

Punjab Protection Bill

News:

In a historic move, the Punjab Assembly (PA), on Wednesday, passed the Punjab Protection of Women Against Violence Bill that will, for the first time, offer substantial protection to women against various forms of wrongful treatment widespread in society. (Source: Daily Times)

Comment:

Whilst the new bill promises new measures of protection to women against varied forms of mistreatment and domestic violence, the bill took time to be passed with opposition from both male and female MPs. This law, with women's rights as a focus follows a line of many other laws including the following since 2000:

Amendments in Family Courts Act for khula etc. in 2002.

The Criminal Law (Amendment) Act, 2004 (on 'honour' crimes)

Protection of Women (Criminal Laws Amendment) Act, 2006

Criminal Law (Amendment) Act, 2010 (on sexual harassment)

The Protection against Harassment of Women at the Workplace Act, 2010

The Acid Control and Acid Crime Prevention Act, 2010

Prevention of Anti-Women Practices (Criminal Law Amendment) Act, 2011

The Women in Distress and Detention Fund (Amendment) Act, 2011.

So with legislatures not ignoring the plight of women, why is the situation for vulnerable women in Pakistan unlikely to improve with another new bill?

Laws in the man-made Capitalist system work as a patchwork, with the limited human mind deciding how to solve the many human problems that arise with our interaction-even supporters of this bill are raising concerns of its limitations already! In order for effective change we can see the way RasulAllah (saw) addressed the position of women and how Islam managed to raise it to a status anyone with sincere and objective research will agree is not matched by any other system in the world, past or present.

Firstly, Islam starts with the premise that the woman is an honour to be protected at all times and as a trust that the Creator has placed in a man's hand, whether it is his mother, daughter, wife, or any woman in society. He understands that his treatment towards her can bring him either reward or punishment in the Hereafter. Muhammad (saw) said, «الدُّنْيَا مَتَاعٌ وَخَيْرُ مَتَاعِ الدُّنْيَا الْمَرْأَةُ الصَّالِحَةُ» **“The world and all things in the world are precious but the most precious thing in the world is a virtuous woman”**.

This produces a clear view of the woman. Islam gave women a status denied by the Arabs at the time by defining her according the view of the Creator of humankind.

In his last sermon to the Muslims, he (saw) reminded them

«استَوْصُوا بِالنِّسَاءِ خَيْرًا فَإِنَّمَا هُنَّ عِنْدَكُمْ عَوَانٌ . لَيْسَ تَمْلِكُونَ مِنْهُنَّ شَيْئًا غَيْرَ ذَلِكَ إِلَّا أَنْ يَأْتِيَنَّ بِفَاحِشَةٍ مُّبِينَةٍ فَإِنْ فَعَلْنَ فَاهْجُرُوهُنَّ فِي الْمَضَاجِعِ وَاضْرِبُوهُنَّ ضَرْبًا غَيْرَ مُبْرِحٍ فَإِنْ أَطَعْتَكُمْ فَلَا تَبْغُوا عَلَيْهِنَّ سَبِيلًا إِنَّ لَكُمْ مِنْ نِسَائِكُمْ حَقًّا وَكِنْسَائِكُمْ عَلَيْكُمْ حَقًّا فَأَمَّا حَقُّكُمْ عَلَى نِسَائِكُمْ فَلَا يُوطِئَنَّ فُرُشَكُمْ مَنْ تَكْرَهُونَ وَلَا يَأْذَنَنَّ فِي بُيُوتِكُمْ لِمَنْ تَكْرَهُونَ أَلَا وَحَقُّهُنَّ عَلَيْكُمْ أَنْ تُحْسِنُوا إِلَيْهِنَّ فِي كِسْوَتِهِنَّ وَطَعَامِهِنَّ»

“I enjoin good treatment of women, for they are prisoners with you, and you have no right to treat them otherwise, unless they commit clear indecency. If they do that, then forsake them in their beds and hit them, but without causing injury or leaving a mark. If they obey you, then do not seek means of annoyance against them. You have rights over your women and your women have rights over you. Your rights over your women are that they are not to allow anyone whom you dislike to tread on your bedding (furniture), nor allow anyone whom you dislike to enter your houses. And their right over you are that you should treat them kindly with regard to their clothing and food.”

Secondly, Islam did not leave the human being to decide how she should live her life according to her own desires or allow mankind to legislate their own laws for the society and create their own system from the ignorance, bias, greed, and limited understanding that they have of each other's needs. The opposition to the women's rights bills as well as the support shows the clear lack of coherence that comes from humans following their own bias.

Allah (swt) makes it clear:

﴿وَمَا كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا﴾

“It is not fitting for a believer, man or woman, when a matter has been decided by Allah and His Messenger, to have any option about their decision. If anyone disobeys Allah and His Messenger, he is indeed on a clearly wrong path”. [TMQ Ahzab: 36]

Currently the rise of crimes and abuse against women and the proposed solutions are tainted with a mix of cultural prejudices, a desire to progress according to the Western model and clear misunderstanding of what Islam says.

To change attitudes and progress correctly the right ideas need to be inculcated with a system of education and the media and a judiciary that will enforce the Shariah when violations occur to this ideal. Just as in western societies women are still struggling against violence and abuse the situation for women in the Muslim world will not change until the return of a just Khilafah (caliphate) system which will truly grant women protection and honour as defined by Allah (swt).

Written for the Central Media Office of Hizb ut Tahrir by

Nazia Rehman