

# Exploring the Issue of 'Run-away Women' in Pakistan: A Call for Social and Legal Change

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## ABSTRACT

*Women are considered as vulnerable members of almost every society. In Pakistan the scenario is no different. 'Run-away women' is one of the socio-legal problems faced by women. Women who consider running away from their families often face difficult situations, which may result in being trapped into prostitution or even being murdered by their own families in certain cases. In runaway cases, the majority of women do return to their families after reconciliation. However, what happens to these women after reconciliation remains unknown.*

*This paper aims to highlight the causes of running away and its consequences in Pakistani society. It also intends to examine the existing legal mechanisms and their role in dealing with this problem. This study also analyzes the Islamic and customary laws of Pakistan to identify whether both respect the decision-making authority and freedom of women, or whether they create any hindrances to women's rights and their freedom to decide. Finally, measures for improvements in the legal and social system are suggested. analyzes the Islamic and customary laws of Pakistan to identify whether both respect the decision-making authority and freedom of women, or whether they create any hindrances to women's rights and their freedom to decide. Finally, measures for improvements in the legal and social system are suggested.*

Key words: runaway women, runaway girls, runaway marriage, women's rights, women's protection

## Introduction

Recent decades have witnessed a rise in legislation intended to protect the rights of women in countries across the world. In Pakistan, the situation is no different, and efforts are being made to install mechanisms for the protection of women rights. The passage of many pro-women pieces of legislation, especially during the last decade, is proof of these efforts. However, Pakistani society in general treats women who prefer to utilize the existing legal mechanisms to protect their interests with little respect and acceptability. In certain cases, women who leave their family to exert their rights are treated as outcasts and are labeled as undignified by calling them 'runaway women'. While these women lose their dignity in society, they also lose the protection of their families. In those cases, the state becomes responsible for their protection, which is done by providing assistance and shelter in the form of social services.

A close study of the existing laws reveals that there exists no single legislation which would exclusively deal with runaway women and related issues. Rather, they are being dealt in a stereotypical manner,

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a situation which causes troubles for the women and their families. A close study of the laws along with interviews conducted with various members of society including women who have run away from home demonstrates the need for reforms in the existing laws.

However, before setting forth legal solution of the problem, it is necessary to discuss different dimensions of the problem. This includes analyzing the term ‘runaway women’ along with the most common reasons behind this phenomenon on the one hand and its consequences on the other. Furthermore, it is also important to analyze the legal system and procedures, which includes Islamic laws, contemporary Pakistani laws, and social customs and norms.

It is also a well-known fact that a mere fraction of the cases involving runaway women reaches the courts, especially when binding decisions regarding marriage, divorce and protection against harassment by police are sought. Fear of violence is one of the major factors for which women who have run away approach the court. However, most incidents are sorted out by customary laws and procedures, which may be hostile towards women. The fact that many women runaway from home because of the fear of violence including forced marriage, honour killing, and trafficking, it is all the more necessary to introduce reforms in the legal system, which will help protect such women from harm and aid them in realizing their rights.

### ‘Runaway Women’: Interpretation of the Term

The term ‘runaway woman’<sup>2</sup> may be used to denote a woman who voluntarily leaves her guardian without his/her consent when she feels unsafe. In Pakistani social context, the term ‘runaway woman’ is often used to describe an immoral woman who has lost the right of a respectable social existence merely because she has chosen to leave the social institution of the family. The use of this term reflects the social unacceptability of running away without exploring the root causes behind her act. The problem of running away is tied to the financial dependence of women, which is considered to be the acceptable norm in Pakistani society. Ideally, a woman is entitled to maintenance from her family and she is not required to earn for herself. Her male family members are supposed to be responsible for fulfilling her needs. In return she is required to follow the family decisions and is not allowed to disagree. If she does, she may be penalized by the family through various acts of violence. Thus, when such a woman is endangered by her own family, she often decides to leave home for her protection and becomes a ‘runaway woman’, which exposes her to a host of new risks outside the home.

The act of running away may be temporary one. For example, a woman may leave her husband for violence, for not providing her livelihood, or for having relations with other women, and go to her parents or other relatives for a few days in the hopes that her husband will reform himself. She may also leave her parent’s home temporarily to resist a forced marriage (Waldren, 2012:29). Sometimes, it works but when it does not work, the woman may decide to escape more permanently. In some cases women run away in order to marry the man of their choosing.

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2 While interpreting the term ‘runaway women’, the authors exclude a woman who, with her own choice, leaves her family due to differences but who can look after herself well as she is no different from a man in the same position.

### Methodology of the Study and Major Causes of Running Away

The present research is based on theoretical as well as empirical study. The authors selected the province of Punjab in Pakistan to conduct their research. A total of forty runaway women were exclusively interviewed of which fifteen were resident of the *Darul Aman*<sup>3</sup> in the District of Bahawalpur (Southern Punjab) and another fifteen were living in *Darul Aman* in the city of Lahore (Upper Punjab). The remaining ten other women were personally known to the authors. Seventy percent of women belonged to rural or remote areas and thirty percent were from urban areas. Along with these women, other persons were also consulted and interviewed, i.e., lawyers, judges, social welfare officers, politicians, media personnel, human rights activists, working women, university students, and lay people.

On the basis of interviews, the authors have been able to identify the following major causes of running away:

- Poverty and over-population
- Lack of parental love and care
- Domestic violence
- Escaping forced marriages
- Leaving one's husband
- Marrying a man of one's own choice

The abovementioned causes, many of which are also interconnected, need further elaboration to understand and analyze the problem. In poor families, instead of getting education, girls often support their families by serving in homes as domestic workers (Mittra, 2004:65). Such girls often develop a feeling of deprivation from their childhood. Their parents are often unable to provide for them sufficiently. Such girls often fear that their parents will marry them off hastily and without their consent. Such girls sometimes run away with men without thinking about the consequences in order to escape her conditions.

Some other runaways are the girls from well-off families who are ignored and neglected by the family. Parents may be busy and unable to look after their children well. Such children enjoy material luxuries but suffer from lack of parental love (Ali, 1967:257). They have no time to sit, play or chat with the children. They also do not know what the children do, whom they meet, where they go, etc. In some families, children are also ignored due to differences between the spouses. Some parents put a lot of pressure on children. They often do not respect children's privacy.

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3 In Pakistan, *Darul Aman* is an institution which protects the runaway women who are deprived of family support and feel unsafe. It is a place where runaway women can stay for a limited time. It is operated by the government under the Social Welfare Department. Its purpose is to support and rehabilitate runaway women. There is at least one *Darul Aman* in each district. There are many other shelter homes with different names which have been setup by a number of NGOs.

In such situations, children are deprived of parental love and care (Mahmud, 1990:65). This often affects girls to a greater extent than boys. Girls in such a situation often seek others attention, and hence it becomes easy for an outsider to exploit them. The prevalence of mobile phones and the internet only compounds their vulnerability. Many girls in such situations end up leaving their families. A lawyer narrated the story of a runaway girl who belonged to a rich family in Islamabad and who met a boy from a village in Southern Punjab on the mobile phone, fell in love and eloped with him. The girl was a graduate while the boy had not received formal education belonged to a labouring class, earning Rs. 300 (US \$ 2.90) daily. He said, *'There was no match and we were surprised at how such an educated and rich girl could do this. But it happened due to lack of parental care substituted by mobile chatting.'*

The other run away persons are mostly married women who may or may not have children and who they leave their husbands due to domestic violence (Azam et al., 2013, Asad and Ahmad, 2013; Ali, et. al., 2013). Between seventy and ninety percent of Pakistani women have been victims of spousal abuse (Ali and Gavino, 2008) or abuse by their in-laws, which may be physical, mental, or emotional, and which may cause their running away (Asad et al., 2013). Ninety-nine percent of cases of domestic violence are not registered by the police because it is considered a private matter between a wife and husband (McCue, 2008:79). It is generally assumed that force may be used against the wife as a corrective measure if she does anything wrong. In urban areas the situation is comparatively better although there are cases of domestic violence over there as well. This occurs amongst people of all social classes.<sup>4</sup> This can often lead to women running away.

In Pakistan, parents generally decide whom their daughter will marry. While choosing a right man for a woman, mostly, poor parents focus on financial status (Seidman et al., 2011:169)<sup>5</sup> and do not consider other issues, i.e., character, education, age, family background, etc. Furthermore, the child marriage continues to be practiced in certain places. In some areas, parents sell their daughters to meet their needs. Girls are also given in marriages to settle family disputes (Gooneskere, 2004:192). The girl's consent is not considered necessary. It is taken for granted that the girl would give her consent, and often marriages are conducted against the will of women and girls.<sup>6</sup> Another state of

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4 A working woman told the researchers how she was tortured by her husband who was also a college lecturer. The woman ran away and filed a criminal suit against him, but thereafter due to family intervention they compromised. While interviewing another runaway girl, she disclosed that her husband was an engineer and he used to torture her when she would ask for money. Later on, she said it became his habit and he started beating her like an animal. She had to leave him.

5 Saima's father wanted to marry her to a Saudi Sheikh who was 25 years older than her for financial benefits. Mr. Arshad, the person she wanted to marry, had asked for her hand through his parents but her father declined. Saima ended up marrying Mr. Arshad anyway. When her father came to know about the marriage he tortured and detained her. She managed to run away.

6 It is also worth noting that boys are also compelled to marry for the sake of family interests. For example, a boy was forced to marry his cousin at gunpoint, but the marriage was dissolved after three months and the girl had to take shelter in *Darul Aman*.

forced marriage is *watta satta*<sup>7</sup> whereby the success of both of such marriages is interdependent. Hence, forced marriage is also a major cause of girls and women running away (Haeri, 2002:212).<sup>8</sup>

One of the major reasons for women running away is to get married with the men of her choice.<sup>9</sup> When the family opposes marriage proposals of their boyfriends, they sometimes react by running away. There are many examples where women ran away with men whom they wanted to marry (Waldren, 2012:31).<sup>10</sup>

In the most extreme cases, a woman may decide to kill her husband and run away. There are many reasons behind such acts including disrespectful behaviour of husband, neglect, extramarital affairs, violence, etc. In these few cases, women may kill their husbands on their own or with the help of a boyfriend and then run away to escape the consequences.<sup>11</sup>

### Effects of Running Away

On the whole, runaway women face a number of consequences if they return to their families including being forcibly married, or in the worst scenarios, killed to preserve the honour of the family. Another possible result is that these women are rejected by their families<sup>12</sup> and ostracised for the rest of their lives. Such women have to spend most of their time in centers and safe houses run by Social Welfare Department or NGOs. Another possible outcome is that these women are sold into prostitution or trafficked out of country. They may also survive and be accepted by their families with the passage of time.

It is notable that in a certain number of running away cases, at first women may voluntarily go with men, but later the women can be subject to abduction, unlawful detention, rape, etc. (Mehdi, 2013:130). In these cases, a petition is generally filed by the parents of the girl against her husband. In other cases, it is filed by husband against the family of his wife. If parents succeed in getting the girl, the next day, false cases may be registered on behalf of the parents of the girl due to family pressure against her husband.<sup>13</sup> In some cases, where it is found that the girl is not willing to join her family, she may become the target of murder<sup>14</sup> or will remain unsafe for the rest of her life. Another possible outcome is that the two families become enemies. Both consider it as damage to

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7 This is also called exchange marriage wherein a man is married to a girl and in return his sister, daughter, or any other woman of his family is given in marriage to a man from his wife's family.

8 A girl named Sonam ran away to *Darul Aman* who did not accept her forced marriage. Another girl left her husband and escaped at the age of 28 who was given into forced marriage when she was 16.

9 See for example *Altaf Hussain v. State*, 2007 PCRLJ 773.

10 *Lal Khan v. Station House Officer, Police Station Kotwali Jhang*, 2010 PCRLJ 182

11 *Noor Muhammad v. The State*, 1991 PCRLJ 2140

12 The women, who face any hardship after their forced marriages, complain to their families who show an indifferent attitude and force them to go back to their husbands. An old saying is reiterated, "*Stay with your in-laws forever and leave only when you are dead*".

13 *Nadeem v. State*, 2012 PCRLJ 1629

14 *Irshad Ali v. State*, 2009 MLD 637

their dignity and honour and, thus, register false cases against each other to prove their superiority, and this may continue for years.

In most of the runaway cases, women take refuge in *Darul Amans*. They may request to stay there if they have no shelter for three months, but further stay may be allowed by the court. After becoming resident of *Darul Amans*, they are socially isolated. Nobody can visit them except through the court's permission. Despite its conditions,<sup>15</sup> it provides protection to runaway women from external dangers, i.e., honour killings. Its role in rehabilitating destitute women is very important. More than seventy percent cases of such girls go back to their families after a process of reconciliation; some go with their parents and some with their husbands.<sup>16</sup>

In Pakistani society, runaway women are considered as 'black women' and are socially ostracised. They (sometimes along with their husbands) are killed on the pretext of grave and sudden provocation,<sup>17</sup> *karo kari*,<sup>18</sup> or *ghairat*.<sup>19</sup> This is the situation where these women are more vulnerable. They are punished as a form of revenge and to make them an example to the society (see Muhammad Ramzan v. State, 2009 YLR 1430). In a number of cases, women and girls were brought back to their families and were killed (Waldren, 2012:30). Many runaway women were killed by the orders of *jirgas*<sup>20</sup> or *panchayats*<sup>21</sup> which operate under the feudal system (Shah and Tariq, 2013).<sup>22</sup> Being in a vulnerable situation, runaway women can be exploited easily and are sometimes forced into prostitution (Sharma and Choudhary, 2013). Sometimes, the stigma attached to running away makes it easier for her to end her life than to risk further humiliation.

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15 This institution needs certain reforms on which further research is needed. It was reported to authors that a woman had died in a *Darul Aman* because it was lacking the facility of medical treatment. Many *Darul Amans* are also extremely overcrowded and hence unable to cope with the numbers of women approaching them.

16 Sometimes, women are sent to *Darul Amans* against their will supposedly for their protection, but when they do not want to live there, they are allowed to leave (see Shafiqatullah v. Sessions Judge, Nankana Sahib, 2009 PCRLJ 1450). In one case the court had to decide that a *sui juris* woman could not be kept in *Darul Aman* when she no longer wanted to stay there (see Muhammad Asif Arain v. SHO Police Station Abad, 2012 PCRLJ 1553).

17 See for example Mazhar Ali v. State, 2005 SCMR 523.

18 *Karo kari* (*karo* means man and *kari* means woman) is a practice prevailing in the province of Sindh, where a woman and her lover are killed for damaging the honour of the family (see Daimuddin v. State, 2010 MLD 1089).

19 A practice of killing in the name of honour (see Muhammad Siddique v. The State, PLD 2002 Lahore 444).

20 It is comprised of a group of male elders of a tribe who decide with consensus.

21 It is an informal arbitration system prevailed all over the Pakistan.

22 It is notable that Rattanbai, the wife of Mr. Jinnah, had to face ostracism by her family for a runaway marriage.

## Islamic Views

Although the dominant view amongst Islamic scholars is that women and men are equal in the eyes of Allah, multiple interpretations remain regarding appropriate gender roles. Because of different interpretations of women rights by Islamic scholars, certain domains are considered particularly controversial like women's role in politics, the law of evidence and certain economic issues. However, when it comes to social rights like security, maintenance, and marriage, women are generally entitled to particular rights in order to provide them with security. However, many of these rights are denied to women and girls, which underlie their reasons for running away.

A woman is supposed to have a say in matters relating to her marriage, and her guardians are there to assist her and cannot force or coerce her to enter in a marriage contract against her will. Similarly, if she is not willing to live with her husband she has the right to demand separation through *khula*.<sup>23</sup> Islam empowers her financially by giving her share in inheritance even when she decides to abandon her family. However, most of these rights are denied to women in Pakistan and demanding them is considered a taboo that can entail grave consequences for women.

In Pakistan, many customs are wrongly treated as Islamic laws, especially the customs relating to women in terms of denying them education, economic independence and choice of life partner. Many horrible incidents including honour killings are reported where women try to exercise their rights (Riaz, 2013). However, once a woman contracts a marriage or gets a divorce on her own, such marriage or divorce is recognized as valid under Islamic Law and cannot be questioned. Hence, even the version of Islam prevailing in society, influenced by customs, provides some support for women exercising their rights related to marriage. A girl, who contracted a marriage of her choice and due to threats from her family took refuge in the *Darul Aman*, said that reconciliation had been reached between her husband and parents due to efforts of respected elders and the *ulama* (Islamic scholars) of the locality. This shows that her marriage is being accepted as valid under Islamic rules and by the society in general. However, her way of getting married is unacceptable. Where families sever their relationships with such women, their kinship is recognized by Islamic law.

## The Legal System of Pakistan

No exact statistics exist regarding the number of females who opt to run away from their homes, and similarly the exact proportion of cases, which are reported to police or courts, is information that is not available. However, only a small proportion of cases are reported in situations where the parties need to have binding decisions of the court so that they may have a legal footing for their acts. Most situations in which cases are reported include marriage, divorce, police excesses, fear of death or other anti-women practices. While no legislation exists which deals with the issue of runaway women exclusively, there are several pieces of legislation for the protection of women in general.

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23 *'Khula'* is a mode of dissolution of marriage whereby wife offers certain consideration, such as dower money or other property to husband in return of freeing her from the marriage tie.

Pakistan has signed in 1996 *The Convention on the Elimination of Discrimination Against Women* (CEDAW), which entrusts the government with legal and moral responsibility:

to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.<sup>24</sup>

It further states that signatory states shall take measures to eliminate discrimination against women in all matters relating to marriage on equal footing with men, in respect of not only the right to enter into marriage but also the right to choose freely a spouse and to enter into marriage only with their free and full consent. It further speaks about the same rights and responsibilities for women and men during marriage and its dissolution.<sup>25</sup>

*The Constitution of the Islamic Republic of Pakistan, 1973*, guarantees a number of rights independent of sex.<sup>26</sup> Thus, women are equal partners with men in the enjoyment of fundamental rights, whether they are civil and political rights, or economic, social and cultural rights. Moreover, it especially provides for the protection of women's rights by taking special measures.<sup>27</sup> Before the last decade, there was little legislation which dealt with the problems of women. The absence of laws was sometimes filled by customs, which were often against the women's interests. Nonetheless, the past decade saw the passing of certain pro-women pieces of legislation, which provided them a legal mechanism to safeguard their interests.

*The Criminal Law (Amendment) Act* (2004), *The Protection of Women (Criminal Laws Amendment) Act* (2006), *The Acid Control and Acid Crime Prevention Act* (2010), *The Protection against Harassment of Women at the Workplace Act* (2010), *The Prevention of Anti-Women Practices (Criminal Law Amendment) Act* (2011), and setting up the National Commission on the Status of Women are some other progressive legal steps. Certain amendments have been introduced in *the Pakistan Penal Code, 1860* (hereinafter referred as PPC)<sup>28</sup> and *the Code of Criminal Procedure, 1898* (hereinafter referred as CrPC)<sup>29</sup> to declare many anti-women practices as crimes. Now, criminal laws deal with honour killing as murder and prohibit the practice of exchanging women as a mechanism for resolving disputes.

24 *The Convention on the Elimination of Discrimination Against Women, 1979*, Article 5(a)

25 *The Convention on the Elimination of Discrimination Against Women, 1979*, Article 16

26 *The Constitution of the Islamic Republic of Pakistan, 1973*, Preamble; Articles 2-A

27 *The Constitution of the Islamic Republic of Pakistan, 1973*, Articles 25 & 27

28 Amendments in Sec. 299, 302, 305, 311, 324, 337N and 338E relating to honour crimes, amendments in Sec. 310 and substitution of Sec. 310-A regarding forced marriage, etc. to settle disputes, insertion of explanation of disfigurement in Sec. 332, insertion of Sec. 336-A and 336-B relating to hurt caused by corrosive substance, insertion of chapter XXA prohibiting specific exploitative and discriminatory practices against women, i.e., depriving women from inheritance U/S 498-A, protection against forced marriage U/S 498-B, prohibiting marriage with Holy Quran U/S 498-C, amendment in Sec. 509 (insulting modesty or causing sexual harassment).

29 Amendments in Sec. 345 and 401, and Schedule II relating to honour crimes.



As far as court procedures regarding runaway women are concerned, age<sup>30</sup> is of the utmost importance. When a runaway comes to the court, she appears before the judge who records her statement under Sec.164 of CrPC that she voluntarily left her home and that she is of an age where she has the right to decide for herself. In such cases she may ask for further relief, which may include protection from the police. Along with asking for redress, most women show apprehension of danger to life or body and demand protection by the state, which is provided by sending them to shelter homes, i.e. *Darul Amans*, until the final decisions of the cases. In cases of marriage by choice, as already mentioned, parents often register criminal cases by lodging FIRs<sup>31</sup> on the basis of abduction or kidnapping. Such FIRs are lodged not only against the husband of the woman but also against his husband's family. To avoid police investigation, any excesses by the police, and to get the legal authentication of the marriage, the couple often comes to the courts.

Though the Pakistani legal system includes pro-women laws, certain inherent faults do affect the implementation of these laws. Moreover, the hostile attitude of police and other officials prevents the females from speaking up and asking for relief. While talking to a judge on this issue, a hostile attitude was evident from his statement when he said, *A lot of cases like that come to this court, and I send many women to jail.* The judge further said, *Such women who come to the courts are not innocent and often are of bad character as they have the support of some lover in running away from home.* This attitude of judicial officers shows the general social unacceptability regarding such women. The role of the police compromises the position of females so they prefer not to involve the police and directly approach the courts. Rather, the police often serves as a tool for the family of the female as they initiate FIRs and complaints against the female and her prospective lover. Hence, we can say that at least some legal mechanisms exists for the runaway women, but their expediency is somewhat questionable and is directly or indirectly attributed to the social unacceptability of running away and the stigma attached to it.

### Customary Laws of Pakistan

Pakistani society is based on very strong customary law, which is why much progressive legislation opposing these customs is unable to take root. It is because of the lack of change in social attitudes that harmful customs still exist. On closely analyzing these harmful customs, we observe that most of these customs are used to the disadvantage of the females and to deprive them of their legal and religious rights. A matter of concern is that these customs have been given a religious color by following narrow and obscurantist interpretations of Islamic laws.

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30 If she is 16 or above she is considered major and can get her rights enforced by running away, otherwise it would be assumed as if she was kidnaped (but it may vary from case to case). Under Child Marriage Restraint Act, 1929 Section 2(a) the marriage of a female child under 16 years of age is held punishable. But even if a runaway girl is under 16 and is married, the Courts have protected her marital rights and her marriage is not declared false or invalid (See for example Allah Nawaz v. SHO Police Station Mahmood Kot District, Muzaffargarh, PLD 2013 Lahore 243)

31 FIR is the First Information Report, which is registered by the police and on its basis a criminal proceeding starts.

Along with the writ of state, in many parts of Pakistan, parallel tribal or feudal systems are in force, which have their own system of providing justice, like *jirga* and *panchayat* (Shah and Tariq, 2013). These systems go back centuries and have such deep roots in society that even clear Islamic rules could not totally abolish these systems; on the contrary, differences in interpretations of Islamic principles have strengthened these systems. One prominent feature of these systems is the fact that women do not have any say in decision-making. It is considered the absolute privilege of men to decide about women's fate. The lack of formal education amongst women only compounds this problem.

As mentioned earlier, in tribal and feudal systems women are treated as commodities and are often subjected to cruel decisions and practices as punishment for violations of social norms and customs. They are subjected to practices like *vani* (or *wanni*),<sup>32</sup> *sawara* or *vulvar*,<sup>33</sup> *dand* or *badda*,<sup>34</sup> which are different names of the similar practices. According to these practices, instead of paying blood money,<sup>35</sup> a girl under 18 is given into marriage as compensation to resolve disputes and family feuds (Goonesekere, 2004:194) to save her male relative from death penalty. Marriage with the Quran, *watta satta*, and fear of death or sale often cause women to leave their families.

Hence, we can say that although Islamic and Pakistani laws recognize the rights of women and provide means of redress, customary law and practices continue to be practiced in a rigid and cruel manner toward women. Though the laws need to be more clear, precise and favorable to the females, customary practices continue to stand in the way of realizing women's rights. The issue of runaway women needs clear-cut legislation providing for their security and safety during the litigation and thereafter. This requires the enacting and updating of laws, proper implementation and most of all a change in the mindsets of people.

## Conclusion and Recommendations

The problem of runaway women has social, legal, cultural and customary aspects. The act of women running away from their homes is a direct consequence of many practices oriented towards the suppression of females in society. Moreover, a mixture of religious and customary norms existing as parallel systems with Pakistani legal system creates a confused environment for women who try to protect their rights. No particular legislation exists regarding runaway women and hence should be put in place. On the basis of this study, the authors suggest and recommend the following actions:

On the present issue, a clear and precise legislation is needed. It is not that no favorable laws exist for women. Many existing laws include almost all of the situations in which a woman decides to run away and hence proper implementation of these laws by law enforcing agencies and courts may protect women's rights and reduce the number of runaway women. These laws should be collected under one act with added provisions to address the rest of the issues which have not been codified.

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32 *Vani* is a custom which is exercised in tribal areas.

33 *Swara* and *vulvar* are practiced in the province of NWFP (now *Khyber Pakhtunkhwa*).

34 *Dand* or *badda* are prevailed in the province of Sindh.

35 It is an amount paid as compensation by the murderer or his family to the legal heirs of the deceased.

Furthermore, mechanisms should be out in place for the proper implementation of these laws. It is the duty of the police to abstain from registering FIRs in cases where women and men marry freely and of their own accord and the courts should protect them.

Reconciliation process and the mechanism for the readjustment of runaway women in society should be made an imperative part of such legislation. However, the given conditions also require a long-term strategy for bringing about social change. Hence, along with legislation, other long term women's empowerment strategies like educating females and providing opportunity of economic independence should be the priority of the state. Furthermore, measures should be taken to encourage parents to respect the rights and wishes of their children.

At the very moment, the law relating to abduction and kidnapping as provided in the PPC must be revised to the extent that where a marriage has been duly solemnized it should be exempted from the scope of abduction and kidnapping. Marriage without consent of the guardian has been declared valid by the superior courts,<sup>36</sup> but it should also be codified.

A Wedding Registrar Office should be set up in each district. The registrar would conduct and register marriages after going through all the necessary legal requirements. S/he would check eligibility and make sure the parties are getting married with their free consent. S/he would tell them about their rights and duties as spouses, i.e., dower, maintenance, divorce. S/he would also refuse to register a marriage if a requirement is not met.

The role of judiciary is significant in protecting runaway women. There are many landmark decisions where the courts have upheld the rights of these women.<sup>37</sup> However, it has been felt sometimes that the courts were reluctant to endorse the runaway marriages.<sup>38</sup> In most cases of honour killings, the courts have not punished the wrongdoers (Shah, 2002). The courts must uphold the laws in order to punish violators and protect the rights of women.

Last but not the least, we are of the opinion curriculum reforms would play a vital role in educating the youth and reducing the number of runaway cases. Awareness programmes should be conducted for both girls and boys regarding their legal rights. Advertisements, public service messages, talk shows, seminars, teaching gender equality and women rights at schools, activities and workshops for judicial officers, parliamentarians, district level administrators, NGOs and youth, will raise awareness.

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36 Naseer Ahmed v. State, 2011 MLD 1228; Muhammad Musa v. State, 2007 PCRLJ 1342; Mst. Hajra Khaatoon v. SHO Police Station Fateh Jang, District Attock, PLD 2005 Lahore 316; Rukhsana v. SHO Police Station Belo, Mirpur Methelo, 1999 PCRLJ 638; Abdul Waheed v. Asma Jehangir, PLD 1997 Lah. 301; Muhammad Imtiaz and another v. The State, PLD 1981 FSC 308

37 Mazhar Ali v. The State, 2005 SCMR 523; Humaira Mahmood v. State, PLD 1999 Lahore 494; Abdul Waheed v. Asma Jehangir, PLD 1997 Lahore 301

38 Nadeem v. State, 2012 PCRLJ 1629; Lubna v. Govt. of Punjab, PLD 1997 Lahore 186; Mukhtar Ahmad v. Ghafoor Ahmad, PLD 1990 Lahore 484

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