

Protection of Fundamental Rights in the Constitution

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Abstract:

To taking the good governance of the country and state's constitutions are drafted which explains the organ of the state. In the modern state system fundamental, human rights are protected. With the protection of the rights all other necessary elements are protected. Just like democracy, social justice, equality and protection of the motherland.

In the constitution of Pakistan equality of citizens, dignity of man, privacy of home, modesty of women and women rights are protected. Women have right to get employment in any field of life. They are protected and paid with maternity leave. Government arranged the better environment on work place for children and the mothers. Government made many laws for the protection of women in the country and punished on the violations. There is no discrimination in the constitution on gender basis.

Keywords: Protection of rights, equality, social justice, Islamic state, privacy of home

Introduction:

In compiling the constitution, care is taken to ensure that it not only meets the economic, social, political, loyalty and legal requirements of the country, but also fully reflects the aspirations, readership and ideology of the people. In a democratic country, the state draws up a constitution in accordance with the principles of its power and authority, democratic freedom, equality, tolerance and all justice. It guarantees the fundamental rights of the people. The powers of the judiciary administration are determined. That they do not interfere in each other's affairs and do their work in accordance with the rules given in the constitution, only through the constitution. The people know what the government is authorized to do and who the citizens are. They are right to demand rights from the government. The constitution is a sacred document that is the duty of both the government and the people. Although no constitution in the world is permanent. Democratic governments formulate it in such a way that there is little need to amend it. And that is the virtue of a good constitution and the argument for longevity.

Pakistan as an Islamic State:

Unfortunately, the constitutional documents that have been drafted in Pakistan so far largely lack this and that is why any constitution that was in the aspirations of the people

has so far failed to be fulfilled. Unless the constitution is read in its entirety, its meaning is incomprehensible. Therefore, the implementation of the provisions of the Constitution is even more necessary. Pakistan is a state created in the name of Islam and when the people struggled for it, they reiterated that they need a country where they can live in accordance with Islamic principles and traditions and where no law will be passed against the Qur'an and Sunnah. And this is consistently reflected in all three constitutions. The Objectives Resolution 1949 has been included as the preface to the Earth. And the beginning is with these words because Allah Almighty is the Absolute Ruler of the whole universe without any participation and the power and authority that the people of Pakistan will have the right to exercise within the limits set by Him is a sacred trust. Because the people of Pakistan want to establish a system in which the state will exercise its powers through the elected representatives of the people. In which the principles of democracy, freedom, equality, tolerance and civil justice, as Islam has taught them, will be fully implemented. In which Muslims in individual and collective circles of action will be enabled that the Constitution of the Islamic Republic of Pakistan was enacted and this Pakistan was enlightened.

They should organize their lives according to Islamic teachings and narcotics as defined in the Qur'an and Sunnah. Fundamental rights will be guaranteed and these rights will include equality in law and morality in the name of status and opportunities, equality in the eyes of law, social and economic and end justice and freedom of thought and expression, belief, religion and worship. In the resolution's objectives, it was first acknowledged that the sovereignty of all the worlds is not in the hands of Allah Almighty. Man exercised authority on earth as the vicegerent of God Almighty which is like a sacred trust and will have to be held accountable for its actions. And the people in the country will have the opportunity to select their representatives. And they will legislate and do other things according to their wishes. The principles of democracy, equality, tolerance and justice were implemented in the country. And these matters will be harmonized with the rules and regulations of Islam. And no law will be made contrary to Islamic principles. The basic rights of all citizens could be guaranteed and they could be brought to justice by law so that the people could live peacefully.

“Whereas sovereignty over the entire universe belongs to Almighty Allah, alone and the authority to be exercised by the people of Pakistan within the limits prescribed by him in a sacred trust. And where it is the will of the people of Pakistan to establish an order where in the state shall exercise its powers and authority through the chosen representatives of the people. Where in the principles of democracy, freedom, equality, tolerance and social justice as enunciated by Islam shall be fully observed. Where in the Muslim shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and Sunnah. Where in shall be granted fundamental rights including equality of status of opportunity and before law, social economic and political justice and freedom of thought, expression, belief, faith, worship and association subject to law and public morality.”

In constitution, Pakistan has been declared democratic state and it is a fact that every individual is not in the hands of a single individual but in the hands of the representatives of the people and the people are hiding all the institutions for their betterment and development. Pakistan is not only a democratic state but it has also been declared as an Islamic democracy. This verse is mentioned in Surah Al-Nisa, verse 58 of the Holy Quran. See how they are doing their rulers then. Those who are exercising these powers within the limits set by Allah Almighty. If we look at the people living in the world and the system of the universe, then Allah Almighty has created everything in pairs so that the universe is a continuum. That is why Allah created the world to be inhabited.

Equal Status of Men and Women:

For the promotion of human beings, both men and women were persuaded so that the two could love each other for the transmission of the human race. Islam and the doctrine is that whoever gives a woman the standard of honour and dignity along with a man recognizes it as a basic fundamental right. And also the standard of constitution or their standard of the Ummah. Let's see if these basic human rights have been violated in the constitution. In constitution of 1973, all these fundamental rights were protected. Just as Islam does not recognize men and women, their rights are equally recognized in the constitution. Legislation is made keeping this in mind and this process has to continue. Whenever the word protection of women comes up, we mean that the protection of women and societies develop only when women are being protected with dignity and respect. Pakistan is based on the principles of feudalism, patriarchy and tribalism. And there has always been legislation on women's issues. The issue of women's rights is common all over the world. And in developed countries, the situation is severe. Violations of human rights in Pakistan have been a major problem for women. However, the constitution gives her equal rights with men. First, let's look at how these rights are enshrined in the constitution and made part of the Women's Protection Act 2006.

Article 14: Inviolability of Dignity of Man

1. The dignity of man and subject to law, the privacy of home shall be inviolable.
2. No person shall be subjected to torture for the purpose of extracting evidence.

The Qur'an says: that a lawsuit be filed against women in the name of law and against abuse. And they should be protected. The privacy of the home is subject to human dignity and law. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. According to the Qur'an, God Almighty has created man as the noblest of creatures. Respect for humanity is repeatedly inculcated in the Qur'an. Surah Ya-seen: Translation: This best form is God's own nature according to God's command. Where Allah called man noble creatures, man also has a duty to respect humanity and establish the protection of the veil and the four walls. Article 14 prohibits this and provides protection against infiltration.

Article 25: Equality of Citizens

1. All citizens are equal before law and are entitled to equal protection of law.
2. There shall be no discrimination on the basis of sex alone.
3. Nothing in this article shall prevent the state from making any special provision for the protection of women and children

Under this section of the constitution, every citizen has a equal status. The state cannot discriminate against any citizen on the basis of religion, caste, sex, colour, place of birth or any of these. Each of them will be given equal opportunities.

Women protection in the constitution:

In order to get a job, all citizens are eligible for this advertisement. And they have a human equivalent right. This section also states that, unlike women and children, the state will not impose any restrictions on special measures and that places will not be discriminated against on the basis of gender in admission and employment. And in the same way, no one will be barred from entering the mainstream, restaurants, hotels and hate houses. At the same time, it will be the responsibility of the government to take steps for the protection of children with women, and for women to be given maternity leave, to set up maternity centers, to work in factories and security will be the responsibility of the government. And the woman will be paid the same as the man and there will be no difference. Recruitment of women in government jobs has been fixed so that they are not abused in the same way and provide decent employment to women. Adult women have been given the right to marry of their own free will and the constitution gives them a throne and no individual government institution, court can deprive them of this right. Zakat fund will help needy women. Under the 1973 constitution, seats were allocated for the participation of women in the assemblies so that women could participate in the assemblies and other better legislation could be enacted. Therefore, on January 2, 1976, a committee headed by the Attorney General called for the rights of Pakistani women. Committee sought the views of women at various places and submitted a report to the Prime Minister. Report opinion was published to find out the name. So that people's views on its various recommendations were known. The women's division was set up in the light of what the committee received from you. As a result, there are now women pockets in every department in Pakistan i.e. vice chancellors, scientists, politicians, prime ministers, ministers, and now the speaker of the National Assembly. This is what Islam developed and the Holy Prophet had said in his Farewell Sermon. "Oh people, understand this very well, the Lord of all is one, and you are all descendants of Adam."

The same principle has been adopted in the constitution and laws and the vision is free from geographical boundaries and restrictions. Wherever Muslims live in the world, they are brothers without distinction of race, religion or language, and this equality is the essence of the Islamic way of life. According to this section, if inequality is expressed with a person, he has the full right to knock the door of the court and nothing can be done to prevent it.

Article 37: Promotion of social justice and eradication of social evils

The state shall

1. Promote with special care, the educational and economic interests of backward classes of areas.
2. Remove illiteracy and provide free and compulsory secondary education within a minimum possible period.
3. Make technical and professional education generally available and higher education equally accessible to all on the basis of merit.
4. Ensure inexpensive and expeditious justice.
5. Make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.
6. Enable the people of different areas through education, training, agricultural and industrial development and other methods to participate fully in all forms of national activities, including employment in the service of Pakistan.
7. Prevent prostitution, gambling and taking of or in connection with, printing, publication, circulation and display of obscene literature and advertisements.
8. Prevent the consumption of alcoholic liquor or otherwise than for medical and in the case of non-Muslims, for religious purposes.
9. Decentralize the Government's administration so as to facilitate expeditious disposal of its business to meet the convenience and requirements of the public.

As many rights have been given to human beings in Islamic society, no other society can even imagine them. The Islamic state is obliged to grant the following rights to its citizens. Allah Almighty has declared a soul *haram*. Without the right thou shalt not be slain, neither shalt thou eat of the unrighteousness of thy people. Where human beings are given rights, the society and the state also impose certain duties and responsibilities on them so that they obey their Almighty, don't spread mischief on earth, cooperate with each other as much as possible and spend in the way of Allah. Don't call anyone a slave and don't hurt anyone.

The first duty of the government is to fulfill the responsibilities imposed on the state under this section of the constitution for the promotion of social justice and eradication of evils.

- A. The constitution states that the government should make education universal. Because no society can develop without education. The government will take steps for the fulfillment and development of the educational and economic interests of the backward classes and areas.
- B. It is the duty of the government to eradicate illiteracy. So that all the illiterate population of Pakistan is not deprived of education. At present, education up to primary is free in Pakistan. Steps are being taken to make secondary education compulsory.

- C. It is also the responsibility of the government to introduce vocational education as much as possible in schools and colleges and it includes institutions related to education, engineering, medicine and other fields.
- D. It is the responsibility of the government to ensure that justice is done so that the people can get justice as soon as possible. In order to provide justice, the government has immediately set up anti-terrorism courts. So that the decision of cases can be upheld and the appointment of staff and bar in the courts is part of the e-mail.
- E. The most important point of this clause is that children and women are prohibited from working in waters that are unsuitable for the age group. Women's rights have been granted in the land.
- F. All citizens of Pakistan will be provided equal opportunities for education, training, nutrition and development. It does not discriminate on the basis of sex, race, or birth, nor is it forbidden for anyone to get a job according to their ability.
- G. Laws have also been enacted to prevent the publication, publication and exhibition of literature and advertisements. And the country has enacted legislation to end pornography. The sanctity of a woman's virginity has been condemned.
- H. All alcoholic beverages are banned. And the judiciary has the power to dispose of intoxicants read during the hearing.
- I. All institutions should be set up in a place where people can easily communicate. Therefore, the hospital has asked the public to be as close to the population as possible from the educational period, as well as from the fly-out period. The next guardian and other foot payment centers should also be close to the population.

Under the provisions of the constitution, a woman has been denied equal rights with a man and her rights and dignity have been violated. Equal employment opportunities are available and now women have more participation in the sphere of life. The purpose of legislation in the country is to ensure that there is peace and order in the society and better legislation for peace and order. Men and women should have equal rights and protection. The Pakistan Penal Code and the Criminal Code have been amended to bring them in line with modern requirements so that crimes against violence and women can be eliminated.

Conclusion:

Pakistan is a state created in the name of Islam and people of Indo-Pak sacrifices their lives, properties and honor for their motherland. They aimed to spend their lives with the teachings of Islam. There is no law with contradiction of the injunctions of Islam, Quran and Sunnah. All rights are protected by the constitution. Women rights are protected and given according to Islam. Government takes steps for the betterment of the people of Pakistan belonging to all communities. People are allowed to take part in politics, elections, jobs and all spheres of life. There is no discrimination in the constitution, equal rights given to the people and the provinces of the state. To handle the critical situation of covid-19, all governments work hard to secure the people of Pakistan with special

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arrangements of vaccination, funding for small businesses, agriculture, medicine and all other fields for the progress of Pakistan.

Recommendations:

1. To give awareness to the people.
2. Equal opportunities given to the people.
3. Laws are properly implemented for women and children.
4. Make policies for women empowerment in the suitable places.
5. Arrangement for equal payment status to men and women.

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