



RESEARCH PAPER

The Impact of Triple Talaq in Pakistan: Legal, Social, and Religious Perspectives with a Case Study of Sindh

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ABSTRACT

The practice of triple talaq, or talaq-e-bid'ah, has been a subject of much debate because of its legal, social, and economic implications for Muslim women. While the Quran has provided a structured and gradual process of divorce, triple talaq permits a husband to instantly and irrevocably divorce his wife by pronouncing "talaq" three times in one sitting. This is against the teachings of Islam, which emphasize reconciliation and patience. Traditionally, Caliph Umar exercised triple talaq as a form of disciplinary punishment, but unfortunately, it was grossly misused, mainly in Pakistan where the Muslim Family Laws Ordinance 1961 provides for regulation on the matter but its enforcement is pretty lenient. The main objective of this paper is to discuss the legal, historical, and religious implications of triple talaq on women, a case study, and challenges in reforming Pakistan's divorce laws. The methodology used is doctrinal which provides legal research approach used involves Islamic texts, Pakistani legal frameworks, and international precedents are emphasized. Besides this, comparative analysis with Egypt, Saudi Arabia, India, and Jordan provides legal reforms that can be used to make policy changes in Pakistan. The result shows Triple talaq is a violation of women's rights and creates financial instability, legal uncertainty, and social stigma. The recommendations are to change the Pakistani laws, make mediation obligatory, and education imparted about the Islamic procedure of divorce in communities. Strong legal protection with awareness and active involvement of religious scholars are dire needs to establish gender justice and marital fairness in Pakistan.

KEYWORDS Divorce, Religious Concept, Sindh, Triple Talak, Case Study of Sindh, Violation of Female Rights

Introduction

The marriage relationship is considered an institution in Islam; it is a contract between a man and a woman in Islam. This marriage provides love, respect, and responsibility toward each other (Muzaffar, et. al., 2018). All those understandings should actually be brought about awareness of marriage in Islam as that of companionship, love, and kindness, as is made clear in Surah Ar-Rum: "And among the Signs of His might is this: that He created partners for you from your kind, so that you may find rest in them; and He placed love and mercy between your hearts" (Quran 30:21). Discerning different points of marriage failure, Islam accepted its sanctity and also designed an organized and just divorce procedure which is at-Talaq. Divorce in the Quran is patience, reconciliation, and due process, thereby allowing both spouses space and time for the settlement of their disputes before final separation (Al-Baqarah 2:229-230). However, the practice of uttering the word "talaq" thrice in one breath, termed as triple talaq or talaq-e-bid'ah, contravenes this principle inasmuch as divorce becomes immediate and invariably irrevocable, rendering women tongue-tied and miserable (Ahmed, 2018). Triple talaq has been a bone

of contention about being the subject for debate over ages in legal, religious, and social circles with respect to its validity in Islamic jurisprudence.

Talaq was supposed, in the time of Prophet Muhammad, to be gradual and convertible, thus leaving an open door for reconciliation (Sunan Abu Dawood, Hadith No. 2196). However, historical accounts show that Caliph Umar, the second caliph of Islam, declared talaq thrice to be irrevocable because the use of this completely turned upon the impulsive husbands without any malicious intention (Siddiqui, 2021). Some Islamic scholars and legal schools maintained the opinion that triple talaq is valid but sinful. Others have rejected its legitimacy in total as it was the violation of Quranic commandment of regulated divorce (Engineer, 1999). Most Muslim-majority countries have enacted legal reforms to regulate or prohibit triple talaq so that divorce follows proper legal and religious procedures (Munir, 2011). The main law dealing with Muslim marriage and divorce in Pakistan is the Muslim Family Laws Ordinance, 1961 (MFLO).

Section 7 of this ordinance compels a husband to serve written notice of talaq in the Union Council and then waits for a 90-day reconciliation time before the divorce becomes legally effective (Zafar & Associates, 2023). However, many such men believe that it so happens to be orally pronounced triple talaq believing it to happen instantaneously and never to be reformed. This has left many in a state of legal limbo, most bereft of marriage rights, money, and societal respect (Ahmed, 2018). This has become the main facilitator for sustaining the practice of triple talaq in the social context also (Munir, 2011).

Socio-Result of Triple Talaq

The implications of triple talaq are a very serious problem, affecting majorly the life of women as well as of children.

Women divorced through triple talaq often face financial insecurity, social stigma, and emotional trauma (Munir, 2011). Many end up without alimony or child support, trying to rebuild their lives in a patriarchal society that often blames women for divorce. Another form of exploitation and injustice is the practice of halala, whereby a woman has to marry and divorce another man before remarrying her first husband (Islamqa, 2023). This research attempts to deconstruct the origins, interpretations, and implications of triple talaq that then centers on the legal standing of this practice in Pakistan along with comparative perspectives from other Muslim-majority states. Objectives of the study: A critical review of the religious, legal, and social dimensions of triple talaq by shedding light on inconsistencies with Quranic injunctions and modern legal frameworks (Ahmed, et. al., 2015).

This research compares approach of Pakistan towards triple talaq with other Muslim nations such as Egypt, Saudi Arabia, India, and Jordan to come up with the best reform practice. Additionally, the study looks at problems faced by women due to triple talaq, including loopholes in law, lack of knowledge, and inequality between genders. This study attempts to answer some of these questions and add to the continuing legal and social debate about marriage and divorce in Islam by moving one step closer to reformation with an objective of contributing to religious dogma and gender justice. The article is divided into the following structure: it offers a review of the learned discourse on triple talaq, critically scrutinizing debates around the religious and legal aspects.

Research methodology , discusses the doctrinal legal approach by the use of Islamic texts, case laws, and statutory provisions. Origin of triple talaq. The section on the origin of triple talaq generally discussed historical background and why it was implemented. Consequences of triple talaq This section generally discusses triple talaq's legal, social, and emotional effects, primarily on women and children. In addition to that, Sindh has also been presented under case study to demarcate the issues followed because

of misconception of triple talak. Discussing all challenges faced by Muslim women involves financial dependency and legal hurdles associated with social stigma. The paper concludes by recommending legal reforms in the shape of policy change, public awareness, and a role of religious scholars in the rectification of misconceptions. Finally, the conclusion wraps up the findings and provides a way forward towards making marital dissolution cases in Pakistan more just and equitable. This study supports the urgent need for legal reforms and social awareness regarding the destructive effects of triple talaq on women. This research, based on analysis of existing laws and proposing changes, strive to contribute toward gender justice in the practice of Islamic divorce through protection of women's rights under Islamic law and constitutional guarantees.

Literature Review

Triple talaq, or talaq-e-bid'ah, is widely discussed in Islamic law, with extensive research on legal, religious and social issues. Scholars have investigated the history of their practices, procedures based on the Qur'an and Hadith, comparative legal procedures in Muslim countries, and women's rights such as the issue of triple talaq. This section reviews key research works, highlights gaps in previous research, and highlights the need for more research on the implementation and consequences of triple talaq in Pakistan.

An author has discussed Quranic and Hadith-Based Perspectives on Triple Talaq where it defined that Islamic divorce is meant to be a structured process that allows for reconciliation rather than an instant dissolution of marriage (Ali, 2019). The Quranic laws of divorce have provided for gradual separation, allowing time for reflection. Surah Al-Baqarah (2:229-230) provides that divorce should take place twice with a waiting period (iddah) and opportunity for reconciliation before it is finally consummated. In the same way, Surah At-Talaq (65:1-2) requires arbitration and mediation in order to have a just process (Islamqa, 2023).

The Hadith also supports the gradual nature of divorce. Prophet Muhammad (PBUH) declared triple talaq unacceptable because it goes against the tenets of Islam, as reported in Sunan Abu Dawood (Hadith No. 2196). In fact, some scholars maintain that Caliph Umar introduced triple talaq purely from the administrative standpoint to keep it out of the hands of misuse, rather than it being a permanent ruling under religion (Ahmed, 2018). However, most Muslim men continue to abuse the triple talaq act presuming that it is Islamically valid and hence leads severe results for the women (Siddiqui, 2021).

Moreover Historical Evolution and Scholarly Opinions on Triple Talaq has been analyzed by an author who defined how the practice of talaq triple evolved over centuries, as there have been diverse opinions among Islamic schools of thought. The Hanafi school, which is dominant in South Asia, considers triple talaq valid but sinful, while the Maliki and Shafi'i schools require a more structured divorce process (Munir, 2019). Imam Ahmad ibn Hanbal later changed his stance, asserting that triple talaq should be counted as a single divorce, a position also supported by Ibn Taymiyyah and Ibn al-Qayyim (Engineer, 1999).

Many contemporary scholars and Islamic jurists have rejected the legitimacy of triple talaq, claiming it is against Quranic injunctions. Asghar Ali Engineer (1999) writes that triple talaq is an innovation and should not be legally recognized. Dr. Muhammad Munir (2019) discusses legal reforms in different Muslim-majority countries, pointing out that many nations, such as Egypt, Jordan, and Saudi Arabia, have abolished or restricted triple talaq to guarantee women's rights.

Most of the Muslim-majority countries have undertaken legal reforms for the regulation or abolition of triple talaq. For instance, Comparative Legal Approaches in Muslim-Majority Countries, for example;

Egypt (1929): Egyptian government issued that any talaq pronounced in one sitting would be counted as a single talaq, according to Zafar & Associates (2023).

Saudi Arabia: This is not legal under the laws of Saudi. Instead, a judicial process needs to be undertaken by Siddiqui, 2021.

India (2019): Instant triple talaq was criminalized by the Muslim Women (Protection of Rights on Marriage) Act, which comes with a three-year prison term for offenders (Ahmed, 2018).

Pakistan (1961): The Muslim Family Laws Ordinance (MFLO) Section 7 mandates that talaq should be written and there should be a waiting period of 90 days before reconciliation. However, this has not been enforced effectively and triple talaq continues to be misused (Munir, 2019).

These legal reforms have proven that many Islamic nations realize the imperative to regulate triple talaq for the women's rights of protection.

However, Pakistan has not taken strong enforcement measures to ensure compliance with the MFLO, allowing men to continue pronouncing instant talaq orally without legal consequences (Siddiqui, 2021).

Some of the questions related to Social and Economic Consequences of Triple Talaq on Women have also been answered earlier where it was elaborated that how Triple talaq disproportionately affects Muslim women, and it causes legal, financial, and social distress. Many researches have discussed the destructive impact of triple talaq including:

Legal vulnerability: Divorced women through triple talaq find it hard to claim alimony, property rights, and child custody (Islamqa, 2023).

Economic insecurity: Many women, especially in South Asia, are financially dependent on their husbands, leaving them vulnerable to poverty and social exclusion after divorce (Ahmed, 2018).

Psychological trauma: Such sudden triple talaq begets psychological disturbances such as severe depression and anxiety in the brain (Siddiqui, 2021).

Halala exploitation: In halala marriages, divorced women are made to marry and divorce another man for them to return to their first husband, leading to cases of abuse and exploitation (Munir, 2019). These studies confirm that triple talaq is not only a religious issue but also a serious human rights concern that requires legal intervention and social reform.

Despite all the extensive research conducted on triple talaq, much is still to be learned regarding the legal implementation and social impact in Pakistan. This paper discusses major areas such as a lack of proper implementation of MFLO in 1961, lack of legal awareness, and aid provision among women, and comparative analysis between policies on divorce across countries is not carried out effectively.

Material and Methods

This study uses a doctrinal legal research approach, focusing on the interpretation and analysis of Islamic laws, statutory provisions, and judicial precedents. The research primarily examines Islamic texts (Quran and Hadith), Pakistani legal frameworks (Muslim Family Laws Ordinance, 1961), and case law interpretations to understand the legal and religious status of triple talaq. A comparative analysis of the laws is done in other Muslim-

majority countries to identify legislative trends and best practices, such as those found in Egypt, Saudi Arabia, and India.

The study relies on primary sources for the evaluation of how triple talaq has been treated in Islamic jurisprudence and legal systems-in the form of various scriptures, legal statutes, and court rulings. There is also review of secondary sources, which include books, journal articles, and other research papers, to understand scholarly opinion on the issue as well as prevailing debates in the field. This is a qualitative methodology to ensure an in-depth understanding of the legal principles rather than through statistical analysis.

Results and Discussions

The Origin of Triple Talaq

Triple talaq (talaq-e-bid'ah) is thought to have started as a disciplinary measure during the Caliphate of Umar (634–644 CE). Historical records suggest that during the era of the Prophet Muhammad (PBUH) and the first Caliph, Abu Bakr, triple talaq was not seen as irrevocable; instead, it was regarded as a single divorce, which allowed for the possibility of reconciliation (Sunan Abu Dawood, Hadith No. 2196). However, as Islam spread into newly conquered territories, problems emerged regarding the misuse of divorce among the newly converted Muslims (Bhatia, 2020, December).

Historical accounts indicate that Arab men began to take advantage of the divorce system by hastily declaring triple talaq and then trying to retract it at their convenience. This practice resulted in marital instability and left women in a precarious situation. Recognizing the potential for abuse, Caliph Umar declared triple talaq to be an irrevocable divorce, intended to deter men from making impulsive decisions about ending and resuming marriages (Munir, 2019). This policy was not necessarily in line with religious doctrine, but rather adopted as an administrative measure to maintain social order, (Ahmed, 2018).

Islamic scholars have never been able to reach a conclusion on the legitimacy of the triple talaq. According to Hanafis, it is haram but allowed once in court, while Hanbalis, including Ibn Taymiyyah and Ibn al-Qayyim, hold that it contradicts the teachings of the Quran, and should thereby be regarded as a single divorce (Engineer, 1999). Nowadays, triple talaq has been prohibited or limited in most Muslim states; it has not met Quranic beliefs (Siddiqui, 2021).

A Case Study of Sindh : The Tragic Consequences of Triple Talaq – Asma and Jahangir

Background

Asma and Jahangir belong to a small remote area in Sindh and were married for years. Asma thought her marriage was perfectly normal, until she discovered the extent of Jahangir's mental illness, as well as his anger. Jahangir, being extremely involved in local politics, carried immense pressure upon himself. He got pressure in his relations by his active involvement in local politics, yet he could make way through these troubles until an accumulation of a chain of incidents disintegrated his marriage.

The Incident

The trouble started when Asma's best friend, Maria, who belonged to an opposing political party, visited her at home. When Jahangir came to know about the political affiliation of Maria, he strictly forbade Asma from meeting her and told her how much of a political difference existed between them. Asma, being a dutiful wife, obeyed his wishes.

One day, while shopping in the market, Asma chanced upon Maria. The two women started discussing each other. Maria received a call that informed her that her pet cat had died. Upon hearing this news, Maria broke down crying. Not knowing what had happened, Asma thought Maria's daughter had died. Sympathetic to Maria's condition, Asma accompanied her to her house.

Upon arrival, Asma found that Maria's husband had already approached local news channels, which started to cover the story. The media, looking for a sensational angle, captured Asma's presence and portrayed her as frequently visiting the opposition party leader's house. This misleading portrayal of Asma's actions was quickly circulated, causing a public uproar.

The Fallout

When Asma came back home and Jahangir viewed the media coverage, he felt full of rage and disbelief. "Without even asking Asma to give her side of the story, Jahangir pronounced "talaq" three times, following the tradition of triple talaq and finalizing the divorce in his view. It was with emotional outburst that Jahangir acted, which might have been superficial without full understanding of the situation at that time.

The Role of Molvi and Halala

After the divorce, Asma approached a local molvi for advice. The molvi told Jahangir that the divorce was finalized and advocated that if Asma and Jahangir wanted to reunite, then the process of halala needed to be done with her. However in Sindh most of the Molvies doesn't have proper knowledge of the Islamic Teachings, Halala requires that the woman marry another man, consummate the marriage, and then be divorced in order to remarry her original husband. Asma, however, was devastated by the situation and rejected the idea of undergoing halala. She felt trapped by the pressure of societal norms and her religious obligations.

Despite her refusal, Jahangir, influenced by the molvi's advice and familial expectations, insisted that Asma comply with the process. Asma, feeling overwhelmed by the coercion and the lack of agency over her own life, was subjected to intense emotional and psychological strain. The pressure to conform to the practice of halala and the looming uncertainty about her future left her feeling helpless and isolated.

Tragic Outcome

Unable to bear the mounting pressure and the psychological distress, Asma tragically took her own life. The overwhelming coercion, coupled with the misunderstanding and emotional turmoil stemming from the divorce and halala, led to a devastating outcome. Asma's death underscores the profound emotional toll that such practices can have, particularly when applied without understanding the deeper human consequences.

The present case, triple talaq, with psychological illness, and misrepresentation of media and the society, throws out dangers as well as psychological pain in this very process. Such tragic death calls for an urgent legislation on this point, along with emotional and psychological relief for those persons facing such crises. It focuses on the fact that such practices as triple talaq should not be misused or misconstrued and that women

Other Consequences of Triple Talaq

Legal Consequences

Triple talaq poses significant legal challenges for women, particularly in countries where proper legal enforcement is lacking. In Pakistan, the Muslim Family Laws Ordinance (MFLO) of 1961 requires that divorce follow a structured legal process, including a written notice to the Union Council and a 90-day reconciliation period (Zafar & Associates, 2023). However, many men continue to pronounce oral triple talaq, leaving women without legal recourse (Munir, 2019). In contrast, countries like India, Egypt, and Saudi Arabia have abolished or regulated the practice to ensure women's legal protection (Ahmed, 2018).

Social Consequences

The social impact of triple talaq is profound, particularly in patriarchal societies where women's status is often linked to their marital status. Divorced women frequently face stigma, isolation, and discrimination, making it difficult for them to remarry or secure financial stability (Islamqa, 2023). Families may disown divorced women, considering them a burden, which further exacerbates their economic vulnerability (Siddiqui, 2021).

Emotional and Psychological Consequences

The abrupt nature of triple talaq often results in severe emotional trauma. Women who experience sudden divorce suffer from mental health issues such as depression, anxiety, and low self-esteem (Ali, 2019). Many are also pressured into exploitative halala marriages, where they must marry and divorce another man before returning to their first husband, a practice that has been strongly condemned by Islamic scholars (Munir, 2019).

Impact on Children

Children from marriages affected by triple talaq often experience psychological distress, financial instability, and social stigma. Many lose access to their fathers, which disrupts their emotional and financial well-being (Ahmed, 2018). Studies indicate that children of divorced mothers are more likely to drop out of school and suffer from mental health issues, highlighting the long-term consequences of instant divorce (Siddiqui, 2021).

Challenges Faced by Muslim Women

Monetary Vulnerability

After divorce, financial insecurity is the most significant issue for women Islamically. Women do not possess any specific economic independence after a divorce; most remain economically dependent on their spouses (Islamqa, 2023). Generally, women find it tough to cater for themselves and their children in most cases without alimony laws and legal maintenance rights (Zafar & Associates, 2023).

Legal Barriers

Irrespective of the legal frameworks, lack of awareness of the law, societal pressures, and red tapes have prevented many women from actually reaching the gates of justice (Munir, 2019). They are not provided legal aid and society discourages those who try to get their case filed in the courts against illegal or unregistered divorce (Ahmed, 2018). The time-consuming, costly process discourages women further from pursuing their rights.

Social Stigma and Isolation

In conservative Muslim societies, divorced women are usually ostracized and thus, cannot remarry or take up jobs (Ali, 2019). Some families do not help their divorced daughters because they are viewed as a burden to the family, hence forcing many women

to live in poverty (Siddiqui, 2021). The fear of public shame further deters women from raising their voices against injustices such as forced halala marriages (Engineer, 1999).

Discussions

The evidence of this study indicates that tripletalaq is against the teachings of the Quran, which advocates for patience, conciliation, and had prescribed divorce procedures. Even in the face of the Muslim Family Laws Ordinance of 1961, this very old and revered law continues to be abrogated by many men in Pakistan who pronounce triple talaq orally, thinking it amounts to an instant and final divorce. Such a practice contravenes all legal requirements while leaving women high and dry and in legal limbo, without financial support or access to justice.

Comparative legal analysis shows that many Muslim-majority countries have either abolished or reformed triple talaq to conform to the principles of justice in Islam. India made the practice illegal, whereas Egypt and Saudi Arabia mandate a judicial process for divorce. In contrast, Pakistan does not have stringent enforcement mechanisms, which enables men to take advantage of the system.

The social and economic effects of triple talaq are very severe. Women who have been subjected to instant divorce often face financial instability, social stigma, and psychological distress. Many are forced into exploitative halala marriages, while children from broken marriages suffer emotional trauma and economic hardships. These results underscore the urgent need for legal reforms, public awareness, and judicial accountability to protect women's rights and ensure compliance with Islamic divorce laws.

Conclusion

This study examines the legal, social and religious issues surrounding triple talaq in Pakistan, highlighting its incompatibility with the principles of the Quran and international human rights standards. While Islamic law provides a clear and legitimate means of divorce, the misuse of triple talaq has led to legal and social injustices.

The comparative analysis shows that many Muslim-majority countries have abolished or banned triple talaq, while Pakistan is still struggling to legalize it. Although the Muslim Family Act was enacted in 1961, the lack of legal accountability has led to men being reluctant to comply with the customary provisions, as there is no financial or legal protection for women.

The research concluded that legal and social reforms are needed to protect the rights of Muslim women in context of instant divorce and strengthen the rule of law by creating awareness in women as well as males by running a strict campaign in all over the country. Addressing this issue is very crucial as the after effects of such cases can destroy the generations.

Recommendations

Here are some suggestions for legal changes to better protect women's rights in divorce cases while keeping in mind Islamic teachings and current human rights standards:

Improving Legal Systems

Required Court Review: All divorce cases must go to family courts to make sure they follow both legal and Islamic rules.

Uniform Marriage Contracts: Create a uniform Nikahnama (marriage contract) that contains provisions for women's rights, like financial security, maintenance after divorce, and custody of children.

Criminalizing Unfair Talaq: Impose penalties on men who divorce their wives without following proper procedures to ensure responsibility.

Waiting Period & Counseling: Enforce a legally supervised waiting period (Iddah) during which mediation and counseling must be attempted to prevent rushed divorces.

Raising Public Awareness

Media Campaigns: Use television, radio, and social media to inform people about Islamic rights in marriage and the legal protections for women.

Session in remote areas: The non organisations should arrange such awareness session for the women of remote areas.

Ensuring Oversight of Religious Leaders

Qualification of Religious Leaders: Ensure that imams and religious scholars giving marital or divorce advice hold a recognized degree from a reputable Islamic school of Pakistan.

Accountability for Religious Leaders: Hold religious authorities to account for wrong or harmful interpretations of Islamic divorce laws with adverse effects on women.

Islamic Divorce Clinics: Counseling clinics along Islamic and Pakistani law for all matters of divorce would be established in every major city of the country, most importantly in Sindh, with certified Islamic scholars and legal experts to guide individuals accordingly.

Economic Support and Legal Aid

Government run Legal Aid Centres: These existing open government run legal aid centres could be further improved upon so as to actually establish free legal assistance to divorced women.

Mandatory Financial Maintenance to Divorced Women: These kinds of maintenance must be given to divorced women as a statutory provision created by the law, such as mehr, and alimony, and child support.

Vocational Training for Divorced Women: Vocational training is the main emphasis for divorced women to allow them to gain self-sufficiency economically.

Such measures will ensure that justice is maintained and not misused by religious laws as well as offer a balanced framework around legal provisions that protect women's rights along with Islamic teachings.

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