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Critical Analysis of the Muslim Family Law Ordinance 1961 & The Judicial Precedents

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ABSTRACT

There is a long-standing contention on various provisions of the Muslim Family Law Ordinance 1961 (MFLO) since its inception for the reason that many of its provisions are deemed contrary to the original text and the classical interpretation of Islamic law and jurisprudence. For example, the MFLO 1961 allows orphaned child to inherit his grandfather's estate which is deemed in contravention with the basic principle of the law of succession of Islam which mandates survival of the heir as a prerequisite in order to qualify to inherit the deceased's estate. Similarly, the MFLO 1961 also obligates husband to seek prior consent from his first wife and approval from the arbitration council in order to proceed for second marriage. The Ordinance also provides a procedure for divorce which tends to be different from that of the original text and classical Islamic law. Thus, all such foregoing provisions of the Ordinance lead to debates between the modernist and the traditionalist Islamic scholars. Hence, the Ordinance has become subject to sheer criticism from the day it was promulgated. This article will attempt to critically analyze all such sections of the statute and evaluate them in the light of the original text of Islamic law and Jurisprudence and modernists interpretations to ascertain its position in terms of Shariah-compliance.



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I. Introduction

The independence of Pakistan in 1947, made the Muslim-majority State ideologically and constitutionally responsible to protect the Muslim family unit across the East and the West Pakistan (State has been defined under article 7 of the constitution of Pakistan 1973, that it consists of federal government, Parliament, provincial governments, provincial assemblies and other authorities empowered to impose tax or cess). Whereas the then Pakistan's society posed challenges in terms of family relations particularly those between husband and wife, which were often marked by un-Islamic traits and traditions. Among such family practices, unwarranted by Islam, often included husband's second marriage while deserting first wife as well as non-fulfillment of her conjugal rights including maintenance and cohabitation, resulting into her socio-economic plight.

Moreover, Muslim husband while divorcing his wife was often neglectful of following the Islamic procedure of divorce. The ideal Islamic procedure of *talaq* is a pronouncement of single divorce in a period of purity with no prior consummation in that period. Another less recommended procedure of *talaq* allows three pronouncements of divorce during three intervals of purity in menstrual cycle. Whereas on the contrary, Muslim husband in practice would often pronounce all the three divorces in one go and regret subsequently while seeking ways to retract the three pronouncements. Similarly, there was lack of record-keeping of second or third marriages of the Muslim husband and the permission of polygamy often used to be exploited as a tool to control wife.

In order to address all these family legal issues and challenges, a reformatory family law was proposed and promulgated in 1961 titled as 'The Muslim Family Law Ordinance 1961'. The Ordinance came into being in the military regime of Ayyub Khan, first Martial Law Administrator of Pakistan.

Although the Ordinance was aimed at reformation of the family institution in Pakistan yet it attracted sever criticism from all the quarters of Islamic Scholars for the reason that it introduced such reforms as were unprecedented in the entire corpus of classical Islamic law and jurisprudence. The detailed critical analysis of the relevant sections of the Muslim Family Law Ordinance 1961 follows as under.

II. Succession by Orphaned Grandchildren (Section 4 - MFLO 1961)

A. The Principle of *Hajb* (Exclusion)

A new provision was introduced in the MFLO 1961 to grant a right to an orphaned grandchild to directly inherit the estate of his/her grandfather due to the earlier death of his/her parent. Whereas, the principle of Exclusion (*Hajb*), an established principle of Islamic law of inheritance, states that a 'predeceased child' becomes disqualified to inherit his parent's estate on account of his/her earlier death than that of his parent's, meaning thereby that survival of the heir is a pre-condition to qualify to inherit the deceased's estate. Whereas, in the scenario of section 4, a parent predeceases his father, thus his earlier death disqualifies him to enable his children to inherit grandfather. In other words, the pre-deceased parent being disentitled to inherit his father cannot entitle his children to inherit.

However, to the contrary of the above principle of Islamic succession, section 4 of the MFLO allows grandchildren to inherit grandfather. This insertion in the Ordinance sparked a debate and attracted sheer criticism from all quarters of Islamic scholars being contrary to the entire classical literature of Islamic law and jurisprudence and inconsistent with the established principles of Islamic law of inheritance.

B. Judicial Interplay (Section 4 – MFLO 1961)

Thus, the aforementioned impugned provision of section 4 was challenged in *Allah Rakha v. Federation of Pakistan* (PLD 2000 FSC 1) before Federal Shariat Court (FSC) and a verdict was delivered by the FSC whereby section 4 was declared repugnant to the injunctions of Islam.

However, an appeal was preferred before the Shariat Appellate Bench of the Supreme Court of Pakistan

(C. Sh. A. 1/2000) which automatically suspended the effect of FSC's verdict under Article 203D of the Constitution of Pakistan 1973. However, regretfully, the appeal is long pending for over two decades before the SAB, thus resulting section 4 of the MFLO operative till date.

C. Compulsory Bequest

However, in most of the Arab countries, the question of succession of grandfather by orphaned grandchildren has been resolved by insertion of the clause of obligatory bequest in family laws. Thus, according to the Arab family laws, grandfather is legally bound to make a bequest for his grandchildren which must not exceed one third of his entire estate. This clause is operative subject to the condition that the grandfather has not already made a gift or voluntary bequest to his grandchildren.

The clause of compulsory bequest is operative in Egypt, Syria, UAE, Kuwait, Yemen, Morocco, Algeria and Jordan.

Thus, this arrangement may also be adopted in the statute of the Muslim Family Laws of Pakistan being Shariah-compliant as compared to the entitlement of grandchildren to inherit grandfather.

III. The Procedure of *Talaq* (Section 7 - MFLO 1961)

A. Ninety-Day Benchmark for Irrevocability of *Talaq*

The section introduced another provision which ceased irrevocability of divorce, though pronounced twice or thrice in the respective intervals of purity, until the lapse of the fixed statutory period of 90 days which was again a new phenomenon in the entire Islamic legal text and tradition and inconsistent with the legal precepts and principles of Shariah. The relevant verses of *Surah Al-Baqarah* in the *Quran* are clear that the pronouncement of divorce should be made in intervals of the menstrual periods which varies among women hence cannot be fixed on 90 days indiscriminately.

In addition, in the light of the verses cited below, second pronouncement of divorce in second interval of menstrual periods makes it a minor irrevocable divorce and reconciliation is only allowed by renewal of contract of marriage and payment of new dower. Likewise, it is only third pronouncement of divorce which renders *talaq* absolutely irrevocable. Whereas section 7 of the MFLO does not appreciate different legal effects of first, second and third pronouncement of divorce in three successive intervals of menstrual cycle.

B. Quranic Text

Verse no. 228 of *Surah Al-Baqarah* states the waiting periods and rights of the wife, translated as under:

“Divorced women shall wait by themselves for three periods. And it is not lawful for them to hide what Allah has created in their wombs, if they believe in Allah and the Last Day. And their husbands have more right to take them back in that time, if they wish for reconciliation. And they (women) have rights similar to their obligations, according to what is equitable; but men have a degree over them. And Allah is Exalted in Might and Wise”. (The Qur'an, 2011, 2:228).

Another verse states that divorce is revocable to twice only and thereafter the wife may either be retained or released gently, translated as under:

“Divorce is twice. Then either keep [her] in an acceptable manner or release [her] with good treatment. And it is not lawful for you to take anything of what you have given them unless both fear that they will not be able to keep [within] the limits of Allah. But if you fear that they will not keep [within] the limits of Allah then there is no blame upon either of them concerning that by which she ransoms herself. These are the limits of Allah, so do not transgress them. And whoever transgresses the limits of Allah – it is those who are the wrongdoers” (The Qur'an, 2011, 2:229).

The next verse further states that after the third divorce husband can neither reconcile with his wife nor can he renew his marriage with her unless she marries another man and divorces, translated as under

“So, if a husband divorces his wife [three times], then it is not lawful for him to remarry her until after she has married another man and then is divorced. Then it is permissible for them to reunite, as long as they feel they are able to maintain the limits of Allah. These are the limits set by Allah, which He makes clear for people of knowledge”. (The Qur’an, 2011, 2:230).

Thus, the above cited verses clearly state three distinct and gradual stages of divorcing a wife with specific legal effects of each divorce. However, the MFLO provides only one stage of effecting a divorce which is also not tied with intervals of purity in menstrual cycle rather tied up with fixed 90 days.

C. Legal Status of the Notice of *Talaq*

The MFLO does not consider a divorce legally valid if not notified to the chairman of Union Council. Likewise, the 90-day period is counted from the date of notification of the divorce to the council and not from the date of its pronouncement, meaning thereby that the divorce takes effect when notice is received by the Union Council and not when it is pronounced. Similarly, the recent ruling of the Supreme Court of Pakistan reaffirmed 90 days as the only time period to make a divorce irrevocable (*C.P. 5364 of 2024*). Whereas, as mentioned above in the foregoing verses that *talaq* becomes effective by pronouncement and not by notification to the council thus the MFLO again stands in contravention with the original Islamic text.

IV. The Procedure of *Talaq* (Judicial Interplay)

A. Legal Effect of Non-Service of the Notice of *Talaq*

In *Syed Ali Nawaz Gardezi v. Lt. Col. Muhammad Yusuf* (1963), the Supreme Court of Pakistan held that if a husband pronounces *talaq* however he fails to serve its notice to Union Council, the *talaq* would be deemed as revoked by such husband. Whereas, in all Islamic legal texts, revocation of first *talaq* requires husband’s reconciliation (*ruju*) with his wife thus non-compliance with *talaq*-notice does not operate revocation of *talaq*. It is also pertinent to clarify here as regards reconciliation that it has broad connotation, which includes any form and expression made by husband either orally, physically or otherwise.

Similarly, the Supreme Court of Pakistan declared *talaq* invalid on the ground that the notice of *talaq* was not served to the Union Council (*Muhammad Arshad v. The State, 2004*). Again, from the original text as revealed in the Quran and contained in verses of *Sural Al-Baqarah*, validity of *talaq* depends on its pronouncement by husband and not on the service of its notice to the union council. Its service may merely be treated as a procedural law which may further be backed by sanction yet it cannot be made a substantive law to override the explicit text of the Quran.

Therefore, relying on the reasons cited above, the Federal Shariat Court (FSC) ruled that *talaq* would become effective if pronounced by the husband even though he failed to serve its notice to the Union Council as required under section 7 of the MFLO 1961 (*Shaukat Ali v. The State 2004 YLR 619*). Thus, pursuant to the FSC’s judgement, the Supreme Court of Pakistan observed in *Mst. Kaneez Fatimah v. Wali Muhammad* (PLD 1993 SC 901) that the *talaq*-notice to Union Council under section 7 of the MFLO is to be considered while keeping in view the circumstances of each case, thus the apex court relaxed the strict condition of *talaq*-notice for *talaq*’s validity.

B. Legal Effect of Triple *Talaq*

So far as the question of the validity of triple *talaq* is concerned, the Lahore High Court held in *Sardar v. Malik Khan* that triple *talaq* is invalid (2003 YLR 2623). The High Court rightly relied on the relevant

verses of *Al-Baqarah* (Quran 2:229-232), *Al-Talaq* (Quran 65:1-2) and *Al-Nisa* (Qur'an 4). The court also held critical remarks on the traditional view of the Sunni schools who hold triple *talaq* valid. Thus, the foregoing different judgements on the subject stand inter-contradictory at times. However, it may be inferred from these and other such judgements that the superior courts apply the law of notice of *talaq* and interpret the effects of triple *talaq* pro wife.

Whereas, in most of the Arab countries including the Gulf States, finality of divorce does not depend on 90-day period rather it goes by the intervals between the menstrual periods as prescribed in the Quran and cited above. Similarly, three pronouncements of *talaq* in one instance is treated a single divorce as per Egypt Law No. 25 of 1929, amended by Law No. 100 of 1985 and adopted by Syria, Jordan, Sudan, Morocco, Kuwait, Yemen, and the United Arab Emirates.

V. Polygamy and Wife's Prior Consent (Section 6 – MFLO 1961)

A. Statutory Context v. the Quranic Text

The Section mandates husband to seek a written approval of the Arbitration Council as well as prior consent of first wife in order to solemnize a second marriage. The critics maintain that no such conditions can be imposed on the husband in exercising his right of second marriage as the divine law does not warrant such condition neither in the Quran nor in the Sunnah except one condition, i.e. to maintain justice between wives as revealed in *Al-Nisa* (Quran 4:3). They also maintain that in the event of non-compliance of section 6, second marriage still remains valid under the Ordinance and only a penalty is inflicted on the husband of imprisonment which is extendable to one year and/or fine and immediate payment of the entire dower to the first wife.

B. Application in the Arab Muslim World

Whereas in most of the Arab countries including the Gulf States, it is not mandatory for the husband to seek prior consent of first wife for second marriage except in *Moudawana* (Moroccan Family Code, 2004) and the Algerian Family Code 1984 (revised 2005), wherein both of the countries have provided for prior consent of first wife for second marriage. Whereas Tunisia has completely abolished polygamy under Article 18 of the Code of Personal Status 1956. Whereas, the United Arab Emirates allows first wife to seek divorce if the second marriage causes harm to her (Federal Decree-Law No. 41 of 2024).

VI. Maintenance of Wife (Section 9 – MFLO 1961)

A. Contingent Right v. Absolute Right

The Section obligates husband to maintain his wife. However, courts have been leaned to grant maintenance to such wife who observes obedience and faithfulness to her husband. Thus, the wife's right of maintenance has been considered a contingent right, backed by the judicial interpretation of the section. However, this long-standing judicial recognition has recently been challenged in cases such as *Shahab Saqib v. Sadaf Rasheed* (Islamabad High Court [IHC], 2021), wherein the court observed that wife's right of maintenance is an absolute right, granted by section 9 of the MFLO 1961. However, other courts of Pakistan still adhere to the classical judicial interpretation that the right of maintenance is available to a wife as long as she lives with her husband, allows him access and remains obedient to him within lawful and reasonable parameters not beyond her capacity.

B. Husband's Exclusive Obligation

It is interesting to note that both Hanafi law and section 9 of the MFLO 1961 obligate husband to maintain his wife though she may be capable of maintaining herself. Whereas *Shafi'i* and *Hanbali* Law maintain that a working woman may forfeit her right to maintenance for the reason that she is "empowered" outside

the home.

As regards the amount of maintenance, section 9 does not provide any fixed percentage/formula for calculation of the amount. The section utilized the word “adequate” for quantum of maintenance which becomes a question of judicial interpretation thus goes in variation and remains subject to dispute and difference.

C. Limitation Period for Recovery of Past Maintenance

Similarly, claim for past maintenance has been enforceable under Article 120 of the Limitation Act, 1908 which provides limitation period for recovery of past maintenance up to six years from the date of filing the suit. Same position has been held by the Supreme Court of Pakistan in *Muhammad Nawaz v. Mst. Khurshid Begum* (PLD 1972 SC 302), wherein it was reiterated that the past maintenance can be extended up to six years as arrears.

However, in a recent judgement, the Supreme Court of Pakistan extended the recovery period of past maintenance beyond six years as decreed in *Muhammad Aslam Chattha v. Shehnaz Akhtar Zahoor Ahmad and another* (C.A. 1413/2021). The apex court in the instant case extended the recovery period of past maintenance up to the date when the husband had defaulted in 2004 from the date of judgement in 2025, thus totaling around 22 years.

Similarly, the Peshawar High Court also maintained that in specific circumstances or interpretation of Islamic law recovery period of past maintenance may be extended beyond six years as decreed in *Sher Zaman v. Mst. Shahana Bibi*, wherein the High Court allowed the recovery period from the date when the husband had ousted his wife, while keeping her in his wedlock without maintenance, till the date when the order was passed, thus the total period of past maintenance amounted 30 years (2018 YLR 128).

D. Interim Order for Maintenance

As regards execution of the decree for recovery of wife’s maintenance from husband, it has always been not an easy task despite the judicial exercise. Thus, in order to meet this challenge, the West Pakistan Family Courts Act, 1964 has been amended in different times being the latest as The Punjab Family Courts (Amendment) Act 2015. Under the amended law, the family court is empowered to grant an interim order of maintenance on the first appearance of the defense counsel (section 17-A of the Punjab Family Courts (Amendment) Act 2015 was originally inserted by Ordinance No. LV of 2002).

The amendment also provides to strike off the defendant if he fails to comply with the interim order for instant maintenance. Moreover, the above cited Act of 2015 has also reaffirmed less formal procedure of the Family Courts in terms of its adherence to Civil Procedure Code 1908 and the Qanoon-Shahadat Order 1984, largely being inapplicable so as to ensure speedy trial and prompt disposal of the family cases (Section 17 of the West Pakistan Family Courts Act 1964 has largely eliminated application of Civil Procedure Code 1908 and Qanoon-e-Shahadat Order 1984 in family cases).

Likewise, another effective way of recovery of past maintenance can also be facilitated by collector on account of arrears of land revenue.

VII. Maintenance of Wife and Children (Judicial Position)

A. Diverse Conditions of Entitlement

It is well established that in case wife is granted *Khula* by the court of law she will still be entitled to maintenance during her iddah period as decreed in *Ghazala Sadia v. Muhammad Sajjad* (2012 YLR 2841).

Similarly, if a wife is living away from her husband subject to lawful excuse she is entitled to maintenance as decreed in *Syed Abu Talib Shah v. Bibi Rukhsar Zahra* (2012 CLC 1272). However, if she left her husband's residence without a lawful excuse she would not be entitled to past maintenance as decided in *Kashif Akram v. Mst. Naila* (2011 MLD 571).

Likewise, in the event of dissolution of marriage, wife's earning does not waive husband's duty to maintain his children as pronounced by the court in *Khalid Bashir v. Shamas-un-Nisa* (2015 MLD 11). Similarly, an 'adopting father' is bound to maintain his adopted child as decreed in *Mariam Bibi through Abida Perveen v. Naseer Ahmad* (PLD 2015 (Lah.) 336).

As regards adult son, father is not legally bound to maintain him. However, in exceptional circumstances he has been declared to be bound to maintain him as observed by the apex court in *Humayun Hassan vs. Arslan Humayun* (PLD 2013 SC 557). So far as adult daughter is concerned father is always bound to maintain her until she is married as decreed in *Ch. Muhammad Bashir v. Ansarun Nisa* (2012 MLD 1394). Similarly, a divorced daughter is also entitled to maintenance by her father though living with her divorced mother and not with father as decided by the court in *Mina Muhammad Sabir v. Uzma Perveen* (PLD 2012 (Lah.) 154). Similarly, an adult son, being a student, is not entitled to be afforded by his father for his studies who earns a low income as declared by the court in *Saifuddin v. Mubarak Sawal* (2009 YLR 1226).

B. Maintenance of Grandchildren

As regards maintenance of grandchildren, the Lahore High Court held that the grandfather capable of maintaining his grandchildren is bound to do so if the father fails to discharge his obligation of maintaining his children as decided in *Sultan Ahmad v. Judge Family Court* (PLD 2012 (Lah.) 148).

Thus, the above analysis of maintenance of wife and children reveals that the statute and the precedents both operate pro wife and children and pose Shariah-compliance on the subject.

VIII. Proposed Amendments of Law & Justice Commission of Pakistan

A. Post-Divorce Consolatory Gift (Mata'a) Section 9-A MFLO 1961

It is pertinent to mention here to appreciate that in 2009, Law and Justice Commission of Pakistan (LJCP) proposed an amendment in section 9 of the MFLO 1961 to insert 9-A in order to add "Mata'a" (financial provision for a divorced woman). The Commission also proposed amendment in the schedule of the West Pakistan Family Courts Act 1964 for enforceability of the proposed section 9-A. 'Mata'a' may be defined as a monetary gift or compensation to be given to a divorced woman for her easy transition subsequent to divorce and to alleviate her potential financial hardships. *Mata'a* is a Quranic term introduced in *Surah Al-Baqarah* with clear instructions, translated as under:

"And for divorced women is a provision according to what is acceptable – a duty upon the righteous" (Quran 2:241).

Thus, the Quran mandates payment of certain amount (according to custom) to be made to a divorced woman apart from her maintenance during her iddah period which spans three periods of purity during her menstrual cycle according to *Surah Al-Baqarah*, whereas three months according to section 7 of the MFLO 1961.

However, the Commission's proposal for Post-Divorce Consolatory Gift (Mata'a) is pending since 2009 for about one and a half decade and therefore courts do not lean to enforce this proposed provision which recommended financial consolation for divorced woman.

B. Maintenance for Suckling Mother

Likewise, Law and Justice Commission of Pakistan made another proposal in its report no. 77 of 2005 that a divorced suckling mother be entitled to a living cost for breastfeeding her child. The period of such suckling was extendable up to two years relying upon the standard period mentioned in the Quran as the proposal was based on the Quranic injunction, translated as under:

“Mothers may nurse [i.e., breastfeed] their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is their [i.e., the mothers'] provision and their clothing according to what is acceptable. No person is charged with more than his capacity.” (Quran 2:233).

However, this proposal of Law and Justice Commission could also not be enacted so far, thus the courts do not extend this financial facility to the divorced suckling woman. However, recently Lahore High Court has passed a judgement in *Farida Bibi vs. Judge Family Court* whereby a divorced suckling mother was adjudicated to be entitled to a living cost for the duration she is breastfeeding the child (2024 MLD 145). Similarly, Sindh High Court has also recognized the right of the divorced suckling mother to a living cost/maintenance for the duration of breastfeeding extendable up to two years in *Ms. Aisha Qazi v. Irshad Ali Shah* case (C.P. No. S-1489 of 2024). However, the courts have been considerate to the financial means of the husband as well while determining the living cost to be paid to the suckling mother. In addition, 10% has been often increased annually in the mother’s suckling allowance by the courts to align with the statutory provision of annual increase of 10% in child-maintenance under the West Pakistan Family Courts Act 1964 as provincially amended by the Punjab Family Courts (Amendment) Act, 2015, wherein section 17-A (3) prescribes 10% annual increase in child maintenance.

Thus, though the Muslim Family Laws do not bear such provisions yet the higher judiciary has held recognition of the right of suckling mother for a living cost in compliance with the injunction of the Quran as cited above.

C. Legal Status of *Mata’a* (Consolatory Gift/Allowance) in the Arab Countries

Most of the Arab countries including the Gulf States recognize *Mata’a* (Post-Divorce Allowance) for the divorced woman as a legal obligation on the husband rather than a moral recommendation so as to comply with verse no. 241 of *Surah Al-Baqarah* as cited above. For example, Article 18 of Law No. 100 of 1985 of Egypt obligates husband to pay *Mata’a* to the divorced woman for at least two years. Courts keep in consideration the financial capacity of the husband and the surrounding circumstance in calculating the amount of *Mata’a*. Moreover, this compensation is exclusively awarded to such divorced women who have no fault in divorce nor have consented for the divorce. However, Qatar has extended the period of *Mata’a* up to three years as compared to that of Egypt under section 115 of The Family Reform Code 2005 of Qatar. Similarly, Iran also recognizes provision of *Mata’a* though with different name, i.e. *Ujratul Misl* and the period prescribed is up to three year for the payment to a divorced woman under Article 1130-1133 of the Civil Code. The UAE has also adopted this provision under its Federal Decree Law No. 41 of 2024 on Personal Status (formerly Federal Law No. 28 of 2005).

Thus, the Arab Muslim countries recognize and award this compensation to redress and relieve financial and emotional distress of the divorced woman. The same provision is regretfully pending to obtain legal recognition in Pakistan for over decades despite the fact that a proposal was first initiated, drafted and delivered by the Law and Justice Commission of Pakistan long back in 1994 which was rejected by the Council of Islamic Ideology in 1998 relying on the traditional *Hanafi* view which restricts post-divorce maintenance till the *iddah* period only. However, the Commission took up the initiative again in 1999 and lastly in 2009 along with a similar proposal forwarded by the Council of Islamic Ideology in 2008 but all went in vain so far.

IX. Conclusion

The close analysis of certain sections of the Muslim family law Ordinance 1961 reveals that there are certain clauses and sections which contradict with Islamic legal text and tradition such as section 4 which was challenged and struck down by Federal Shariat Court, against whom an appeal is long pending before the Shariat Appellate Bench of the Supreme Court of Pakistan. Similarly, there are other clauses which also go against the Quranic text such as those contained in section 7 and make the divorce effective on the expiry of 90 days instead of relying on the Quranic text which provides for three pronouncements of *talaq* on three intervals of menstrual period with three successive legal effects namely reconciliation/ *ruju* after first pronouncement, renewal of marriage/*tajdeed* after second pronouncement and complete termination of marriage after third pronouncement with the provision that if the wife goes under intervening marriage and is divorced by another husband [not purposely] she may remarry her first husband.

Likewise, recent judicial interpretation of the wife's right of maintenance as an absolute right also stands inconsistent with the principles of Islamic law as the wife's right of maintenance reciprocates with her duty of loyalty to the husband as has been universally recognized in Islamic law.

Similarly, the superior courts have been pro woman while interpreting Article 120 of the Limitation Act 1908 to extend the recovery period of past maintenance beyond six years which also compliment the spirit of Islamic law in providing financial protection to wife and children.

However, there are long pending proposals for over decades which need serious consideration for adoption and enactment in order to further facilitate Muslim divorced woman by granting her an additional allowance apart from her maintenance during her iddah period. Moreover, the significant proposal of the Law and Justice Commission on the maintenance of the suckling mother for up to two years should also be considered by the Parliament of Pakistan for legislation. As both the financial relief have been categorically mentioned in *Surah Al-Baqarah* with clear instructions of the payments to the divorced women and suckling mother.

In short there are certain provisions in the MFLO which need reforms and further legislation to align them with the injunctions of Islam and bring them in harmony with the spirit and wisdom of the Quran aimed at consolation and compensation to divorced woman.

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