

## Legal Grounds for Divorce Amongst Christians in Pakistan

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### Abstract

*Due to the inflexibility and rigidity of the Christian Divorce Act of 1869, Pakistan's Christian population is having difficulty settling their marriage dissolution concerns. The attitude of Christian clergy and the present permissible position for divorce is confusing, but their current laws and Christian faith make the judicial separation more straightforward. This crucial subject is being debated for theological and legal grounds. The procedures of ecclesiastical courts used to differ from those of civil courts, where a person of Christian faith's marriage dissolution is straightforward. The concept of marriage and divorce in Christianity, current legal reasons for divorce for the Christian population in Pakistan, examination of case law, and a comparative study of the divorce laws of Pakistan and the United Kingdom are all considered in this research paper. The conclusion is that the matter has become highly convoluted due to Christians' differing beliefs and viewpoints and their spiritual intellectuals' elaboration of Biblical doctrines. The alteration of the incumbent Christian divorce law was complex due to a lack of agreement among the Christian community's leaders. It is commendable that Parliament and the judiciary have made fruitful efforts to alleviate Christians' problems and provide them with a practical way out in divorce cases. It's important to note that the goal of this exercise isn't to increase the number of divorce cases; instead, it's to shield Christian spouses from false accusations of infidelity, which are cruel. It is also opposed to allowing resolving marital issues to be used.*

**Key Words:** Divorce, Christians Divorce in Pakistan, Christian Divorce legal preceptive

### Introduction

In Christianity, marriage is considered an imperative and significant vow rendered for a life span. Christians believe that marriage commitment expires only if spouses' life is passed. The conceptualization of Augustine of Hippo<sup>2</sup> is the basis of the guidance of the Roman Catholic Church who appraised marriage as a sacrament.<sup>3</sup> Views of Augustine of Hippo were shortly included in the Canon

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<sup>2</sup> Saint Augustine of Hippo was a Roman African theologian and philosopher from Numidia who affected the development of Western Christianity and philosophy through his writings.

<sup>3</sup> Augustine of Hippo," accessed May 7, 2019, [https://www.cs.mcgill.ca/~rwest/wikispeedia/wpcd/wp/a/Augustine\\_of\\_Hippo.htm](https://www.cs.mcgill.ca/~rwest/wikispeedia/wpcd/wp/a/Augustine_of_Hippo.htm).

Law.<sup>4</sup> For Augustine, life-long togetherness is a prerequisite that necessitates mutual reliance until their last breath.<sup>5</sup>

In Pakistan, adultery is the only ground of divorce for Christians. It is invoked to get a decree of a court. Still, due to insufficient evidence, the charge of adultery is not generally proved; as a result, Christian couples remain in the hateful union. Recognition of more legal grounds of divorce will avoid an oppressive and unhappy life.

This research paper addresses the question of Christian marriage, whether sacrament or civil contract. Moreover, it explores adultery as the sole ground of divorce among the Christian community of Pakistan. It also discusses other grounds of divorce which may be added or availed by the Christian community in Pakistan.

Christianity is the 3<sup>rd</sup> largest religion in Pakistan. The population of registered Christians in Pakistan was estimated as 1.6 % of the population.<sup>6</sup> From this research work, the third-largest minority of Pakistan will benefit and develop their understanding of Christian personal laws, especially legal grounds of divorce under Christianity in Pakistan.

Margaret Lee & Philip S. Moxom, in their research work, discussed in detail biblical teaching about divorce and concluded that great freedom of divorce indeed encourages sexual immorality.<sup>7</sup> It is further observed by Margaret Lee and & Philip S. Moxom that the evil of divorce has been gradually declining the nation's morals and needs a drastic cure. Likewise, it is the view of David L. South that position of Augustine became the basis of the Roman Catholic view of marriage as a sacrament when during a Christian wedding ceremony the bride and groom make promises before God to live faithfully with each other until death,<sup>8</sup> Marriage is indissoluble.<sup>9</sup> This research paper will indicate similarities, gaps, and critical evaluation of these works concerning the research problem, i.e., the emancipation of Christian couples from perpetual agony and unhappy marital alliance due to not invoking all legal grounds of divorce.

The comparative research methodology will be used while comparing the

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4 David L Snuth, "Divorce And Remarriage From The Early Church To John Wesley," Trinity journal (Fall 1990) p.131-142-  
<http://www.christiandivoceservices.com/Documents/Divorce%20And%20Remarriage%20From%20The%20Early%20Church%20To%20John%20Wesley.pdf>. Accessed May 8, 2019

<sup>5</sup> *ibid.*

<sup>6</sup> Ambreen Afzal and Dr. AayshaRafiq, Divorce a mensa et toro and Christian Minorities in Pakistan, available at: [https://www.aiou.edu.pk/sab/mi/Maarif\\_e\\_Islami/VOL-14,%20ISSUE-II%202015/2E.pdf](https://www.aiou.edu.pk/sab/mi/Maarif_e_Islami/VOL-14,%20ISSUE-II%202015/2E.pdf) and Country Profile: Pakistan" (PDF). Library of Congress Country Studies on Pakistan. Library of Congress. February 2005. Accessed May 8, 2019.

<sup>7</sup> Margaret Lee, "Final Words on Divorce," Published by: University of Northern Iowa, The North American Review, Vol. 150, No. 399 (Feb., 1890), pp. 263-268.

<sup>8</sup> <https://request.org.uk/resource/issues/family-and-relationships/divorce-a-christian-view/>

<sup>9</sup> See f.no.3 *ibid.*p.11.

Pakistani and United Kingdom (UK) laws of divorce. Moreover, the case-law of Lahore High Court, Lahore (LHC) titled “Amin Masih vs Federation of Pakistan” will be analysed, which had restored section 7 of Christian Divorce, 1869, in the result of which Christians couples had been provided additional grounds to get divorce other than the adultery.<sup>10</sup>

This article consists of three parts. The first part of this research paper identifies the concept of marriage and divorce in Christianity. The second section addresses legal grounds of divorce available to the Christian community of Pakistan, including an analysis of case law. The third section explores the comparison of Pakistani and UK divorce law followed by Christians.

### **Concept of Marriage and Divorce in Christianity**

The first part of this research paper provides the basics of marriage and divorce. The first part is further divided into two parts: the nature of marriage in Christianity and the nature and grounds of divorce.

#### **The Nature of Marriage in Christianity**

Marriage was regarded as a private contract in the Roman Empire, and like all other contracts, it may be terminated.<sup>11</sup> There were no legal impediments to getting a divorce decree, and because the State put monetary burdens upon the single persons, remarriage was encouraged. But according to many Christian sects, Marriage in Christianity is the union of a man and a woman,<sup>12</sup> founded and ordered by God as the lifetime association between one man and women as a husband and wife. For Augustine, "even from the union of the two, the man and woman, marriage bear a certain sacramental character, (which) can the death of one of them dissolve no way." Such a sacramental bond carries on without being affected with adultery or divorce.<sup>13</sup> Jesus Christ emphasized the significance and everlasting of marriage.<sup>14</sup>

#### **The Nature of Divorce and Grounds**

The two grounds of divorce have been provided by the bible which includes

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<sup>10</sup> PLD 2017 Lahore 610.

<sup>11</sup> “Rome Across Europe | An Ancient Empire In Today’s World,” accessed May 4, 2019, <http://www.romeacrosseurope.com/>.

<sup>12</sup> Jane C. Murphy, Rules, Responsibility and Commitment to Children: The New Language of Morality in Family Law, University of Baltimore School of Law, Pub. University of Baltimore Law ScholarWorks@University of Baltimore School of Law, 1999, [jmurphy@ubalt.edu](mailto:jmurphy@ubalt.edu), available at: [https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1013&context=all\\_fac&httpsredir=1&refer](https://scholarworks.law.ubalt.edu/cgi/viewcontent.cgi?article=1013&context=all_fac&httpsredir=1&referer=)

<sup>13</sup> See f.n.3 *ibid*.

<sup>14</sup> The Holy Bible (New International Version), Matthew 19:3-6

adultery and irreligious partner.<sup>15</sup> There are divergent views about divorce among principal sects of Christians. The Roman Catholic Church regards matrimony as a ritual founded and commanded through God and Christ that no man can annul, hence annulment and second marriage are frowned upon.<sup>16</sup> According to the Catholic Church, both spouses are not allowed to remarry after a divorce. Divorce is referred to as "separation of spouses" in official church terminology.<sup>17</sup> Protestants permit divorce, and rare of them even countenance a second connubial.<sup>18</sup> On the other hand, Conservative Protestant churches hold a different viewpoint and believe divorce to be a sin. They think that once a holy promise is broken, it is impossible to rejoin them. Only in the instance of adultery, they believe, can a marriage contract be terminated. Remarriage is permitted in some protestant denominations, which believe that God forgives sins.<sup>19</sup> The Orthodox Churches followed the principle of *oikonomia*<sup>20</sup> and allowed to dissolve former marriages and permit a subsequent or a third wedding under specific conditions and circumstances.<sup>21</sup>

In this way, Christian clergy and society have a difference of opinion about the permanence of marriage and dissolution of marriage.<sup>22</sup> Catholics, Orthodox, and Protestants have different social practices. However, most Protestants and some Orthodox permit dissolution of marriage on the ground that if healthy marital life is not possible, it is more desirable to get divorced than to continue an unhappy and oppressed life.

## **Divorce Laws of Christians in Pakistan**

The second section of this research paper is about the divorce rules that apply to Pakistan's Christian community. The second portion is divided into Christian grounds for divorce and the repeal and reinstatement of Section 7 of the 1869 Divorce Act. The first chapter is broken down into three sections.

## **Grounds of divorce under Christian Divorce Act 1869**

Pakistani Christians have three grounds under the Christian Divorce Act of 1869

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<sup>15</sup> When Does the Bible Allow Divorce?..... | CT Women | Christianity Today," accessed May 4, 2019, <https://www.christianitytoday.com/women/2016/april/when-does-bible-allow-divorce.html>.

<sup>16</sup> See f.n. *ibid*.

<sup>17</sup> Sean Wales, Catholics and Divorce. South Africa: Redemptorist Publications. (2004).p.11-14

<sup>18</sup> See f.n 5 *ibid*. p. 26.

<sup>19</sup> *Ibid*.

<sup>20</sup> The English term 'Economics' is derived from the Greek word 'Oikonomia'. Its meaning is 'household management'.

<sup>21</sup> INES A. MURZAKU, Can the Orthodox Way End the Divorce and Remarriage Debate? - Crisis Magazine," accessed May 7, 2019, <https://www.crisismagazine.com/2017/can-orthodox-way-end-debate-divorce-remarriage>.

<sup>22</sup> *Ibid*.

to settle the issue of irretrievable marriages, i.e., dissolution of marriage<sup>23</sup> nullity of marriage<sup>24</sup> and judicial separation.<sup>25</sup>

## **Dissolution of Marriage**

There is only one law of divorce in Pakistan i.e. The Christian Divorce Act 1869 which redresses the issues of divorce of Christian and same was legislated by the British. According to Section 10 of Divorce Act, 1869, grounds and standards of divorce for husband and wife are dissimilar, which are elaborated in the following table: -

### **Husband**

Only if his spouse has been remorseful of adultery throughout the marriage can a husband seek the dissolution of the wedding.”

### **Wife**

A wife may petition for the termination of her nuptial for the reasons listed below: Second marriage after a faith conversion.

- Rape
- Sodomy,
- bestiality
- Bigamy combined with adultery is referred to as "adultery with bigamy."
- Incestuous adultery is a type of incestuous adultery that occurs when two people are
- Adultery and cruelty are two words that come to mind when I think about adultery.
- A mixture of adultery and desertion

## **Nullity of Marriage**

The first and foremost solution of the undeclared 5th generation warfare through A petition for seeking divorce may be filed by spouses having Christian faith in the civil court, according to Section 18 of the Divorce Act of 1869. Impotence, consanguinity, madness, or previous marriage are all grounds for such a ruling,

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<sup>23</sup> “Pakistanlawsite,” accessed May 26, 2019,

<http://www.plsbeta.com/LawOnline/law/statutesnext.asp?SelectCasetype=Divorce%20Act%201869>.

<sup>24</sup> Ibid.,section18.

<sup>25</sup> Ibid., section 22.

according to Section 19 of the Act.<sup>26</sup>

### **Judicial Separation/Limited Divorce**

Limited divorce, also known as "a mensa et thoro," or "divorce from bed and board," or legal parting, is a change in status in which the duos are disjointed and are prohibited from cohabiting, but the marriage remains intact.<sup>27</sup> A limited divorce, also known as a judicial separation, suspends the marriage partnership while changing its liabilities and obligations while keeping the tie intact.<sup>28</sup>

### **Abolition and Restoration of Section 7 of the Christian Divorce Act 1869**

In 1981, military dictator General Muhammad Zia-ul-Haq struck out Section 7 of the Christian Divorce Act, 1869.<sup>29</sup> Ameen Masih filed a constitutional writ in the Lahore High Court (LHC) in 2015, claiming that he wanted to divorce his wife but that the law currently obligated him to allege or otherwise prove "that his wife has been guilty of adultery," and that the only other option was for Section 7 to be reinstated in Pakistani law. The issue before the court was not whether Zia-ul-Haq had the constitutional authority to repeal section 7 without addressing the Christian community first.<sup>30</sup> The LHC nominated Hina Jilani, a senior lawyer, and human rights activist, as amicus curiae and heard all of the Christian community's concerns at length.<sup>31</sup> Except for Christian clergy, the then Federal Minister for Human Rights, and the Punjab Human Rights and Minority Affairs Minister, all stakeholders in Pakistan's Christian community supported the restoration of section 7 of the 1869 Divorce Act. "No one can change any verse or order of the

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<sup>26</sup> "Divorce Act, 1869 (Act No. IV of 1869).," accessed May 4, 2019, [http://bdlaws.minlaw.gov.bd/pdf\\_part.php?id=20](http://bdlaws.minlaw.gov.bd/pdf_part.php?id=20)

<sup>27</sup> Corpus Juris Secundum, Volume 24 p.228 Thomson/West. Ed 2008

<sup>28</sup> Ibid.

<sup>29</sup> "Federal\_laws\_revision\_and\_declaration\_ordinance\_1981.Pdf," accessed May 5, 2019, [https://www.ajne.org/sites/default/files/document/laws/6978/federal\\_laws\\_revision\\_and\\_declaration\\_ordinance\\_1981.pdf](https://www.ajne.org/sites/default/files/document/laws/6978/federal_laws_revision_and_declaration_ordinance_1981.pdf).

<sup>30</sup> See f.no.9.ibid.

<sup>31</sup> LHC heard at length from Ms. Marry Gill., MPA (Christian Community), Mr. Khalil Tahir Sandhu., Minister for Human Rights & Minorities Affairs, Punjab, Mr. Kamran Michael. Senator/Federal Minister Human Rights Pakistan., Father Emanuel Yousaf Mani., Sr. Priest, St. Anthony Church, Lahore., Rt. Rev. Sabstian Francis Shaw., Archbishop of Roman Catholic Church, Lahore., Wilson John Gill., Bishop, Chairman/ founder United Holiness Church Pakistan (Korea), Rt. Rev. Irfan Jamil, Bishop of Lahore, Church of Pakistan, Mall Road, Lahore, Rev. Dr. Majid Abel, Moderate Presbyterian Church of Pakistan., Empress Road, Lahore, Bishop Azad Marshall., Coadjutor Bishop of Raiwind Diocese Church of Pakistan and President., National Council of Churches in Pakistan, The Revd. Shahid P. Mehraj, Dean of Lahore Cathedral. see also Christian Divorce in Pakistan, available at: <https://paklawyer.com/lawbooks/christian-divorce-in-pakistan/> and the judgment also available at : <https://paklawyer.com/wp-content/uploads/2019/02/2017LHC2488-1.pdf>

Holy Bible," the Christian clergy in the court asserted.<sup>32</sup> "Divine laws could not be modified in the name of fundamental rights," it was contended. According to the LHC, this Court's sole purpose is to judicially assess current state law against the backdrop of constitutional ideals and fundamental privileges given to the country's minorities-cum-citizens in the Constitution.<sup>33</sup> The LHC accepted the Writ petition and declared that item 7(2) of the Second Schedule to Federal Laws (Revision & Declaration) Ordinance, 1981 (XXVII of 1981), promulgated on July 8, 1981, is declared to be unconstitutional and illegitimate, as it violates the petitioner's and Pakistan's minority rights guaranteed by the constitution. As a effect, section 7 of the 1869 Divorce Act has been reinstated in its original form as it existed in 1981.<sup>34</sup>

An Intra Court Appeal (ICA) has been instituted by a Christian inhabitant of Faisalabad namely Emanuel Francis,<sup>35</sup> with the contention that the single bench of the LHC's impugned judgment was differing to the beliefs of Christian community of Pakistan and a court has no authority to set aside the act of Parliament while reinstating a statute which was earlier repealed by the parliament.<sup>36</sup> It was a political statement on press by the Usman Jamali, The Minister of State for Human Rights that after taking all the sects of Christian community in confidence, a draft of new law i.e. the Marriage and Divorce Bill has been prepared which will redress all the hardships pertaining to divorce issues.<sup>37</sup> During the hearing of ICA, LHC sought present status of legislation relating divorce issue of Christians.<sup>38</sup> LHC passed a remark that there is need to perform its role by the parliament while passing a proper legislation about divorce of Christian community of Pakistan. The hearing of ICA was adjourned to get a report regarding draft of new law divorce of Christian in parliament.<sup>39</sup> The ICA against the judgment of a single judge of is pending adjudication, but a draft bill for amendment in Christian Divorce Act, 1869 has been prepared. The citizen of Pakistan having Christian faith would get supplementary grounds of divorce if judgment of LHC is implemented while restoring the section 7 of divorce Act. Before its repeal,

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<sup>32</sup> Christian Divorce in Pakistan, available at:<https://paklawyer.com/lawbooks/christian-divorce-in-pakistan/>

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Christians Divorce: Plea for Upholding LHC Decision Allowing Divorce without Adultery Charges | PCSW," accessed May 11, 2019, <https://pcsw.punjab.gov.pk/node/262>.

<sup>36</sup> Tribune.com.pk, "The Way Forward: Draft Bills on Christian Marriage Registration Ready," The Express Tribune, August 31, 2014, <https://tribune.com.pk/story/755978/the-way-forward-draft-bills-on-christian-marriage-registration-ready/>.

<sup>37</sup> "Christian Marriage Bill to Be Sent to Law Ministry - Pakistan - DAWN.COM," accessed May 11, 2019, <https://www.dawn.com/news/1366251>.

<sup>38</sup> "LHC Seeks Progress Report on Christian Divorce Laws | The Express Tribune," accessed May 11, 2019, <https://tribune.com.pk/story/1829113/1-lhc-seeks-progress-report-christian-divorce-laws/>.

<sup>39</sup> Ibid.

section 7<sup>40</sup> provides that “in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief”. In this way, the UK Matrimonial Causes Act 1973 examines some additional grounds for divorce, such as irreversible breakdown of the marriage, outrageous behaviour, neglect, at least two years of separation, and respondent consent to a decree being issued, along with staying apart over the at 5 years.

### **Christian Personal Law: A Comparison of Christian Divorce Laws of Pakistan & United Kingdom**

The third and last part of this research paper explores a comparison of Christian divorce laws of Pakistan and the UK. An effort is made to discuss the origin of the Christian Divorce Act 1869, the history of applicability UK Matrimonial Causes Act 1973 in Pakistan, and its present status in Pakistan.

#### **Origin of Christian Divorce Act 1869**

Before the establishment of Pakistan, a complete legal system existed in the place. Pakistan was formed after the partition of British India in 1947. With the end of British colonial control, the legal system of British India did not perish. It was included in Pakistan's legal system when the country was founded in 1947, and it is still in use today. The Christian Marriage Act of 1872, the Christian Divorce Act of 1869, and the Succession Act of 1925 were all passed in Pakistan, along with other laws.<sup>41</sup> The Matrimonial Causes Act of 1857, enacted in England and applicable in British India, removed marriage from the church's jurisdiction and allowed civil courts to resolve all its problems. Pakistan's only legislation dealing with Christian divorce disputes is the Christian Divorce Act of 1869.

#### **History of Applicability of the United Kingdom Matrimonial Causes Act, 1973 in Pakistan**

Additional grounds of divorce incorporated in UK Matrimonial Clause Act 1973 were available to the Christians of Pakistan until 1981 which allowed divorce to opt on the grounds of an irreversible breakdown of marriage rather than just adultery alone,<sup>42</sup> However, Section 7 was repealed by the Federal Laws (Revision & Declaration) Ordinance, 1981<sup>43</sup>.

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<sup>40</sup> See f.n.31 *ibid*.

<sup>41</sup> Asif Aqeel, “Why Divorce Is Close to Impossible for Christians in Pakistan,” *Herald Magazine*, July 25, 2016, <http://herald.dawn.com/news/1153471>

<sup>42</sup> AyraIndrias, *PERSPECTIVES Christian divorce law*, Pub.Sept. 23, 2018, *DailyTimes*, available at: <https://dailytimes.com.pk/301386/christian-divorce-law/>

<sup>43</sup> “Statute Search,” accessed May 26, 2019,



## **The United Kingdom Matrimonial Causes Act, 1973: Present Status of its Applicability in Pakistan**

The modification in the UK Matrimonial Causes Act, 1857 was made in 1923 while placing the spouses on alike position when adultery was introduced as a separate ground of divorce. Later, three additional grounds, i.e., desertion, cruelty, and insanity, for seeking divorce was introduced in the law<sup>44</sup> This was followed by the Divorce Reform Act, 1969<sup>45</sup> which made an irretrievable breakdown of the marriage be the sole ground of divorce.<sup>46</sup> It was, however, replaced by The UK Matrimonial Causes Act, 1973, which under section (1)(2) provides for several grounds for divorce, including irretrievably break down of marriage, unreasonable behaviour, neglect, aloof for at least 2 years (with consent) and 5 years abode separation (without permission).

The Matrimonial Causes Act, 1973, in the United Kingdom, is currently construed liberally to allow Christian men and women to divorce if their marriage is irretrievably shattered or with mutual consent; however, this reason was not available in Pakistan. The United Kingdom has implemented a no-fault divorce system based on the premise of an irreversible marriage breakup. In a similar provision, the LHC held that grounds for divorce based on adultery are available, and anyone who wishes to invoke them is free to do so; however, those who want to seek a divorce based on irretrievable breakdown of a marriage can rely on Section 7 of the Act and avail of the additional grounds of divorce available under the UK Matrimonial Causes Act, 1973, which will be available to Christians in Pakistan and will be enforceable in Pakistan. When comparing the laws of divorce about Christian faith in Pakistan and the United Kingdom, it is clear that five grounds, namely irretrievably broken marriage, awkward behaviour, abandonment, living apart for at least two years (with consent), and living apart for at least five years (without consent), are not available to Pakistani Christians.

The Apex Court of the UK rarely has a contested case of divorce. The Supreme Court (SC) of the UK heard a divorce case of Tini Owens, 67, who wants to divorce her husband, Hugh Owen 78, on the ground of being unhappy, after 40 years of marriage.<sup>47</sup> Tini Owens alleged the marriage had broken down irretrievably, and Mr. Owens had behaved in such a way that she could not

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[https://pljlawsite.com/html/Statuteview.asp?ID=2058&section=.](https://pljlawsite.com/html/Statuteview.asp?ID=2058&section=)

<sup>44</sup> Matrimonial Causes Act 1937” accessed May 26, 2019, <https://www.perfar.eu/policies/matrimonial-causes-act-1937>

<sup>45</sup> “Divorce Reform Act 1969” accessed May 26, 2019, <https://www.perfar.eu/policies/divorce-reform-act-1969>.

<sup>46</sup> ZeeshanManzoor“Law Relating to Divorce amongst Christians in Pakistan: a critical Appraisal” Pakistan Law Journal(2015)<https://pljlawsite.com/2015art4.htm>

<sup>47</sup> “UK Supreme Court to Hear Rare Contested Divorce Case | Financial Times,” accessed May 28, 2019, <https://www.ft.com/content/a88e6eae-5391-11e8-b24e-cad6aa67e23e>.

reasonably be expected to live with him. Mr. Hugh Owens has refused to agree to a divorce and denied Mrs. Owens' allegations about his behaviour. The SC unanimously rejected the appeal, meaning she must remain married until 2020.<sup>48</sup> SC President Lady Hale said she found the case "very troubling," but it was not for judges to "change the law."<sup>49</sup> Under the contemporary law in the UK, provided people can prove their marriage has ruined down due to adultery, unreasonable behaviour, or neglect, the only way to obtain a divorce without a spouse's accord is to live apart for five years. Following the ruling, the Ministry of Justice said:<sup>50</sup> "The current system of divorce creates unnecessary antagonism in an already difficult situation, and we are already looking closely at possible reforms to the system."<sup>51</sup> This latest divorce case has had a significant impact on divorce laws in the UK and is under consideration for further amendment in UK divorce laws.

Suppose the UK and Pakistani divorce laws are placed at the juxtaposition. In that case, one thing is clear; the grounds of divorce obtainable to the Christian community of the UK are much more flexible and said grounds are not added in Pakistani Divorce Law. Present provisions of the Christian Divorce Act 1869 do not come at par with the Constitutional provision, i.e., Article 2A, which guarantees to provide the minorities to practice their religion and develop their culture freely. And adequate provision shall be made to safeguard the legitimate interests of the minorities. Restoration of Section 7 of Christian Divorce Act 1869 and availability of additional grounds of divorce under the UK Matrimonial Causes Act 1973 will redress the grievances of the Christian community of Pakistan.

## **Conclusion**

The study concludes that an entire, exhaustive, and in-depth debate of the legal reasons for divorce in Pakistan's Christian community has been conducted. Throughout Christian concept of marriage discussed, as well as the nature of divorce from Catholic and protestant perspectives, grounds for divorce under the Christian Divorce Act of 1869, the abolition and restoration of Section 7 of the Christian Divorce Act of 1869, and a comparison of Christian divorce laws in Pakistan and the United Kingdom have been put sight.

After a thorough examination of the Christian community's divorce issue, it can be stated that more fabulous grounds and flexibility in the dissolution of marriages are required for the Christian community of Pakistan. The three main religions, Catholics, Orthodox, and Protestants, all have different perspectives on

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<sup>48</sup> "Tini Owens Loses Supreme Court Divorce Fight - BBC News," accessed May 28, 2019, <https://www.bbc.com/news/uk-england-hereford-worcester-44949856>.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

the dissolution of marriage. As a result, they should work together to produce harmony and coherence. Divorce procedures are also tricky due to the objections of Christian clergy, and the injured parties have no adequate remedy.

It is critical to recognize that the purpose of this exercise is not to promote divorces among Christian couples; instead, it is to safeguard the wife and husband from the malicious allegation of adultery and facilitate the process of family conflict resolution. The Lahore High Court's decision to reinstate section 7 of the Christian Divorce Act 1869 is a glimmer of light for Christians who will now be allowed to divorce in a dignified and proper manner without having to make false and invented accusations of adultery.