

# Rights of Persons with Disabilities: A Comparative Study of Pakistani, Islamic, and International Law

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*International Law*  
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## ABSTRACT

This paper reports on a study of disabled people with respect to law. It explores their attitudes towards their condition, others' attitudes, its impact on their lives, and the extent to which they considered themselves as disabled. Disabled persons were variously interpreted within biomedical, folk and religious paradigms. In line with popular understandings, participants associated disability with stable, permanent and visible physical impairments and did not consider themselves as disabled. However, they also recognized a social dimension to their experience. Much of the distress and disadvantage they experienced was socially determined, both through direct prejudice and discrimination, and indirectly through a fear of others' negative reactions. However, the invisible and unpredictable nature of disability meant that they could conceal their condition and thereby mitigate its social effects. 'Disability' was not experienced as a static and permanent state but as a potential identity that was both contingent and contested. Literature portrays people moving from biomedical to social interpretations of disability. However, the tensions experienced by people in the study were more between competing religious interpretations of their condition and, to some extent, between religious and medical approaches. Conceptions of disability, which are presented in the literature as antagonistic and mutually exclusive, were experienced as different dimensions reflecting the complexity of experience. The paper concludes by suggesting that for many people, for whom disability is an ambiguous, contingent and contested identity, public self-identification as disabled is an unrealistic goal. Rather than conceiving of disability as primarily physical or primarily social, it would be better construed as a complex interweaving of multiple factors physical, environmental, socio-cultural and psychological factors.

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## Introduction

The history of disability is just about as old as humanity. Society esteems routineness instead of variety. There is a propensity among people to examine themselves as ordinary or inadequate. The capability of homogeneity lies in the chance of rethinking society's idea of regularity. At the point when individuals are given the option to have a place, they are given the right to variety. The recorded viewpoint of disability is a nearby association between religion and victimization of the handicapped, predominant in many social orders of the

world. Primitive cultures saw disability as a discipline for sinful activities in a past life or this one. Certain social orders thought about disability as contamination and have gone to the degree of murdering the impaired. The Greeks put stock in the ideal of substantial flawlessness, so they obliterated the handicapped believing them to be materially blemished. The Athenians permitted their injured kids to die of cold. The Roman culture permitted the father to obliterate his disabled child with the assent of five neighbours. This mentality of the Romans towards debilitation was even portrayed as a law known as Twelve Tables

which expanded the authority of the father so he independently could annihilate a disfigured kid following his introduction to the world. Spartans took such individuals to the ridge and executed them. Unfortunately, incredible scholars like Plato and Aristotle additionally gave their hypothetical agreement to the grim act of removal of the incapacitated in Plato's optimal state there was no space for the genuinely ill-suited. Aristotle likewise called attention to nothing blemished or debilitated will be raised. Martin Luther, a strict innovator in middle age Germany, supported executing children as manifestations of type demon. The English Eugenicists of the nineteenth century, roused by Darwin's concept of natural selection, contended for a similar methodology. In Islamic custom the general public is under a commitment to be careful, helping and regarding the crippled and offering such individuals an equivalent chance to appreciate life as indicated by their desires and wants. It has been additionally expressed that the best cure is the one coordinated to improve the strength of the individual, his mind, and his soul, which would empower him to battle sickness. His current circumstance ought to be tranquil, loaded up with music and bliss, and encompassed by individuals he enjoys. Even though Islam, as a religion recognizes the individual with a scholarly disability and mental problem, however, both are considered to be uncouth in the Qur'an. The general social mentality was supporting the crippled. Mughals set up establishments for the welfare of the incapacitated in their domains. They set up a framework known as 'Zakat' by what portion of the pay was separated for the focal asset for keeping up friendly establishments. There is a recognized ideal for the penniless and the dejected in their abundance.

### **Definition of Disabled Person**

According to the Oxford dictionary, disability means “a physical or mental

condition that limits a person's movements, senses, or activities.”<sup>1</sup> Another dictionary Marriam-Webster terms disability as “a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks or actions or participate in typical daily activities and interactions.”<sup>2</sup> If we talk about the literal meaning of the word “disability” it includes the meaning inability to do or perform some actions, a condition which is measurable in terms of mental or physical aspects. Another definition is that disability is a physical or mental condition in which one cannot use one or more parts of his body completely or easily.

### **Multiple Definitions in Pakistani Law, Islamic Law, and International Law**

Persons with Disabilities Employment and Rehabilitation Ordinance, 1981 has defined disability as “persons with disabilities mean a person who, on account of injury, disease or hereditary abnormality, is handicapped for undertaking any gainful profession or employment to earn his livelihood, and includes a person who is blind, deaf, physically handicapped or mentally retarded (Ahmed, Khan, & Nasem, 2011) has defined mental disability or disorder as “mental illness, including mental impairment, severe personality disorder, severe mental impairment and any other disorder or disability of mind (Abbasi, 2008).

The word disability has been broadly defined in western literature. One can find many definitions of the word in western literature (Wentz, 2018). To one's surprise, Islamic Law and Arabic Terminology lack a proper definition of disability. There is not a proper term that can be used against the English word “disability”. Rather there can be found specific words for specific disabilities (Bazna & Hatab, 2005). They are as follows:

- *Majnu'm* (insane)

- *A'ma'* (blind)
- *A'raj* (lame)
- *Akhras* (mute)
- *Asamm* (deaf)

There are some other terms as well that have been used by the Qur'an and the Sunnah when and where needed according to the context to describe or talk about disabled persons. These terms are as follows:

- *Faqir* (needy)
- *Miskin* (indigent)
- *Mustad'af* (oppressed)
- *Marid* (sick)
- *Yateem* (orphan)
- *Da'if* (weak)

The Holy Qur'an has used the word "*marid*" very often. This can be translated as "ill" or "a person having some sort of illness". This word includes certain conditions of illness and can be classified as a disability <sup>9</sup>(Bhatti et al., 2009). Two main instruments in international law deal with the rights of disabled persons in the world; one is the Declaration on the Rights of Mentally Retarded Persons made and adopted in 1971 by the UN General Assembly and the other is the Declaration on the Rights of Disabled Persons adopted in 1975. The Declaration for Mentally Retarded Persons has declared that mentally disabled ones do have all equal rights which other human beings enjoy in society (Degener & Koster-Dreese, 1995). The Declaration provides a guarantee of equal rights as well as dignity and respect for mentally ill ones. They also have been given the right to economic security, health care, education, and guardianship.

The other main document which

gives rights to all disabled persons instead of targeting one group of them is the Declaration on the Rights of Disabled Persons adopted in 1975 by the UN General Assembly. In the Declaration a proper definition was given to disabled persons. The Declaration stated that "any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual or social life, as a result of a lack of, either present at birth or not, in his or her physical or mental capabilities." The Declaration ensured that all disabled persons would enjoy equal rights having no exception, discrimination, or distinction based on race, colour, language, sex or religion, etc.

### **Community Perspective in Pakistani Law, Islamic Law, and International Law**

Pakistani society does not pay much attention to disabled persons. They are not heard, seen, or counted. They do not find any favourable environment in the field of skills development, education, and daily routine. Currently, a major focus is given to children more than adult disabled persons (Jahanzaib et al., 2021). They face difficulties in every sphere of life whether it is legal, economic, social, or political. Disabled persons are not given any favour concerning statistical data of their population, special rules and regulations for them, treatment centres, and mainstreaming of particular services for them.

To everyone's surprise, there is no ministry or federal department to deal with the issues and affairs of disabled persons in Pakistan. There is a ministry for women's development and special education that only deals with education and social welfare for women. There is no specific department for the welfare of disabled

persons at the local level. It is very sad to know that a wide segment of society thinks of disabled persons as a curse of God on the family or the disabled one. There are very limited opportunities for disabled persons regarding career making and future planning and this is a big hurdle in their uplifting in society.

There are certain laws made specially to protect the rights of disabled persons in Pakistan. One of them is Disabled Person's Employment and Rehabilitation Ordinance 1981 (Arsh & Darain, 2019). This law is aimed at providing rehabilitation, well-being, and employment for disabled persons.<sup>17</sup> This ordinance also gives directions to establish a council at national level for the rehabilitation of disabled persons. This law asks all provincial governments to establish a provincial council for the well-being and rehabilitation of disabled persons. This is also the responsibility of these councils to act according to the directions issued by the national council in this regard.

For mentally disabled persons the government has passed a law Mental Health Ordinance in 2001. It repealed the Lunacy Act passed for British India in 1912. This act was introduced to safeguard the rights of mentally retarded persons. A proper definition of mental illness has been provided in the ordinance and the rights of a mentally disabled person concerning his detention for a check-up, treatment, secrecy of his treatment, and the secrecy of his disease are protected under this ordinance (Act, 2008) gives special citizens the right of easy movement in public places and allocation of seats in public transport. This act also makes sure that special paths for wheelchairs should be made alongside footpaths or entry gates at hospitals or other public places. Government authorities are bound under this act to check the

availability of facilities for special citizens in public places (Abbasi, 2008).

When parents have a disabled child, they may get justifications from religion to get a kind of protection from society. Sometimes, it is said that the disability is a sign of punishment from God (Hadidi, 1998) It is taken as a sign of God's wrath upon them. Some justify it as a curse of God upon them in the shape of a disabled child.<sup>25</sup> The suffering of this kind of belief is that the child is not treated medically which can be a chance of his recovery at an early age (Ghaly, 2008). The Prophet PBUH has stated that Allah has sent down a cure for every disease He sent down to earth.

Having a disabled child is a source of embarrassment for Muslim families and it makes it crucial for them to treat a disabled child. When it seems that the disabled child cannot be kept hidden from society many justifications are provided like envy which is at the top in such cases. Many believe that the disabled child is due to envy. Though envy is mentioned in the Qur'an and Sunnah it can be said that this is used as an argument by parents thinking that it would be accepted by the community (Al-Aoufi et al., 2012). This belief takes them to find a cure through spiritual treatment instead of proper medical treatment.

Another tradition in Muslim societies to deal with this issue of disability is to deny it at all or hide the disabled child from society when signs of disability get obvious, it is very sad to know that disabled children are not urged to participate in social activities, instead they are asked not to go out even to mosques (Hasnain et al., 2008). Disabled persons were not given any attention while making laws to protect certain groups against discrimination i.e., the

International Bill of Rights and European Convention on Human Rights. It is very interesting to know that the European Court of Human Rights found disability discrimination in 2009 in *Glor vs. Switzerland*.<sup>32</sup> There were concerns over the adopted human rights law at the international level that they did not give or provide any shelter to disabled persons. That's why another instrument named the UN Convention on the Rights of Persons with Disabilities was introduced.

The first-ever declaration adopted by the UN on the rights of disabled persons was on December 9, 1975, and it covered most of the rights of almost all groups of disabled persons. Unfortunately, this law has no binding force on member countries in this regard.<sup>34</sup> To protect the rights of mentally ill people the UN introduced principles in 1991 which are considered very comprehensive documents in recognizing and protecting the rights of mentally retarded people. These principles are like guidelines for member states in nature, yet they have an important role in protecting the rights of mentally ill people on the international level.

## **Kinds of Disabilities**

### ***Mental Disabilities***

Mental disability or retardation is a condition in which the brain of a person cannot develop properly due to certain medical reasons, and it is characterized as a sub-normality of intelligence. Mental disability causes sub-functioning of the mind or improper functioning. It also includes certain unusual changes in the behaviour of a person who is mentally disabled. Sometimes, disability, sometimes, is termed intellectual disability. Intellectual disability gets less score on mental ability tests and there is

limited functionality of this disability in routine life i.e., conversation, communication, and one's care for himself. Mental retardation or disability could be the result of many causes which include pre-birth and post-birth situations. The brain can be affected by a mother's diseases or infections, exposure to X-rays, low oxygen, malnutrition, intensive use of drugs, etc. At the time of birth, a delay in delivery can also harm a child's brain cells. Mental illness is termed as any kind of mental disorder other than mental retardation or disability. Since no clear definition is found for mental illness all kinds of mental disorders come under the umbrella of mental illness. Depression, compulsive disorder, bipolar affective disorder, chronic alcoholism, and schizophrenia are some causes of mental illness that are more common than others.

Mental illness places negative impacts on one's health as well as a professional career, academic record, and behaviour towards society and family. A person with mental illness faces many losses concerning his thinking ability, feelings, and behaviour in his daily routine. It is very disturbing that persons with mental illness continue to keep their old lifestyle even after proper medication and treatment. Sometimes, mental illness is not clear, but its effects can be seen in a person's personal, family, and social life. Mentally ill people need proper attention as well as treatment so that they may live a healthy and prosperous life, and this can only be done with the collective efforts of government, NGOs, and society.

### ***Physical/ Sensory Disability***

Some physical disabilities are blindness, low vision, leprosy, hearing impairment, and locomotor disability. The total

absence of vision is called blindness. A person who cannot count the fingers of a hand stretched from the distance of a yard is called blind. Blind people cannot perform their daily routine activities like seeing, reading, walking, etc. They need helper in every step they take to get done with their daily routine what they want.

Low vision is defined as a problem or difficulty in visualizing things or recognizing them even after treatment. Persons who use an appropriate device to enhance their vision are also considered to have a low vision disability. Colour blindness and night blindness also come under the flag of low vision disability. Persons affected by leprosy disease are also considered disabled depending upon their treatment and the intensity of the disease. It has been a fatal disease for decades. The most difficult part of being disabled by this disease is facing society. Leprosy-cured persons face a very negative and heart-breaking attitude of society in this regard. When a person falls victim to this disease he gets feared and starts hiding his issue from others due to the negative behaviour and this makes the treatment difficult as it gets late to cure the disease.

Persons with hearing impairment are those who cannot hear voices in the conversational range of frequencies. Both deaf and hard of hearing are included in this category. Deafness and blindness can be termed as the most dangerous disabilities as sound and sight are the basis of human life. Deaf are those who cannot listen to or hear voices, and if they can, they can do it very hard, and they are called hard of hearing. Most people in old age get this hard of hearing problem. Hearing impairment can be by birth, or it can happen to someone at a later stage of life.

Locomotor disability is a disease in which an affected person cannot move from one place to another. It is considered the disability of joints, bones, limbs, tendons, etc. A disabled person with this disease finds it difficult or impossible to move himself or other objects in his routine life from one place to another. It can be generic or acquired in the later stage of life due to some infections or accidents.

### **Status of Disabled Person in Islam**

It is a sad reality that disabled persons are not given any care, love, or affection by society. They are neglected and, sometimes, they are laughed at for their disability. Disabled persons are not heard properly at the time of their grievance to be addressed and their issues to be solved. Since religions have a deep impact on every religious society in shaping its values and traditions, religious teachings are also important for the welfare and well-being of disabled persons. Approximately, 80% of the world population believes in one of the major faiths in the world i.e., Islam, Christianity, Hinduism. Religions teach their followers to love, care, be kind, and be gentle to other fellow beings. Positive and good moral values can be found in every religion. Islam gives much importance to humanity and humanitarian values. Islam teaches its followers that every individual the society has a responsibility toward other members of the society who are needy and poor. The Messenger of Allah said, the whole creation is Allah's family and the person who shows mercy to His creation is the nearest to him.

Islam is against all types of differences among its followers. It says that all men and women are equal, and none has superiority over others based on colour, caste, or creed. Islam teaches that everyone should be treated with love, care, and respect and this behaviour should not be changed for an

impaired one. The Prophet of Islam said, “Allah, the Merciful, shows mercy to merciful people. Show mercy to those on the earth so that Allah shows mercy on you.” Having a look at the time of Prophet Muhammad PBUH, there can be found people with disabilities. And the behaviour of society towards them was very nice and gentle. One of the companions of the Prophet PBUH was blind. His name was Abdullah Ibn Maktum. He accepted Islam in the early days.

Prophet Muhammad PBUH appointed him to call for prayers five times a day. Many times, he was appointed leader of Madinah by the Prophet PBUH in his absence. This attitude of the Prophet towards the blind gives us a picture of how disabled persons were treated at the time of Prophet Muhammad PBUH. Another companion of Muhammad PBUH named Julaybib had an unpleasant appearance, but the PBUH made him among his important companions and did not give any importance to his physical appearance.

The behaviour of Prophet PBUH towards the disabled in society tells us how they should be treated in a Muslim Society. Qur'an says that life and death were created by the Almighty to test the good and bad ones among human beings. Likewise, the disabled in society are to test the ethical and moral values of society. Prophet PBUH said that all of you are fed because of the weak people among you. Disabled persons are the most vulnerable in society and they are the most deserved to be treated with care, love, respect, and affection.

Holy Qur'an asks and encourages its followers and believers to behave in a good way with disabled persons in the society. Qur'an says,

*“It is no fault in the blind nor in one born lame, nor in one afflicted with illness, nor in yourselves, that ye should eat in your own*

*houses, or those of your fathers, or your mothers, or your brothers, or your sisters, or your fathers' brothers or your fathers' sisters, or your mothers' brothers, or your mothers' sisters, or in a house of which the keys are in your possession, or the house of a sincere friend of yours: there is no blame on you, whether ye eat in a company or separately. But if ye enter houses, salute each other – a greeting of blessing and purity as from Allah. Thus, does Allah make clear the signs to you: that ye may understand? (24:61)* (MUNEEM, RAZIF, & ALI, 2021)

In Islam, disability is not taken as a curse on someone. The worth of a person in Islam depends upon his righteousness, not on his material or physical appearance or attribute. It is a fact that despite many efforts made by Muslims to create orphanages for orphans and other shelters for the disabled, the collective attitude of Muslim societies towards the disabled is lacking the teachings of Islam and Prophet Muhammad PBUH.

### **Status of Disabled Persons in International Law**

More than 600 million individuals, or around 10% of the total populace, have a handicap of some structure. More than 66% of them live in developing nations. Just 2% of handicapped kids in the creating scene get any instruction or restoration. The connection between disability and destitution and social prohibition is immediate and solid all through the world. A sensational change in context has occurred in the course of recent a long time from an approach inspired by a noble cause towards the impaired to one dependent on rights (Quinn & Degener, 2002)

Generally, the common freedom's viewpoint on disability implies seeing individuals with

handicaps as subjects and not as items. It involves moving away from reviewing individuals with handicaps as issues towards reviewing them as holders of rights. Significantly, it implies finding issues outside the impaired individual and tending to how different financial and social cycles oblige the distinction of disability - or not, all things considered. The discussion about the privileges of the crippled is accordingly associated with a bigger discussion about the spot of distinction in the public eye.

The disability rights banter isn't such a great amount about the delight in explicit rights as it is tied in with guaranteeing the equivalent powerful pleasure in every single basic freedom, without segregation, by individuals with inabilities. The non-separation rule makes a difference make common freedoms in everyday significant in the particular setting of disability, similarly as it does with regards to age, sex and kids. Non-segregation, and the equivalent powerful satisfaction in all common freedoms by individuals with handicaps, are thusly the predominant subject of the long-late change in the manner disability and the handicapped are seen all through the world.

The way toward guaranteeing that individuals with inabilities make the most of their common freedoms is moderate furthermore, lopsided. In any case, it is occurring in all monetary and social frameworks. It is motivated by the qualities that support basic liberties: the boundless poise of every single individual, the idea of independence or self-assurance that requests that the individual be set at the focal point of all choices influencing him/her, the characteristic balance of all paying little heed to distinction, and the ethic of fortitude that expects society to support

the opportunity of the individual with fitting social backings. The shift to the common liberties point of view has been definitively supported at the level of the United Nations in the course of recent many years.

This is best exemplified by the *Joint Nations Standard Rules on the Equalization of Opportunities for People with Disabilities*, adopted by the General Assembly in goal 48/96 of 20 December 1993. The Rules are observed by a United Nations Special Rapporteur, Bengt Lindqvist, who has gotten his command from the United Nations Commission for Social Development. The Rules, and particularly the pretended by the Special Rapporteur, keep on making an indispensable commitment to the way toward raising awareness about the basic liberties of people with Disabilities and invigorating positive change all through the world.

The United Nations' common freedoms arrangement bodies have extensive potential in this field however have commonly been underused in propelling the privileges of people with handicaps. (Rioux & Carbert, 2003). The examination centres around the bodies observing six fundamental United Nations basic freedoms deals: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Show on the Rights of the Child, the Convention on the Elimination of All Types of Discrimination against Women and the International Convention on the Disposal of All Forms of Racial Discrimination.

The fundamental postulation of



the investigation is that the cycle of disability change that is occurring across the globe could be limitlessly reinforced and sped up if more noteworthy and more focused use were made of these instruments. It must be accentuated that the essential duty of guaranteeing regard for the basic liberties of people with handicaps rests with States. That is, the utilization and worth of the United Nations' basic liberties hardware are vindicated by significant homegrown change. The common freedoms instruments do not simply a direction, however, place commitments on States gatherings to change. States parties are verifiably moving toward the point of the common freedom of view on disability.

Ongoing exploration shows that 39 States of the world have embraced non-separation or equivalent freedom enactment with regard to handicaps. States gatherings' discourse with the common liberties arrangement bodies is useful with regards to their endeavours to get disability change; a lot of good practice presently exists on an overall premise that can be conveniently proliferated through the basic freedom arrangement framework. The shift to the basic liberties viewpoint is likewise reflected in the way that public establishments for the advancement and assurance of basic liberties all through the world have started to take a functioning interest in disability issues (Quinn et al., 2002)

This is significant since these establishments help in giving a scaffold between global basic freedoms law and homegrown discussions about disability law and strategy change. Public organizations are key accomplices during the time spent on change, and their expanding commitment to the issue of basic liberties for people with inabilities

is a profoundly reassuring sign for the future. Individuals with inabilities themselves are presently outlining there since a long time ago felt feelings of complaint and treachery in the language of rights. Secluded treacheries need at this point don't be experienced in separation. NGOs working with disability issues, for example, the collective undertaking Disability Awareness in real life are starting to see themselves as common freedoms NGOs.

They are starting to gather and measure hard data on the supposed infringement of the basic liberties of people with disabilities. While still moderately restricted, their common liberties limits are increasing. A comparative interaction of self-change is in progress inside conventional basic liberties NGOs, which are progressively moving toward disability as a standard common freedoms issue. This is significant, since these NGOs have exceptionally evolved structures, and the improvement of sound cooperative energy between disability NGOs and conventional human rights NGOs isn't just long past due, yet unavoidable.

There is state legislation specific for people with disabilities. India can be an example here. India has a law namely The Rehabilitation Council of India Act, 1992 which has been legislated for monitoring and training of disabled persons. It also aims at promoting research and collecting data on disabled persons in the country so that uniform policies could be made in this regard. There has been issued a central register under this act for having all disabled registered with it. The act also states that all rehabilitation professionals would be registered as well. Through this act, a rehabilitation body of autonomous nature has been formed which will work for the betterment of disabled persons and their inclusion in society as good citizens of the state (Ghadigaonkar, Kandasamy, & Sivakumar, 2021)

## Status of Disabled Person in Pakistani Law

In past, Pakistan didn't have any satisfactory state enactment or some other instrument that gives privileges to people with disabilities ("PWDs"). It approved the UN Convention on the Rights of Persons with Disabilities ("the Convention") in 2011 yet there had been no particular homegrown execution of the rights contained in the Convention. There is just a single public law on handicaps – the Disabled Persons' (Employment and Rehabilitation) Ordinance that didn't appear until 1981, and that as well, following 20 years by the unique requirements of the local area. There are some commonplace laws too, for example, the Sindh Empowerment of 'People with Disabilities Act 2018 which has given certain rights to people with disabilities like equality, privacy, ease of access, protection from inhuman behaviour, the right to be free from exploitation, and equity in education.

Baluchistan Persons with Disabilities Act, No II of 2017 also states the same mentioned earlier in the context of Sindh Empowerment of 'People with Disabilities Act, and different policies including the Accessibility Code 2006. However, these laws contain certain provisos – one of them being the supposition that 2% of the Pakistani populace has disabilities though this number has now been perceived to be just about as high as 13.4%.

They are likewise ineffectively enforced, which is brought up by handicap rights activists on a common premise. Subsequently, the two choices given by the Supreme Court of Pakistan in July this year are being viewed as noteworthy for disability law in Pakistan. The main Dr Shahnamaz Mumani and

Others guided the administrative and commonplace governments to find explicit ways to guarantee equivalent support of PWDs in the general public. The judgment called for "putting forth every conceivable attempt" to ensure that current laws are "vivaciously executed" (Para 11). It forced positive obligations on open offices, for example, requesting availability for PWDs in different state-possessed regions and educating the Pakistan Bureau of Statistics to distribute and "occasionally update" measurements in regard to PWDs.

In the second, Malik Ubaidullah, Justice Mansoor Ali Shah coordinated the discontinuance of the utilization of "defamatory words" in true reports, including "**handicapped**" and "**intellectually impeded**" and stated that these should be supplanted with "**persons with disabilities**" or "**persons with different abilities**" instead. Critically, Justice Shah believed that while the current system of disability laws depends on a "clinical model" requiring mediation for the person to transform, it ought to be founded on a "social model" which expects society to change and eliminate prejudicial hindrances. (Part 4) It could be noticed that in articulating these choices, the Supreme Court practised its ward under Article 184(3) of the Constitution of Pakistan by inspecting the privileges of individuals with handicaps inside the structure of basic common freedoms of people under Part II of the Constitution, which is demonstrated like the International Bill of Human Rights and restricts separation.

These choices have the situation with the law under Article 189 of the Constitution. People and networks can straightforwardly look for alleviation for infringement of these choices in their

commonplace high courts, which have wide powers of the legal audit. Justice Shah had in a lower legal dispute in 2014, Hafiz Junaid (W.P. No. 2565), expressly talked about a sacred development

requiring the State and its organizations to go "the additional mile" for the consideration of PWDs. This appears to mirror the thinking embraced in the US instance of *Oberti v. Leading group of Education* (D.N.J. 1992), which required "rearrangement and extensive exertion concerning instructors, and concerning the local area when all is said in done..." to impact positive change on the existences of PWDs.

Keeping with the tenor of the previous decisions, the President of Pakistan in September 2020, endorsed into law the Islamabad Capital Territory Rights of Persons with Disability Act, 2020, the primary government law requesting inclusivity for PWDs, venturing to coordinate the foundation of "special disability courts" for motivations behind "expedient justice" under area 32 of the Act. While disability rights had a great extent fallen under

unchartered waters in Pakistan, these advancements show that the tide in this field may now turn well. In any case, it stays not yet clear how far these decisions and new laws, calling for more noteworthy enforceability of existing enactment with the appropriate inclusivity of PWDs as its *raison*, will be executed in letter and soul.

### **Conclusion**

Disabled persons face many difficulties in their daily life due to their being unable to carry out their work by themselves. Instead of being polite and careful to these people society at the local and international levels did not play its part. Disabled persons are given certain rights at the international level after a very long struggle, debates, and discussions. A proper definition of disability has been formed and they are given certain privileges. Islam also talks about the rights of those who are poor and weak. The attitude of Prophet PBUH toward disabled ones is a guideline for Muslim societies to form laws and rules for their well-being and survival in society. Pakistan needs to work more in this regard.

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