

THREE-DAY INTER-PROVINCIAL TRAINING ON WOMEN'S MARRIAGE RIGHTS IN PAKISTAN (FROM 05 – 07 JUNE 2023)



Faculty Member, SJA delivered the welcome note.

Background Context and Brief Introduction to Training

❖ Sindh Judicial Academy in collaboration with MUSAWI arranged a three-day inter-provincial training of Family Court Judges on Women's Marriage Rights in Pakistan.

❖ This training aimed to assist newly appointed Family Court Judges from different provinces to use the Bench Book during their judicial decision-making process. The training covered key topics regarding family laws and Women's Marriage Rights in Pakistan and included group exercises to solidify the concepts trained on.

❖ This training was conducted by Sindh Judicial Academy from 05 to 07 June 2023. In this interactive/practical training program, a total of 26 participants (06 from Balochistan, 04 from Peshawar, 06 from Lahore, and 10 from Sindh) attended the training sessions.

The highlight of the sessions

❖ On Day-01, in the Inaugural Session, **Mr. Qazi Ishaq Ahmed** (Hardware Technician, SJA) recited the selected verses from The Holy Quran.

❖ In the opening ceremony, **Ms. Fatima Yasmin Bokhari** (Chief Executive Officer, MUSAWI) and **Mr. Muhammad Shahid Shafiq**, District & Sessions Judge & Senior

❖ Hon'ble Mr. Justice Nadeem Akhtar, Judge High Court of Sindh and Director General, Sindh Judicial Academy (SJA), Hon'ble Mr. Justice Tassaduq Hussain Jillani, Former Chief Justice of Pakistan, Hon'ble Judge Jamel Mamutuk, Republic of Philippines, and Hon'ble Judge Ismail Yahya, Malaysia, were in the Introductory Panel and Mr. Justice Nadeem Akhtar delivered the opening remarks on Muslim Family Laws with a Focus on Women's Marriage Rights. Later, a Pre-Training Assessment was conducted by **Mr. Rehan Safder** (Representative, MUSAWI) and **Ms. Maimoona Yaqub** (Representative, MUSAWI) followed by a Context Setting: An overview of the Training & Bench Book on Muslim Family Laws.

❖ In the next session, **Mr. Muhammad Shahid Shafiq**, District & Sessions Judge, Senior Faculty Member, SJA, delivered a lecture on "The Family Courts and their Jurisdiction". He enlightened the main areas of concern: Procedural issues faced by Judges under the Family Courts Act, 1964.

❖ The final session of day 01 was conducted by Ms. Nida Aftab, Advocate High Court, Consultant, Musawi Legal Framework. She delivered a lecture on the "Nature of Marriage & Child Marriages" and covered the following areas of concern:

- Issues regarding validity/proof of marriage & consent of the guardian/wali for marriage

- Conflicting case law on the interpretation of columns & stipulations in the Nikahnama
- Cognizance of child marriage cases & determination of the child's age

❖ Day 02 also began with the recitation of The Holy Quran along with Registration and the first session was conducted by **Barrister Khadija Bokhari**, Director Litigation & Advocacy, Musawi. **Ms. Maimoona Yaqub**, Research Associate, Musawi facilitated Barrister Bokhari. They delivered a lecture on the "Legal Framework of Dower & Dowry" and covered the following main areas of Concern:



- Different types of dower & applicable columns in the Nikahnama
- Return of dower in the dissolution of marriage cases
- Jurisdictional issues on the return of dowry articles & evidentiary requirements

❖ In the second session **Mr. Muhammad Shahid Shafiq**, District & Sessions Judge & Senior Faculty Member, SJA delivered a presentation on the "Legal Framework for the Maintenance of Wives and Children". He elaborated on the subject by covering the following areas of concern:

- Determination of the quantum of maintenance
- Admissibility of evidence
- Interim maintenance & provincial variations
- Order writing and discussion

❖ The third session was conducted by **Ms. Nida Aftab**, Advocate High Court; Consultant. **Hon'ble Judge Jamel Mamutuk**, Republic of Philippines, and **Ms. Tahera Hasan**, Founder Tahera Hasan & Co; Founder & Director, Imkaan Welfare Organization were the discussants. They explored "Legal

Framework on Custody & Guardianship" and discussed the following:

- Assumption of jurisdiction
- The welfare of the child
- Recent case law

❖ In the fourth session, **Br. Khadija Bokhari** delivered a lecture on "Legal Framework on Polygamy". She explored the subject by elaborating on the following primary areas of concern:

- A provincial variation on cognizance and penalty
- Recent case law

❖ **Ms. Rabbiya Bajwa**, Advocate Supreme Court of Pakistan; Vice-President Lahore High Court Bar Association along with Discussant Hon'ble Judge Ismail Yahya, Malaysia; conducted the final session of the day. They talked about Legal Framework for the Dissolution of Muslim Marriage and covered the following main areas of concern:

- Types of dissolution of marriage
- Procedural issues
- Practical issues faced by female litigants in respect of each type of dissolution

❖ On Day-03, after the registration and recitation, the first session was conducted by **Mr. Hamid Khan** (Consultant, American Bar Association Rule of Law Initiative) on the subject of "Comparative Insights from other Jurisdiction". In this subject, the following topics were taught:



- Stipulations in the marriage contract
- Dissolution of marriage: Talaq and Khula
- Age of consent
- Alimony

❖ In the next session, **Hon'ble Judge Jamel Mamutuk**, Republic of Philippines, and **Hon'ble Judge Ismail Yahya**, Malaysia, conducted the Panel Discussion on Comparative Jurisprudence on Muslim



Personal Laws and Protecting Women's Marriage Rights followed by Q/A. The Hon'ble Judges were facilitated by Ms. **Fatima Yasmin Bokhari**, Advocate High Court; CEO, Musawi, and **Mr. Hamid M. Khan**, Lecturer Islamic Law, the University of Michigan Law School.

- ❖ In the final session, Barrister Khadija Bokhari, and Barrister Umar Mahmood Khan, Director of Law & Policy, Musawi, conducted a session on "Judgment Writing: Gender Sensitization in Court Proceedings". The discussants were Hon'ble Judge Jamel, Hon'ble Judge Ismail Yahya, and Ms. Rabbiya Bajwa.

- ❖ A Post-Assessment was jointly conducted by **Mr. Rehan Safder** (Representative, MUSAWI) and **Ms. Maimoona Yaqub** (Representative, MUSAWI).

- ❖ The closing remarks were delivered by **Hon'ble Mrs. Justice Ayesha A. Malik** (Judge, Supreme Court of Pakistan).

Conclusion

- ❖ At the end of training, **Hon'ble Mr. Justice Nadeem Akhtar** (Judge, High Court of Sindh / Director General, Sindh Judicial Academy) gave concluding remarks and awarded certificates to the participants.



