

Student Learning Outcomes

After studying this chapter students will be able to:

1. explain the basic features of the concept of human rights.
2. examine the basic human rights enunciated in Islam.
3. enumerate the major clauses of the UN Declaration of Human Rights, 1948.
4. compare and contrast the rights and obligations of citizens under the 1973 Constitution with rights given to citizens under the UN Human Rights Declaration, 1948.
5. explain the status of basic human rights in Pakistan.
6. develop an understanding of the human rights both at the national and international level.

Concept of Human Rights:

The demands of citizens for their welfare from the government or others which government and society accept are called rights. Rights are of two types, moral rights and legal rights. Many thinkers have defined rights in the following way: -

Aristotle:

"Rights are the base of a state and justice depends upon rights".

"The conditions of social life without which any person could not complete his/her life are called rights".

Hobhouse:

"Rights are those expectations which we do from others and others do from us".

- ★ Human right is the ideology according to which all men are equal and have equal rights. This ideology includes all those elements under which all persons have equal rights of basic necessities and facilities. In universal philosophy a man gets all rights by birth whether he is living in any area or society or holds any ideology. Human rights are socially applied with the help of public opinion or national and international laws.
- ★ In 1215, in Britain a document named as Magna Carta was signed by British King. After that, in British constitution, the rights and petitions rights were also included. In the last of 18th century France and America applied human rights there. With the passage of time, a great development was observed regarding democracy, liberation and human rights.
- ★ The modern concept of human rights appeared after the Second World War. In 1948, the General Assembly of the United Nations arranged the Universal Human Rights Manifesto with consultation.

- ★ Rights provide liberty and the state protects that liberation. Rights and liberation ignite the human capabilities and persons feel themselves secured and satisfied. The state admits these rights and provides protection to them. Democracy and rights go side by side. In every state of modern age, rights are greatly emphasized. The list of Human Rights is included in constitution. The rights given in constitution are especially protected by courts.
- ★ Human being is the master piece of Allah Almighty. Human life is more important than the other living organisms. Man remains in search of excellence. Our Holy Rasool صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَرَثَتْ مُحَمَّدَ حَكَمَ الْكَبِيرَاتِ إِلَيْهِ أَنْ أَنْجُلَهُ وَسَلَّمَ announced human rights, freedom and equality in the address of Hajja-tul-Vida 10th A.H., 631 C.E. which is called the charter of human rights and the responsibility of its protection lies with Islamic State. The period of that announcement was the dark period of the West. The Western world was not fully aware of the concept of human rights.
- ★ Human rights are indivisible and have mutual dependency and co-relationship. Fundamental human rights are not granted by anyone, but every person acquires them since his/her birth. The status of the basic human rights is universal. No government can snatch the basic human rights and the constitution of a country is the custodian of these rights. The importance of basic human rights is more than legal rights and these are protected by courts of the country.
- ★ In return to the rights that are given to citizens, they have also some responsibilities which are called duties for example to be loyal to one's country, abide by the law, pay the tax etc. Rights and responsibilities are dependent to one another and without performance of duties the dream of progress remains untrue. In the teachings of the religions of the world, rights and responsibilities are given the status of worship. In this era, every citizen of a country has to perform duties along with his/her due rights. It is not justified to demand the right without performing the duty.

Islamic Concept of Human Rights

Islam declared human rights about fourteen hundred years ago. Our Holy Rasool صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ performed Hajj in the 10th year of migration and delivered the last sermon in the plain of Arafat, near the Jable-e-Rehmat that is called the sermon of Hajja-tul-Vida.

Summary of the Sermon of Hajja-tul-Vida:

On 25th Ziqaad, 10th year of migration, Hazrat Muhammad صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ left for the Hajj with one lac and forty thousand followers and reached Makkah Mukarramah on 4th Zilhajj 10th A.H. He صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ performed Hajj and delivered the last sermon near the Jabl-e-Rehmat, in the plain of Arafat.

He ﷺ explained that an Arab has no superiority over a non-Arab, nor does a non-Arab has any superiority over an Arab and if exists, it only depends on piety. He ﷺ, in the sermon, declared to waive of the curse of usury and emphasized on brotherhood. The summary of Hajja-tul-Vida is as follow:

- ★ O people, surely your Lord (Allah Ta'ala) is one and your father (Hazrat Adam عليه السلام) is also one. Be aware, an Arab has no superiority over an Ajam (non Arab) and an Ajam (non Arab) has no superiority over an Arab; a white has no superiority over a black and a black has no superiority over a white; the standard of virtue is piety.
- ★ O people! Listen to my words; for I do not know I shall be amongst you the next year. Remember that you will have to appear before your Lord, Who will demand for you an account of your actions.
- ★ O people! You have right over your wives. Do treat them with kindness. Verily you have taken them on the security of Allah Almighty and made them lawful unto you by words of Allah Almighty. First time in Arab society, women were given the rights, and their status was upgraded.
- ★ Feed your slaves as you feed yourselves and clothe your slaves as you clothe yourselves. If they commit any mistake which you are unwilling to forgive them, then give them freedom and do not behave them harshly.
- ★ O people! Listen to my words and remember that all Muslims are brothers unto one another. As you are in one brotherhood, you will not take your brothers' belongings which he will not give you out of goodwill. Guard yourself from committing injustice.
- ★ Keeping in mind all these facts, we can say that Khutba Hajja-tul-Vida is a complete and comprehensive charter of human rights, in which all the people have been declared equal. All types of distinctions have been removed and slave has been granted rights equal to master.

Citizen's Rights in Islam

Rights have been greatly emphasized in Islam and Islamic state has been declared responsible for the protection of citizens' rights. Allah Almighty in the Holy Quran and Hazrat Muhammad ﷺ in Ahadees have instructed much clearly regarding the rights of citizens. Men have been bound to pay duties bestowed by Allah Almighty after embracing Islam and like this have a special care of their fellow humans. Allah Almighty has given great importance to the rights of neighbours, helpless, widows, orphans and relatives. If every person uses to perform these duties

that lie on him from others, then human life can become a model of heaven. The rights of citizens in Islam are described below.

1. Religious Rights

In an Islamic state, religious freedom is given. Non-Muslims are also given opportunities to live according to their own religions. Allah Almighty ordered in the Holy Quran:

(ترجمہ) ”دین میں کوئی زبردستی نہیں ہے، بے شک بہایت گرامی سے خوب و اُخْرُج ہو چکی ہے۔“ (سورۃ البقرۃ، آیت نمبر 256)

There is no restriction on worship for the Non-Muslim. Allah Almighty says in the Holy Quran:

(ترجمہ) ”اور جنہیں وہ اللہ کے سو اپوجتے ہیں انھیں بُرَامَت کہو جیں (ایسا نہ) کہ وہ بھی علم کے بغیر زیادتی کرتے ہوئے اللہ کو بُرا بھلا کہنے لگیں۔“ (سورۃ الانعام، آیت نمبر 108)

2. Economic Rights

In Islamic state, citizens have been given the right of purchasing property and having an ownership of private properties. Like human life, the protection of human properties is also the responsibility of the state. The Holy Prophet ﷺ explained in Khutba Hajja-tul-Vida as Beware, your properties and lives are sacred for each other as this day is gracious. Allah Almighty says in the Holy Quran:

(ترجمہ) ”اور ان کے مالوں میں سوال کرنے والوں اور محتاجوں کا حق ہو ناتھ۔“ (سورۃ الدُّوْرَت، آیت نمبر 19)

Islamic state gives respect to labourer, protects him and accepts the dignity of his work. Islam has completely accepted the principle of dignity in labour. All those economic rights which have been given the public of modern era, were ensured centuries earlier in Islamic system. It is the saying of Hazrat Muhammad ﷺ

”مزدور کو اس کا پسندیدہ خٹک ہونے سے پہلے مزدوری دے دو۔“ (سنن ابن ماجہ، حدیث نمبر 2443)

3. Political Rights

People have been given a right to participate in formation of government. Point out the drawbacks of government and if need arises also record a protest against drawbacks of governmental policies. Islam gives right to raise voice against cruel government. First caliph of Islam, Hazrat Abu-Bakr رضی اللہ عنہ said right after taking oath, ”If I decide on merit, stand by me and if I do not do so, remove me.“ Democracy was applied in Islam. To choose a caliph is an important Islamic law. When the caliphs of Islam were selected, public opinions have already been expressed about them.

i. Right to Criticize the Government

In Islam every citizen has got a right to express his views, criticize the government and protest against wrong decisions. Hazrat Abu-Bakr رضی اللہ عنہ and Hazrat Umar رضی اللہ عنہ presented themselves for the public accountablility. Hazrat Ali رضی اللہ عنہ وجہه الکریم

accepted caliphhood when many representatives of Muslim state gathered in the Masjid and chose him **کرم اللہ وجہہ الکریم** their caliph.

ii. Freedom of Speech

Public opinion has been given a great honor in Islam. People have been given complete freedom to express themselves. Every citizen has right to write and speak.

iii. Equality

Islam gives direction of equal treatment with all regardless of any discrimination. It is necessary to adopt the rule of equality without taking into consideration the difference between Arab and Non-Arab and white and black. All persons have been given equal status according to law. None is superior or inferior in the eye of law. The discrimination based on colour, creed and cast has not been accepted in Islamic state. It is necessary to behave equally with the culprits. In Islamic state, position of culprit is not taken into consideration but the decision is made according to the nature of the guilt.

iv. Justice

In Islam, everyone has been given the right of justice. It is the order of Allah Almighty:

(ترجمہ) ”اور اگر آپ فیصلہ فرمائیں تو ان کے درمیان انصاف کے ساتھ فیصلہ فرمادیجیے۔“ (سورۃ المائدہ، آیت نمبر 42)

(ترجمہ) ”اور جو اللہ کے نازل کردہ حکم کے مطابق فیصلہ نہ کرے تو وہی لوگ کافر ہیں۔“ (سورۃ المائدہ، آیت نمبر 44)

(ترجمہ) ”جو لوگ ایمان لائے اور انہوں نے اپنے ایمان کو ظلم سے نہیں ملایا ہیں وہ لوگ ہیں جن کے لیے امن ہے اور وہی ہدایت یافتہ ہیں۔“

(سورۃ الانعام، آیت نمبر 82)

4. Civic Rights

Some important civic rights are given below.

i. Right to Life

Islam has described in detail about the protection of human life. Allah says in the Holy Quran.

(ترجمہ) ”جس نے کسی جان کو بیشتر کسی جان (کے بدله) یا میں میں بغیر فساد مچانے کے قتل کیا تو گویا اس نے تمام انسانوں کو قتل کر دیا اور جس نے کسی ایک جان کو بچایا تو گویا

اُس نے تمام انسانوں کو بچالیا۔“ (سورۃ المائدہ، آیت نمبر 32)

But this protection is not for a person who is an apple of discord or a murderer. Murderer should be punished bitterly so that others may learn lesson from it. If life, eye, ear, nose or any other part of someone is damaged by any other person, Allah Almighty says,

(ترجمہ) ”جان کے بدله جان ہو گی اور آنکھ کے بدله آنکھ اور ناک کے بدله ناک اور کان کے بدله کان اور دانت کے بدله دانت اور زخموں کا بھی بدله لیا جائے گا۔“

(سورۃ المائدہ، آیت نمبر 45)

A cruel person is not only punished in this world, he is also declared punishable in next world. Islam even does not allow anyone to waste his/her life or commit suicide. Suicide is not allowed in Islam and the person who dies a forbidden death will be punished in next world.

ii. Right to Freedom

Islam negates the slavery and dislikes oppression of a man on another man. Without the permission of law of state, any person or institution cannot keep any other person in his slavery (custody) or punish. The second Khalifa, Hazrat Umar رضي الله عنه warned the rulers strictly about the freedom of humans and said that, "Mothers gave them birth free and how did you make them your slave".

iii. Women's Rights

Islamic state and society give respect and honour to women, provides them every kind of protection. It has been declared a major responsibility of Islamic state to protect the honor of women. Islam has provided her economic and social protection by fixing the share in inheritance.

iv. Protection of Honour

The protection of honour of every male and female is compulsory. If any person, on behalf of his power does insult and makes fun of anyone and if he tarnishes the dignity and honour of any woman then he is entitled to severe punishment. Islam gives respect and honour to every person. Islam forbids backbiting and blaming. To say something wrong in the absence of someone has been resembled as to eat the flesh of his dead brother. Allah Almighty ordered,

(ترجمہ): "اے ایمان والو! مزدوں کا کوئی گروہ دوسرے مزدوں کا مذاق اڑانے ممکن ہے اور لوگ اُن (مذاق اڑانے والوں) سے بہتر ہوں اور نہ عورتیں دوسری عورتوں کا (مذاق اڑانے) ممکن ہے کہ وہ ان (مذاق اڑانے والیوں) سے بہتر ہوں اور آپس میں ایک دوسرے کو طعنہ نہ دیا کرو اور ایک دوسرے کو بڑے لقب کے ساتھ نہ پکارو ایمان کے بعد فتنہ بہت بُرانام ہے اور جو لوگ (اس روشن سے) توبہ نہ کریں تو وہی غالم میں۔" (سورۃ الحجۃ، آیت نمبر 11)

v. Family Rights

Everyone has been given the right to marry and form his home and long for the kids.

'Nikah' is a 'sunnat' of the Hazrat Muhammad ﷺ. The Holy Quran and Ahadees of Hazrat Muhammad ﷺ mention the mutual rights of husband and wife. The institution of family has been made strong and basic by forming the laws of marriage, divorce, separation and inheritance. It has been advised to respect the parents and be kind toward children. No matter, what is nature of mother; children have been instructed to search heaven beneath her feet.

United Nations Universal Declaration of Human Rights

The Human Rights Commission was established by the efforts of United Nations in February 1946 who was given the responsibility of preparing draft of human rights and to present it before General Assembly of United Nations. It was an uphill task before the commission because there were major differences of religious traditions, political ideologies, legal systems and economic, social and cultural methods of 58

member countries of UN at that time. It was a difficult job to prepare such a draft that would acceptable for all.

Human Rights Commission prepared a draft and presented it before the General Assembly for approval. The General Assembly approved it on 10th December, 1948. The approval of the draft greatly increased the respect and honour of the man. Therefore, United Nations celebrates the birthday of this Universal Declaration on 10th December every year.

Following are the main clauses of the Human Rights Declaration:-

1. All human beings are born free and equal in rights and honour. Therefore, they should treat each other brotherly.
2. Every individual is equal irrespective of his colour, race, language, religion, faith and country and has rights and liberties. And he will be behaved equally on the basis of international identity.
3. Every person has a right of life, freedom and personal security.
4. No one can be kept enslaved. Every kind of the trade of slaves is prohibited.
5. Neither anyone will be treated cruelly and inhumanly nor will be given cruel physical punishment.
6. Everyone has the right of recognition before law.
7. All persons are equal in terms of law and everyone has a right of equal legal security.
8. Everyone has to avail an effective justice from independent courts against the violation of basic human rights in accordance with constitution and law.
9. Any person cannot be arrested, detented or banished on account of the willing of the ruler.
10. Everyone has a right to fair trial in an independent and impartial court for his accusations.
11. Everyone has a right of noninterference in his private life, family, personal affairs and correspondence. To damage the honour and repute of anyone is also prohibited. In any case of such a person has the right of legal defense.
12. Everyone has a right to travel or reside in his own country or in foreign country.
13. Every person will be considered innocent until that court does not prove him guilty.
14. Everyone has a right to get security in other country to save itself from pain and on getting security will be entitled to avail all facilities of that country also.
15. Everyone has a right of nationality.
16. Adult man and woman have a right to marry and settle down without any discrimination of creed, nationality and religion.



A Session of United Nation General Assembly

17. Everyone has a right to acquire and own property individually or collectively.
18. Everyone has a complete right of thought, conscious and religious freedom.
19. Everyone has a perfect right to build his views and freedom of expression.
20. Every person has a right to form his party or join any party.
21. Everyone has a right to participate in his government directly or indirectly.
22. Every person has a right to get employment or to do his business independently with due protection.
23. Every person has a right of proper standard of life for health, welfare and promotion of his wife and offspring.
24. Every person has a right to get education.
25. Everyone has a right to participate in cultural life of his nation and so has a right to get benefit from the development of literature and science.

Comparison of the Rights Granted under the Constitution of Pakistan and the Human Rights of the United Nations

- In Pakistan every citizen has been given a right to life. And that right is also the part of Charter of Human Rights of United Nations.
- In Pakistan, no citizen can be arrested without telling the reasons and in case of arresting it is mandatory to present before any court of magistrate within 24 hours and this condition is also included in charter of the United Nations.
- In Pakistan, in the light of constitution every citizen is equal without discrimination of religion, colour, creed and sex and socially has an equal status while in the charter of United Nations every person is equal without discrimination of colour, creed, language, religion, faith and country and he/she has equal rights and internationally his status has been admitted equal.
- In Pakistan, every citizen has a right to form his party or union while in United Nations everyone has a right to build up a party or join it.
- In Pakistan, every citizen has a complete permission to adopt trade, business or any profession while in the Charter of United Nations everyone has a right to get employment or to do his/her independent business and its protection.
- In Pakistan, every citizen gets a right to do job freely without discrimination and also has a right to sustain property while in the Charter of United Nations everyone has a right to hold property.
- In Pakistan, every citizen avails right of protection of his/her language and culture while in the Charter of United Nations also every person has a right to participate in national and cultural life and so has a right to get benefit from the development of literature and science.

Nature of Basic Human Rights in Pakistan

- Numerous basic rights have been given in constitution of Pakistan and the government has been restricted neither snatch any right nor enact any law which would deprive of citizens from their basic rights. The rights which are granted to citizens of Pakistan include freedom of speech, freedom of thought, freedom of information, freedom of party making, freedom of transportation, freedom of peaceful gathering, freedom of holding property, and freedom of job or business activities.
- The rule of separate authority has been adopted in Pakistan for the protection of these rights and an independent court has been established. There are many rights given in constitution and Human Rights Commission has been formed.
- Basic human rights and democracy go side by side. Free and fair elections are necessary in Pakistan for the progress of democracy.
- All religious minorities in Pakistan have a freedom to spend their lives according to their own religions. These minorities celebrate their festivals according to their beliefs and customs.

Human Rights at National and International Level

- At national level, human rights are meant for those social and political facilities which a state provides to its citizens so that they can live a better life. Rights are those claims of citizens which they demand from state and the state accepts these demands and applies also. These are called human rights for example; social rights, economic rights and political rights etc.
- Every country gives social rights to their citizens to live a better life which include right to life, right to reside, right to property, right to family, job right, right to adopt religion and right to write and speech etc. Like this, every citizen has also political rights for example; right to vote, right to represent, right to designate, right to criticize and right of party formation.
- Every country gives guarantee in constitution to provide rights to its citizens and applies written constitution, establishes free courts so that any person or institution cannot deprive citizens from their rights.
- The matter of human rights at international level, is being observed since 1945 which aims at protection of human rights and prepare a legal framework for it with the help of which no country or state can snatch human rights. Moreover, human rights can be protected at local and regional level.



- Many countries in the world have adopted human rights in their constitutions in which basic human rights are guaranteed. From time to time, at international level agreements, formal laws, declarations, rules and principles are determined in which human rights are protected which become a cause of promotion in honour of human rights at national and international level.
- By becoming part of different agreements at international level, it becomes the duty of the state to protect the human rights and develop a constitution at national level or form the laws so that any person or institution cannot snub the rights of anyone and the citizens can get a complete benefit from their rights.

Questions

1. Mark (✓) the correct one of the four answers given below.

(i) Hazrat Muhammad ﷺ addressed the last sermon in:
 (a) 9th A.H. (b) 10th A.H. (c) 11th A.H. (d) 12th A.H.

(ii) In Britain, the king signed the Magna Carta document in:
 (a) 1015 (b) 1115 (c) 1215 (d) 1315

(iii) “**وَيَنْ مَلِكُ الْأَرْضِ**” (ترجمہ) دین میں کوئی زبردستی نہیں ہے:
 (a) Al Baqra (b) Aal-e-Imran (c) Al Nissa (d) Al Maaida

(iv) The right to purchase property and hold a private property comes under the category:
 (a) Social (b) Economic (c) Religious (d) Cultural

(v) **وَأَوْرَادُ اللَّهِ** کے نازل کردہ حکم کے مطابق فیصلہ نہ کرے تو یہ لوگ کافر ہیں:
 (a) Al Baqra (b) Al Fatiha (c) Al Nissa (d) Al Maaida

(vi) Which comes under the category political rights?
 (a) right to vote (c) to adopt a profession
 (b) religious freedom (d) to get education

(vii) Every year, on which date United Nations celebrates the birthday of Universal Declaration of Human Rights:
 (a) 1st December (b) 5th December (c) 8th December (d) 10th December

(viii) In case of arrest, a citizen is presented in the court of magistrate within:
 (a) 20 hours (b) 22 hours (c) 24 hours (d) 26 hours

(ix) The Universal Declaration of Human Rights was approved in United Nations in:
 (a) 1946 (b) 1947 (c) 1948 (d) 1949

(x) Mothers gave them birth free and how did you make them your slave? It is saying of:
 (a) Hazrat Abu-Bakr رضی اللہ عنہ (c) Hazrat Usman رضی اللہ عنہ
 (b) Hazrat Umar رضی اللہ عنہ (d) Hazrat Ali کرم اللہ وجہہ الکریم

2. Give short answers.

- i. What are the Islamic human rights?
- ii. Define rights.
- iii. What is meant by economic rights?
- iv. Who approved the Universal Declaration of Human Rights and when?
- v. Write any two political rights of citizens.
- vi. Define the duties.
- vii. Present any Quranic verse or its translation regarding economic rights.
- viii. Describe any two of the social rights.

3. Answer in detail.

- i. Describe the concept of human rights.
- ii. Which rights have been given to citizens by Islam? Describe.
- iii. Explain the 1948 human right declaration of General Assembly of United Nations.
- iv. Describe the nature of basic human rights in Pakistan.
- v. Compare the rights given under Constitution of Pakistan and human rights of United Nations.

Activities

- i. Arrange a speech competition among students on the topic of "Universal Declaration of Human Rights".
- ii. Arrange a discussion on the plight of human rights at national and international level.