

STATUS, RIGHTS & PROTECTION OF WOMEN IN ISLAM AND LAWS IN PAKISTAN

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Women and men are equal in the eyes of Islam. There is no discrimination on the basis of sex in Islam. A woman in Islam is a 'sui juris'. She possesses full social and civil rights. She can acquire and own property exclusive for herself. She can buy and sell the property in her own right. In fact, she has a complete independent character in this behalf. It will be of interest to note that in England till 1883 the married women could not acquire properties in their own name exclusively.⁽¹⁾

The Holy Qur'an gives the best example regarding equality of status of man and woman when it says:

1-a هن لباس لكم و انتم لباس لهن

"They are your garments and ye are their garments."

Men and women are each other's garments i.e. they are for mutual support, mutual comfort and mutual protection, fitting into each other as a garment fits in the body. It further says:

1-b ولهن مثل الذى عليهن بالمعروف

and they (women) have rights similar to those over them in customs. For equal opportunity of education, the Holy Prophet (صلی اللہ علیہ وسلم) said:

1-c طلب العلم فريضة على كل مسلم

i.e. to acquire education is the duty of every Muslim man and woman. As to the acquisition of professional training, there is no bar to women, but the nature of job is to be such as not to affect her modesty and social behaviour.⁽¹⁾ The Holy Qur'an in Surah *Al-Nisa* "The women" in the very first verse telling about the origin of human, being says:-

1-d يا ايها الناس اتقوا ربكم الذى خلقكم من نفس واحدة
 وخلق منها زوجها وبث منها رجالا كثيرا ونساء

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bodies is a central part of our faith. We should device appropriate policies for betterment of environmental health for personal life of individual, family life and well being of community. May Allah give us enlightenment and strength to understand His real message, the message of peace, love and tranquility through the Holy Qur'an as practically demonstrated by Holy Prophet (صلى الله عليه وسلم).

REFERENCES

1. *The Oxford English Dictionary*, London, Oxford University Press, 1960, P. 231 V: III.
2. Phillip Babcock Gove, *Webster's Third New International Dictionary*, USA, Ed. in Chief, Merriam-Webster Inc. 1986, P. 760
3. David L. Sills, *International Encyclopedia of Social Sciences*, USA, volume 5, ed. The Macmillan Co. & The Free Press, 1968, P. 93
4. Ibid P. 93
5. Qur'an (02 : 30)
6. Tariq Malick Mohammad, "*A Comparative Study of Kantian and Islamic View of Human Freedom*", Peshawar. M.A. (Philosophy) Thesis, University of Peshawar, 1987, P. 32
7. Qur'an (07 : 31)
8. Qur'an (06 : 141)
9. Qur'an (44 : 39)
10. Atheshin Hussain Mehmat, "*Urbanization and the Environment and Islamic Perspective*", An Early Crescent, ed. by Ziauddin Sardar, London, Mansell Publishing Ltd., 1987. P.
11. Ali, Shariati, Dr. Ali, Hajj, Tr. by A. Behzadnia, Najla Denny. nb. nd, P. 17
12. Ibid P. 38
13. Qur'an, (02 : 83)
14. Qur'an (31 : 19)
15. Qur'an (17 : 36)
16. Qur'an (03 : 186)
17. Qur'an (08 : 28)
18. Qur'an (08 : 28)
19. Qur'an (21 : 134)
20. Tariq, Malick Mohammad, "*A Comparative Study of Kantian and Islamic View of Human Freedom*", Peshawar. M.A. (Philosophy) Thesis, University of Peshawar, 1987, P. 32
21. Ibid P. 105
22. Kant, "*Ethical Theory*" ed. Ross David, London. Oxford University Press, 1962, P. 39

*And know that your possessions and your children are a test.*¹⁸

It is therefore the responsibility of man to use all these things in the universe in such a way that he is a trustee and accountable for its use and use according to his needs as the Holy Qur'an says:

*Eat of the good thing, we have provided for your sustance, but commit no excess therein, lest My wrath should justly descent on you.*¹⁹

It is the fundamental principle of law that motives and intentions are the criterion by which actions of men ought to be judged. In other words actions are held to be good or bad, just or unjust, criminal or innocent if the motives are good or bad, just or unjust. Since motives are closely connected with our will to do certain things. All actions are done with the help of will. Will is the chief element, which leads men to act. In Kantian theory, everything to the conception of laws, that is, have a will, since the deduction of action from principles requires reason, the will is nothing but practical reason.²⁰ He further says, we must act not from inclination but from duty, that is, one can say at once that a dutiful action derives its worth, not from its consequence, but from some general law or principle,²¹ as according to his first formulation of categorical imperative:

*Act according to the maxim, which can at the same time makes itself a universal law.*²²

But here Kant does not talk about the law itself that what sort of law must be universalized. While Islam, on the other hand, in the Holy Qur'an clearly contains the direction and guidance for mankind. It says that the most honorable man in the sight of Allah, is he, who has Al-Taqwa i.e. most careful of his duty to Allah and than man has the rights only to the extent to duties, he perform. Islam is a way of life. It is simple and uncomplicated religion, giving one maximum freedom without encroaching on the freedom of others. Islam is a religion, which can be followed easily by everyone, everywhere, in a day to day life. The message of Islam is universal and addressed to the whole mankind. Muslims therefore, have the obligation to ensure that it reaches all people at all times of human history.

The entire thrust must be toward translating a conception of Islamic society, responsibility and awareness in Ummah. Islam teaches us that our bodies are sacred trust. Personal hygiene and respect for our

existence with both the need of human health and sustaining of natural environment.

‘Alī Sharīfī mentions the philosophy of Hajj that transmit the message to the whole mankind to live their life on earth on such patterns. that is,

Do not harm animals, or insects. Therefore for a few days live like Jesus:

Do not break or deroot plant. Therefore kill the tendencies of aggression by being peaceful toward nature.

Do not hunt. Therefore, be merciful to others.¹¹

He further says:

Make your land safe, as if you are in the Haram area;

Make the earth the safe-Mosque, as if you are in safe-Mosque.¹²

The Holy Qur’an describes the noise pollution in such a way that the voice, when talk, should be neither too high that it may irritate the hearer, nor it should be too low that it becomes inaudible and needs repetition for hearing. Talking at a high pitch or speaking harshly has been compared to an unpleased braying of an ass, and so it has been condemned in the Qur’an.

And speak kindly to mankind.¹³

And be moderate in thy pace, and lower your voices, for the harshest of voices is the braying of the ass.¹⁴

Human life is nothing but a preparation for final trial, the ultimate judgment. It is this perspective that every human act is accountable whether it is public or private, humble or grand. As the Holy Qur’an says:

You and every organ of your body are responsible for your deeds while you are in this “house of correction” and get ready for the “house of Justice”¹⁵

You shall certainly be tried and tested in your possessions and in your personal selves.¹⁶

And know ye that your possessions and progeny are but a trial; and that it is God with whom lies your highest reward.¹⁷

ecosystem. The problem is going to get vastly more serious because no industry will grow much faster in the next few decades than plastic industry.

Pollution is one of many deleterious side effects of tremendous rate of energy use by modern civilization. Because this high rate is not spread evenly all over the planet, but is concentrated at concern sites (cities), that production of pollution also is enormously concentrated in space, and this makes the disposal problem more acute.

Environmental issues, needless to say are integral parts of sustainable development. Without preservation of Pakistan's environmental integrity, agricultural and other sectors will dry up as natural resources exhaust themselves.

Environmental problems in Pakistan are growing fast. The wide ranging and complex problems include natural hazards and disasters. Urban and industrial growth, increasing air and aquatic pollution, waste disposal and material use, coastal and marine pollution.

As with other areas environment is a cross cutting issue. The root cause of different environmental problems varies. Much of severity of the problem is driven by the demographic situation, although other aspects of the human condition-such as cultural, social and economic status; traditional and acquired technologies, institutional and legal systems; and changing consumption patterns have all played a significant role. The impact of industry on environment has become increasingly evident. resource depletion; contamination of water, air, and land; health hazards and degradation of natural ecosystem. Industrial source contribute a relatively high share to air pollution in Pakistan because the main source of industrial energy is fossil fuel, with a high share of coal, and major air polluting industry, such as iron, steel, fertilizer, and cement are growing in Pakistan. Similarly water-polluting industries are expanding very rapidly. The transportation sector has become a key-accelerating factor for economic growth as well as environmental degradation. A relatively heavy concentration of road networks and vehicles in a few cities has resulted in a high level of pollution in the country.

As a Khalifat-ul-Ard, it is his responsibility to pursue such policy guidelines for clean air, clean water, noise free environment, the management of industrial processes and their waste to harmonize human

use of God's creation. His life-long acts are considered as an examination of which final evaluation/result is left for hereafter.

The divine endowments of man are innumerable. The vital of them are food and drink on which depends the life in the world. Since food and drink are the bare necessities of life, every living being in the earth has a basic right to partake of them; and it is the moral duty of every person to see that other person also get their due share out of nature's general provision. It is therefore obligatory on man to use that much quantity of food and water, which may be necessary for his maintenance of life and need and avoid extravagant use and waste so that he may be secure from such an accountability on the day of reckoning. Spending money, eating and drinking have been made permissible but not to the extent of prodigality.

You may eat and drink, but waste not by excess, for He Allah does not love the prodigals.⁷

Avoid waste, verily He does not love those who are prodigals.⁸

These types of lapses, petty at the outset, could eventually be a cause of grave offences and crises. They amount to abusing the civic right of the people, injuring the feeling of the fellow being⁵, wasting away money and the nature's resources out riles.

The Qur'an clearly defines the nature of the universe that composes the totality of environment and purposiveness and function according to natural law as:

We did not create heaven and earth and all between them carelessly. We did not create them but for right ends.⁹

Environment problem brought threat to our planet and other species by careless and wasteful use of its natural resources as Richard Sand brook, who identifies the two 'driving idol', the free market economy and the nation state, as responsible in the main for the destruction with which we are confronted.¹⁰ Man is running matter through the planetary ecosystem faster that wastes produced can be decomposed. Consequently, there is a tremendous accumulation of material, or pollution, which cannot be readily assimilated for recycling through the system. To intensify the problem, much of the litter from civilization, like plastic, is non-biodegradable, unlike the litter of natural

one way or the other. Naturally their's use should be in a dignified manner i.e., avoiding the extremes which might affect the environmental aspect of the universe.

There was a time in beginning of human race, when man was chiefly dependent on plants for his existence, because what he barely needed was food, covering for the body and a simple shelter: but today the world has gone very much ahead in science and civilization, in consequence of which man's wants have multiplied and become varied to a startling extent and his existence has become increasingly complex. His wants are not restricted only to basic needs of food, clothing, and shelters but they have spread enormously, covering too extravagant things and commodities, which have made his life easy and luxurious. He is always trying to know about enabling him to have more of the articles of enjoyment. This complexity and multiplicity in wants have pressed man to sift and sort out which articles are vital for his existence and which thing he can avoid for their having evil and unholy effects.

The holy Qur'an teaches the general principles of life, the individual life, the family life the social life and the life of nation. It teaches us how to develop love, affection, kindness, piety and the responsibility for society. 'Alī Sharīfī says: Islam recognizes the family as a constitutive unit of social order; and humanity as Universal Social Order.⁶

A man, although has an individual existence is a member of family and of large society. The immediate responsibility of man is confined to his ownself, his family and to society and ultimately to universe. With increase in knowledge and experience, thus gained, man become conscious of such problems as water, weather, environment and pollution.

As with everything else, the focus of attention is directed at man in his worldly role and in his position in the eternal order. Man being vicegerent of Allah on earth, rest of the creation is subordinated to him. This is nothing else but a responsible designated agent of Allah. Further, there is moral dimension to man's effort to shape his environment. The term of this responsibility is charged with trust in Allah which mean that mankind has no absolute right to use, abuse or dispose of the environment and God's creation according only to needs of today, or human whims. Therefore in utilizing the resources of the universe for this purpose he is bound to act as a responsible agent and not as some one acting on momentary whims, and personal desire. Mankind is accountable for the

Consumers fall into one of the following four classes on the basis of their food source. A consumer that eats only plants is herbivore, where as a consumer that eats only animal is carnivore. An omnivore eats both plants and animals. The fourth group of consumers feed upon detritus- the freshly dead or partially decomposed remains of plants and animals. This class, called detritus feeders or decomposers which include bacteria, fungi, and such animals as termites and maggots.

Ecology is concerned with the relationships of living things and their environments. It provides a framework by which we can see that all living things are related to other living things, and they are all likewise related to their physical environment.

Ecology and environmental quality are of interest to all people. It is continuously appealing to people regardless of political views, religious beliefs, ages, or income levels. Earth is a living planet covered with a thin sheet of life giving air and orbiting in hostile nothingness.

The world was created by the will of Allah and man was placed as his viceroy in this world. The world created is equipped with all material, ethereal and celestial resources to be exploited by man who is representative of Allah on earth, as the holy Qur'an says:

And when your Lord said to the angels, "I am going to place in the earth a Khalif", They said; Will thou place in it such shall make mischief in it and shed blood, and we celebrate, Thy praise and extol thy holiness? He said: Surely I know what you do not know.⁵

Man has been destined to live in a world which is entirely material and equipped with every things earthly, he has been warned not to get absorbed in playful pastimes or waste the vital moments of his life in pursuance of personal benefits. Along with the provision of the material resources of time, matter and space he has been endowed with the intellectual and spiritual potentialities which would help him to come out of the chaos and make his life simple and significant. His exploitation of material resources should be restricted to his satisfaction of the minimum needs of life and not intended for drawing out the maximum material pleasure and comforts lest he should get lost and become quite oblivious of his real objective.

In various verses, the holy Qur'an mentions rivers, mountains, animals, plants and fruits etc. which serve manifold needs of mankind in

ENVIRONMENT: AN ISLAMIC PERSPECTIVE WITH REFERENCE TO PAKISTAN

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Environment has been defined as, "the conditions under which any person or thing lives or is developed; the sum-total of influences which modify or determine the development of life or character"¹ or "the aggregate of social and cultural conditions (as customs, laws, language, religion, and economic and political organizations) that influence the life of individual and community".²

When we look at human environment, the continuing interaction between organism and surrounding is very evident. It is often said that man, far more than other animal, has developed the ability to modify the environment and thus to live under a wide range of physical and biological conditions. He has, in fact, created a new "biome" or ecological formation—the man-altered landscape which rapidly replacing other terrestrial landscapes as forest are cleared, grass land ploughed and desert irrigated. Man, assuming ecological dominance within this biomes, has affected directly or indirectly all other organisms living there; he has become a new geological force.³

Most members of the human species now live within this man-altered landscape. But this environment is not only a consequence of human activity. For instance, man has created the city; but the nature of the city, of the Urban environment, govern his behavior much as the forest governs the behavior of tree squirrels. We could perhaps most profitably look at this new kind of biome as forming the human ecosystem.⁴

To understand the laws that govern the movement of materials and energy in the environment is ecosystem. An ecosystem is a functional unit of environment that involves all organism and physical features within a given area. An ecosystem thus consists of both living, or biotic, and non-living, or a biotic components. The biotic Community is made up of producers and consumers, which are distinguished by their major functions. Producers, mainly green plants, manufacture their food from water and carbon di-oxide, using sunlight as a source of energy. In contrast, consumers are incapable of producing their own food, and mostly consume other organisms for energy and nutrition.

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- (B) Muhammad Ibn-e-Hussain Al Toori "*Al-Bahrul Ra'iq*", Saudi Arabia, Maktaba Abbas Ahmed Al-Baz, P. 309 V:8
13. Ibn-e-Abideen, "*Durr-ul-Mukhtar*", Egypt, Maktaba wa Matba Mustafa, 1966. P. 302 V:6
 14. Sarahsee, "*Al-Mabsoot*" Beirut, Lebanon, Dar-al Ma'arif, P.11 V:12
 15. Qazi Khan, "*Fatawa Qazi Khan*", Lakhnow, India Matba, 'Ali, P. 753 V:4
 16. Abdul Rashid Al-Bukhari, "*Khulasal ul Fatawa*", Lahore, Amjad Academy, P.304 V:4
 17. Rashid Ahmed, "*Ahsanul Fatawa*", Karachi, H.M. Saeed & Company, P.469 V:7
 18. Al-Bukhari, "*Sahih Al-Bukhari*" Beirut, Lebanon, Dar-al-Fikr, P.291 V:4
 19. Muslim, "*Sahih Muslim*" Beirut, Lebanon, Dar Ahya ul Kutub Al Arabia, P.988 V:3
 20. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P.2790 V:6
 21. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P.2791 V:6
 - a) Qur'an 6:121
 22. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P.2790 V:6
 - a) Qur'an 5:4
 - b) Qur'an 6:118
 - c) Qur'an 6:119
 23. Ibn Taymiyah, "*Fatawa Ibne Taymiyah*", Saudi Arabia, Matba-al Riyadh, P.145 V:35
 24. Muslim, "*Sahih Muslim*", Beirut, Lebanon, Dar-al-Qalam, P.116 V:13
 25. Shabbir Ahmed Usmani, "*Tafseer Usmani*", Lahore, Alameen Publication 1984, P.190 V:1
 - a) Qur'an 6:145
 26. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P.2789 V:5
 27. Ibn Hajar, "*Fathul Bari*" Beirut, Lebanon, Dar-al-Fikr 1991, P. 12 V:5

2. There should be intention of *Bismilalh* before slaughtering.
3. No name other than Allah should be recited at the time of slaughtering.
4. There should not be long time-gap between the recitation of *Tasmiyah* and act of slaughtering.
5. *Tasmiyah* should be recited separately for each slaughtering operation.
6. It will cover only those animals/birds/chickens that are slaughtered in one operation. If one animal/bird is slaughtered in one operation, the *Tasmiyah* should be recited for each animal/bird.

REFERENCES

1. Qur'an 5:3
a) Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P.2777 V: 6
2. "*Al-Fatawa Al-Hindia*", Egypt, Matba'Al-kubra Al-Ameeria, P.287 V:5.
3. Abu Dawood, "*Sunan*", Karachi, Wali Muhammad and Sons, P. 390 V:1
4. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P. 2783 V:5
5. Al-Qurtubi, "*Al-Jamia Ahkamul Qur'an*", Beirut, Lebanon. Dar al Fikr, 1987. P. 23 V:6
6. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P. 2787 V:6
7. Al-Kasani, "*Al-Bada'i wa al-Sana'i*", Egypt, Matba ul Imam, P. 2787 V:6
"*Al-Fatawa Al-Hindia*", Egypt, Matba'Al-kubra Al-Ameeria, P.286 V:5
8. Ibn Rushd, "*Bidayat-al-Mujtahid*", Lahore, Maktaba al Ilmia, P. 359 V:1
9. Ibn-e-Abideen, "*Radd-ul-Mukhtar*", Egypt, Maktaba wa Matba Mustufa, 1966 P. 302 V:6
10. Ibn-e-Abideen, "*Durr-ul-Mukhtar*", Egypt, Maktaba wa Matba Mustafa, 1966 P.302 V:6
11. Sarahsee, "*Al-Mabsoot*" Beirut, Lebanon Dar-al-Ma'arif, P. 10 V:12
12. (A) "*Al-Fatawa Al-Hindia*", Egypt, Matba'Al-Kubra Al-Ameeria, P. 289V:5