

The Increasing Trend of Khula in Pakistan: A Legal, Sociological, and Philosophical Analysis

Introduction

In the evolving socio-legal fabric of Pakistan, the institution of marriage, once perceived as an unbreakable bond rooted in religious sanctity and cultural permanence, is undergoing profound shifts. One of the most notable transformations is the marked rise in women seeking khula—a legal dissolution of marriage initiated by the wife under Islamic law. This trend, while rooted in a centuries-old provision of Islamic jurisprudence, has acquired new dimensions in contemporary Pakistan, shaped by legal reforms, socio-economic transitions, and changing philosophical attitudes toward marriage, personal autonomy, and gender equality. The phenomenon is neither isolated nor superficial; it is a mirror reflecting deeper currents of social change, intergenerational value conflicts, and the recalibration of gender relations.

Legal Framework Governing Khula

The legal foundation of khula in Pakistan emanates from Islamic principles as interpreted in the statutory framework of the Dissolution of Muslim Marriages Act, 1939, and the Family Courts Act, 1964. Khula is recognized as a woman's right to seek the dissolution of her marriage upon returning her dower or agreed consideration to the husband. Pakistani courts, particularly after landmark judgments such as *Khurshid Bibi v. Baboo Muhammad Amin* (PLD 1967 SC 97), have upheld the woman's right to khula without requiring her to prove mistreatment, provided she is willing to forgo her financial claim under dower. This judicial interpretation has significantly widened women's access to marital dissolution, making khula not merely a theoretical right but a practical recourse.

Factors Responsible for the Increasing Trend of Khula

Erosion of Traditional Family Structures

The extended family once functioned as a support and supervisory mechanism, ensuring stability within marriages through mediation, guidance, and a shared sense of collective responsibility. Urbanization, migration, and the rise of nuclear households have weakened these bonds. In their absence, marital disputes are more likely to escalate into irreconcilable breakdowns rather than being resolved through traditional elders' intervention. The resulting isolation magnifies marital discontent, making khula a more probable choice.

Economic Empowerment and Shifting Gender Roles

The increasing participation of women in education and the workforce has transformed their economic position within families. Financial independence often emboldens women to challenge unfulfilling or oppressive marriages. While economic empowerment is a positive stride toward gender equality, it also reduces the economic barriers that once kept women in unhappy unions, thus indirectly contributing to the rise in khula petitions.

Influence of Media and Social Narratives

Television dramas, films, and social media platforms frequently portray narratives of women asserting their rights, leaving abusive relationships, and prioritizing personal happiness. These depictions, while sometimes dramatized, shape societal consciousness by normalizing the idea that leaving a toxic marriage is not only acceptable but commendable. The influence of media, therefore, cannot be understated in shifting public perceptions of khula.

Failure of Family and Educational Institutions in Imparting Family Ethics

A profound philosophical factor behind the rising trend of khula is the erosion of family education and moral upbringing. Parents and elders, once custodians of marital wisdom, are increasingly unable—or unwilling—to instill patience, compromise, and conflict resolution skills in younger generations. Similarly, educational institutions, focused on academic achievement, rarely integrate moral and relational education into curricula. This vacuum leaves individuals ill-equipped to navigate the inevitable trials of marriage, making separation seem like the only viable solution.

Rise of Individualism and Personal Autonomy

Contemporary society increasingly celebrates self-actualization and personal freedom. While these ideals are empowering, they also foster a lower tolerance for compromise in intimate relationships. The philosophical shift from collective duty toward personal fulfillment transforms marriage from a lifelong commitment into a conditional arrangement—sustainable only as long as it serves the individual's emotional and personal growth.

Judicial Accessibility and Legal Awareness

The expansion of family courts, availability of legal aid, and public awareness campaigns have made khula more accessible than ever. Women now possess not only the legal right but also the procedural knowledge to pursue marital dissolution. The growing visibility of successful khula cases further encourages others to take similar steps.

Judicial Precedents and Case Law

In *Khurshid Bibi v. Baboo Muhammad Amin* (PLD 1967 SC 97), the Supreme Court held that a wife who genuinely feels she cannot live with her husband within the limits prescribed by Allah is entitled to khula, even without proving cruelty. In another case, *Sayeeda Khanum v. Muhammad Samiullah* (PLD 1985 Lahore 210), the court reinforced that irretrievable

breakdown of marriage is sufficient ground for granting khula. These precedents have made khula an accessible remedy, reflecting the judiciary's progressive interpretation of Islamic principles.

Socio-Philosophical Reflections

The increasing resort to khula is a symptom of deeper philosophical tensions between tradition and modernity. On one hand, Islamic law provides khula as a safeguard against marital oppression; on the other, its rising frequency signals a weakening of marital resilience. The balance between individual rights and collective stability is delicate. Without revitalizing the moral and educational underpinnings of marriage, legal solutions alone will not stem the tide.

Conclusion

The growing trend of khula in Pakistan is a multifaceted phenomenon, rooted in legal empowerment, economic shifts, cultural transformations, and philosophical realignments. While the right to khula is a vital safeguard in Islamic law, the societal challenge lies in addressing the factors driving marriages toward dissolution. Strengthening family education, reforming curricula to include moral and relational guidance, and fostering mutual respect in marital relationships are essential steps toward restoring balance.

References

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