

MAINTENANCE OF THE PARENTS BY THE CHILDREN
(Need for Statute Law)

1. Life is a precious gift of Almighty Allah. It is full of pleasures and sorrows. However, neglect of parents, particularly in old age, is misery of very high degree which has the potential of breaking the “stoutest heart”. Those parents, who taught their children how to walk, speak and provided social and economic umbrella, educated them, fulfilled their needs at the cost of their own, legitimately expect that when they grow old and are unable to work to maintain themselves, their children would come forward with financial and emotional support. However, it only proves to be an ambitious dream in a large number of cases.
2. Quite often, articles highlighting the miseries of neglected parents appear in the National Press. In the destitute homes, there are persons who have been affluent while at work but are now dependent for their survival only on charity.
3. The Holy *Quran* and *Ahadith* impose a duty upon the children to be kind and respectful towards their parents. The article captioned “Duty Of Children Towards Parents Clearly Defined” by Riaz A.Siddiqui provides a useful reading (copy attached).
4. Both in *Fiqah-e-Hanfia* and *Fiqh-e-Jafferia*, all jurists are unanimous on the issue that children with financially sound circumstances are bound to provide maintenance to their parents who are unable to maintain themselves.
5. The books consulted on the issue are:-
 - (i) The Holly *Quran* – *Sura ‘Al-Isra’* (17.23);
 - (ii) Institutes of Mohammadan Law by A.F.M. Abdur Rashid, 1977 Edition, Chapter-III (pages 216-218). While reiterating the above principle this treatise has relied upon the authoritative sources of Islamic Law.
 - (iii) Mohammad Law by Amir Ali, 7th Edition, Volume-II, Chapter XI (pages 384-390) explains duty of the children to maintain their parents; it gives out both the *Fiqah-Hanfia* and *Fiqah-e-Jafferia* views.

- (iv) A digest of Mohammadan Law by Sir Roland Knyvet Wilson, 6th Edition, Chapter VI (pages 203-214) deals with the “Maintenance of Relatives”; Paragraph 150 particularly explains the duty of children to maintain their parents.
6. I have been able to lay my hands on the Statute Law which is in force in India and Singapore. Section 20 of the Hindu Adoption and Maintenance Act (78 of 1956), *inter alia*, provides for maintenance of parents. In Singapore, the law in force is the Maintenance of Parents Act (No.35 of 1995). In this Act any person of the age of 60 or above, residing in Singapore, who is unable to maintain himself may apply to the tribunal (constituted under section 13 thereof) for an order that one or more of his children pay him a monthly allowance or any other periodical or a lump sum payment.
7. I am of the considered view that there is dire need of enacting such a law for all citizens of Pakistan and other persons for the time being residing in Pakistan irrespective of their religion.
8. The procedure to be followed in such cases should be simple. The Court or Tribunal should conduct a summary hearing after summoning the parties and calling for a report from concerned person regarding the resources/income of the child/children. The object should be to provide urgently relief to the needy parents. Pending final order, the court or tribunal should be empowered to grant interim maintenance.
9. This law may also provide for certain other facilities to the neglected parents such as concession in the matter of transport, entertainment and medical facilities.
10. The duty to provide maintenance should not be confined to parents living in destitute homes. It may extend to the parents who are even living with the children. However, the quantum of maintenance may be different in their case.

JUSTICE SYED JAMSHED ALI
Former Judge Supreme Court of Pakistan
DIRECTOR GENERAL
PUNJAB JUDICIAL ACADEMY

Lahore, 1st November, 2013



In the name of Allah, most gracious, most merciful

Duty of children towards parents clearly defined

by - Riaz A. Siddiqui

ALL religions of the world have laid great emphasis on the rights of parents and the duties of children towards them. According to Islamic teachings, to be obedient and to show kindness to parents has been enjoined in the Holy Quran in such a manner as to say that among the noble deeds, to obey parents, treat them respectfully and to show kindness to them is next to worshipping Almighty Allah. The Holy Quran says, "Your Lord has decreed that you worship none but Him, and that you be kind to parents. Whether one or both of them attain old age in thy life, say not to them a word of contempt, nor repel them, but address them in terms of honor." - Surah Al Isra (17:23) -

According to Prophet Muhammad (peace be upon him), the parents of a certain person are his Heaven or Hell. What this means is that if a person obeys his parents, attends to their needs and keeps them happy and comfortable, he will attain Paradise. On the other hand, if he is disrespectful and rude to them, offends them by ignoring their needs and feelings or causes them grief in any manner, his place shall be in Hell. In modern times, a trend has arisen whereby when parents come to be seen as a liability because of old age and physical weakness. They are then sent to 'old people's homes'.

But the stricture ordained by Islam makes it clear that shrugging off the responsibility of old parents serves as an invitation to Hell. Both the father and mother are equal when it comes to caring for them and providing them all possible physical comforts and mental peace. The time that the parents need to be looked after most, is in their old age. To serve them devotedly at that stage of their lives is the best way of pleasing Almighty Allah. It is also one of the easiest ways of attaining Paradise. Abu Hurairah, a companion of the holy Prophet, has said that "a person is indeed disgraced, who does not earn Paradise by caring for his parents during the life time and old age of his/her parents".

A person once asked the holy Prophet, "Who has the greatest claim on me with regard to service and kind treatment?" The Holy Prophet replied, "Your mother and again your mother and once again your mother. After her is the claim of your father, then that of your near relatives, and then of the relations next to them". This shows that the claim of a mother is greater than a father over the care that you endow upon them in their old age. Serving and obeying parents is a matter of give and take. Those who treat and obey their parents can rest assured that their children will also show kindness and compassion to them. Respecting and caring the parents is a virtue of the highest order that continues to transcend generation after generation.

Asma bint Abu Bakr relates that her mother had come from Makkah to Madinah to meet her. Her mother was not a Muslim and followed pagan tribal customs and beliefs. Asma enquired from the holy Prophet how she was supposed to treat her. The holy Prophet told her to be kind and considerate and to behave towards her as was a mother's due from a daughter. Obeying one's parents and treating them with respect and affection is a great virtue and it serves as repentance for a person's sins. Similarly, to ask Almighty Allah to have mercy on them after death is an act that brings them comfort in their graves. It is the

duty of sons and daughters to pray for the forgiveness of their parents after their death and treat their relatives and friends with due respect. In the Holy Quran, Muslims have been urged to pray for the salvation of their parents as shown in the following verse: "And say, My Lord, Have mercy on both of them as they cared for me when I was little".

The holy Prophet has said that to abuse one's parents is a major sin. So much so that if a person abuses someone else's parents and that person, in retaliation, abuses his parents, then it is as though he himself has abused his parents. On another occasion, when asked about the major sins, the holy Prophet replied, "To associate someone with Almighty God, to disobey parents, to kill unlawfully, and to give false evidence".

In the light of the Holy Quran and holy Prophet's sayings, one can understand that the respect for parents occupies a special place in the moral and social teachings of Islam. -

