

IMAM TIRMIDHI AS A MUHADDITH AND FAQIH IN THE LIGHT OF INTERNAL EVIDENCES

Obaid Ahmed Khan*
Zafar Alam**

ABSTRACT:

The next source of Islamic law after the Holy Quran is Sunnah of the Holy Prophet (pbuh). So Muslims always attach great importance to it. They made painstaking efforts to collect and preserve the Ahadith with authenticity since the Holy Prophet's life. Though the preservation of Ahadith passed through various stages but the final shape was given to it by the compilers of six authentic books (sihah sittah). As Muslims mostly rely on these books, that was why they made their best of efforts to provide further detail of these books.

In this article I tried to highlight on the position of Imam Tirmidhi in Hadith and Fiqah. The most important thing to be noted here that I tried to give internal evidences (the references from his own work) wherever available while talking his conditions about acceptance of Hadith, his school of thought in Fiqah, his taking benefit from the compilers of other authentic books etc. This way of research is the most reliable to get the most accurate information about someone's thoughts as internal evidences can never be denied.

Imam Tirmidhi's birth:

He was born in 209AH. Rasheed Ahmed Gangohi writes in his book:

“Sheikh Ahmed Muhammad Shakir has narrated in the preface of his Ta’leeq on Jami’ Tirmidhi that he was born in 279 AH. The same is written in the marginal notes of Al-Ikmal by the writer of Mishkat, and the same is written in the commentary of Siraj Ahmed Sarhindi.”¹

His full name was Muhammad b. ‘Isa b. Sawrah b. Sakan. Some Muhaddithin wrote Muhammad b. ‘Isa b. Sawrah b. Sharar b. ‘Isa.² But Ibn Hajar and Ibn Kathir accepted Muahmmad b. ‘Isa b. Sawrah b. Musa b. Zahhak.³

His ascription is said to be al- Sulami al- Boghi al-Tirmidhi. Al- Sulami represents his relation with the tribe of Banu Sulaim of Qays A’ilan and Bogh was a village in Tirmidh and Tirmidh was an old and historical town on the bank of the lake of Balkh. Sama’ani writes:

“This (al-Tirmidhi) refers to an old town on the bank of the lake of Balkh known as Jayhoon.”⁴

BEGINNING OF HIS EDUCATION:

Any sound information is not available about the beginning of his education but can take help by the internal evidences so we should see which of his teachers died first. Through research we can say that he started his expeditions in the search of knowledge in about 235 AH, when his age was twenty as the Muhaddithin from whom he narrated the Ahadith with mean of another narrator had died before 235 AH. For example:

* Assistant Professor, Department of Islamic Learning University of Karachi

** Research Scholar, Department of Quran and Sunnah University of Karachi

Email: samigmk@yahoo.com, Date of Receipt: October 19th, 2012

This study explains weaknesses in Marxist model for understanding territorial-based multi ethnic society of Pakistan. Pakistani society is divided in layers irrespective of economic classes. These classes remain within the ethnic enclave. Only the corporate class does not care about ethnic demarcations because of their corporate interests. But lower and middle and upper middle classes move within the ethnic identities.

This study includes factors that constitute social structure of Pakistan. Pakistani society has gone through a social stratification process which is different in so many ways from other countries of the region. This process has given birth to number of identities, ethnic, religious, sectarians, caste, clan and tribes and *bradries*. This process of social stratification blurred the line among classes in Pakistan. The emergence of middle class in Pakistan is difficult to place in the social strata. It is difficult whether this class is characterized by income levels or educational attainments or the nature of occupation. In Pakistan, occupational rotation and uncertainty has created fluid social structure. This fluidity poses challenges to the middle class emergence and its growth.

In the light of above discussion this study concludes that the role of *Salariat* class is trivial but not insignificant. However, other factors are also significant in the various movements in subcontinent. Pakistan's typical social structure left little room for Marxist model to explain the class activities in social movements in Pakistan.

REFERENCES

- 1- Hamza Alvi's article, "Politics of Ethnicity in India and Pakistan", published in Hamza Alvi & John Harriss (ed), *Sociology of Developing Societies: South Asia*, Macmillan, London, 1989.
- 2- . Ibid, p. 225.
- 3- Ibid, p. 222
- 4- *For the argument of imagined communities, see introduction of Benedict Anderson, Imagined Communities: Reflection on the Origin and Spread of Nationalism, London 1983*
- 5- *See Bipinchandra Pal, Memories of My life and Times, Calcutta 1932, reprinted in 1973*
- 6- Gopal Balakrishnan (ed), Mapping the nation, Verso, 1996, London pp. 216-217
- 7- Paul Brass, The Production Of Hindu-muslim Violence In Contemporary India University of Washington Press, 2005 p. 13
- 8- Francis Robinson, Separatism among Indian Muslims: The politics of UP Muslims 1860-1923, Oxford University Press, p. 143.
- 9- Debadutta Chakravarty, Muslim Separatism And The Partition Of India, Atlantic publisher & Dist, 2003, pp.132-135
- 10- Government of Sind, "Report of the Government Hari Enquiry Committee: 1947-48, Karachi, p. 97.
- 11- Masud, M, "Hari Report: Note of Dissent", 2nd ed., Karachi, 1976.
- 12- George Eaton Simpson, John Milton Yinger Racial and Cultural Minorities: An Analysis of Prejudice and Discrimination, Springer, 1985, pp. 54-57
- 13- Ibid, p. 54
- 14- Ibid, p. 62
- 15- Ibid, pp. 72-74
- 16- Gordon Willard Allport, The Nature of Prejudice, 25th ed, Addison-Wesley Publishing Company, 1979, pp-23-25

(Pakistanization), federal government's policies provoked ethnic sentiments and federating units were projected as ethnic units of the federation. After the separation of East Pakistan, sense of deprivation among the smaller provinces of left-over Pakistan was not over, it was further intensified.

Pakistani society is held together by the coercive power of the larger cultural group. In this system political power is exercised through control over the state machinery including the military. The state as the supreme coercive power and those who control the armed forces ultimately exercise sovereignty. These forces are normally required to protect the territorial boundaries of the state as well as protect that particular group from which they belong.

The ultimate power structure in Pakistan is dependent upon a closer relationship between the military and feudal elite of Punjab who also control the economic resources of the country. Smaller ethnic nationalities residing in the small units of the federation of Pakistan regard themselves as having been exploited in the interests of the dominant group that is Punjab. This is the situation that Yinger termed as '*Internal Colonialism*'¹³.

The idea of Internal Colonization emanates from a strong perception of being exploited and deprived. These perceptions are formed on the popular notions based on reality and propaganda both. Propaganda launches through community dialogues and patronize by print and electronic media. Another important feature of Pakistani society is the fundamental cause of the prevailing sense of deprivation that yinger termed as 'Institutional discrimination'. This discrimination is an articulation of a certain type of inherent inequality in the existing socio-political structure of Pakistan. Yinger posits that ethnic escalation is best seen as a response of Institutional discrimination forced by certain group or groups. Discrimination shows its ugly face through varied expressions. At its worst, discrimination takes away freedom and rights, destroys human dignity and in the end enslaves people¹⁴. In its milder form, discrimination is an unintentional byproduct of decision making. In Institutional Discrimination decisions are made intentionally. Under such arrangements equals are treated unequally. In other words we can say that the Institutional Discrimination is an antithesis of social justice¹⁵.

In Pakistan Institutional Discrimination is based upon a systematic way of policy making in wide range of public and private sectors. Social discrimination is difficult to root out since it based on deep-seated beliefs and customs. This discrimination takes the extreme form of preventing certain individuals or groups from engaging in social interaction. Under these arrangements racial prejudices is a way of life, sanctioned by custom and frequently enforceable by law¹⁶. For example Quota system in Sindh, though unjustly imposed, significantly hampered the assimilation between the two communities; Urdu speaking and Sindhis.

CONCLUSION

This study suggests number of questions on the role of classes in colonial and post colonial subcontinent. Should we study classes in their respective identity enclaves that is ethnic, provincial, sectarian, tribal or caste? What factors were involved in the formation of classes in Indian subcontinent means of production, employment, ownership, education or how masses were treated by the law of the land? Should the role of state and its policies be considers in examining the interplay of different classes? The above discussion needs detailed scrutiny that can be conducted through ample sources.

The same situation still prevails in Sindh and in South Punjab. The means of production, political participation, tenancy laws and electoral politics make such a complex web of society where Marxist model may have some analytical shortcomings. I think to evolve a theoretical framework to explain ethnic conditions in Pakistan would be misleading as long as we consider the various nationalities of Pakistan as an ethnic group. The four provinces with four distinct nationalities have particular cultures that have long history of commonalities. Their history provides them a potential source of identification that are the products of peculiar historical circumstances within which they have emerged. They supported the two nation theory not with the zeal of Muslim nationalism, rather seeing an historic opportunity to become liberated from the centre Delhi. They were seeing a chance, even within the new setup of Pakistan, to be autonomous. However this objective soon dissipated within few years of its existence. In a result of acute disparity and state oppressions, East Pakistan(Bengal) got rid of the yoke of West Pakistan's bureaucracy. Separatist tendencies surfaced time to time in North West Frontier Province and Baluchistan. These tendencies have never been eliminated completely till to date. It was very unfortunate for the federation of Pakistan that with the passage of time, it had become synonym of Punjab. After 1971, the federal policies, revenue and disbursement, development funds and distribution of natural resources made smaller provinces feel that they were being deprived from their due rights in the federation. Zulfikar Ali Bhutto, as leader of masses, introduced centralization of Power. He dissolved assembly of NWFP and conducted operation in Baluchistan. Such highhandedness provoked ethnic sentiments of the people of NWFP and Baluchistan. Hamza Alvi's Salariat does not explain the role of federal policies in shaping the ethnic identities in the politics of Pakistan.

This research suggests that such complex and multi-ethnic situation of Pakistan can be best explained by Yinger's model of 'Internal Colonization' and 'Institutional Discrimination'. The term 'Internal Colonization' can be defined as a process by which a large cultural group subjugates a small group or groups in all spheres of state's life. Internal colonizer(large cultural group) defines nationalism in its most extreme forms, glorifies the state and in its Fascist manifestations, uses genocidal policies to eliminate ethnic diversity. It controls the means of production and on the basis of majority they plan demographic changes to gain socio-political and economic domination¹².

In Pakistan social mobilization, instead of maintaining social cohesion, has unleashed forces of disintegration. Socio-political and economic dependency have forced different cultural groups together, into an acute recognition of their differences and their common, mutual experience of strangeness. However in the face of 'Internal Colonization' this delicate cohesion resulted in conflicts and destabilization. After the creation of Pakistan the province of Punjab was deemed as Internal Colonizer by the other smaller provinces (including East Pakistan). This perception was made because of the over-centralization of the federal bureaucracy which was mostly staffed by the people of Punjab. Strong feelings were precipitated among smaller provinces that their rights are encroached. Its policies of hegemonization provoked a sense of fear for the small provinces Sindh, NWFP and Baluchistan. The province of East Pakistan reacted in a decisive manner which resulted into break up between the two wings of Pakistan. The creation of Bangladesh poses serious question on the validity of two nation theory on the basis of religion. The separation of East Pakistan also provides a good case study to examine the role of Salariat class in the separation. Federation of Pakistan did not learn lessons from the debacle of East Pakistan. Instead of initiating a process of nation-building

the soil. It is, therefore, difficult to support the argument that the Salariat class was at the centre of the Pakistan movement⁹.

After the partition, the Salariat class played significant role in shaping ethnic movements and class struggle in India. In a quick and well grasped survey of various cases, Alvi examines Salariat's role especially in the Dalit movement(Scheduled cast movement). In his view, the increasing unemployment among the educated sections of less privileged classes creates restlessness in the masses. It is so that the Dalit movement remained free from ethnic emblem. The Salariat actively participate in the areas such as Telgu, Malayali and Kannada. However in these areas it initiated a targeted course of action against Brahmin domination. Comparing the two countries Pakistan and India, we see that the vast land of India and its heterogeneous masses provide a conducive environment for class struggle, while Pakistan has a distinct setup of four major ethnic nationalities in which the Salariat class seems less active in any attempt of launching movements after the partition of Indian sub-continent.

It would be gross misstatement if we call political movements as the class struggle in Pakistan. The notion of classes and their role has been examined by the scholars under Marxist framework. Classes do exist in Pakistan but perhaps Marxist model does not provide an accurate explanation of their involvement in various political movements in the country.

For instance, peasants of Sindh remained the most deprived and insecure segment of Pakistani society, but we hardly seen genuine Hari movement in Pakistan. Zulfikar Ali Bhutto, who was known as the leader of the deprived classes, served the military general for seven year, started a political movement in 1967aiming to reconstruct the Pakistani society. But there was no visible change in the life of the people and even no relief was given to Haries who continued serving to their feudal masters.

The recommendation of Sindh Tenancy Legislation Committee(1945) had remained unimplemented. In 1947 government's Hari Inquiry Committee failed to recommend security of tenure for the Haris(peasants) and only laid down regulations governing tenancy agreement¹⁰. But this class never rebelled against their feudal Lords. M. Masud's, a member of Hari Committee, comments provide perhaps the best explanation of the situation in Sindh. He wrote:

“ The Hari, who has cultivated a piece of land for several generations, does not know how long he will be allowed to stay on it. Fear reigns supreme in the life of the Hari fear of imprisonment, fear of losing his land, wife or life.... He might have to leave his crop half ripe, his cattle might also be snatched and he might be beaten out of the village. He might suddenly find himself in the fetters of police under an esquire for theft, robbery or murder.... The Hari fears the Zamindar's punishment more than he fears the torture of hell....As soon as the Zamindar appears on the fields the Hari and his children of and bow before him till they touch his feet, then rise up to kiss his hand....A good- looking wife is a constant source of danger even to his life. The Hari is asked to surrender her and he is subjected to intimidation, threat or coercion. If he does not yield, the wife is kidnapped or he is sent behind the bars in a false criminal case and the wife left alone is compelled to live with the Zamindar sees no other hope of success”¹¹.

nations by the representative nationalists (Bengalis, Pakhtoons, Sindhis, Baluchis and Punjabis) with particular cultures, languages and well demarcated geographical boundaries. These communities are not imagined in the due course of historical process⁴. These communities are characterized by forces of primordial nature. The proponents of this argument present ample sources from history to prove their identities as a nation. Hamza Alvi rightly describes that Pakistan did not face centre- peripheral tension as the neighboring country India did. His total negation of religion as an identity for Bengali Muslims during the Pakistan movement seems sound and it was proved later in 1971(creation of Bangladesh). However, the role of religion can not be marginalized in keeping people apart of the same culture that is Bengali Hindu and Bengali Muslim during the Pakistan movement. The role of Salariat can also be traced in the religious impulse of Muslims of Bengal.

Alongside Alvi's formulation of Salariat does not reconcile with the Bengali nationalism that whether it was a ethnic community or a nation. Partition of Bengal in 1905 and its annihilation highlight variables in addition to the role of Salariat class in Bengal. A fair judgment is that the Salariat formulation does not explains Bengali nationalism particularly in ethnic terms⁵.

It is also arguable that the Salariat class shaped the early stage of Indian nationalism who was mainly interested in 'Indianization of government services'. Indian nationalism assumed its communal flavor when Indian National Congress was formed in 1885 and in response to this All India Muslim league was formed in 1906. These dates are considered as the beginning of communal nationalism in the subcontinent⁶. But this Salariat analogy confuses the arguments when Muslim nationalism converted into the demand of a separate homeland for Muslims of the subcontinent. Communal conflicts were erupted and in some case patronized. This communal discourse provides a framework for explaining riotous violence. This framework allows Indian citizens, particularly its dominant castes and classes to accept the persistence of such violence in their society as an instrument of advancing their political goals in pre-partition India⁷.

The demand for a separate homeland which was already perceived in the minds of Muslims of the sub-continent, raises a series of questions for the Muslims of minority provinces like UP, CP and Bihar; Did they not know their economic status would not be ensured in a newly independent state? Did they not realize they would not have cultural similarity with the people of provinces included in Pakistan? Did they fail to realize that for those Salariat who intended to stay in India after partition, their socio-political position would be too fragile in case of large-scale migration of Muslims to Pakistan? And had they not anticipated the lasting hostility between Hindus and Muslims after this demand? These questions displace the Salariat formulation as Alvi explains its working.

Answers to these questions require lot of space and can be given in an objective manner. To mention only few, Abul Klam Azad, Moulana Shabbir Ahmed Usmani, S. Wazir Hasan and others had visualized the future situation. The Salariat class was quite aware of the difficult situation in the new land. But it was too late to reverse the whole process. The Salariat class definitely did inject the idea of Muslim nationalism, but it could not control the course of events. The massive outflow of skilled human resources weakened the economic status of the Muslim community in India, reduced its political role and disrupted its social structure⁸. On the other hand, the Salariat who shifted to Pakistan for better opportunities could not maintain their status and were quickly replaced by sons of

DOES SALARIAT EXPLAIN ETHNICITY IN INDO-PAKISTAN

Dr. S. M. Taha*

ABSTRACT

Communal and ethnic politics in Indo-Pak subcontinent is a popular theme of research in the discipline of history, sociology and political science. Among influential studies on the theme, Hamza Alvi's study on the role of classes in social structure of India and Pakistan offers interesting interpretation of this phenomenon. His analysis provokes further investigation on the role of classes in colonial and post colonial subcontinent.

This study reexamines Alvi's terminology of 'Salariat' class which according to him played instrumental role in the uprisings in the subcontinent specially during independence struggle from the British empire. This study uses several examples and events that help to understand the issue from different perspectives. Using deductive logic, this study raises questions from the Alvi's arguments which perhaps need to be readdressed. Because the set of forces have been changed in post colonial period and some angles, this research finds, are missing in Alvi's Salariat class. For instance, Hamza Alvi did not explain the issue of ethnicity specially when ethnic communities claim to be sovereign in particular territory within the sovereign state and superseded state-nationalism.

This study offers a critique on Hamza Alvi's 'salariat' and presents other models for explaining the interplay of classes in inter and intra-ethnic environment and role of the state policies in shaping the events in colonial and post colonial subcontinent.

The purpose of this study is to review Hamza Alvi's article " Politics of Ethnicity in India and Pakistan" with particular emphasis on his terminology¹. Examining the role of classes, Alvi introduces a new formulation of "Salariat" which defines the particular class that played a central role, along with other classes, in most of the ethnic uprisings in India and Pakistan. According to him the Salariat class "was a product of the colonial transformation of Indian social system in the nineteenth century and it consists of those who have received an education that equips them for employment in the state apparatus, at various levels²."

Being a sociologist, Alvi examines the social roots of the ethnic politics in the region with emphasis on class construction. He explains the role of working class in the struggle for independence. Communal standpoints of the two communities of the subcontinent, that is, Muslims and Hindus, overwhelmed the existence of ethnic communities. This overly class-based arguments ignores the historical realities of various ethnic groups in India and Pakistan, perhaps because Alvi does not seem clear in defining the terms ethnic movements 'subnationalisms' and regional groups³. In developing his arguments he follows Ballard's views of social category and social group and believes that in Pakistan ethnic community is not a politically mobilized condition of a pre-existing group of people. However the factual situation is in some ways different.

Contrary to India, Pakistan has no ethnic units at its periphery. In Pakistan, ethnic identities are defined through complete federating units, that is, Sindhi in Sindh, Punbies in Punjab, Baluchis in Baluchistan and Pukhtoon in Khyber Pakhtoonkwah. All federating units are indispensable for the federation. With these ethnic identities Hamza Alvi confuses with the term ethnic communities, though they are deemed and claimed as

* Assistant Professor, Department of History, University of Karachi
Email: tahaku@yahoo.com, Date of Receipt: March 23rd, 2012

- 45- International Labor Organization. (2009). *National Legislation and Policies against Child Labor in Pakistan*. Geneva: ILO.
- 46- Government of Pakistan. (2003). *Poverty Reduction Strategy Paper*. Government of Pakistan. p.92.
- 47- Ministry Of Industries. (2003). *Executive Summary- The Federal Textile Board 6th Meeting*. Government of Pakistan, Ministry of Industries & Production Textile Commissioner's Organization (Federal Textile Board). p.13.
- 48- Akhtar, S., & Razzaq, S. (2005). *Child Domestic Labour in Pakistan: Overview, Issues and Testable Hypothesis*. Islamabad: Centre for Research on Poverty Reduction and Income Distribution (CRPRID). p. 4.
- 49- Ibid, p.5.
- 50- Din, N., & Ansari, S. (2008). *State of Human Rights in 2007*. Lahore: Human Rights Commission of Pakistan. Ibid, p.132.
- 51- SPARC. *Child Labor*. Retrieved November 22, 2009, from http://www.sparepk.org/crs_child_labor.php
- 52- *Health Indicators*. Derived from *Annual Health Report 2007*, Pakistan Medical Association.
- 53- Din, N., & Ansari, S. (2008). *State of Human Rights in 2007*. Lahore: Human Rights Commission of Pakistan. p. 7.
- 54- Raja, F. (2008). *Annual Report 2007 Pakistan*. Islamabad: UNICEF. pp.11-12.
- 55- Din, N., & Ansari, S. (2009). *State of Human Rights in 2008*. Lahore: Human Rights Commission of Pakistan. p.171.
- 56- *Infant Mortality Rate of Pakistan*. Derived from CIA World Fact book (December 18, 2008)

- Pakistan. p.20.
- 17- Ibid, p.21
 - 18- Gulrez, F. (2007). *The State of Pakistan's Children 2006*. Islamabad: SPARC Society for the Protection of the Rights of the Child (SPARC). p.50.
 - 19- Hyat, K. (2007). *State of Human Rights in 2006*. Lahore: Human Rights Commission of Pakistan. p.21.
 - 20- Hyat, K. (2008). *State of Human Rights in 2007*. Lahore: Human Rights Commission of Pakistan. p.6.
 - 21- Ibid, p.7.
 - 22- Ibid, p.8.
 - 23- Asia News. (June 12, 2009). *Pakistan's Violence against Children*. Retrieved November 19, 2009, from <http://www.sperforum.com/a/19589/Pakistans-violence-against-children>
 - 24- Gulrez, F. (2006). *The State of Pakistan's Children 2005*. Islamabad: Society for the Protection of the Rights of the Child (SPARC). p.82.
 - 25- *Net Primary Enrolment Rate in Pakistan*. Derived from *The State of Pakistan's Children 2005*. Islamabad: Society for the Protection of the Rights of Children (SPARC).
 - 26- Daily Times. (2007, June 22). *Pakistan's Infant Mortality Rate Highest in South Asia*. Retrieved November 19, 2009, from http://www.dailytimes.com.pk/default.asp?page=2007%5C06%5C22%5Cstory_22-6-2007_pg11_12
 - 27- Gulrez, F. (September 2007). *SPARC's Discourse, Issue 27*. Islamabad: Society for the Protection of the Rights of the Child (SPARC).p.43.
 - 28- Pakistan Social Living Measurements 2005-06; AEPAM Pakistan Education Statistics 2006-07, UNESCO's Education-for-All Global Report 2008, excerpted from *Education Sector In Pakistan- From Policies to Classrooms. (2008)*. Karachi: Sindh Education Foundation.
 - 29- Hyat, K. (2007). *State of Human Rights in 2006*. Lahore: Human Rights Commission of Pakistan.
 - 30- World Bank & IMF. (2007). *Global Monitoring Report 2007 Confronting the Challenges of Gender Equality and Fragile States*. World Bank. p.13.
 - 31- Gulrez, F. (2008). *The State of Pakistan's Children 2007*. Islamabad: Society for the Protection of the Rights of Child (SPARC).
 - 32- Raja, F. (2007). *Annual Report 2007 Pakistan*. Islamabad: UNICEF. p.25
 - 33- Din, N., & Ansari, S. (2009). *State of Human Rights in 2008*. Lahore: Human Rights Commission of Pakistan. pp.6-7.
 - 34- Ibid. p.163.
 - 35- *National and Provincial Legislation*. Derived from ESCAP. (2001). *Child Sexual Exploitation in Pakistan*. United Nations Economic and Social Commission for Asia and the Pacific. p.10.
 - 36- *Types of Abuse*. Derived from Aangan, Rozan, 2005. In *Gulrez, F. (2006).The State of Pakistan's Children 2005*. Islamabad: Society for the Protection of the Rights of the Child (SPARC). p.175.
 - 37- *Total Number of Incidents of Sexual Abuse*. Derived from Sahil, *Cruel Numbers 2008*
 - 38- *City- Wise and Provincial Break-Up of Violence against Children*. Derived from *The State of Pakistan's Children 2008*. Islamabad :Society for the Protection of the Rights of the Child (SPARC). p.7.
 - 39- Ibid, p.9.
 - 40- Gulrez, F. (2006). *Sexual Abuse: A Barrier for Girl's Education*. In (September 2006). *SPARC's Discourse, Issue no.23*. Islamabad: Society for the Protection of the Rights of the Child (SPARC). p.26.
 - 41- SPARC. *Child Labor*. Retrieved November 20, 2009, from http://www.sparcpk.org/crs_child_labor.php
 - 42- Mohsin, S. (2008). *Cruel Bondage Bonded Child Labor in Pakistan*. In *SPARC's Discourse* Vol. 31. Islamabad: Society for the Protection of the Rights of the Child (SPARC). pp.9-11.
 - 43- Gulrez, F. (2007). *The State of Pakistan's Children 2006*. Islamabad: Society for the Protection of the Rights of the Child (SPARC). p.49.
 - 44- Gulrez, F. (2006). *The State of Pakistan's Children 2005*. Islamabad: Society for the Protection of the Rights of the Child (SPARC). p.108.

knowledge and traditional using medical methods, malnutrition, were all like a saga, which were not addressed properly during the last five years.

The security problems such as physical and mental torture; sexual abuses; kidnapping; trafficking, and using children for suicidal bombs were not improved in last decades. Government claimed many laws imposition, but it was revealed that not many laws were imposed, related to children.

There were many barriers in implementing children rights in Pakistan such as: the government was not very serious in raising issues of children; there was political unrest in the country and the political issues were always raised rather children issues. Similarly, most of the NGOs were not working in collaboration with Government due to many reasons. Among all these issues, children were only grinded and their issues were left unheard.

Much of the respondents have not shown any expectation level from the government and NGOs to provide better opportunities for children.

CONCLUSION:

The research concluded that children are still in a state of dismal, here in Pakistan. So far, our country has not attained well results in implementing children rights in Pakistan.

REFERENCES

- 1- *Declaration of the Rights of the Child*. Retrieved December 9, 2008, from en.wikipedia.org/wiki/Declaration_of_the_Rights_of_the_Child.
- 2- *Implementation of the Convention on the Rights of the Child in Pakistan*. (1996). Islamabad: National Commission for Child Welfare and Development Ministry of Social Welfare and Special Education and UNICEF Pakistan. p.2.
- 3- *Protection of Family*. Retrieved April 9, 2009, from http://www.pakistanconstitutionlaw.com/const_results.asp?artid=35&title=Protection%20of%20family,%20etc
- 4- *Highlights of the GMC in Pakistan*. Retrieved June 18, 2009, from http://www.un.org.pk/gmc/gmc_highlights1.htm
- 5- Ali, M.S. *Development: Protecting Pakistan's Children*. (December 09, 2008). Retrieved June 09, 2009, from http://www.dailytimes.com.pk/default.asp?page=2008%5C12%5C09%5Cstory_9-12-2008_pg3_3
- 6- Mrs. Shahid, A. (2004). *Human Rights, Pakistan Studies* (2nded.). Islamabad: Higher Education Commission. p.30.
- 7- World Organisation against Torture. (2003). *Rights of the Child in Pakistan - Report on the Implementation of the Convention on the Rights of the Child by Pakistan*. Geneva: World Health Organization.
- 8- *Children Rights*. Retrieved May 10, 2009, from http://www.sparcpk.org/crs_child_rights.php
- 9- *Report: A Study of NGOs in Pakistan*. (2006). Asian Development Bank. p.2.
- 10- *Activities undertaken to Implement UN-CRC*. Women Development Division, Govt of Pakistan. Retrieved November 19, 2009, from <http://www.pakistan.gov.pk/divisions/>
- 11- Shahid, A. (2004). *Human Rights, Pakistan Studies* (2nd ed.). Islamabad: Higher Education Commission. p.19.
- 12- Jilliani, A. (2009, July 7). *Indifferent to Children*. Dawn Newspaper. p. 7.
- 13- *Pakistani Children the Worst in South Asia*. (April 21, 2004). Asia Child Rights-ACR Weekly Newsletter Vol. 3, No. 16
- 14- Hyat, K. (2006). *State of Human Rights in 2005*. Lahore: Human Rights Commission of Pakistan. pp.9-11.
- 15- Ibid, p.202.
- 16- Hyat, K. (2007). *State of Human Rights in 2006*. Lahore: Human Rights Commission of

The statement made by the United Nations Committee on the Rights of the Child also revealed that the record of Pakistan in protecting children's rights was unsatisfactory.

The literature also revealed that all those government institutions, working to provide safeguard to children were weak and suffered from mismanagement, lack of interest, lack of funds and commitment. Most of the children still stare to get their social, education and protection rights; but their rights have not yet resumed.

The issue of Children Rights and the Implementation of the Children Rights in Pakistan was over shadowed and rarely touched during the last few years. The convention on the rights of the child is not serving as a guaranteed savior here in Pakistan, because children rights were not implemented in most of the vulnerable areas. Education, security rights and social rights were not given proper attention during the last five years to its best, due to which much effective results were not produced in improving children rights. .

There was no proper security for children and freedom of speech was not practiced in our country. Illiteracy was at peak, as compared to other nations because good education was unavailable to many. According to the respondents, there was a lack of serious attitude of officials in favor of children and there was a lack of infrastructure.

Billions of rupees were spent since the ratification on children rights convention, at the same time, few bills and laws were passed in context to the implementation of children rights in Pakistan. Few of the researches and studies were produced from the published news items or International reports, based on the repeated work. Although some of the reports may have indicated that hundreds of seminars were organized, but much funds were not utilized to provide better opportunities to children. International like Norwegian, UNICEF and International Amnesty must consider this issue as a serious threat to the money provided to Pakistan and must check and balance all the status of the funds, provided so far.

NGOs did some impressive work such as setting up schools and to work for juvenile justice; but during the research it was revealed that a lot more has to be done such as working in close contact with government. During the research, it was observed that few NGOs did a great job by establishing different schools in collaboration with civil society, which has escalated the rate of literacy, but these schools are still insufficient as compare to the growing population of children. NGOs played its part in creating awareness by arranging seminars and spending millions without much positive outcomes. Rehabilitation programs were developed, materials were disseminated, advocacy was provided; but there was a lack of implementation of policies and laws by Government.

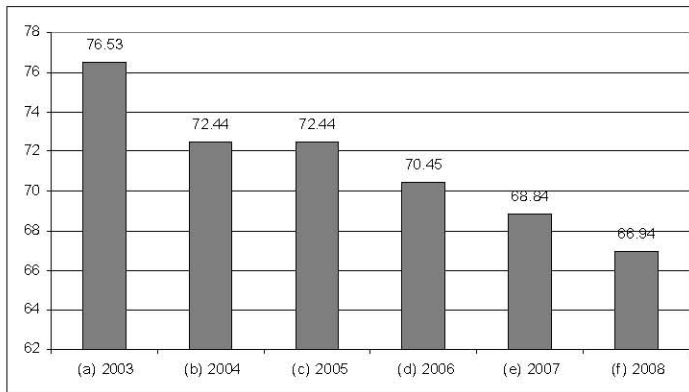
Corporal Punishment is still practiced commonly in Pakistan. It has demoralized and developed complex of inferiority in children rather producing any positive results.

As far is health is concerned, government provided free vaccinations and other medical facilities to the poor and needy people in a limited areas. Death of children due to air borne diseases and water borne diseases decreased in only urban areas. Health centers and vaccination centers were increased and health standards were improved only in urban areas, but for rural population, health issues such as lack of availability of pure water; lack of quality vaccinations; expensive treatments of sexual diseases, lack of

In its 'State of the World's Children' Report for 2007, released in December, UNICEF stated 500,000 children in Pakistan died each year before reaching the age of five years. Save the Children reported that out of every 100 children born, nine would die before their first birthday. The government of Pakistan, in the Economic Survey for 2005-2006, acknowledged that Pakistan lagged well behind other countries in the region with respect to indicators on the situation of children. According to the report, infant mortality for 2003 stood at 74 per thousand live births, and under-five mortality at 98 per 1000 live births. The figures were the worst in South and East Asia. Save the Children reported that approximately one-third of the population in Pakistan lived in poverty, 70 million did not have access to health facilities and these realities particularly affected the health of children. According to Annual Report UNICEF 2007, every day, about 590 children in Pakistan die during their first 28 days of life. An additional 500 who survive their first month die at under five years of age every day. About 420,000 children under the age of five die every year in Pakistan. Lack of awareness about health and nutritional care and practices during and after pregnancy leaves women and children highly vulnerable.⁵⁴

The Health Ministry of Pakistan had set specific goals for 2008 because of the unsatisfactory performance of the health sector in 2007, but it was unsuccessful in achieving them. The state was unable to permanently eradicate polio, unsatisfactory performance of the National Aids Programme took Pakistan from being described as a 'low prevalence country' to a 'concentrated epidemic country' for HIV/AIDS, mother-child care, hepatitis and TB control programmes remained below the mark.⁵⁵

According to CIA World Fact book, 2008⁵⁶, the infant mortality rate of Pakistan is:



INFANT MORTALITY RATE OF PAKISTAN

Source: CIA World Fact book, 2008

Data Analysis of Literature and Questionnaire: During the last five years, children's education and health rights in Pakistan were in dismal state. The poor health indicators and literacy rate alarmed that the implementation of children rights were practically missing. As far as security is concerned, children are vulnerable to sexual and physical abuse. Child abuse and corporal punishment were widely practiced phenomenon in the world, particularly in Pakistan.

It was also observed that new laws were passed by Pakistan after 2000 to protect children from violence, but the studies revealed that after 2000, children were more subjected to violence, which indicated that the laws were not implemented practically.

Year	Province	Number of Inspections	Number of Prosecutions	Number of Convictions	Penalty imposed
2005	Punjab	18698	163	39	4250
	Sindh	Nil	Nil	Nil	Nil
	NWFP	774	7	6	1700
	Balochistan	NA	NA	NA	NA
	Total	19472	170	45	5950

**Implementation of the Employment of Children Act, 1991
(Province-wise/ Year-wise)**

Source: Federal Ministry of Labor, 2004

According to the Report of HRCP, published in 2008, the government kept claiming that a comprehensive survey on the extent of child labor in Pakistan would be conducted soon but no headway was made in this regard during 2008. Lack of proper statistics meant the problem could not be addressed properly and the severity of the issue remained diluted at best.⁵⁰

According to the FBS survey, about 73% (2.5 million) of working children are boys and 27% (950,000) are girls. About 2.1 million are between 10-14 years, and the rest are between five and nine years. The survey concludes that more than 2.9 million children work in rural and 400,000 in urban areas, making the number of working children in rural areas more than seven times that of urban areas. About 60% (1.94 million) of working children are found in the Punjab, followed by NWFP with 1.06 million young workers, Sindh with 298,000 and Balochistan with 14,000 child workers, the survey report says. The survey found that about 71% of the total working children are engaged in agriculture, sales and services, mining, construction, manufacturing, domestic service and transport sectors.⁵¹ Thus, Child labor still exists in Pakistan, and, is rising with high proportion.

Issue of Health: According to the Constitution of Pakistan Article 38(a) and (d) the state shall secure the well-being of the people, irrespective of sex, caste, creed and race, provide basic necessities of life, such as medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.

According to the Annual Report 2007 of Pakistan Medical Association⁵², a glance of health is given below:

Population < 160 million	
Under five Mortality 103/ 1,000	
Infant Mortality Rate 80/ 1,000	
Immunization at 12 months of age against TB 78%	
Immunization at six months of age against six (preventable diseases) 53%	
Maternal Mortality Rate 340-500/ 1,00,000	
GDP on Health	
Government Sector 0.6 percent	Private Sector 1.7 Sector

HEALTH INDICATORS

Source: Annual Health Report 2007, Pakistan Medical Association, PMA

Health expenditure as a percentage of GDP was 0.57% in fiscal 2007-08, almost the same as it has been since 2001.⁵³

deprivation. A large proportion of these children are invisible, working in the informal sector. Many of them are traditionally and economically bonded and also working in hazardous occupations.⁴³

Child labor is deeply rooted in the Pakistani society and the children involved in this painful reality have started accepting it as their fate. For them, this has become a normal part of life. Child labor is an invasive problem throughout the world. This dilemma, particularly extensive in the developing countries is denying millions of children a happy, healthy and prosperous childhood. At a time when they should be at school and preparing for a productive adulthood, young boys and girls are losing their childhood and, with it, the chances for a better future. Child labor in Pakistan is especially prevalent in rural areas where the capacity for the implementation of existing laws is low.⁴⁴

Pakistan is constitutionally, internationally and legally bound to abolish child labor and bonded labor but even then children continue to work in millions throughout the country. Pakistan has taken few steps to combat against child labor, by enacting certain national legislatives. Beside that, Pakistan is signatory to the: ILO Convention on the Worst Forms of Child Labour (No. 182); ILO Forced Labour Convention (No. 29); ILO Abolition of Forced Labour Convention (No. 105) and UN Convention on the Rights of the Child (CRC). In 1998, the Government of Pakistan constituted a task force on child labour under the chairmanship of the Federal Minister of Labour with the mandate of formulating policies and strategies for the elimination of child and bonded labour in Pakistan and to prepare plans for the implementation of policies and strategies.⁴⁵

The Government of Pakistan, on 31 December 2003, released its Poverty Reduction Strategy Paper (PRSP), titled 'Accelerating economic growth and reducing poverty: The road ahead'. The PRSP gives due consideration to the issue of child labour in the planning of its targets. It clearly outlines its commitment on child labour issues and states, "Although the government is committed to eliminate child labour as reflected in the National Policy and Plan of Action to Combat Child Labour, it is pursuing a policy of gradual elimination of all forms of child labour and immediate elimination of the hazardous and exploitative forms of child labour under IPEC. To achieve this objective, certain specified target programmes have been initiated."⁴⁶

Ministry of Industries and Production Textile Commissioner's Organization promised that manufacturing units will not engage in or support the use of child labor (15 years and below) and will promote education for children covered under I.L.O. recommendation 146 and young workers who are subject to local compulsory laws are attending school. The firm shall not expose children or young workers to situation in or outside of the work place that are hazardous, unsafe, or unhealthy.⁴⁷

According to an ILO (2004a) report, more than 2 million children are found in domestic labour in South Africa, 559,000 in Brazil, 250,000 in Haiti, 200,000 in Kenya, 264,000 in Pakistan, 100,000 in Sri Lanka, 300,000 in Bangladesh, 62,000 under the age of 14 in Nepal, and 20% of all children under the age of 14 in India.⁴⁸

According to the Federal Ministry of Labor⁴⁹, status of the Implementation of the Employment of Children Act, 1991 in 2005, is given below:
