

RESEARCH NOTE 2/1/1994

Mr. Muhammad Aslam Khaki, Advocate/petitioner has challenged Finance Division O.M.No.F.2(9)R.5/81 dated 27.6.1981 which provides the schedule for the rate of house rent admissible to the employees of the Government. He has also challenged Notification No.F.12/1/87. E.V dated 24.10.1993 which provides the rate of ceiling admissible to the employees of the Government.

2. The petitioner has prayed that policies adopted through aforesaid notifications are creating discrimination, injustice, harm (zarar) to the employees and the general public which is against the injunctions of Islam. Because on the one hand Government has given incentive/advantages ^{to its employees} in shape of ceiling and advance rent of one year or two years to the house owners but on the other hand a number of employees are forced to live without Government residential accommodation and to accept only house rent allowance at the rate of 45% while the ceiling rate is very high as compared to house rent allowance. He has also referred the policies adopted by some Universities, about house rent allowance bestowed to its employees which is about 70%.

3. He has further prayed that house rent allowance may be provided to all employees equal to the ceiling admissible to them.

4. It is general principle of Islamic Jurisprudence that no one is allowed to cause harm to any one. This principle is derived from the following Hadith of the Holy Prophet (S.A.W).

No damage should be done nor any should be caused .
(Sunan Ibne Maja Vol.2 page 784 Egypt).

5. It is the prime duty of Imam to treat the citizens equally without favouring any group and providing any additional facilities to them. In this regard the Holy Prophet (S.A.W) has said:

"No Arab has any superiority over non-Arab nor any non-Arab over an Arab nor any white man over black man over white man".

Holy Prophet (S.W.A) said :

"People are like teeth of cumb"

It is narrated by Abu-Darda that Holy Prophet said:

"Staright up the toungue of the balance with justice and equity".(Al-Jame li Ahkam Al-Quran Vol.17 P.155).

6. In view of Ahadith quoted above it is crystal clear that any kind of discriminatory treatment with any class or group is totally discouraged by Islam. The impugned Notifications seem to be repugnant to the Injunctions of Islam.