



Article	<i>Rights of Persons with Disabilities in Pakistan: A Study in the Light of Islamic Teachings</i>					
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Rights of Persons with Disabilities in Pakistan: A Study in the Light of Islamic Teachings

Abstract

The rights of persons with disabilities represent a crucial yet often neglected aspect of societal discourse. In Pakistan, despite the existence of legislative measures and policy frameworks, individuals with disabilities continue to encounter significant barriers in social, economic, and infrastructural contexts. This article aims to investigate the rights of persons with disabilities specifically within the Pakistani setting, utilizing Islamic teachings (*ta'līmat-e-Islāmiyah*) as a foundational framework for promoting their empowerment and inclusion. By examining relevant Qur'ānic verses (*āyāt al-Qur'ān*), Prophetic traditions (*Aḥādīth al-Nabawiyah*), and principles of Islamic jurisprudence (*uṣūl al-fiqh*), this study highlights the ethical and legal responsibilities that society holds toward individuals with disabilities. Additionally, it offers a critical assessment of Pakistan's legal landscape, including the *Disabled Persons (Employment and Rehabilitation) Ordinance, 1981* and the *Rights of Persons with Disabilities Act, 2020*, while also considering international commitments such as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). The integration of Islamic principles—such as human dignity (*karāmat al-insān*), social justice ('*adl wa ihsān*), and collective responsibility (*fard kifāyah*)—with modern legal standards emphasizes the necessity of a rights-based approach that guarantees accessibility, inclusivity, and equal opportunities for persons with disabilities. The article concludes with targeted recommendations for policymakers, educators, and religious leaders ('*ulamā' wa khūṭabā'*) aimed at fostering awareness, dismantling stigma, and facilitating the comprehensive participation of individuals with disabilities in all aspects of life.

Keywords: Persons with disabilities; Islamic teachings (*ta'līmat-e-Islāmiyah*); Pakistan; Disability rights; Inclusivity; UNCRPD; Accessibility; Social justice.

INTRODUCTION

Disability is a comprehensive and multidimensional concept that encompasses physical and mental impairments, as well as conditions affecting human sensitivity, temperament, and functional capacity. Partial or total limitations of the human body significantly influence an individual's ability to perform daily activities and fulfill social and professional responsibilities. As a result, persons with disabilities often face challenges in participating in societal roles on an equal basis with others. In general usage, the term *disability* denotes physical or mental impairments that restrict an individual's functional abilities.

In Arabic, the lexical root most closely associated with the concept of disability is

‘udhr (عذر), which conveys the meaning of an excuse or legitimate impediment. The noun derived from the verb ‘adhaba-ya‘dhiru (يُعذَرُ-عذْرٌ) refers to a person who possesses a valid excuse. According to ‘Umar Ahmad Mukhtār, in *Mu‘jam al-Lughah al-‘Arabiyyah al-Mu‘āṣirah*, the term denotes an individual who experiences physical or mental weakness or any condition that prevents the normal discharge of duties. Importantly, the semantic scope of ‘udhr in Arabic is not confined to physical or mental impairment alone; rather, it carries a broader lexical meaning that includes circumstances such as illness, travel, disability, and conditions specific to women.¹ In Islamic jurisprudence (*fiqh*), individuals who are unable to fully comply with religious obligations due to a recognized Shari‘ah-based excuse—such as illness, travel, physical or mental disability, or gender-specific conditions—are collectively referred to as **Ahl al-‘Udhr** (أهل العذر). These individuals are granted legal concessions (*rukhas*) within Islamic law, reflecting the principles of ease (*taysīr*) and compassion embedded in the Shari‘ah. This juristic recognition underscores Islam’s inclusive and humane approach toward persons facing functional limitations.

Qur’ānic Terminology Referring to Persons with Disabilities

The Qur’ān employs several terms to describe individuals who experience physical, mental, or socio-economic limitations. These terms reflect a nuanced and compassionate approach toward human vulnerability. Among these, four key expressions are particularly relevant to the discussion of disability.

1. Persons with Legitimate Impairments (Ulu al-Darar)

In Sūrat al-Nisā’ (4:95), Allah distinguishes between believers who strive in the path of Allah and those who remain behind “**except those with valid excuses**” (*illā ūlī al-ḍarar*). The verse states:

“Not equal are those believers who sit back—except those with legitimate excuses—and those who strive in the cause of Allah with their wealth and their lives.”²

Classical exegetical literature records that when this verse was initially revealed, the Companion ‘Abdullāh ibn Umm Maktūm (رضي الله عنه), who was blind, expressed concern that his physical impairment deprived him of the virtue promised to those who participated in jihād. In response, the phrase *ūlī al-ḍarar* (those with valid impairments) was revealed, explicitly exempting individuals with disabilities from obligations beyond their capacity.³

Linguistically, *ūlī* denotes “possessors of,” while *al-ḍarar* refers to harm, injury, or difficulty. Thus, the compound expression *ūlī al-ḍarar* may be accurately rendered as “**persons with disabling conditions**” or “**persons with legitimate impairments**.” This Qur’ānic formulation establishes a foundational principle of accommodation and equity rather than exclusion.

2. The Weak (*al-Du'afā'*)

The term *al-du'afā'* (the weak) appears in Sūrat al-Tawbah (9:91), where Allah exempts certain individuals from military obligation:

*"There is no blame upon the weak, nor upon the sick, nor upon those who find nothing to spend, provided that they are sincere to Allah and His Messenger."*⁴

Exegetes explain that this category includes individuals weakened by old age, chronic illness, disability, or extreme poverty. However, the verse conditions exemption upon sincerity (*ikhlas*) and loyalty to Allah and His Messenger. Physical incapacity alone does not constitute moral superiority or inferiority; rather, divine judgment is based on inner intention and ethical commitment.

This verse reinforces the Qur'ānic principle that exemptions are granted out of mercy and justice, not discrimination, and that Allah evaluates individuals holistically, taking into account both outward limitations and inward integrity.⁵

3. The Helpless (*al-Mustad'afūn*)

Another important term is *al-mustad'afūn* (the helpless or oppressed), used in Sūrat al-Nisā' (4:98). This verse refers to those who were unable to migrate from Makkah despite the divine command:

*"Except for the helpless among men, women, and children who can neither devise a plan nor find a way out."*⁶

According to early *tafsīr* traditions, this exemption applied to individuals who lacked physical strength, financial means, or logistical capacity, including the elderly, women, children, and persons with disabilities such as blindness.⁷

The Qur'ānic usage of *al-mustad'afūn* thus encompasses persons facing structural and physical constraints that prevent them from fulfilling certain obligations. The term highlights vulnerability arising not only from bodily impairment but also from social and material deprivation.

4. The Poor and Needy (*al-Fuqarā'* and *al-Masākīn*)

The Qur'ān further addresses disability indirectly through socio-economic categories, particularly *al-fuqarā'* (the poor) and *al-masākīn* (the destitute), as outlined in Sūrat al-Tawbah (9:60), which specifies the recipients of *zakāt*.

In Arabic lexicography, *faqīr* originally conveys the notion of a person whose backbone (*fiqr*) is broken, symbolically indicating incapacity and dependence. While the term later evolved to signify economic poverty, classical scholars note that physical disability, old age, and inability to earn a livelihood fall within its semantic scope.

Masākīn, on the other hand, refers to individuals who experience severe deprivation but refrain from begging due to self-respect. The Prophet Muḥammad ﷺ emphasized assistance to such individuals, who may not outwardly appear needy despite being deeply dependent.⁸

According to Abul A‘lā Maudūdī, these categories include widows, orphans, the unemployed, and persons whose physical or social circumstances prevent self-sufficiency.⁹ This Qur’ānic framework demonstrates an integrated understanding of disability that encompasses physical impairment, economic vulnerability, and social marginalization.

Scholastic Explanation of Qur’ānic Terms Relevant to Disability

The Qur’ān employs a range of expressions to describe human vulnerability, impairment, and dependency. Classical Muslim scholars, philologists, exegetes, and jurists have carefully analyzed these terms, offering interpretations that extend beyond mere physical disability to include intellectual, psychological, and socio-economic limitations. This section examines selected Qur’ānic terms that have been scholastically associated with disability and functional incapacity.

Impairment and Harm (*al-Darar*)

The term *al-darar* (الضرر), derived from the triliteral root *d-r-r* (ضرر), occupies a central place in Qur’ānic discourse on human suffering and limitation. Lexicographers define *darar* broadly as harm, injury, or detriment, encompassing physical pain, chronic illness, poverty, ignorance, and moral or spiritual deficiency. Al-Rāghib al-Isfahānī explains that *al-darar* signifies deterioration, whether caused by bodily impairment, loss of an organ, intellectual deficiency, or material deprivation, and he cites Qur’ān 21:84 as illustrative of this comprehensive meaning.¹⁰

Similarly, Abū Ḥabīb al-Sa‘dī, in his legal-lexical work *al-Qāmūs al-Fiqhī*, interprets *darar* as denoting physical hardship, illness, or severe difficulty, emphasizing its relevance to conditions that impede normal functioning.¹¹ He further links the term to Qur’ān 4:95, where *ūlī al-darar* are explicitly exempted from military obligation, thereby establishing a normative principle that physical or functional impairment constitutes a legitimate legal excuse (*‘udhr shar‘ī*).¹² Classical philologists such as Ibn ‘Abbād and al-Fayyūmī reinforce this understanding by associating *darar* with defect, loss, or coercive hardship, whether affecting the body, property, or agency of a person.¹³ Collectively, these analyses demonstrate that the Qur’ānic concept of *darar* is not restricted to bodily injury alone but reflects a holistic view of impairment, integrating physical, social, and circumstantial dimensions.

Weakness and Helplessness (*al-Du‘afā’* and *al-Mustad‘afūn*)

Another set of Qur’ānic terms frequently associated with disability are *al-du‘afā’* (the weak) and *al-mustad‘afūn* (the helpless or oppressed). Linguistically, *du‘f* denotes weakness in body, intellect, or resolve. Al-Farāhīdī defines it as any deficiency affecting physical strength, mental capacity, or judgment.¹⁴

Exegetes and jurists consistently include within this category individuals suffering from chronic illness, old age, blindness, lameness, and other physical or mental impairments. Commenting on Qur’ān 9:91, al-Qurṭubī states that the “weak” refers

to those possessing recognized excuses, such as terminal illness, advanced age, blindness, or physical disability, for whom religious and legal obligations are mitigated.¹⁵ Ibn Qudāmah further systematizes this view by classifying *Ahl al-'Udhr* into four principal groups: the blind, the lame, the sick, and those weakened by incapacity.¹⁶

The term *al-mustaq'afūn*, as used in Qur'ān 4:98, extends this framework by incorporating structural and situational helplessness, including the inability to migrate or fulfill obligations due to physical, financial, or social constraints. Thus, Qur'ānic discourse recognizes disability not merely as an individual condition but as a state shaped by broader contextual limitations.

Poverty and Dependency (*al-Fuqarā'* and *al-Masākīn*)

The Qur'ānic categories of *al-fuqarā'* (the poor) and *al-masākīn* (the destitute), particularly in the context of zakāt eligibility (Qur'ān 9:60), also bear significant relevance to disability studies. Lexicographically, *faqīr* originates from *fiqr* (vertebrae or spine), conveying the image of a person whose back is "broken," symbolizing incapacity and dependence. Al-Zabīdī and al-Rāghib al-İsfahānī both note that the term originally implied physical impairment before its meaning expanded to denote economic deprivation.¹⁷

Prophetic traditions further refine this distinction by identifying the *miskīn* as one who suffers silently lacking sufficient resources yet refraining from begging due to dignity and self-respect.¹⁸ Classical commentators such as Ibn 'Abbās and al-Hasan al-Baṣrī emphasized that these categories include individuals whose physical disability, old age, or social vulnerability prevents self-sufficiency. The Qur'ānic allocation of zakāt to these groups thus reflects a divinely mandated welfare mechanism addressing both economic and functional disadvantage.

Within Ḥanafī jurisprudence, juristic deliberation over categories such as *al-mu'allafah qulūbuhum* further illustrates how socio-political context shapes the application of Qur'ānic welfare provisions, while leaving the entitlement of the poor and disabled unaffected.¹⁹

Rights of Persons with Disabilities in Islamic Teachings

Islamic teachings establish a comprehensive framework of rights that affirm the dignity, inclusion, and welfare of persons with disabilities. These rights are grounded in the Qur'ān, Prophetic practice (Sunnah), and juristic elaboration, reflecting Islam's commitment to justice ('adl), compassion (*rahmah*), and human dignity (*karāmat al-insān*).

1. Right to Special Attention and Recognition

Islam affirms the equal worth of all human beings irrespective of physical ability, social status, or economic standing. The Qur'ān strongly condemns attitudes that undermine human dignity and emphasizes that moral worth is determined by righteousness rather than outward attributes. One of the earliest Qur'ānic affirmations of this principle appears in the opening verses of Sūrat 'Abasa (80:1–

4), revealed in connection with the blind Companion ‘Abdullāh ibn Umm Maktūm.²⁰

These verses underscore that persons with disabilities are integral to the religious and moral community and that attentiveness to their needs takes precedence over social prestige. Classical scholars note that the indirect style of admonition employed in these verses reflects a pedagogical method that elevates the moral lesson without diminishing prophetic dignity.²¹ The occurrence firmly establishes that physical disability neither reduces a person’s spiritual worth nor excludes them from the core mission of Islam.

2. Right to Social Support and Sponsorship

Islamic law recognizes the obligation of society and particularly the state to ensure the welfare of persons who are unable to meet their basic needs due to physical or mental limitations. The Qur’ān explicitly relaxes certain social norms for persons with disabilities, as seen in Qur’ān 24:61, which permits the blind and the physically impaired to eat from the homes of others without restriction.²²

Exegetes such as Abul A‘lā Maudūdī interpret this verse as establishing a social right rooted in compassion and shared responsibility, affirming that disability itself creates a legitimate claim upon society.²³ The Qur’ān further reinforces this principle by declaring that the needy and deprived possess an acknowledged right in the wealth of the affluent (Qur’ān 51:19).²⁴

Jurists such as al-Kāsānī elaborate that financial maintenance (*nafaqah*) becomes obligatory upon capable relatives when family members are impoverished due to disability, illness, or incapacity, reflecting Islam’s structured approach to social welfare.²⁵ Historical precedents from the early Islamic state, particularly during the caliphate of ‘Umar ibn al-Khaṭṭāb, demonstrate institutionalized stipends for persons with disabilities funded through the public treasury (*Bayt al-Māl*).²⁶

3. Religious Rights and Legal Exemptions

Islam accommodates physical limitations within its system of religious obligations. Acts of worship that require physical exertion such as fasting, pilgrimage, or participation in armed struggle are modified or waived for persons with disabilities, with alternative forms such as *fidya* or representation (*hajj al-badal*) prescribed where applicable.

Participation in jihād, described in the Qur’ān as a significant religious duty, is explicitly exempted for those with valid excuses. Qur’ān 4:95 distinguishes between those who strive and those who remain behind “without excuse,” a phrase revealed to include persons with disabilities such as blindness.²⁷ Prophetic traditions confirm that those prevented by legitimate excuses share in the spiritual reward of those who actively participate.²⁸

Similarly, Qur’ān 9:91 removes all blame from the weak, the sick, and those without means, provided they remain sincere to Allah and His Messenger.²⁹ These

provisions demonstrate that Islamic law prioritizes moral intention over physical capability.

4. Right to Respectful Language and Dignified Address

The Qur'ān consistently employs dignified and non-stigmatizing language when referring to persons with disabilities, using collective terms such as *al-ḍu'afā'* (the weak) rather than labels that emphasize impairment. This linguistic choice establishes an ethical norm that prohibits derogatory or demeaning expressions.

Qur'ān 49:11 explicitly forbids ridicule, mockery, and the use of offensive nicknames, laying the foundation for an Islamic ethics of respectful communication.³⁰ This principle safeguards the emotional and psychological well-being of persons with disabilities and affirms their right to honor (*ird*) within society.

5. Economic and Property Rights

Islam safeguards the economic rights of persons with disabilities by ensuring protection of their property and facilitating their financial participation. Qur'ān 4:5 instructs guardians to manage the wealth of those lacking financial capacity responsibly while maintaining their dignity and material well-being.³¹

Additionally, Qur'ān 2:282 mandates that guardians act justly on behalf of individuals unable to manage contractual matters due to weakness or incapacity, affirming their right to engage in economic activity through representation.³² These provisions emphasize empowerment rather than exclusion.

6. Political Participation and Public Responsibility

Islam does not exclude persons with disabilities from political or administrative roles. On the contrary, the Prophetic model demonstrates active inclusion. Multiple traditions report that the Prophet Muḥammad ﷺ appointed the blind Companion 'Abdullāh ibn Maktūm as acting governor of Madinah during his absence.³³ This precedent confirms that disability does not preclude leadership or civic responsibility.

7. Right to Honor, Compassion, and Kindness

Islamic ethics obligate believers to uphold justice and kindness simultaneously. Qur'ān 16:90 commands both justice (*'adl*) and benevolence (*iḥsān*), establishing a moral framework in which persons with disabilities are entitled not only to fairness but also to compassionate support.³⁴ Acts of kindness toward the vulnerable are regarded as social virtues that strengthen communal solidarity.

8. Right to Care, Treatment, and Well-being

Caring for the sick and vulnerable is a collective moral duty in Islam. The Prophet ﷺ enumerated visiting the sick among the fundamental rights of Muslims over one another.³⁵ This obligation applies equally to persons with disabilities, affirming their right to medical care, emotional support, and communal concern. Prophetic practice further illustrates that supplication for healing and well-being forms an essential part of this care.³⁶

9. Right to Education and Intellectual Development

Education occupies a central position in Islamic teachings and is regarded as a universal right. The Qur'ānic command to "read" (Qur'ān 96:1) establishes the foundational principle of access to knowledge for all.³⁷ Islamic teachings encourage the removal of barriers that hinder learning, thereby obligating society to facilitate educational opportunities for persons with disabilities. Education enables individuals with disabilities to realize their potential and contribute meaningfully to societal development.

Rights and Welfare of Persons with Disabilities in the Pakistani Legal System

The legal framework governing the rights and welfare of persons with disabilities in Pakistan has developed through a gradual process shaped by constitutional principles, statutory enactments, policy initiatives, and international obligations. This evolution reflects a transition from a welfare-oriented approach to a more rights-based paradigm that emphasizes dignity, inclusion, and equal participation in social life.

The earliest comprehensive legislative intervention was the *Disabled Persons (Employment and Rehabilitation) Ordinance, 1981*, which primarily focused on vocational rehabilitation, medical treatment, and employment quotas for persons with disabilities. While progressive for its time, the Ordinance largely conceptualized disability through a charitable and rehabilitative lens, placing responsibility on the state to provide assistance rather than recognizing persons with disabilities as autonomous rights-holders.³⁸

A significant policy shift occurred with the promulgation of the *National Policy for Persons with Disabilities (2002)*, which articulated a broader vision encompassing education, healthcare, employment, accessibility, and social integration. This policy sought to mainstream disability concerns across sectors and institutions, marking a move towards inclusive development planning.³⁹ The *National Plan of Action for Persons with Disabilities (2006)* further operationalized this policy by outlining implementation strategies, timelines, and institutional responsibilities, thereby strengthening administrative coordination at federal and provincial levels.⁴⁰ Pakistan's ratification of the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)* in 2011 represented a critical normative turning point. By acceding to the Convention, Pakistan committed itself to harmonizing domestic laws with international human rights standards, particularly those related to non-discrimination, accessibility, independent living, and full participation in public life.⁴¹ This international obligation has significantly influenced subsequent legislative developments, especially after the Eighteenth Constitutional Amendment, which devolved social welfare and disability-related legislation to the provinces.

In the post-devolution era, provincial legislatures enacted specialized statutes to address the rights of persons with disabilities within their respective jurisdictions.

The *Sindh Empowerment of Persons with Disabilities Act, 2018* is notable for adopting a rights-based framework that explicitly prohibits discrimination, ensures accessibility in public buildings and transport, and establishes mechanisms for registration, grievance redressal, and institutional oversight.⁴² The Act also recognizes multiple forms of disability, including physical, sensory, intellectual, and psychosocial impairments, in line with contemporary disability discourse.

Similarly, at the federal level, the *Islamabad Capital Territory Rights of Persons with Disabilities Act, 2020* introduced comprehensive protections applicable within the capital territory. The Act emphasizes equality before the law, access to justice, inclusive education, and employment opportunities, while also mandating reasonable accommodation in public and private sectors.⁴³ Its provisions reflect a clear attempt to align domestic law with CRPD standards, particularly in relation to legal capacity and participation in decision-making processes.

The *Punjab Empowerment of Persons with Disabilities Act, 2022* further consolidates this legislative trend by integrating social protection measures with enforceable rights. It establishes dedicated authorities for implementation, provides penalties for non-compliance, and introduces safeguards against abuse, neglect, and exploitation of persons with disabilities.⁴⁴ The Act also underscores the role of assistive technologies, accessible infrastructure, and community-based rehabilitation, thereby broadening the scope of state responsibility beyond mere welfare provision.

Collectively, these legislative instruments demonstrate a growing recognition within Pakistan's legal system that disability is not solely a medical condition but a social and legal construct requiring structural reforms. While challenges of implementation, resource allocation, and public awareness remain, the expanding body of disability law reflects an increasing commitment to inclusion, autonomy, and human dignity within Pakistan's constitutional and legal order.

Conclusion

This study reaffirms that persons with disabilities are an integral and valuable part of society whose rights, dignity, and full participation must be unequivocally upheld. By examining Islamic teachings alongside Pakistan's legal and policy framework, the article demonstrates that both normative systems strongly advocate justice, compassion, and social inclusion for persons with disabilities. Islamic principles emphasize the removal of hardship and the protection of human dignity, while Pakistan's constitutional and statutory commitments—aligned with international instruments such as the United Nations Convention on the Rights of Persons with Disabilities (CRPD)—reflect a formal recognition of these values.

Nevertheless, the research identifies a persistent gap between legal recognition and practical implementation. Structural inefficiencies, limited awareness, weak enforcement mechanisms, and deep-rooted social attitudes continue to restrict persons with disabilities from realizing their full potential. The findings highlight

the need for an integrated, rights-based approach that harmonizes Islamic ethical teachings with contemporary legal standards to ensure accessibility, equality of opportunity, and meaningful participation in all spheres of life. Such an approach is essential for transforming persons with disabilities from passive recipients of welfare into empowered and contributing members of society.

Recommendations

To promote an inclusive and equitable social order, the following measures are recommended: First, effective enforcement of existing disability laws must be ensured through institutional coordination, accountability mechanisms, and adequate resource allocation at both federal and provincial levels. Second, sustained public awareness initiatives should be launched to counter stigma and discriminatory attitudes, drawing upon Islamic ethical values and human rights principles to foster social acceptance and respect. Third, targeted capacity-building and training programs should be introduced for service providers, educators, and public officials to promote inclusive practices and a rights-based understanding of disability. Fourth, universal accessibility in public infrastructure, transportation, and communication systems should be prioritized to enhance the independence and mobility of persons with disabilities. Fifth, inclusive education and employment policies must be strengthened to support skill development, economic participation, and social integration. Finally, systematic data collection and research on disability-related issues should be institutionalized to inform evidence-based policymaking and continuous legal reform. The implementation of these measures can significantly contribute to building a society that upholds justice, dignity, and equal opportunity, in accordance with both Islamic teachings and Pakistan's legal and international obligations.

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