁰

"A Muslim is he from whose hand and tongue the Muslims is safe." It implies that a real Muslim inflicts harm on others neither verbally nor physically. The Prophet (S.A. W) did not emphasize peace only verbally but his conduct epitomized the practice of peacemaking. ²¹Islam has a unique procedure to handle family disputes. In classical Islamic thought and tradition, such means the amicable settlement of disputes through good faith negotiation, conciliation/mediation, and even compromise of action. This is an institutionalized method of dispute resolution recognized and prescribed by the primary sources of Shariah.²²It is stated in the Quran:

"وَإِنْ أَمْرًا خَافَتْ مِنْ بَعْلِهَا نُشُورًا أَوْ إِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَا أَنْ يُصْلِحَا بَيْنَهُمَا صُلْحًا وَالصُّلْحُ خَيْرٌ وَأُحْضِرَتِ الْأَنْفُسُ الشُّحَّ وَإِنْ تُحْسِنُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيرًا" ²³

"If a wife fears cruelty or desertion on her husband's part, there is no blame on them if they arrange an amicable settlement between themselves, and such settlement is best".

Sulh can be performed at any moment, according to Shafi jurists, either before or after the disagreement is brought in court for settlement. Sarah, in research, found that at the end of such a session, 98 percent of

respondents said they were able to address their disagreements and achieve a consent agreement.²⁴

Sulha is one of the ways to resolve disputes in the Islamic law. It is accomplished by reconciliation and mediation. It is facilitated by a judge or well-known members of the family or community. Furthermore, Islam encourages mediated agreements to establish and preserve human relationships. It involves the principles of counseling, advising, and arbitration. It can be observed that Sulh's ethical concept is forgiveness, and forgiveness is a noble thing to accomplish.

Arbitration is another process to settle disputes between two parties or persons. It is the process which is mostly used in conflict resolution. Arbitration, according to Al-Mawardi, is the selection of a member of the community by two disputing parties to adjudicate on an issue that both sides disagree on.²⁵ Arbitration is a form of conciliation, close to 'amiable composition', which is not binding on the parties. The arbitrator's decision is neither binding nor final unless it is accepted by the parties. Thus arbitration does not have any jurisdictional nature but is close to conciliation.²⁶ The Quran frequently mentions the notion of resolving conflicts through negotiation. Allah says to the effect:

"وَلِكُلِّ جَعَلْنَا مَوْلَىٰ مِمَّا تَرَكَ الْوَالِدَانِ وَالْأَقْرَبُونَ وَالَّذِينَ عَقَدَتْ أَيْمَانُكُمْ فَآتَوْهُمْ نَصِيحَتَهُمْ إِنَّ اللَّهَ كَانَ عَلِيمًا
كُلِّ شَيْءٍ شَهِيدًا"²⁷

"If you fear a breach between them (husband and wife) appoint two arbiters, one from his family and the other from hers. If they wish for (S.A.W), Allah will cause their conciliation, for Allah hath full knowledge, and is acquainted with all things."

According to scholars of fiqh when spouses become estranged, the judge directs them to a trustworthy person who will investigate their case to stop any wrongs and violence between them. If the situation persists or gets worse, the judge appoints two trustworthy family members—one from each of the man's and woman's families—to meet with the couple and assess their situation to decide if it would be preferable for them to separate or stay together.²⁸ The purpose of arbitration is to put an end to antagonism and conflict between the disputants so that they can continue to interact amicably without additional court intervention. This bill closed the door of communication and reconciliation and at last, the relationship ended at an extreme level, while through dialogue the family can resolve many issues.

Monetary relief.

"The court may issue an interim order at any point during the trial ordering the respondent to provide financial assistance to cover the costs and losses

sustained by the victim and any affected children as a result of the domestic violence".²⁹

It is discussed above that men are responsible for fulfilling all needs of their families even in conflict. It is not permissible for a woman to take anything from his husband's wealth without his permission unless he is a miser and it is difficult for her to fulfill her essential needs so in this case she may take what is reasonable for her and her children. Hazrat Hinda bint utba came and complain about his husband to the prophet Muhammad (S.A.W) she said "O Allah's Messenger (S.A.W) Abu Sufyan is a miser so is it sinful of me to feed our children from his property?" Prophet Muhammad (S.A.W) said; "لَا إِلَّا بِالْمَعْرُوفِ"

"No except if you take for your needs what is just and reasonable." So she cannot go beyond the limits. It is obligatory on men to provide maintenance to his children. It is stated in Surah Al-Baqarah:

بِمَنْ أَرَادَ أَنْ يُنِمَّ الرِّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ³⁰

"But he (the father) shall bear the cost of their food and clothing on equitable terms".

This ayah explains a divorcee's right to support from her ex-husband if she breastfeeds her child. Ibn Kathir says: "The kid's father is accountable for providing mothers with food and clothing."³¹ Scholars generally agree that it is the responsibility of the father to provide for his children, regardless of whether he stays married to his wife or divorces her, or whether the wife is wealthy or not. If the children's father is alive, she is not required to spend money on them.³²

If the wife spends her money or the husband has taken money from her, she can demand it from her husband. And if she exploits him he will claim for penalty. The same is the case with children they claim for their Maintenance and inheritance. So, in the Islamic family system, every individual has specific rights and responsibilities. The whole system of Islam revolves around justice. So, if anyone is exploited by using any means Shariah and courts provide justice after watching the evidence.

Custody order and duration and alternation of interim, protection, and residence order.

"The court grants temporary custody of the aggrieved person to an appropriate person or authority. If the victim is a child then an appropriate person or other service provider shall be determined by the court as per the Guardian and Ward Act 1890. If the aggrieved is an adult custody should be granted to a service provider or some other person by the will of the aggrieved person. The interim order and custody order shall remain in force

until the aggrieved person applies for discharge of such order. If the court on receipt of an application at any stage from agree with the person or the respondent is satisfied that there is a change in the circumstances requiring an alteration, modification in writing pass such order, as it may deem appropriate"³³

It is discussed above that human life and dignity are most important in Shariah rulings. Even emotional abuse is strictly forbidden in Islam so when the life and dignity of a person are in danger then every possible measure should be taken to save him. In this section, it is stated that the court grants temporary custody of the aggrieved person to the appropriate person.

According to scholars, Islam has a proper system of rights and duties and in this bill same punishments have been proposed for all persons. There are many ambiguities in the definitions of abuses mentioned in this bill so when punishments are given for these abuses the relationship becomes more complicated. For instance, the accused is required to decide for the victim if he wants to live in another place, or the court grants custody of the aggrieved person to another person or authority. This provision will become dangerous when the father is in the interest of his children. If he warns his daughter/son for their bad conduct or imposes few restrictions on them for their betterment, for instance, parents stop their children from affairs and children file a petition against the father in court, will the father be legally obliged to arrange separate accommodation for the children, or child live with other person or authority where he/she can stay without interruption? Is it not easy to get involved in sin? Who is more sincere than parents?³⁴ One of the ayah in the Quran that emphasizes the obligation of responsibility towards the family is

"...فُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا..."³⁵

"Keep yourself and your family from the torments of hell"

Family is not just a biological bond between father and mother and children. But binding responsibility and trust that must be carried out. The Prophet (S.A.W) said:

"ثَلَاثَةٌ لَا يَنْظُرُ اللَّهُ عَزَّ وَجَلَّ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ الْعَاقُ لِوَالِدَيْهِ وَالْمُرَاةُ الْمُتَرَجِّلَةُ وَالذَّيُوثُ..."³⁶

"There are three at whom Allah will not look on the day of resurrection: The one who disobeys his parents, the woman who imitates men in her outward appearance, and the cuckold. "Dayouth or Dayyuth is an Arabic-derived term for a person who is apathetic or permissive about unchaste behavior by female relatives or a spouse. More specifically, youth describes a man who lacks the demeanor of paternalistic protectiveness with regards to female family members or his spouse".

According to this evidence, parents must pay attention to their children. The bill proposes the same punishment for different types of

domestic abuses. In an Islamic family system, the dignity, nature, and status of each relationship are different. Parents have certain responsibilities and duties of their own and the rights and duties of children are also defined by Islam. Similarly, the requirements of a husband-and-wife relationship are somewhat different. The nature of the relationship with other members of the family varies from person to person depending on the status and degree of that relationship so the same punishment is not applicable for all. There are many complexities and ambiguities in different clauses of this bill.

Protection Committee and Protection Officers. "Protection Committee shall comprise of a representative of the family protection shelter, a representative of the national commission on the status of women, a medical doctor or psychologist or psycho-social worker, a law officer, and a police officer not below the rank of inspector, preferably female. They informed the aggrieved person of his/her rights provided under this act or any other law at the time being in force and the remedies and the help that they may be provided. Provide medical treatment and assist the aggrieved person in relocating to a safe place. Assist the aggrieved person, by assigning the protection officer, in the preparation of and filing of any petition. They keep official records of domestic violence".³⁷

Justice's significance is demonstrated by the fact that in Islam, it is one of Allah's names. It is regarded as one of the most significant principles emphasized by the Quran and reiterated in several of its ayahs. Allah has mandated that every Muslim must act in a way that includes fairness. It must be practiced with everyone in the world. Hazrat Muhammad (S.A.W) said:

"إن الناس إذا رأوا الظالم فلم يأخذوا على يديه أوشك أن يعمهم الله بعقاب منه"³⁸

"When people see an oppressor but do not prevent him from (doing evil), it is likely that Allah will punish them all."

"مَنْ رَأَى مُنْكَرًا فَلْيُعَيِّرْهُ بِيَدِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِلِسَانِهِ فَإِنْ لَمْ يَسْتَطِعْ فَبِقَلْبِهِ وَذَلِكَ أَضْعَفُ الْإِيمَانِ"³⁹

"Whoever among you sees an evil, let him change it with his hand; if he cannot, then with his tongue; if he cannot, then with his heart- and that is the weakest of Faith. " In surah, Nisa Allah is asking and encouraging all humans that

"وَمَا لَكُمْ لَا تُقَاتِلُونَ فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا

أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا وَاجْعَل لَّنَا مِنْ لَدُنْكَ وَلِيًّا وَاجْعَل لَّنَا مِنْ لَدُنْكَ نَصِيرًا"⁴⁰

"And how could you refuse to fight in the cause of God and of the utterly helpless men and women and children who are crying, 'O our Sustainer! Lead us forth [to freedom] out of this land whose people are oppressors, and raise for us, out of Thy grace, a protector, and raise for us, out of Thy grace, one who will bring us succor'"

This ayah implies that the Muslim community is responsible for "fighting" oppression when they see it, whether they see it coming from a whole people, as per the ayah above, or from individuals. In the case of oppressive families neighbors or other Muslims should try to speak to the oppressive persons to stop their behavior. If it verges on criminal behavior, they should contact the proper authorities. Protection committees, established by the government try to protect people from oppression. Religious scholars, arbitrators, and counselors should be on the protection committee.

Conclusion

Domestic violence is a moral and legal offense that should be prevented where possible and punished where necessary. The consequences of domestic violence are many. From a purely "self-preservation" or "enlightened self-interest" perspective, violence is not just wrong in the eyes of God, but also violence against one's self and a way of denying one's self of God's mercy. The Prophet Muhammad said God is not merciful to those who do not show mercy to others. It is analyzed that religion can be a protective factor in preventing violence against any individual, and Islam is no exception. Islamic law and the views of leading jurists and scholars are clearly against all forms of domestic violence as it creates havoc in family harmony. When criminal act is proven then Shariah prescribes punishments and penalties for perpetrators.

This study examined the sanctions listed in the proposed Domestic Violence Bill in the context of Islamic shariah and concluded that the ultimate remedies to the threat of domestic disputes can be found in Islamic teachings. The bill provides various progressive measures. Domestic violence, for instance, can also be reported if it is committed against any vulnerable individual, regardless of their gender. In addition, the measure does not prohibit women from being the respondents in cases of domestic violence. Domestic abuse cases are also handled by a special protection committee, which is responsible for the victims' safety and rehabilitation. To effectively address Contradictory points from the proposed Federal Domestic Violence Bill 2021, this research sheds extensive light on the possible solutions from Islamic teachings. Every effort is made to bring about reconciliation between the two sides. Arbitration is the best way to resolve family disputes but punishments mentioned in this close the door of *sulah*. The opposition also argues that such acts are the private conduct of the families and that the law should not intervene in their private matters. Pakistan is an Islamic state so it is necessary to formulate laws according to the religion and culture of Pakistan.

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