

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.753/2020

Imran Javed Aziz, etc.

Versus

Federation of Pakistan through Secretary, Ministry of Interior, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	06-03-2020	Ch. Hafeez Ullah Yaqoob, Ch. Abdul Rehman Nasir, Raja Shujaat Ali Abbasi, Advocates for petitioners.

This petition has been filed seeking a writ to regulate activities which are expected to take place on March 08, 2020. The said day is globally recognized as the "International Women's Day". The petitioners apprehend that slogans would be raised by some women organizations, which they find offensive and in violation of Islamic injunctions. The petitioners interpret the slogans as obscene and in violation of the Islamic injunctions. They feel that the slogans would disturb harmony in the society and offend the established norms.

2. The emphasis of the learned counsels for the petitioners was on the Islamic injunctions and that the expected slogans or activities would be offensive to the norms of society.

Fourteen centuries ago the Holy Prophet Muhammad (Peace Be Upon Him) spread the message of Almighty Allah. It was a revolution, which has no parallel in human history. It was a message of peace and a revolution, whereby a human being was declared as the Vicegerent of the Creator on earth. It declared humans as a creation in the "best of forms" (Al. Isra; 70). The weak, vulnerable and subjugated were the biggest beneficiaries of this unprecedented revolution. It was an era when female infanticide was rampant and an acceptable norm of the society. Women were treated as chattel, having no rights at all. The pre-Islamic times did not recognize any rights of the women. The patriarchal culture subjugated and treated women as property. The advent of Islam prohibited female infanticide and gave a woman her own identity. It recognized the right of a woman to enter into a marriage contract based on her free will. For the first time women were given the right to inherit property and to own and manage it on their own. They were given the right to engage in business and their education was declared an obligation of the State. Women were, therefore, given real empowerment centuries before such rights

could be enjoyed in other territories. All this was happening at a time when the rest of humanity was treating women as an object and as property, having no rights whatsoever. It was indeed a revolution against the patriarchal and misogynist norms and culture.

3. The learned counsels for the petitioners were asked whether the above Islamic injunctions, which had ushered in a revolution unparalleled in human history, were being followed and implemented in our society today, and if not, then why any expressive conduct on the International Women's Day may not be interpreted as a demand for those rights given to women by Almighty Allah? They were asked whether it was not a norm of our society to generally not welcome the birth of a female child? They did not deny the flagrant violations of the commands of Almighty Allah.

4. The Courts across the country are inundated with litigation brought by women against the denial of their inheritance rights. Mothers, sisters and daughters are denied their rights which have been expressly given to them by Almighty Allah in unambiguous terms in the Holy Quran. In defiance of the explicit

commands of Islam, child marriage, rape and honour killings are not uncommon in our society today. Women are forced into marriage against their will. Heinous traditions of *Karokari, Swara, Wani* and other forms of exploitation are being practiced in a State where 97% of the population professes to be muslim. The tribal and other societal norms seem to have taken precedence over the Islamic injunctions. Female children are not safe and there cannot be a more offensive illustration than the unimaginable pain and agony suffered by the little innocent "Zainab". The alarming aspect is that there is no outrage against the practices and mindsets which are a blatant violation of the unambiguous injunctions of Islam. The practices and attitudes highlighted above are prevalent in our society and are public knowledge. Evidence of these practices are the female victims whose heartrending stories are heard by the Courts across the country on a daily basis. These norms are not only offensive but blasphemous.

5. It is in this context that the International Women's Day ought to be observed. It should be observed as a day of introspection. The petitioners and the society should

demonstrably show their abhorrence and outrage against the norms of certain sections of our society, which are in defiance to the Islamic injunctions, some of which have been discussed above. There is a need to accept the reality and to change mindsets by demonstrably showing outrage against the flagrant violations of the commands of Almighty Allah. Islam had brought a revolution against tribal patriarchal culture and misogynist norms.

6. It is public knowledge, covered widely in the print media, that those who intend to hold rallies on the occasion of the International Women's Day as "Aurat March" had held a press conference to explain how they interpreted their slogans. They have stated in clear terms that their slogans should be interpreted as an expression of outrage against the practices which deny a woman the rights given by the Creator.

7. The learned counsels for the petitioners were asked that, in view of the explanation of the proponents of the "Aurat March", how can they or this Court give a different interpretation to the expected slogans. Even otherwise, as

noted above, the International Women's Day should be taken as an opportunity to introspect. As a society we should be asking ourselves whether Islamic injunctions regarding the rights of women are being respected and followed by all those who claim to be Muslim? If not, then there should be an outrage against the mindsets which are akin to the pre-Islamic patriarchal and misogynist culture and norms. Instead of wasting energy on giving interpretations to the slogans, the explanation of the proponents and their intent should not be doubted. Minds should think positively rather than doubting the intentions of others based on conjectures and presumptions. Our conduct should not reflect the pre-Islamic tribal, patriarchal and misogynist mindset, rather, the revolution brought about fourteen centuries ago ought to be demonstrably visible. The eye of the beholder should see in the words inscribed on placards and used as slogans as demanding outrage against the flagrant violation of the clear and unambiguous injunctions of Islam. The words should not be given meanings according to the mindset of a certain section of society and that too, contrary to the

explanation given by the proponents of the march. It is an opportunity for society to stand up and show outrage against the inhuman traditions and mindsets which are in flagrant violation of the injunctions of Islam.

8. In view of the above, the prayer sought is not justiciable nor is the petition maintainable. However, this Court expects that the proponents of the "Aurat March" will exercise their constitutional rights in accordance with law having regard to conduct that is consistent with the norms of decency. It is an opportunity for them to prove those who doubt their intentions wrong. The petitioners and citizens are expected to take this as an opportunity to introspect and demonstrably show outrage against the practices, which are flagrantly offensive to the injunctions of Islam e.g. mindsets that do not welcome the birth of a female child, honour killings, rape, practices such as *Wani*, *Swara*, *Karokari*, etc. If this happens, then many innocent "Zainabs" will be saved from being treated savagely. The Holy Prophet (Peace Be Upon Him) had spent years trying to change mindsets and that is the need of the hour. The tribal patriarchal traditions and societal norms, based on egos and obscure

insecurities, which offend the injunctions of Islam, have to be defeated through collective struggle so that no mother, sister or daughter suffers the agony of litigation to assert rights of inheritance nor innocent "Zainabs" have to endure unthinkable pain and agony. The petition is, therefore, accordingly **dismissed.**

(CHIEF JUSTICE)

Luqman Khan/*

Uploaded By : Engr. Umer Rasheed Dar