

# **Marriage in Sunni and Shi'i School of laws**

By.

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## **INTRODUCTION**

Islam is a complete code of life. It has a distinct outlook on life. It aims at producing a unique personality in the individual and a distinct culture for the community based on Islamic ideas and values. Family is a basic unit of society, which builds on the basis of institution of marriage. And this institution of marriage occupies very important position in scheme of life. In Islam, marriage is a most sacred institution and makes it incumbent on every Muslim man and woman. The human race is a product of this institution and not the other way round. The Qur'an says:

- 9 J M Robson, Hadith Mishkat -ul- Masabeeh, Badul Zulm (English translation), Lahore 1975, A coated in Dr. Shaikh Shukat Hussain, Human Rights in Islam, Kitab Bhavan, New Dehli, India 1990, p 40
- 10 Sanullah Noor Goori, Human Righths (Urdu), Makatba-e-Faridi, Federal Government Urdu College, Karachi, 1988, p 121
- 11 Ibid, p 121
- 12 Hykal, Abu Bakar (Urdu) p 94, coated in Dr. Shaikh Shukat Hussain, Human Rights in Islam, Kitab Bhavan, New Dehli, India, 1990, p 40
- 13 Islam, West and basic human rights, Quami Akhbar, Daily, 5 Nov 2003

## Reference

- 1 Muhammad Salahuddin, Bunyadi Huqooq, Idara Terjuman-ul-Qur'an, Lahore, 1977, P.123
- 2 Altaf Gauhar, The Challenge of Islam, Islamic Council of Europe, 1978, P 176
- 3 Abdur Rahim, Principle of Muhammadan Jurisprudence, Lahore, 1958, pp 201,202
- 4 J M Robsan, (Hadith) Mishkat ul Masabeeh, Kitabul Janiz, (English translation), Lahore 1975, Coated in Dr. Shaikh Shoukat Hussain, Human Rights in Islam, Kitab Bhavan, New Dehli, India, 1990, p 38
- 5 Dr. Shaikh Shoukat Hussain, Human Rights in Islam, Kitab Bhavan, New Dehli, India, 1990, p 39
- 6 Ibid, p 39
- 7 J M Robson, Hadith, Mishkat ul Masabeeh, Badul Zulm (English translation), Lahore 1975, A coated in Dr. Shaikh Shukat Hussain, Human Rights in Islam, Kitab Bhavan, New Dehli, India, 1990, p 39
- 8 Dr. Shaikh Shuakat Hussain, Human Rights in Islam, Kitab Bhavan, New Dehli, India, 1990, p 40

Encyclopedia of Britannica describe human rights in this way, "Human rights is the name of that compulsory conditions of life, which are bestowed upon the individual, society recognize them and state provide them shelter and all the member of the society use them equally".

Islam has given human rights to an individual at that time when the whole Europe was in darkness and there was no concept of human rights even, but now west and Europe clime as standard-bearer of basic human rights and propagated widely by their media but it is wrong.

being and every state is bound to include them in the constitution and enforcement them as law. Basic human rights included in the constitutions of the different countries of the world can be suspended under the circumstances of Emergency, while in Islam. There is no chance, the rights bestowed by the Islam are irrevocable and cannot be cancelled.

New Europe and America propagate a lot for the human rights they enjoy by use these rights as a weapon against the rivals, especially Muslim countries. Rights of women are propagated a lot especially, but the fact is that under the curtain of human rights the same has deprive and women has reformed into a sellable thing and she is being used for business purposes. Off course they have given slogan of freedom to the women but infect the respect of women has been denied. But Islam has given a peak position to women in general. Islam has given sanctity to the pious relations of mother, daughter, wife and sister and others. The lap of mother has been declared as the first school of the child.

themselves ruler. Soldiers were the second in merit and the peasants were the last in merit of classes. The weakest were the slaves, who were passing worst possible life. Moreover there was no equality between the men and women.

In Europe the circle of basic rights is limited between the relations of individual and state the purpose to save the people from the intervention of state, while contrary to this in Islam, there is no difference between the ruler and the people, both are obedient persons of Allah who pass their lives under the orders for Almighty Allah. Land, government and people, all belong to Allah Almighty. Who has bestowed government and power to the Muslim Ummah as a deposit? Neither the people and nor the ruler has the power to determine the rights of each other, because the same has already been determined by the Almighty Allah, and both are supposed to pass their lives as per determined limits.

Basic human rights in Islam are not limited to the mutual relation between the state and individual. God determined laws are available in Quran and Sunnah which are concerned to the rights of human

### **13. Rights of Non-Muslims:**

Non-Muslim who reside in an Islamic state also have different rights. His life is equal to a Muslim. In case of murdered by a Muslim, either the assassinator should be killed or should be dealt as per the law of reptilian. 13. Islam highlighted the basic Human Rights of non-Muslims, as such that personal respect of every body was restored and an individual got economical, social welfare, religious and political freedom.

When we analyze the realities comparatively in the world we can say the European ideology of basic human right took birth in fifth century in Europe but it is fact that Islam present the theory of human right at the time when it is quite strange for than other modern theories, irrespective that these are shameful or proud able for the Europeans.

Islam at that time prohibited slavery, provided power to the crushed people, and declared the human being as the descendent of Adam, when Europe was unknown about it. Their society was divided into classes and respect was subject to the position of the class. Philosophers, consider

not stop the tyrant, it is not far that Allah may fall down misfortune upon them.

### **11. Rights of Expression:**

Islam has given every body to express his opinion. Every body has the right to give his opinion in all matters of life freely, but not body is above the law and is not permitted to talk on principles of Islam because they are laws of Allah.

### **12. Right Of Participation In Political Life:**

Islam has given right to the Muslim to participate in the political life, to form organizations for political activities and start a movement to get their rights and benefit individually and collectively. Like in Medina state, the Holy Prophet ﷺ for solving the administrative and political matters divided companions of Holy Prophet in to many groups and some companions of the Holy Prophet ﷺ were sent to other countries as ambassador. Furthermore, all matters of the state were decided with the opinion of companions.

The history is full of incident that Muslim ruler, always insisted their military men and the commanders, not to be despotic and protect the rights of weak and handicaps.

The Islam is emancipated women from slavery and made her the ruler of the house. Emancipated the slaves. Abolished interest made the principles of wars. Converted the continues long rivalry, amenity and hostility in to friendship, love and brother hood.

### **9. Right Of Abstinence From Sin:**

Islam provides every body to abstinence from sin. Neither one is bound to obey nor one is supposed to order in this regard. In case of an order for an illegal action, he is authorized to refuse. According to guidance of Holy Prophet Muhammad every one is bond to order of the superior, till he order for disobedience of Allah and Prophet.

### **10. Right of protest against tyranny:**

Islam has given the tight of protest against tyranny to the human being. In tirmizi سنن ترمذي it is available that Holy Prophet said that when people do

## **6. Right of Justice:**

In Islamic state all the citizens have equal right of justice. The institution of Prophet ship and all the Prophets for Adam to Holy Prophet Muhammad ﷺ were for the expansion of right of justice. It is the basic right of every citizen to have justice. Islam spread justice.

## **7. Right of Economical Protection:**

Islam provide the right of economical protection, God has refereed at different places of Qura'an about the economical protection, like in Al Baqarah البقرة, Al Ma'arij المعارج, Al Muzammil المزمّل Adhar الدهر , Al Tauba التوبة , Al Araf الأعراف , etc. Hazrat Umar Farooq had assigned the responsibility of provision of clothes, transportation, and other necessities to the Government.

## **8. Right of Weak and handicaps:**

Islam provides the rights to the weak and the handicaps that they may not hurt. Their lives and property by protected children, old people, women, sick and injured persons and handicaps are included.

According to instruction of Holy Prophet ﷺ "Do not enter in the houses of other, except your own house, till not take permission and do not sent salam. This way is better for you. It is expected that you will keep it in mind and will not enter until you are not permitted and if you are asked to go back, it is the good way to go back.

﴿فَإِنْ لَّمْ تَجِدُوا فِيهَا أَحَدًا فَلَا تَدْخُلُوهَا حَتَّى يُؤْذَنَ لَكُمْ  
وَإِنْ قِيلَ لَكُمْ ارْجِعُوا فَارْجِعُوا هُوَ أَزْكَى لَكُمْ وَاللَّهُ بِمَا تَعْمَلُونَ  
عَلِيمٌ﴾

Islam provides complete protection to private life. With regard to this philosophy, to tape the talk, to censor letters, interference in private matters, places and life condemned.

## **5. Right of Residence:**

The Islam gives all people with out any distinction the right of resident. He is allowed to change his residence with his own will and can travel from one place to other.

Man and women have been stopped from the steps or forms, which possibility attack upon human respect.

Islam has declared all the human being are equal, with our distinction of caste, creed, color race or any thing else. Qura'an, hundreds of years before the magna carta, the charter of humanity of present society and civilization had already declared that all the human are equal, one and from one race.

#### **4. Right of Private Life**

As per Islam, every body has the right to protect his private life.

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَدْخُلُوا بُيُوتًا غَيْرَ بُيُوتِكُمْ حَتَّى تَسْتَأْذِنُوا وَتُسَلِّمُوا عَلَى أَهْلِهَا ذَلِكَ خَيْرٌ لَّكُمْ لَعَلَّكُمْ تَذَكَّرُونَ﴾  
(27)

"O ye who believe enter not houses other than you own until ye have asked permission and saluted those in them that is best for you in order ye may heed ". (Surah Al-Noor: 27).

(12) يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ﴿

And in Surah Nisa at verse 148

﴿ لَا يُحِبُّ اللَّهُ الْجَهْرَ بِالسُّوءِ مِنَ الْقَوْلِ إِلَّا مَنْ ظَلَمَ وَكَانَ اللَّهُ سَمِيعًا عَلِيمًا ﴾ (148)

And in Surah Al-Noor at 30-31,

﴿ قُلْ لِلْمُؤْمِنِينَ يَغُضُّوا مِنْ أَبْصَارِهِمْ وَيَحْفَظُوا فُرُوجَهُمْ ذَلِكَ أَزْكَىٰ لَهُمْ إِنَّ اللَّهَ خَبِيرٌ بِمَا يَصْنَعُونَ ﴾ (30) وَقُلْ لِلْمُؤْمِنَاتِ يَغْضُضْنَ مِنْ أَبْصَارِهِنَّ وَيَحْفَظْنَ فُرُوجَهُنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا مَا ظَهَرَ مِنْهَا وَلْيَضْرِبْنَ بِخُمُرِهِنَّ عَلَىٰ جُيُوبِهِنَّ وَلَا يُبْدِينَ زِينَتَهُنَّ إِلَّا لِبُعُولَتِهِنَّ أَوْ آبَائِهِنَّ أَوْ أَبْنَاءِ بُعُولَتِهِنَّ أَوْ إِخْوَانِهِنَّ أَوْ بَنِي إِخْوَانِهِنَّ أَوْ نِسَائِهِنَّ أَوْ مَا مَلَكَتْ أَيْمَانُهُنَّ أَوِ التَّابِعِينَ غَيْرِ أُولِي الْإِرْبَةِ مِنَ الرِّجَالِ أَوِ الطِّفْلِ الَّذِينَ لَمْ يَظْهَرُوا عَلَىٰ عَوْرَاتِ النِّسَاءِ وَلَا يَضْرِبْنَ بِأَرْجُلِهِنَّ لِيُعْلَمَ مَا يُخْفِينَ مِنْ زِينَتِهِنَّ وَتُوبُوا إِلَى اللَّهِ جَمِيعًا أَيُّهَا الْمُؤْمِنُونَ لَعَلَّكُمْ تُفْلِحُونَ ﴿ (31)

﴿ وَلَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ وَتُدْلُوا بِهَا إِلَى الْحُكَّامِ  
لِتَأْكُلُوا فَرِيقًا مِّنْ أَمْوَالِ النَّاسِ بِالْإِثْمِ وَأَنتُمْ تَعْلَمُونَ ﴾

(Al Baqarah: 2:188)

It is said, " Do not capture property of each by unfair means".

It is the history that during very early days of Islam, the two orphan children who had offered pricelessly purchased the land, for the construction of Masque but Holy Prophet got the land estimated and paid the amount to them.

### 3- Right of Honor and Respect:

It is the by birth right of human being that his honor and respect should be protected. In Surah Hugurat at verse 11, and then at 12

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا اجْتَنِبُوا كَثِيرًا مِّنَ الظَّنِّ إِنَّ بَعْضَ الظَّنِّ  
إِثْمٌ وَلَا تَحَسَّسُوا وَلَا يَغْتَبَ بَعْضُكُم بَعْضًا أَيُحِبُّ أَحَدُكُمْ أَنْ  
يَأْكُلَ لَحْمَ أَخِيهِ مَيْتًا فَكَرِهْتُمُوهُ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ تَوَّابٌ رَّحِيمٌ ﴾

genuine cause, he killed all the human and who kept him alive, he kept alive all the human.

﴿ مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَءِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ  
نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا  
فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا ﴾ Al Maidah 7: 32

In Qura'an, there are at in many placed has been narrated about the protection of human life. It is worth mentioning that indication of protection of this right has ever been remain in this universe and Almighty Allah has always been guided the human to respect and protect the lives of human being and about human rights also.

## **2. Right of Property:**

In an Islamic state all such private properties are safe from Government intervention against which all the Taxes even the expenses due for the pledge of parents, brother, sister and near relative has been paid. In Qura'an (surah Al-Baqara a 188)

Islam has divided the human rights in to two categories Huqooq-ul-Allah and Huqooq-ul-Ebad. Huqooq-ul-Ebad (human rights) are confined to individual, society has concerned with them. Rights of self- protection, rights of citizenship, rights of property and family rights etc. All those rights are included Huqooqul-Ebad, which can be seen in Holy Qura'an different places. These are the rights, bestowed by the Islam to human race individually or collectively. These are universal right and man has fainted to find out the substitute of these rights, these rights have been bestowed to the human equally. There is no difference in them. The base of these rights is welfare of human being. These rights have played a very important role in knowing the humanity. These rights are prideful for the human. The rights bestowed by the Islam are more wide than the Human right claimed by the western since 1215.

### **1. Right to live:**

Almighty Allah has declared the life of human being most sacred. If one killed a person with out

delivered by the Holy Prophet ﷺ is the greatest of its kind. And we say that the followers pursued his teachings and proved that whatever said by the Holy Prophet is practicable. According to our first Caliph Hazrat Abu Baker Siddique of the Islamic state of Medina.

"الضعيف فيكم قوي عندي حتى أزيح عنه إن شاء الله، والقوي فيكم ضعيف عندي حتى أخذ منه الحق إن شاء الله".

"The weak shall be strong in my eyes until restored to them their lost rights and strong shall be weak in my eyes until I have restored the rights of the weak from them"(12). an other charter with respect to human rights came at the time of conquering of Jerusalem. When at the place Jerusalem an agreement was made between Hazrat Umar Farooq the second pious caliph and the Christians in October 637 i.e. 16 Hijri. In this agreement human rights and especially the rights of minorities were protected. Further more we can see many agreements and many ordinances during Medina state and Khilafat which described and protected of human rights of human being by Sharia.

might be differences in minor matter but the basic thinking must be the same.

Lesson of human right was given by the Almighty Allah, time to time, through the holy Prophet ﷺ. "These rights have been desorbed completely and elaborately. The importance of these rights was narrated through the divine books. These rights are free from geographical limits, state protect them, use them and enforce them"(11).

The Islamic charter with reference to human rights was issued by the holy Prophet ﷺ at the occasion of Hajjat-ul-Wida حجة الوداع (the last Hajj) in Feb. 632 in which he clearly said that God has given rights is every body who deserve. Neither father is responsible for the son and nor the son for the father's action. You will ask about those actions, which you have been doing during the life. The Prophet ﷺ instructed about prayer, Fasting, Zakat, Hajj and Jihad, behave the servants equally. All the Muslim are equal, Muslims are brothers, and you are all descendant of Adam.

First charter for right was deed of compromise at Hudaibia حديبية, off course the last sermon

XIV. Right to basic necessities of life.

XV. Right to education.

Comparatively, if we review different religions of the world, we will realize that those believe in God, also believe in maintenance of human rights. "All the human are equal and have equal rights. In Islam there is no difference. The law, which is for an inferior, the same is for the superior. The right, which is for the rich, the same is for the poor. A black is entitled for the same right, which a white has; an Arab has no extra right than a non-Arab. There is no idea of nation or nationalities in Islam. Islam calls for Ummah and Ummah is not confined in geographical limits"(10).

The lesson of human rights, which was started with the birth of Adam, was completed at holy Prophet Muhammad ﷺ but not ended and it is still continued and free from geographical limits. Whenever there are two persons, there must be the issue of human rights, but as all the human are the sons of Adam and a member of one Ummah, there

The human rights guaranteed by Islam are,

- 1- For an individual or human being.
- 2- For different classes of people in accordance with peculiar situation, status and position e.g. The special rights of non-Muslims, labourers, women and children. As a human being following are the rights granted by Islam.
  - I. Right of life.
  - II. Right to property
  - III. Protection of honour
  - IV. Security and sanctity of private life.
  - V. Security of personal freedom.
  - VI. Protection from arbitrary imprisonment.
  - VII. Right to protest against tyranny.
  - VIII. Freedom of expression.
  - IX. Freedom of conscience and conviction.
  - X. Freedom of association.
  - XI. Freedom of movement.
  - XII. Equality before law.
  - XIII. Right to justice.

Sanctity is the most important aspect of human rights in Islam its validity is proved by Qura'an and Sunnah, "The sanctity accord to human rights in Islam is much more then that of the ritual of worship"(8).

Hazrat Muhammad ﷺ addressed while he was going to around the Kabah. "How pious you (Kabah) are and how beautiful is your atmosphere, how great you are, how much sacred is your status, but by God in whose hands in my life, property and blood, of Muslim before God is much more than your sanctity". 9

Text of Hadith:

"عن عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ رَأَيْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَطُوفُ بِالْكَعْبَةِ وَيَقُولُ مَا أَطْيَبَ رِيحَكَ مَا أَعْظَمَكَ وَأَعْظَمَ حُرْمَتَكَ وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لِحُرْمَةِ الْمُؤْمِنِ أَعْظَمُ عِنْدَ اللَّهِ حُرْمَةً مِنْكَ مَالِهِ وَدَمِهِ وَأَنْ نَظُنَّ بِهِ إِلَّا خَيْرًا".

Human right being an essential part of Shariah are immutable and neither the curtailment nor modification is possible in the form of human right as laid down in the Holy Qur'an and Sunnah.

violators and help the aggrieved party, unless the later forgives the offender". (6)

A hadith as related by Abu Hurairah ربه "Do you know who is poor". The companions replied, "The poor among us is one who is lacking in wealth and belongings". Then the Prophet ﷺ clarified, "in my Ummah poor is one who will come laden with such pious deeds as Salat, "Prayers", Zakat, and fasting on the day of judgment, but would have abused some one blamed some one, usurped some one's belongings, shed some one's blood, and beaten some one. Then his pious deeds would be distributed among his victims he will be burdened with their sins and then thrown over into Hell". (7)

#### Text of Hadith:

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَتَدْرُونَ مَا الْمُفْلِسُ قَالُوا الْمُفْلِسُ فِينَا مَنْ لَا دِرْهَمَ لَهُ وَلَا مَتَاعَ فَقَالَ إِنَّ الْمُفْلِسَ مِنْ أُمَّتِي يَأْتِي يَوْمَ الْقِيَامَةِ بِصَلَاةٍ وَصِيَامٍ وَزَكَاةٍ وَيَأْتِي قَدْ شَتَمَ هَذَا وَقَذَفَ هَذَا وَأَكَلَ مَالَ هَذَا وَسَفَكَ دَمَ هَذَا وَضَرَبَ هَذَا فَيُعْطَى هَذَا مِنْ حَسَنَاتِهِ وَهَذَا مِنْ حَسَنَاتِهِ فَإِنْ فَنِيَتْ حَسَنَاتُهُ قَبْلَ أَنْ يُقْضَى مَا عَلَيْهِ أُخِذَ مِنْ خَطَايَاهُمْ فَطُرِحَتْ عَلَيْهِ ثُمَّ طُرِحَ فِي النَّارِ".

profit is involved regarding achievement of rights. He has the right to pardon or to knock the door of law. It means human rights of the human being are obliged by the state, in spite of that they have difference between the two as their accountability before an Islamic state is concerned other wise, there is no difference between the two as their origin, nature and accountability before the Almighty Allah is concerned.

A remarkable aspect of the Islamic concept of human rights is that all rights and duties are prescribed and originally given by Almighty Allah to the men and everyone is accountable before Almighty Allah who authorize to for give or punish him for its violation of right of human being. According to the Islamic principle, if a person dose not fulfill duties toward Allah Almighty, he is likely to be forgiven for this but in the case of non-fulfillment of duties towards human being cannot be for given unless a person, who have right, forgiven him. "An Islamic state also cannot for given any violation of these rights. The state is bound to punish the

"O children of Adam! I asked food you but you did not feed me" the man will reply, O God how could I feed you when you are sustainer of all man" God will say "such and such of my servants asked you for food but you did not feed him. Do you not know that if you had given him food you would have found that food here with me? And O children of Adam, I asked water from you and you did not give it to me" Man will say " O God how could I give you water when you are the lord of worlds". God will say "such and such of my servants asked you for water but you did not oblige him. If you had given water you would have found it here with Me". (4)

"Human right proved under the head of Huqooq-ul- Ebad are of two kinds. The first consist of those rights, which can be enforced by an Islamic state, whereas the second consist of those, which cannot be directly enjoined by the state. The former many by called as legal rights, whereas the later may be said to be moral rights" (5).

(Huqooq-ul-Ebad) حقوق العباد mean, the rights that concern to the profit and loss of an individual. It depends upon the will of the individual whose loss or

according to Islam man has duties towards, other man have been vested in them as right by Allah. This concept of human rights being originally vested in the Almighty Allah is clearly illustrated by the prophet ﷺ here it is clear that every one is asked about his responsibilities and duties on the day of judgment, there are many verses and hadith described in the Qura'an and Sunnah about the accountability of duties of human being which due towards the rights of others.

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِنَّ اللَّهَ عَزَّ وَجَلَّ يَقُولُ يَوْمَ الْقِيَامَةِ يَا ابْنَ آدَمَ مَرِضْتُ فَلَمْ تُعِدْنِي قَالَ يَا رَبِّ كَيْفَ أَعُودُكَ وَأَنْتَ رَبُّ الْعَالَمِينَ قَالَ أَمَا عَلِمْتَ أَنَّ عَبْدِي فُلَانًا مَرِضَ فَلَمْ تُعِدَّهُ أَمَا عَلِمْتَ أَنَّكَ لَوْ عِدْتُهُ لَوَجَدْتَنِي عِنْدَهُ يَا ابْنَ آدَمَ اسْتَطَعَمْتُكَ فَلَمْ تُطْعِمْنِي قَالَ يَا رَبِّ وَكَيْفَ أَطْعِمُكَ وَأَنْتَ رَبُّ الْعَالَمِينَ قَالَ أَمَا عَلِمْتَ أَنَّهُ اسْتَطَعَمَكَ عَبْدِي فُلَانٌ فَلَمْ تُطْعِمْهُ أَمَا عَلِمْتَ أَنَّكَ لَوْ أَطْعَمْتُهُ لَوَجَدْتَهُ ذَلِكَ عِنْدِي يَا ابْنَ آدَمَ اسْتَسْقَيْتُكَ فَلَمْ تَسْقِنِي قَالَ يَا رَبِّ كَيْفَ أَسْقِيكَ وَأَنْتَ رَبُّ الْعَالَمِينَ قَالَ اسْتَسْقَاكَ عَبْدِي فُلَانٌ فَلَمْ تَسْقِهِ أَمَا إِنَّكَ لَوْ سَقَيْتَهُ وَجَدْتَهُ ذَلِكَ عِنْدِي".

(b) (Huqooq-ul-Ebad) حقوق العباد (Rights of Human being).

The Huqooq-ul-Allah. حقوق الله are the obligations due towards Almighty Allah and consist of various rituals of worship. The (Huqooq-ul-Ebad) حقوق العباد are the duties due towards other creatures of the Almighty means mankind." It is not to be understood that those rights (Huqooq-ul-Allah) حقوق الله and (Huqooq-ul-Ebad) حقوق العباد are called rights of God because they are of any benefit to God for he is above all wants nor because they are the creation of God for all rights are equally the creation of God who is the creator of every things. The rights of God correspond to public rights. and since Muhammadan Law regards observance of obligatory devotional acts as being beneficial to the community there is no difficulty in describing all rights of God as public rights".<sup>3</sup>

Both the categories of rights i.e. the rights of the creator (Huqooq-ul-Allah) حقوق الله and rights of creatures (Huqooq-ul-Ebad) حقوق العباد are originally vested in Allah. They benefit human being but he is accountable for them before Allah. It means,

of life at the beginning of the life. Sense of right and duties was given to him before ascending him in to this world“(1).

.The concept of human rights was not the result of any evolution in human thought but the result of the divine revelations, which were conveyed through the Prophets from the very beginning of the existence of mankind on earth. According to Islam the purpose of existence of human being to serve or obey the Almighty Allah. Here it is necessary to point out that a human being has the Human rights with duties. Like A.K. Brohi said, "Since within the totality of Islam man's duty to God embraces both his duty to society and to every other individual paradoxically the rights of each are protected by the obligations of all under divine law. As the state it self is equally subject to this same law, it too is compelled to protect the rights of individual". 2

The rights and duties of human being enjoined under the instruction of Almighty Allah through the guidance of the Prophet Muhammad ﷺ. There are two categories i.e.

- (a) Huqooq-ul-Allah. حقوق الله (Rights of God).

# **ISLAMIC CONCEPT OF HUMAN RIGHTS**

By

Mrs. Summer Sultana \*

Right took birth with the human but it is the irony of the circumstances that it took centuries long period to recognize them. Philosophers were victimized, thinkers were hanged and people were hanged in the struggle of human rights, but, gradually with the passage of time all over the world it was recognized that human are equal and every body has equal right with out distinction of caste and creed, color and race. Rights and human are integrate and they cannot be separated or disintegrated. "Concept of basic right in Islam is as old as the human himself. He was bestowed a code

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University of Karachi.

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