



Federal Shariat Court

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Dr. Mohammad Motia ur Rehman,
Senior Research Adviser,
Phone No. 051-9203443

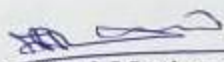
PRESS RELEASE

The bench comprising of Honourable Chief Justice Dr Syed Muhammad Anwer and Justice Khadim Hussain Shaikh heard a petition regarding the practice of preventing daughters from family property by gifting the same to male children.

The case was argued by Mr. Dawood Iqbal Advocate on behalf of the petitioner. Learned counsel stated that the practice of depriving daughters from the family property is a grave injustice and is violative of several Ahadeeth of Holy Prophet Muhammad (PBUH) and hence, should be declared repugnant to the injunctions of Islam. He further argued that, in Islam, the act of gifting property to one's children is conditional upon the fact that the same is distributed equally among them and none of the children, particularly daughters, are deprived of it. The counsel while placing reliance on commentaries of Islamic Jurists on the Islamic jurisprudential principle of Sadd al Dhara'i (Blocking the means) argued that Islam has legalized certain forms of conduct and prohibited others in accordance with the benefit or harm they lead to. And when a particular act or form of conduct brings about a result which is contrary to the objectives of Islam, then the latter would be held to prevail over the former. Since the act of gifting the entire property to male children by depriving daughters of the same violates the basic purpose of Shariah, therefore, it must be blocked and declared to be repugnant to the injunctions of Islam.

The learned bench after hearing arguments of the counsel issued notice to the Federal government/Ministry of Law and Justice.

It is to be noted that the matter was taken up by the Honourable Chief Justice on an application received by the Human Rights Cell of the Federal Shariat Court.


(Dr. Mohammad Motiaur Rehman)
Senior Research Adviser