

Misconceptions Over Gender Inequalities in Islamic Law and Pakistan: A Comparative Analysis

☆**Dr. Sohaib Mukhtar**

Senior Assistant Professor, School of Law,
Bahria University Islamabad

☆☆**Malieka Farah Deebea**

Associate Professor, Ibadat International
University Islamabad

☆☆☆**Ahmad Talha**

Graduated from the School of Law, Bahria
University Islamabad



Citation :

Mukhtar, Dr. Sohaib and Malieka Farah Deebea and Ahmad Talha " Misconceptions Over Gender Inequalities in Islamic Law and Pakistan: A Comparative Analysis." *Al-Idrak Research Journal*, 3, no.2, Jul-Dec (2023): 1– 13.

ABSTRACT

Misconceptions related to inequalities between male and female persons in Pakistan are existed in the mind of people around the World. People think that these existing inequalities are linked with Islamic Law and its strict principles laid down in verses of Holy Quran and traditions of Holy Prophet Muhammad ﷺ. The fact is that inequalities exist in Pakistani society between male and female not because of strict principles of Islamic Law but because of feudal mindset and because of low literacy rate and lack of knowledge. Islamic Law does not create inequalities between male and female persons as it is misunderstood by the majority and also badly portrayed by the people who portray themselves as true followers of Islamic Law which actually is incorrect. Apart from feudal mindset and low literacy rate, the Government of Pakistan is duty bound under article 34 of the Constitution of Pakistan 1973 to create good atmosphere for all and ensure full participation of women in all spheres of life but it is unsuccessful to create a friendly atmosphere for women. Low literacy rate in Pakistan is not because of religion as Prophet Muhammad ﷺ stated that seeking knowledge and education is compulsory for every believer (whether man or woman). It is also emphasized under Constitution of Pakistan 1973 thus it is quite unfair to blame the State of Pakistan and Islamic Law for gender inequalities in Pakistan as both verses of Holy Quran, traditions of Holy Prophet Muhammad ﷺ and the Constitution of Pakistan 1973 emphasize on equality before law without discrimination, therefore negative propaganda against Islamic Law and the State of Pakistan should be stopped and the World is required to help the Government of Pakistan to eliminate inequalities and to promote education throughout Pakistan without discrimination as to gender, race, religion, place of birth.

Key Words: Islam, Pakistan, Education, Gender Inequalities, Constitution of Pakistan 1973

1. Introduction

Pakistan is an Islamic country as according to article 2 of the Constitution of Pakistan 1973 the state religion of Pakistan is Islam and according to article 227 of the Constitution of Pakistan 1973 no law can be made in Pakistan against injunctions of Islam laid down in Holy Quran and Sunnah of Holy Prophet Muhammad ﷺ. There are various misconceptions in the minds of people around the world against Islamic Law and against Pakistani society that rights of women are not protected in Pakistan and that is because of strict rules prescribed in Islamic Law which is totally incorrect. First of all, it is very important to clarify that no human society provide and protect absolute gender equality as both genders are different. Gender equality which is required under positive law is equality before law which is also prescribed in Islamic Law.

Almighty Allah says “Their Lord answered their prayers saying: I do not neglect anyone's labour whether the labourer be male or female. You are all related to one another. Those who migrated from Mecca, those who were expelled from their homes, those who were tortured for My cause, and those who fought and were killed for My cause will find their sins expiated by Me and I will admit them into the gardens wherein streams flow. It will be their reward from God Who grants the best rewards”.¹

This research is qualitative method of research an analysis of gender inequalities in Pakistani society which is required to be sorted out to allow participation of women in all spheres of life without discrimination as this is already guaranteed under Pakistani Law and Islamic Law as prescribed in verses of Holy Quran and Sunnah of Holy Prophet Muhammad ﷺ. This research seeks clarification of misconceptions spread throughout the world over Islamic Law and Pakistani society that they do not protect rights of women as Islamic Law protects rights of women in different spheres of life as mother, daughter, sister, wife, and citizen of Islamic State.

In Pakistan, rights of women are guaranteed under fundamental rights and principles of policy prescribed under Constitution of Pakistan 1973 but the implementation is very important which is yet to be achieved as literacy rate of Pakistani women is not very high but the Government of Pakistan launched Ehsaas Program under Poverty Alleviation and Social Safety Division to reduce gender and other inequalities among citizens of

¹ Āl-i-Imrān 3: 195

Pakistan and to empower women and to create friendly atmosphere where women can participate in all spheres of life without discrimination. Apart from article 25 of the Constitution of Pakistan 1973, article 34 of the Constitution of Pakistan 1973 states that the Government of Pakistan is required under Principles of Policy to ensure full participation of women in all spheres of life. Therefore, the World needs to support steps taken by the present Government of Pakistan for promotion of women in all spheres of life and for other positive steps taken by the Government of Pakistan to increase literacy rate of women in Pakistan.

2. Misconceptions Over Gender Inequalities in Islamic Law

Islamic Law provides complete code of life guides human beings comprehensively in all aspects of life. Almighty Allah says “O you who believe! Enter Islam perfectly (by obeying all rules and regulations of Islam) and do not follow footsteps of devil. Verily! He is your clear enemy”.² Almighty Allah is lawgiver complete in all good attributes and pure from all defects. Almighty Allah sent Prophet Muhammad ﷺ to spread message of peace throughout the world. Almighty Allah states “and We have sent you (O Muhammad ﷺ) not but as a mercy for mankind/all that exists”.³ Almighty Allah also says “Muhammad ﷺ is not father of any man among you but he is the Messenger of Allah and the last/end of the Prophets. And Allah is Ever All Aware of everything”.⁴

Holy Quran and Sunnah of Prophet Muhammad ﷺ are main primary sources of Islamic law.⁵ All rules are derived from these two sources of Islamic Law and anything contrary to verses of Holy Quran and Sunnah of Prophet Muhammad ﷺ is null and void. Almighty Allah says “O you who believe! Obey Allah and obey the Messenger (Muhammad ﷺ) and those of you (Muslims) who are in authority. If you differ in anything amongst yourselves, refer it to Allah and His Messenger ﷺ if you believe in Allah and in the Last Day, that is better and more suitable for final determination”.⁶ Almighty Allah also says, “but no, by your Lord, they can have no Faith until they make you (O Muhammad ﷺ) judge in all disputes between them and find in themselves no resistance against your

² 1-baqarah 2: 208

³ 1-anbiyāa 21: 107

⁴ 1-ahzāb 33: 40

⁵ Nyazee, Imran Ahsan Khan. *Outlines of Islamic Jurisprudence*. Federal Law House, Islamabad, 2019.

⁶ Āl-i-Imrān 3: 59

decisions and accept (them) with full submission”.⁷ Almighty Allah also says:

“It is not for believer, man or woman, when Allah and His Messenger ﷺ have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger ﷺ he has indeed strayed into a plain error”.⁸

Islam is the word from Arabic Language rooted from salama literally means peace.⁹ Muslims are required to praise each other with “May peace and blessings be upon you”. Almighty Allah says “When you are greeted with greeting, greet in return with what is better than it or (at least) return it equally. Certainly, Allah is ever careful account taker of all things”.¹⁰ Prophet Muhammad ﷺ said:

“By the One in whose hand is my soul! you will not enter Paradise until you believe, and you will not believe until you love one another. Shall I inform you a matter which if you do it will love one another? Spread Salam among each other”.¹¹

Promoting gender equality, elimination of inequality, and empowerment of women fall under protection of religion rooted in Maqasid ul Shariah. All people of the World are equal before law and there is no discrimination between rich, poor, man, woman before Almighty Allah.¹² There is no absolute equality exists anywhere in the world, equality which is required everywhere is equality before law as all male female persons are equally treated before law and whosoever (men and women) do good deeds are rewarded.¹³ Almighty Allah says, “Believers men and women, are helpers/supporters/protectors of one another, they enjoin good (all that Islam orders one to do) and forbid (people) from bad (all that Islam has forbidden); they perform prayers and give compulsory charity/zakat and obey Allah and His Messenger ﷺ. Allah will have His

⁷ Āl-i-Imrān 3: 64

⁸ I-ahzāb 33: 36

⁹ Mukhtar, Sohaib, Zinatul Ashiqin Zainol, and Sufian Jusoh. "Islamic Law and Sustainable Development Goals." *Tazkia Islamic Finance and Business Review* 12, no. 1 (2018).

¹⁰ Al-Qur'ān: I-nisāa 4: 86

¹¹ Jami` at-Tirmidhi, "The Book on Seeking Permission", Chapter 42, "What Has Been Reported About Spreading The Salam," (2688), 42/1

¹² Spierings, Niels, Jeroen Smits, and Mieke Verloo. "On the Compatibility of Islam and Gender Equality: Effects of Modernization, State Islamization, and Democracy on Women's Labor Market Participation in 45 Muslim Countries." *Social Indicators Research* 90 (2009): 503-522.

¹³ Raines, John C., and Daniel C. Maguire, eds. *What Men Owe to Women: Men's Voices from World Religions*. State University of New York Press, 2001.

Mercy on them. Surely Allah is Almighty, All-Wise. Allah has promised believers (men and women) Gardens under which rivers flow to dwell therein forever and beautiful mansions in Gardens of 'Adn (Eden Paradise) but the greatest bliss is the Good Pleasure of Allah. That is the supreme success".¹⁴ Rights and duties of human beings derived from sources of Islamic Law are taught by Islamic Law. Human beings are directed to gain knowledge and they have capacity to acquire right and to execute duty.¹⁵

Reduction of inequality can be achieved by economic inclusion of all without discrimination as to sex, race, and place of birth.¹⁶ Islamic law does not discriminate between male and female before law as per their wealth. Almighty Allah says "for men there is reward for what they have earned, (and likewise) for women there is reward for what they have earned and ask Allah of His Bounty. Surely, Allah is Ever All Knower of everything".¹⁷ Almighty Allah says "O mankind! We have created you from male and female and made you into nations and tribes that you may know one another. Verily, the most honorable of you with Allah is that (believer) who is pious. Verily, Allah is All-Knowing, All-Aware".¹⁸ Prophet Muhammad ﷺ stated in his last sermon during pilgrimage that "Arabic person is not superior than non-Arabic person and non-Arabic person is not superior than Arabic person, similarly reddish person has no superiority over black person nor black has superiority over reddish except for piousness".¹⁹

Islamic law encourages and promote elimination of discrimination and exploitation against women by eradication of sexual violence.²⁰ There is a severe and strict punishment for the offence of fornication and punishment for a person who blames and accuses women of adultery without producing 4 pious male witnesses otherwise the accuser will be

¹⁴ l-tawbah 9: 71-72

¹⁵ Halstead, J. Mark. "Islamic Values: A Distinctive Framework for Moral Education?." *Journal of Moral Education* 36, no. 3 (2007): 283-296.

¹⁶ Ekvall, A. (2016). Norms on Gender Equality and Violent Conflict. *Disponibile sur e-ir. info, consulté le, 14.*

¹⁷ l-nisāa 4: 32

¹⁸ l-hujurat 49: 13

¹⁹ Farooq, Mohammad Omar. "The Farewell Sermon of Prophet Muhammad ﷺ: An Analytical Review." *Islam and Civilisational Renewal* 9, no. 3 (2018): 322-342.

²⁰ Ashraf, S., Abrar-ul-Haq, M., & Ashraf, S. (2017). Domestic Violence against Women: Empirical Evidence from Pakistan. *Pertanika Journal of Social Sciences & Humanities*, 25(3), 1401-1418.

awarded punishment of 80 lashes and his witness will never be accepted in future except he repents, mended his ways and do good deeds.²¹ Almighty Allah says:

“woman and man guilty of illegal sexual intercourse flog each of them with hundred stripes. Let not pity withhold you in their case in a punishment prescribed by Allah if you believe in Allah and the Last Day. And let a party of believers witness their punishment. (This punishment is for unmarried person guilty of the above crime but if married person commits it, the punishment is to stone him to death according to Allah's Law). Adulterer marries not but an adulteress or a pagan woman and adulteress none marries her except adulterer or pagan man [and that means that man who agrees to marry (have a sexual relation with) pagan (female polytheist or idolatress) or prostitute, then surely, he is either adulterer or pagan (polytheist or idolater) And woman who agrees to marry (have a sexual relation with) a pagan (polytheist or idolater) or adulterer then she is either prostitute or pagan (female polytheist or idolatress)]. Such a thing is forbidden to believers (of Islamic Monotheism) ”.²²

Almighty Allah further says “And those who accuse chaste women and do not produce four witnesses, flog them with eighty stripes and reject their testimony forever, they indeed are liars/rebellious/disobedient to Allah. Except those who repent thereafter and do righteous deeds, (for such) verily, Allah is Oft-Forgiving, Most Merciful. And for those who accuse their wives but have no witnesses except themselves, let the testimony of one of them be four testimonies (i.e. testifies four times) by Allah that he is one of those who speaks the truth. And the fifth (testimony) (should be) invoking Curse of Allah on him if he be of those who tells a lie (against her). But it shall avert the punishment (of stoning to death) from her if she bears witness four times by Allah that he (her husband) is telling a lie. And the fifth (testimony) should be that the Wrath of Allah be upon her if he (her husband) speaks the truth. And had it not been for the Grace of Allah and His Mercy on you (He would have hastened the punishment upon you)! And that Allah is the One Who accepts repentance, All-Wise”.²³

²¹ Mukhtar, Sohaib. "In Defense of the Codification of the Islamic Law of Hudud into the Law of Pakistan." *International Review of Law* 2016, no. 2 (2016): 11.

²² 1-nūr 24: 2-3

²³ 1-nūr 24: 4-10

Equitable and good quality education system and lifelong beneficial learning opportunities should be available for all persons without discrimination as to sex, race, place of birth which comes under protection of life, intellect and progeny under Public Policy of Islamic Law.²⁴ Islamic law emphasizes on gaining knowledge, learning, education as first revelation of Almighty Allah on Prophet Muhammad ﷺ started with the word “read”.²⁵

Almighty Allah appreciates knowledgeable person, He says:

“O you who believe! When you are told to make room in assemblies, (spread out and) make room. Allah will give you (ample) room (from His Mercy). And when you are told to rise [for prayers, Jihad (holy fighting in Allah's Cause) or for any other good deed], rise. Allah will exalt in degree those of you who believe and those who have been granted knowledge. And Allah is Well-Acquainted with what you do”.²⁶

Prophet Muhammad ﷺ used to make prayers that “My Lord! Increase me in knowledge”.²⁷ Islamic law emphasis on education as Prophet Muhammad ﷺ said “If anyone travels on a road in search of knowledge, Allah will cause him to travel on one of the roads to Paradise. Angels will lower their wings in their great pleasure with one who seeks knowledge, inhabitants of the heavens and the Earth and fish in deep waters will ask forgiveness for the learned man. The superiority of learned man over devout is like that of the moon on the night when it is full over rest of stars. The learned are heirs of Prophets and Prophets leave neither dinar nor dirham (currencies) leaving only knowledge and he who takes it takes an abundant portion”.²⁸

3. Misconceptions Over Gender Inequalities in Pakistan

Literacy rate in Pakistani women is less than 50% which is because of male dominating society and women in Pakistan are dependent on their fathers, elder brothers, uncles, husbands and cannot take their decisions independently because of conservative and traditionalist mind set and not because of the religion as it is a negative propaganda linked with

²⁴ Kadi, Wadad. "Education in Islam—Myths and Truths." *Comparative Education Review* 50, no. 3 (2006): 311-324.

²⁵ I-alaq 96: 1

²⁶ I-mujadilāh 58: 11

²⁷ tā hā 20: 114

²⁸ Sunan Abi Dawud, "The Book of Knowledge (Kitab Al-Ilm) ", Chapter 26. "Regarding the Virtue of Knowledge," (3641), 26/1.

Islamophobia to spread hatred against Islam that Islam does not allow women to participate in different fields of life.²⁹ The Government of Pakistan is bound by Principles of Policy prescribed under Constitution of Pakistan 1973 stated that the Government of Pakistan will allow and ensure participation of women in all spheres of life. It is prescribed under fundamental right in article 25 that everybody is equal before law without discrimination as to sex, race, religion, residence, and place of birth. It is added under article 25A of the Constitution of Pakistan 1973 that the Government of Pakistan is duty bound to provide free education to all children of Pakistan until 16 years which should be increased to 18 years with compulsory without discrimination as to sex, race, religion, residence and place of birth.³⁰

The Government of Pakistan launched Ehsaas Program under Poverty Alleviation and Social Safety Division in March 2019 with various purposes to make Pakistan social welfare state and one of the purposes of Ehsaas Program is to reduce inequality by empowering women as it is prescribed under article 34 of the Constitution of Pakistan 1973 that the Government of Pakistan is duty bound to ensure full participation of women in all spheres of life and article 25 states that every person is equal before law without discrimination as to sex, race, religion, residence, and place of birth.³¹

There is a misconception regarding women participation in life that this is because religious mind set which is totally wrong as state religion of Pakistan is Islam as prescribed under article 2 of the Constitution of Pakistan 1973 and around 98% citizens of Pakistan are Muslims. Muslim is a person who submits his will to Almighty Allah thus Muslim follows guidelines given by Almighty Allah and his Prophet Muhammadﷺ. Islamic law revelation started with the word “read”³² Almighty Allah appreciates knowledgeable person as he says “O you who believe! When

²⁹ Ambreen, Mamonah, and Anwaar Mohyuddin. "Gender Biased Parental Attitudes Towards Education: A Case Study of Village Dasuha, District Faisalabad." *Academic Research International* 4, no. 1 (2013): 140.

³⁰ Mukhtar, Sohaib. "Social Transformation of Pakistan under the Constitution of 1973." *Social Transformations in Contemporary Society. Lithuania. Mykolas Romeris University* 4 (2016): 47-59.

³¹ Javed, Asif, Vaqar Ahmed, and Bakhrul Khair Amal. "The Social Safety Nets and Poverty Alleviation in Pakistan: An Evaluation of Livelihood Enhancement and Protection Program." *Britain International of Humanities and Social Sciences (BIOHS) Journal* 3, no. 1 (2021): 21-36.

³² Al-Qur'ān: l-alaaq 96: 1

you are told to make room in the assemblies, (spread out and) make room. Allah will give you (ample) room (from His Mercy). And when you are told to rise [for prayers, Jihad (holy fighting in Allah's Cause) or for any other good deed] rise. Allah will exalt in degree those of you who believe and those who have been granted knowledge. And Allah is Well-Acquainted with what you do".³³

Prophet Muhammad ﷺ used to pray "My Lord! Increase me in knowledge"³⁴ Islamic law emphasis on education as Prophet Muhammad ﷺ said "If anyone travels on a road in search of knowledge, Allah will cause him to travel on one of the roads of Paradise. Angels will lower their wings in their great pleasure with one who seeks knowledge, the inhabitants of heavens and the Earth and the fish in the deep waters will ask forgiveness for the learned man. The superiority of the learned man over the devout is like that of the moon on the night when it is full over rest of stars. The learned are heirs of Prophets and the Prophets leave neither dinar nor dirham leaving only knowledge and he who takes it takes an abundant portion".³⁵

Women empowerment is not against Islam. All male and female persons required to be treated equally before law and whosoever (men and women) do good deed will be rewarded for that. Almighty Allah says, "men and women believers are helpers of one another, they enjoin (on the people) good deeds and forbid (people) from bad deeds, they perform prayers and give zakat and obey Allah and His Messenger ﷺ. Allah will have His Mercy on them. Surely Allah is Almighty, All-Wise. Allah has promised to believers (men and women) Gardens under which rivers flow to dwell therein forever and beautiful mansions in Gardens but the greatest bliss is the Good Pleasure of Allah. That is the supreme success".³⁶

Islamic law does not discriminate between male and female before law as per their wealth. Almighty Allah says "for men there is reward for what they have earned (and likewise) for women there is reward for what they have earned and ask Allah of His Bounty. Surely, Allah is Ever All-Knower of everything".³⁷ Almighty Allah says "O mankind! We have

³³ I-mujadilāh 58: 11

³⁴ tā hā 20: 114

³⁵ Sunan Abi Dawud, "The Book of Knowledge (Kitab Al-Ilm) ", Chapter 26. "Regarding the Virtue of Knowledge," (3641), 26/1.

³⁶ Al-Qur'ān: I-tawbah 9: 71-72

³⁷ Al-Qur'ān: I-nisāa 4: 32

created you from a male and a female and made you into nations and tribes that you may know one another. Verily, the most honorable of you with Allah is pious. Verily, Allah is All-Knowing, All-Aware”.³⁸ Prophet Muhammad ﷺ stated in his last sermon during pilgrimage that “Arabic person is not superior than non-Arabic person and non-Arabic person is not superior than Arabic person, similarly reddish person has no superiority over black person nor does black person has superiority over reddish except for piousness”.³⁹

Islamic law encourages eliminating discrimination and exploitation against women by eradicating sexual violence. There is a severe punishment for fornication and a punishment for a person who blames women of sexual relationship without producing four pious witnesses otherwise the accuser will be awarded 80 lashes punishment and his witness will never be accepted in future except he repents and do good deeds. Almighty Allah says “the woman and the man guilty of illegal sexual intercourse flog each of them with hundred stripes. Let not pity withhold you in their case in a punishment prescribed by Allah if you believe in Allah and the Last Day. And let a party of the believers witness their punishment. (This punishment is for unmarried persons guilty of the above crime but if married persons commit it, the punishment is to stone them to death, according to Allah's Law). The adulterer marries not but an adulteress or a Mushrikah and the adulteress none marries her except an adulterer or a Muskrik [and that means that the man who agrees to marry (have a sexual relation with) a Mushrikah (female polytheist, pagan or idolatress) or a prostitute, then surely, he is either an adulterer or a Mushrik (polytheist, pagan or idolater, etc.) And the woman who agrees to marry (have a sexual relation with) a Mushrik (polytheist, pagan or idolater) or an adulterer then she is either a prostitute or a Mushrikah (female polytheist, pagan, or idolatress, etc.)]. Such a thing is forbidden to the believers (of Islamic Monotheism). And those who accuse chaste women and produce not four witnesses, flog them with eighty stripes and reject their testimony forever, they indeed are disobedient to Allah. Except those who repent thereafter and do righteous deeds, (for such) verily, Allah is Oft-Forgiving, Most Merciful. And for those who accuse their wives but have no witnesses except themselves, let the testimony of

³⁸ I-hujurāt 49: 13

³⁹Mukhtar, Sohaib. "Social Transformation of Pakistan under the Speech of Muhammad Ali Jinnah on 11th August 1947." *Social Transformations in Contemporary Societies (STICS)* 6 (2018).

one of them be four testimonies (i.e., testifies four times) by Allah that he is one of those who speak the truth. And the fifth (testimony) (should be) the invoking of the Curse of Allah on him if he be of those who tell a lie (against her). But it shall avert the punishment (of stoning to death) from her, if she bears witness four times by Allah that he (her husband) is telling a lie. And the fifth (testimony) should be that the Wrath of Allah be upon her if he (her husband) speaks the truth. And had it not been for the Grace of Allah and His Mercy on you (He would have hastened the punishment upon you)! And that Allah is the One Who accepts repentance, All-Wise”.⁴⁰

In Islamic Law there is equality before law and there is no discrimination between rich, poor before law. There is no absolute equality exists anywhere in the world, the equality which exists everywhere is equality before law. All male and female persons are required to be equally treated before law and whosoever do good deed will be rewarded. Almighty Allah says, “Believers men and women, are helpers/supporters/protectors of one another, they enjoin good (all that Islam orders one to do) and forbid (people) from bad (all that Islam has forbidden); they perform prayers and give compulsory charity/zakat and obey Allah and His Messenger ﷺ. Allah will have His Mercy on them. Surely Allah is Almighty, All-Wise. Allah has promised believers (men and women) Gardens under which rivers flow to dwell therein forever and beautiful mansions in Gardens of 'Adn (Eden Paradise) but the greatest bliss is the Good Pleasure of Allah. That is the supreme success”.⁴¹ Islam teaches human beings rights and duties derived from sources of Islamic Law. Human beings are required to have knowledge and capacity to acquire right and to execute duty.

Islam is the religion provides complete code of life comprehensively guides human beings in all aspects of life as Almighty Allah says “O you who believe! Enter Islam perfectly (by obeying all rules and regulations of Islam) and do not follow footsteps of devil. Verily! He is your clear enemy”.⁴² Almighty Allah is the lawgiver complete in all good attributes and pure from all defects sent Prophet Muhammad ﷺ to spread message of peace throughout the world. Almighty Allah states “and We

⁴⁰ Al- nūr 24: 2-10

⁴¹ Al-tawbah 9: 71-72

⁴² Al-baqarah 2: 208

have sent you (O Muhammad ﷺ) not but as a mercy for mankind/all that exists”.⁴³

Almighty Allah also says:

“Muhammad ﷺ is not father of any man among you but he is the Messenger of Allah and the last/end of the Prophets. And Allah is Ever All Aware of everything”.⁴⁴

Holy Quran and Sunnah of Prophet Muhammad ﷺ are two main basic sources of Islamic law hence all rules are derived from them and anything contrary to verses of Holy Quran and Sunnah of Prophet Muhammad ﷺ is null and void. Almighty Allah says “O you who believe! Obey Allah and obey the Messenger (Muhammad ﷺ) and those of you (Muslims) who are in authority. If you differ in anything amongst yourselves, refer it to Allah and His Messenger ﷺ if you believe in Allah and in the Last Day, that is better and more suitable for final determination”.⁴⁵ Almighty Allah also says, “but no, by your Lord, they can have no Faith until they make you (O Muhammad ﷺ) judge in all disputes between them and find in themselves no resistance against your decisions and accept (them) with full submission”.⁴⁶ Almighty Allah also says “It is not for believer, man or woman, when Allah and His Messenger ﷺ have decreed a matter that they should have any option in their decision. And whoever disobeys Allah and His Messenger ﷺ he has indeed strayed into a plain error”.⁴⁷

It is therefore adhered that misconceptions against Pakistani society and Islamic Law are false, fabricated, and maliciously spread to malign Islamic Law and Pakistani Society thus principles of Islamic Law encouraging gender equalities should be followed in true letter and spirit to encourage full participation of women in all spheres of life as prescribed under article 34 of the Constitution of Pakistan 1973.

4. Conclusion and Recommendations

Islam means peace, it is revelation of Almighty Allah revealed on the last Prophet Muhammad ﷺ for betterment of human beings in both worlds. Person entering Islam is basically entering peace in this world and in the hereafter if he follows guidelines prescribed by Almighty Allah in Holy Quran and Prophet Muhammad ﷺ in Sunnah. State religion of Pakistan is

⁴³ Al-anbiyāa 21: 107

⁴⁴ Al-ahzāb 33: 40

⁴⁵ Āl-i-Imrān 3: 59

⁴⁶ Āl-i-Imrān 3: 64

⁴⁷ Al-ahzāb 33: 36

Islam and no law can be made in Pakistan against injunctions of Islam under article 227 of the Constitution of Pakistan 1973. There are misconceptions over gender inequalities under Islamic Law and in Pakistan. Islamic Law emphasis on women empowerment, provides rights to women and provides women rights to participate in economic activities, prevent sexual violence to protect women in and outside houses. Islamic Law encourages women to earn education as Prophet Muhammad ﷺ stated that “Seeking knowledge is compulsory for every Muslim (male & female)”.

There are misconceptions related to gender inequalities in Pakistan that gender inequalities in Pakistan due to Islamic law and religious fundamentalist mindset which is misunderstanding as gender inequalities in Pakistan are due to low literacy rate and feudal mindset. The Constitution of Pakistan 1973 article 34 provides that the Government of Pakistan is duty bound to encourage women to participate in all spheres of life and reduce gender inequality thus in March 2019, the Government of Pakistan has launched Ehsaas Program under Poverty Alleviation and Social Safety Division to empower women in Pakistan.

In view of the above discussion, it is recommended that misconceptions should be discouraged against Islamic Law as Islamic Law emphasizes on gender equality before law and encourages both male and female to have compulsory education which is also guaranteed under article 25 and 25-A of the Constitution of Pakistan 1973. The amendment is required under article 25-A of the Constitution of Pakistan 1973 that after word person both male and female words should be added and also add clause encouraging parents to send their male and female children to schools otherwise penal actions should be taken as giving education to male is giving education to only one person and providing education to female is providing education to the whole family.