

Right of Progeny and Cairo Declaration of Human Rights in Islam

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Abstract

The first main objective of Maqasid I Shari`ah is the completion of human's necessity; in which protection of progeny (nasl) is the foremost purpose. The preservation of lineage is greatly emphasized by the Islamic Shariah and the Cairo declaration of human rights in Islam also supported the protection of lineage in Islam. All the articles of CDHRI covered the five basic human rights mentioned in Maqasid I Shariah. The research is focused on delineating the concept of protection of lineage as one of the main objective of Shariah and it is supported by evidences from Cairo Declaration of Human Rights in Islam along with Quranic verses and traditions of the Holy Prophet (S.A.W). The aspects covered in the paper range from discussion of right of progeny as well as equal rights of progeny for male and female; rights of children with the hierarchy of their rights from the stage of fetus, having proper nursing, caring, education and a healthy beginning of life. The comparative analysis based on arguments of Shariah and the CDHRI proves that it is the basic objective of Shariah to protect all fundamental rights and right of progeny has the foremost significance in it.

Keywords: *Maqasid I Shariah, Right of Progeny, Cairo Declaration of Human Rights in Islam (CDHRI), Rights of Children.*

Introduction to CDHRI

Islamic *Shariah* always talk about the benefit of human beings, the rights which Islamic *Shariah* has granted to anyone cannot be abolished by other. The Cairo declaration of human rights in Islam (CDHRI) was basically the response of universal declaration of human rights (UDHR). UDHR came after

the Second World War in 1948, it was basically the first Islamic document on human rights but it did not cover all the human rights mentioned in Islamic Shariah. It also failed to consult with the member states of OIC which is the main dilemma of Islamic countries. Many Islamic countries criticized this declaration because they were not present at that conference in which UDHR emerged and put allegation that this declaration did not talk about the religious and spiritual framework of non-western countries. Member states of OIC adopted CDHRI in 1990. 45 states have signed it. For acceptance it was presented to United Nations Human Rights Council (UNHC) in 1981. Luckily the document was successfully approved and adopted and in 1990 finally CDHRI emerged and this was the only satisfactory, realistic and practical International Islamic document on human rights. It mentioned many rights of UDHR but it also confess many inequalities merged in Islamic law related to religions, social rights, political rights, sex etc.¹

The Cairo declaration of human rights in Islam established the rules which protected human rights and talked about the harsh and unbearable inequity against non-Muslims and women. It guaranteed that all the articles in its document are according to Islamic *Shariah*.

Cairo Declaration of Human Rights in Islam and *Maqasid I Shariah*

This declaration has 25 articles. All the articles covered the five basic human rights mentioned in *Maqasid I Shariah*. Last two articles clearly focused on the fact that “***All the rights and freedoms stipulated in this Declaration are subject to the Islamic Shari'ah.***”² and “***The Islamic Shari'ah is the only source of reference for the explanation or clarification to any of the articles of this Declaration***”³

It talks about the sovereignty of Allah almighty that all the creation are his servants than it clears the fact that all people are equal in his eye. He judge people on the base of their righteousness. Than this declaration talked about the protection of human life and also set rules for non-belligerents means woman children, soldiers and old people which supported the first main objective of *Maqasid I Shariah* right of life. T

he declaration talks about that there is no compulsion in the matter of religion which supported the second objective of *Maqasid I Shariah* right of faith. This declaration also talked about the importance of education which supported the fourth main objective of *Maqasid I Shariah* right of intellect. The Declaration advised the parents to protect their child before and after birth which supported the third main objective of *Maqasid I Shariah* right of progeny. It also highlighted that the husband is the maintainer of his family and family is his responsibility. The Declaration gives individual the rights to privacy and right to property which supported the last objective of *Maqasid I*

CDHRI and Right of Progeny

Here are some articles of CDHRI related to the protection of progeny which will be discussed with the Islamic *Shariah*.

“ARTICLE 5: (a) The family is the foundation of society, and marriage is the basis of making a family. Men and women have the right to marriage, and no restrictions stemming from race, color or nationality shall prevent them from exercising this right.

(b) The society and the State shall remove all obstacles to marriage and facilitate it, and shall protect the family and safeguard its welfare.”⁵

A and b part of this article clears the fact that marriage is most important thing for the establishment of society. Islamic *Shariah* also emphasized a lot on it. In the eye of Islamic *Shariah* marriage is most beautiful thing as Allah Almighty incumbent it on all Muslims (men and women) but prohibited it for those who have lack of physical and economics facilities. Islamic jurists say that if a person has extreme sexual desires and he afraid of being *zaani* than *nikah* is *wajib* for him. If his sexual desires are in control than *nikah* is *mustahib*. According to imam Shafi it is *Mubah*. According to Dawud, Zahirites and their followers if a person has dower and financial resources then *nikah* is *farz ain* for him.⁶ As Allah Almighty says in the Holy Quran:

فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ⁷

“Then marry those that please you of [other] women.....”

All the prophets practiced marriage, no matter that they were engaged in the services which Allah Almighty appointed on them but this responsibility did not force them to avoid marriage because marriage plays a very important role on both the religion and social development.⁸ Allah Almighty mentioned this thing in the Holy Quran:

وَلَقَدْ أَرْسَلْنَا رُسُلًا مِنْ قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً وَمَا كَانَ لِرَسُولٍ أَنْ يَأْتِيَ بِآيَةٍ إِلَّا بِإِذْنِ اللَّهِ لِكُلِّ أَجَلٍ كِتَابٌ⁹

And We have already sent messengers before you and assigned to them wives and descendants. And it was not for a messenger to come with a sign except by permission of Allah. For every term is a decree.

Saying of Prophet (S.A.W) also clarify this reality *“It was narrated from Samruh that the messenger of Allah (S.A.W) forbade celibacy. Zaid bin Akhzam added: “And Qatadah recited: And indeed we sent messengers before you (O Muhammad S.A.W) and made for them wives and offspring.”*¹⁰

Marriage is also the *Sunnah* of Prophet Muhammad (S.A.W). *Ahādith* of Prophet (S.A.W) prove that marriage fulfills half of person’s faith. *“It was*

narrated from Aisha that the messenger of Allah (SA.W) said: “Marriage is part of my sunnah, and whoever does not follow my sunnah has nothing to do with me-get married, for I will boast of your great numbers before the nations: whoever has the means, let him get married, and whoever does not, then he should fast, for it will diminish his desires.”¹¹

CDHRI and Rights of Children and Protection of Progeny

CDHRI also emphasizes on the rights of children and protection of progeny. Its article 7 talks about the children’s rights:

“ (a) As of the moment of birth, every child has rights due from the parents, the society and the state to be accorded proper nursing, education and material, hygienic and moral care. Both the fetus and the mother must be safeguarded and accorded special care.

(b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari’ah.

(c) Both parents are entitled to certain rights from their children, and relatives are entitled to rights from their kin, in accordance with the tenets of the Shari’ah.”

CDHRI gives the concept of protection of progeny but how one can protect his progeny, is elaborated by Islamic Shariah.

CDHR and Rights of Children

Islam has analysis childhood with trust and objective. When people achieved it, the fruit is satisfaction, happiness of the spirit and excitement of mind. In the *Shariah* offspring is a great blessing of Allah Almighty. It is a reward blessed on the creation by his creator as He says in the Holy Quran:

لِلَّهِ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ يَخْلُقُ مَا يَشَاءُ يَهَبُ لِمَنْ يَشَاءُ إِنَاثًا وَيَهَبُ لِمَنْ يَشَاءُ الذُّكُورَ (49) أَوْ
يُرْزِقُهُمْ ذُكْرَانًا وَإِنَاثًا وَيَجْعَلُ مَنْ يَشَاءُ عَقِيمًا إِنَّهُ عَلِيمٌ قَدِيرٌ

“To Allah belongs the dominion of the heavens and the earth; He creates what he wills. He gives to whom He wills female [children], and He gives to whom He wills males. Or He makes them [both] males and females, and He renders whom He wills barren. Indeed, He is Knowing and Competent.”¹²

So it is clear that Islam emphasized a lot on the healthy psychological atmosphere for the children where they learnt and discover the world and prepared them self with its customs and norms. Islam affirms the rights of children as: To live in a calm and well environment is a right of every child,

right to proper healthcare and nourishment, right of education, right of having proper family and relatives, right of proper and decent name which protected his self-respect and right to property and inheritance.¹³ Article 7 (a) of CDHRI supports this fact.

Equal Rights of Male and Female Progeny

Child also has the right to a pleasant reception without any discrimination of baby boy and girl. Allah Almighty does not like those who only show their excitement on the birth of baby boys and feel shy and insulting on the birth of baby girls. The Almighty Allah says in his Book:

وَإِذَا بُشِّرَ أَحَدُهُم بِالْأُنثَىٰ ظَلَّ وَجْهُهُ مُسْوَدًّا وَهُوَ كَظِيمٌ (58) يَتَوَارَىٰ مِنَ الْقَوْمِ مِنْ سُوءِ مَا بُشِّرَ بِهِ
أَيُّمِسُّهُ عَلَىٰ هُونٍ أَمْ يَدُسُّهُ فِي التُّرَابِ أَلَا سَاءَ مَا يَحْكُمُونَ¹⁴

“And when one of them is informed of [the birth of] a female, his face becomes dark, and he suppresses grief. He hides himself from the people because of the ill of which he has been informed. Should he keep it in humiliation or bury it in the ground? Unquestionably, evil is what they decide.”

There is a tradition of Prophet (S.A.W) regarding girl child right: *“Uqbah bin Amir said: ‘I heard the messenger of Allah (S.A.W) say: ‘whoever has three daughters and is patient towards them, and feeds them, gives them to drink, and clothes them from his wealth; they will be a shield for him from the fire on the day of resurrection.’”¹⁵*

“It was narrated from Suraqah bin Malik that the Prophet (S.A.W) said: ‘shall I not tell you of the best charity? A daughter who comes back to you and has no other breadwinner apart from you.’”¹⁶

a. Abortion

Abortion is prohibited in Islam. All the Muslims believe that the fetus get his soul at the fourth month of pregnancy. That’s why Islam prohibits abortion after the fourth month of pregnancy. But, if there is a serious situation or pregnancy of mother became the cause of danger for her than there is no harm in performing abortion to the fetus. Islam considers abortion as a planned killing which is performed by both parents. Article 7 of CDHR states, part a,

“Both the fetus and the mother must be safeguarded and accorded special care.”

b. Care of the Newborn

When child born parents should Offer *Adhan* in his ears. Than after that Breast feeding is one of the essential element which is required by baby for up

to two years of age. During the time of *Jahalia*, children were killed from the terror of poverty and embarrassments, The Quran strongly criticize this practice:

قُلْ تَعَالَوْا أَنَا غَيْرُ مَوْلَىٰ ذِي قُرْبَىٰ ۖ إِنَّمَا أُحْضَرْتُكُمْ لهذا الْحَدِيثِ ۚ بَلَىٰ ۗ أُولَٰئِكَ هُمُ الرَّاغِبُونَ
 فَلْتَعَالَوْا أَنَا غَيْرُ مَوْلَىٰ ذِي قُرْبَىٰ ۖ إِنَّمَا أُحْضَرْتُكُمْ لهذا الْحَدِيثِ ۚ بَلَىٰ ۗ أُولَٰئِكَ هُمُ الرَّاغِبُونَ
 نَحْنُ نَرْزُقُكُمْ وَإِيَّاهُمْ وَلَا تَقْرَبُوا الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَّنَ وَلَا تَفْتُلُوا النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ ذَلِكُمْ
 وَصَاكُمْ بِهِ لَعَلَّكُمْ تَعْقِلُونَ¹⁷

Say, "Come, I will recite what your Lord has prohibited to you. [He commands] that you not associate anything with Him, and to parents, good treatment, and do not kill your children out of poverty; we will provide for you and them. And do not approach immoralities - what is apparent of them and what is concealed. And do not kill the soul which Allah has forbidden [to be killed] except by [legal] right. This has He instructed you that you may use reason."

CDHRI supports this right in Article 7 that states each child has *"to be accorded proper nursing, education and material, hygienic and moral care."*

C. Child's Right of Healthy Beginning in Life

Islam emphasized on proper concern of child before his birth. It orders the mother to look after her fetus and take care of herself in order to keep her pregnancy. It is the duty of mother to protect her fetus against any harm, such as underfeeding as it is main objective of *Shariah* to protect human being from all the dangers and threat and for this purpose Islam allows the conceiving woman to skip fast in Ramadan, because her fasting might harm her fetus. Prophet (S.A.W) said: *"Allah has exempted the traveler from observing the fast and licensed him (or her) to cut short the prayer to a half. Pregnant women and breastfeeding women have been licensed to break the fast."*¹⁸

d. Right of the children to Proper Family

Family is something which connects two human beings naturally in a blood relation .The family is the container of kindred. One of the most important teachings which the *Shariah* has guaranteed the child is a proper family. Allah Almighty has specified a respected place to kindred and regards it as his signs of authority,he says in the Qur'an:

وَهُوَ الَّذِي خَلَقَ مِنَ الْمَاءِ بَشَرًا فَجَعَلَهُ نَسَبًا وَصِهْرًا وَكَانَ رَبُّكَ قَدِيرًا

*"And it is He who has created from water a human being and made him [a relative by] lineage and marriage. And ever is your Lord competent [concerning creation]."*¹⁹

Born without any transmissible sickness and illness is also the right of child. It is the duty of parents to follow all that ways which protect their

children with hereditary for this purpose spouses should plan, to marry with the partner who is physically fit and has not any genetic illness, he should also avoid to marry with close relations like cousins. Hazart Umar bin Khattab who was the second caliph said: *“Do not marry a close relative lest the child is born scrawny.”*²⁰

e. Right of good name

Another most important right of new born is he/she should be given pleasant and decent names so that they don't feel any embarrassment or emotional disturbances. Prophet (S.A.W): *“Anas bin Malik narrated that the messenger of Allah (S.A.W) said: “Be kind to your children and perfect their manners.”*²¹ *“It was narrated from Ibn Umar that the Prophet (S.A.W) said: He also said: “The most beloved of names to Allah are Abdullah and Abdur-Rahman (Sahih)”*²² *“It was narrated from Umar bin Khattab that the messenger of Allah (S.A.W) said: “if I live- if Allah will- I will forbid the names Rabah (profit), Najih (saved), Aflah (successful), Nafi' (beneficial) and Yasar (prosperity).”*²³

f. Right of Feed

Breastfeeding by mother is the most important right of every child and it is duty of mothers to do it in such way that her children can satisfy their actual needs. *Shariah* emphasized that mother should feed and take care of her lately born. It is her responsibility and also the responsibility of baby's father and they should fulfill it as prophet (S.A.W) said:

*“It was narrated that Abu Hurairah said: “the messenger of Allah (S.A.W): give charity. A man said: ‘O messenger of Allah, I have a Dinar. He said: ‘spend it on yourself.’ He said: I have another.’ he said: ‘Spend it on your Wife.’ He said: ‘I have another.’ He said: ‘spend it on your son.’ He said: ‘I have another.’ He said: ‘spend it on your servant.’ He said: I have another.’ He said: you know best (what to do with it).”*²⁴

If the mother has diet, or she suffers from any disease and couldn't able to feed her child or if the baby itself is not taking the mother's feed, in this case it is the husband to arrange another woman for this purpose if he pays for it. As Allah Almighty says in the Holy Quran:

وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُبْرِئَهُنَّ وَالرَّضَاعَةُ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لَا تُكَلَّفُ نَفْسٌ إِلَّا وُسْعَهَا لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَالِدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالًا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلَا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُم بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

“Mothers may breastfeed their children two complete years for whoever wishes to complete the nursing [period]. Upon the father is the mothers'

provision and their clothing according to what is acceptable. No person is charged with more than his capacity. No mother should be harmed through her child, and no father through his child. And upon the [father's] heir is [a duty] like that [of the father]. And if they both desire weaning through mutual consent from both of them and consultation, there is no blame upon either of them. And if you wish to have your children nursed by a substitute, there is no blame upon you as long as you give payment according to what is acceptable. And fear Allah and know that Allah is seeing of what you do.”²⁵

g. Right of Education

When the child reaches at the age of learning and understanding, it is the responsibility of his parents to provide him good knowledge which develop his intellectual abilities and facilitates him that how he can deal with the ups and downs of life. This reality also realizes him that he is nothing without the help of other human beings and he is this world's part.

Article 7 of CDHR states:

“(b) Parents and those in such like capacity have the right to choose the type of education they desire for their children, provided they take into consideration the interest and future of the children in accordance with ethical values and the principles of the Shari’ah.”

In Islamic *Shariah* seeking of knowledge is a religious duty so it is parent's duty to providing good schooling to their offspring so that they acquired their primary role in life. The Islamic *Shariah* gives both the man and woman equal chance in learning. Prophet (S.A.W) said:“The seeking of knowledge is obligatory upon every Muslim male and Muslim female”²⁶

“It was narrated that Abu Hurairah said: “ there is no man who follows a oath in pursuit of knowledge but Allah will make easy for him a path to paradise, and if a person's deeds slow him down, his lineage will not help him to speed up.”²⁷

CDHRI and Right of Husband and Wife for the Protection of Progeny

Article 6 of CDHRI talks about that how the relationship of husband and wife are important for the protection of progeny.

“(a) Woman is equal to man in human dignity, and has her own rights to enjoy as well as duties to perform, and has her own civil entity and financial independence, and the right to retain her name and lineage.

(b) The husband is responsible for the maintenance and welfare of the family.”

Islamic *Shariah* gives some specified rights to both husband and wife so

that their married life can be spend with peace and happiness and became the cause of protection of progeny. Contract of marriage creates number of rights and obligations between spouses for the protection of their family and lineage. Some of them are shared and some are personal.²⁸ Their duty is this that they both make ease for each other. Islam does not made any difference between man and woman on the base of their rights but it allocate some tasks and duties to both of them sothey both should be responsible for their duties. Every task which has assigned by Shariah is important in itself and person will be judge on the base of its responsibilities.²⁹ As a married couple both husband and wife have some specific rights given to them by Allah Almighty which become the cause of their good married life. Allah the Almighty has given many rights to husband i.e. authority, strength and patience. Man usually work outside the house, and earn for the family. *Shariah* has guarantee the wife three basic rights. The first and primary right of wife is right of Dower as Allah says in the Holy book:

وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا

*“And give the women (on marriage) their dower as a free gift; but if they, of their own good pleasure, remit any part of it to you, Take it and enjoy it with right good cheer”*³⁰

Dower is a gift from husband to his wife because husband does not take anything from his wife in the return. According to Imam Shafi and Imam Abu Hanifa this is the real right of women and this is *Wajib*.³¹ Second main right of the wife is right of good treatment because husband is guardian and every guardian is responsible for his followers. Allah Almighty says in his book:

وَعَاشِرُوهُنَّ بِالْمَعْرُوفِ فَإِنْ كَرِهْتُمُوهُنَّ فَعَسَى أَنْ تَكْرَهُوا شَيْئًا وَيَجْعَلَ اللَّهُ فِيهِ خَيْرًا كَثِيرًا

“And live with them in kindness. For if you dislike them - perhaps you dislike a thing and Allah makes therein much good”.³²

*“It was narrated from Hakim bin mu’awiyah from his father that a man asked the prophet (S.A.W): “What are the rights of the women over her husband?” He said: “that he should feed her as he feeds himself and clothe her as he clothes himself; he should not strike her on the face nor disfigure her, and he should not abandon her except in the house (as a form of discipline).”*³³

So husband should love and care with his wife.³⁴ Prophet (S.A.W) is the best example for all Muslims as he was very good with his wives and always treated them equally.³⁵ This verse of Holy Quran emphasized a lot on wife’s rights:

وَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ

“And they (women) have rights (over their husbands as regards living

*expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them*³⁶

This verse guides all Muslim man that how they can normalize their family life in good manner. “Men have a degree (of responsibility) over them” means that men are the maintainers of their family it doesn’t mean that they are superior to women regarding rights.³⁷ Hence it is clear that husband and wife plays a very important role for the preservation of their lineage and it is also emphasized by the Islamic *Shariah* that lineage should be preserved by the creation of Allah almighty. *Shariah* pays great attention to the protection of lineage and Cairo declaration of human rights in Islam also supported it.

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¹⁷ Surah al-Anam:151

¹⁸ Narrated by Abu Dawud in his collection of Sunan, Kitab Al-Sawm (Book of Fasting), chapter “Choosing to break the fast,” 2/329, Hadith 2408.

¹⁹ Surah I-Furqan:54

²⁰ Imam Majd al-Din al-Mubarak Ibn al-Athir, *Al-Nihayah Fi Gharib Al-Hadith wa Al-Athar*, (Lebanon: Dar al ma’rifah, 2011)

²¹ Imam Muhammad bin Yazeed Ibn Majah Al-Qazwini, *English translation of Sunan Ibn Majah*, trans. Nasiruddin al-Khattab, Vol 5, Kitab al-Adaab, 3671 (Riyadh: Darussalam, 2007;18

²² Imam Muhammad bin Yazeed Ibn Majah Al-Qazwini, *English translation of Sunan Ibn Majah, Vol 5, Kitab al-Adaab*, 3728;46

²³ Imam Muhammad bin Yazeed Ibn Majah Al-Qazwini, *English translation of Sunan Ibn Majah, Vol 5, Kitab al-Adaab*, 3729;47

²⁴ Imam Hafiz Abu Abdur Rahman Ahmad bin Shu’aib bin Ali an-Nasai, English translation of Sunan An-Nasai, Vol 3, book of Zakat, 2536 (Riyadh: Darussalam, 2008);364

²⁵ Surah I-Baqarah:233

²⁶ Narrated by Imam Ibn Majah in his Sunan, Kitab Al-Muqaddimah (The Book of the Introduction), chapter “The virtues of learned people and urging individuals to seek learning,” 1/81, Hadith 224. Narrated on the authority of Anas bin Malik. Its editor says it is not a reliable narration. Al-Tabarani also reported it in Al-Mu’jam Al-Kabir, 10/240, Hadith 10,439. Narrated on the authority of Abdullah bin Mas’ud, the editor said: “I would say that the two narrations bolster each other.”

²⁷ Imam Hafiz Abu Dawud Sulaiman bin Ash’ath, English translation of Sunan Abu Dawood, Vol 4, Kitab ul Ilm, 3643(Riyadh: Darussalam, 2008);208

²⁸ ²⁸ Muhammad Tahir Mansoori, *Family Law in Islam* (Islamabad, Pakistan: Shariah academy international Islamic university, 2009);19

²⁹ M. Afzal Wani, *The Islamic law On Maintenance of Women, Children, parents and other relative’s classical principles and modern legislations in India and Muslim countries* (Kashmir: upright study home noomay, 1995);16

³⁰ Surah Nisa:4

³¹ Women and family life in Islam a position paper highlighting the status, rights and role of the Muslim woman according to the basic sources of Islam.(1995).(p.19-20). Riyadh, Saudi Arabia: World assembly of Muslim youth. See also Naqvi, Dr Ali Raza. (2012).*Shia Marriage Law*. (p.574). Islamabad, Pakistan: Islamic research institute.

³² Surah an-Nisa:19

³³ Imam Muhammad bin Yazeed ibn Majah Ad-Qazwini, *English translation of Sunan ibn Majah*.vol 3, book of marriage, hadith no:1850;60-61

³⁴ TahseenUllah Khan, *Women's rights in Islam, (Pakistan: National Research and Development Foundation (NRDF), 2004);29*

³⁵ Haifaa A Jawad , *The rights of women in Islam An Authentic Approach* (Great Britain: Macmillan press ltd, 1998);13

³⁶ Surah al-Baqara 2:228

³⁷ TahseenUllah Khan, *women's rights in Islam*,30