“Polygamy: A critical analysis of Shariah Principles and Muslim Family Laws Ordinance 1961”.



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SUPERVISOR'S APPROVAL

I hereby, forward this work done by to the Research Committee for final evaluation.

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In the name of Allah Almighty, the most merciful and the most honorable, I begin.

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DEDICATIONS

This work is dedicated to the Islamic Ideology Council, urging them to consider the implications of Section 6 of the Muslim Family Laws Ordinance 1961 and the decisions made by the Federal Shariat Court. Recently, the Federal Sharia Court rejected the findings of the Islamic Ideology Council regarding polygamy, asserting that the Quranic verse proposing monogamy holds more weight than the inclination of fiqh towards polygamy. From this ruling, it seems that the court is advocating for the choice of monogamy and the regularization of Section 6. This contribution aims to encourage both institutions to work together towards achieving uniform legislation, similar to what was done in the case of Talaq.

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Abstract

This research work is basically on the concept of polygamy which refers to a marriage involving more than two partners. Polygamy was being practiced before Islam. Islam not only stipulated the conditions of being fair but also fixed the number of women for the purpose of effective guardianship and justice among wives. Pakistan Muslim Family laws ordinance in order to regularize it keeping in view some modern causes put the conditions of taking permission from existing wife and arbitration council and illustrated the punishments of fine and imprisonment to protect the rights of first wife which itself become the law against the explicit provisions of constitution, Sunnah and Quran due its vagueness about the rights of second wife. Punishments stated by MFLO affects the whole financial condition of Husband who is the sole responsible of his family. In contrast, law regarding polygamy in Saudia Arabia is same as in Quran and Sunnah.

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