



**Implementation Minority Rights Forum Award Committee
nominates Justice A R Cornelius Award 2024 to
Honorable Mr. Justice Dr. Syed Muhammad Anwar,
Senior Judge Federal Shariat Court of Pakistan**

The Award was presented by

- Honorable Mr. Justice Syed Mansoor Ali Shah , Senior Judge Supreme Court of Pakistan
- Mr. Samuel Maksan , Chairman Implementation Minority Rights Forum
- Honorable Mr. Azam Nazir Tarar, Federal Minister for Law, Justice & Human Rights.

Honorable Mr. Justice Dr Syed Mohammed Anwer

Mr. Justice Dr. Syed Muhammad Anwer was initially appointed as Judge Federal Shariat Court of Pakistan on 21.05.2020 for three years. Then he took oath as Acting Chief Justice Federal Shariat Court of Pakistan on 16.05.2022. and remained Acting Chief Justice for a year till 20.05.2023. After completion of his first term as Justice in FSC, Justice Dr. Syed Mohammed Anwer due his extraordinary contribution in Islamic Jurisprudence through his judgments was reappointed and elevated as Aalim Judge in Federal Shariat Court on 10 July 2023, by the former President of Pakistan Dr. Arif Alvi via Notification dated 5 July 2023 for another term of three years.

Mr. Justice Dr. Syed Muhammad Anwer has a strong foundation in Islamic jurisprudence as well as in common law and public international law. Before initial elevation to the Federal Shariat Court, he was appointed by the then President of Pakistan, Mamnoon Husain as a member of the Council of Islamic Ideology (CII) on the basis of his extensive research and contributions in the field of Islamic jurisprudence, Human Rights and Goals of Shariah, ADR in Islamic Law, Islamic economic and Islamic finance and Islamic criminal law etc.

He has a diverse experience as an advocate, prosecutor and judge. Before his elevation he extended his legal services as legislative counsel, public policy maker, active civil society member, lecturer at law and legal consultant. He served as a legal expert at various senior management and executive levels in different organizations of public, private, educational, research and development sectors.

He was an Advocate of the Supreme Court of Pakistan having expertise in diverse legal disciplines ranging from civil and criminal litigation, corporate law, IT telecom, E-commerce and International trade and finance etc. He also held different offices related to the legal profession including Member legal to Customs Appellate Tribunal, Islamabad, director legal ministry of IT and Telecom where he drafted laws for the IT and telecom sector of Pakistan. He remained chairman of Electronic Certification and Accreditation council (ECAC), a legal body to regulate e-commerce in Pakistan by virtue of the Electronic Transaction Ordinance 2002. In this capacity he drafted fundamental regulations for the ECAC to provide the legal foundation for electronic transactions in Pakistan necessary for the certification authorities to operate in Pakistan, which ultimately helped Pakistan to enhance its e-commerce. He remained Deputy Attorney General, prior to which he was elected President of Islamabad Bar Association for the year 2013.

As a jurist, scholar of Islamic Jurisprudence and academic he has contributed a lot in diverse activities of civil society through his lectures, writings and judgments. He contributed in promoting:

- Interfaith Harmony
- Women's Rights in Islam
- Child right in Islam

Contributions towards Interfaith Harmony

He has been a strong supporter of initiatives for interfaith harmony. He inaugurated a project “Weaving Communities of Faith Together” at Christian Study Center on 20/08/2022. The Christian Study Centre (CSC) organized the launching ceremony of the regional network of religious leaders namely “Weaving Communities of Faith Together” on 17 August, 2022. The network comprises of male and female Muslim, Christian, and Hindu faith leaders belonging from Lahore, Faisalabad, Gujranwala, and Rawalpindi/Islamabad. Hon’ble Mr. Justice Dr. Syed Muhammad Anwer, Acting Chief Justice of The Federal Shariat Court of Pakistan was chief guest at the launching ceremony.

He supports the “Implementation Minority Right Forum” IMRF- which is a project of Bright Future Society (Pakistan) in most of their initiatives which it (IMRF) pursues regarding implementation of minority rights in Pakistan in the light of Supreme Court’s judgment (PLD 2014 Supreme Court 699).

He always advocated for minority rights issues at various academic and research forums. He encouraged the department of Islamic thought, history and culture in the faculty of Arabic and Islamic studies of Allama Iqbal Open University (AIOU) to introduce interfaith harmony as a subject to be taught there. He prompted this demand at an International Seminar on Religious Harmony organized by IMRF and AIOU in 16/11/2022.

Similarly, he supports the initiative of Islamic research institute (IRI) of IIUI to enhance the role of academia and faith leaders of every community in transforming society to realize child rights. He headed a seminar in IRI on 14-05-2024 as a chief guest.

The impact of his judgments on society was also acknowledged by different civil society organizations and also international governmental organizations like UN Women. To recognize his various contributions, he was invited as a chief guest on the occasion of the launching ceremony of Strategic Note of UN Women for women empowerment in Pakistan. Especially with reference to his two judgments regarding the issue of child marriages in Pakistan. In this regard in one of his landmark judgments, he categorically stated that the state has a right to decide minimum age for marriage. Any such law wherein the minimum age for marriage is set is not against the injunctions of Islam. His Judgment is considered as a step in achieving one of the fundamental five targets to be achieved in OIC countries in pursuance of CEDAW.

He supported an initiative UN –Habitat and SDGs Academy for “Empowering Women for Lands Rights and Sustainable Land Management.” which was a part of the National Conference on Protection of Housing, Land and Property Rights (HLP) for Women and most Vulnerable groups in Pakistan. Through this initiative a 16 days long mass awareness campaign was initiated.

20.11.2023

Some Landmark Judgments of Justice Dr Syed Mohammed Anwar are:

1. Child Marriage – Farooq Umar Bhoja Vs Federation of Pakistan (PLD 2022 Federal Shariat Court 1),

According Strategic Note of UN Women for women empowerment in Pakistan and OIC Strategy for the Empowerment of Family and Marriage Institution, child marriage issue is considered as one of the major impediments in implementing these policies in the OIC countries. This Judgment of Justice Dr. Syed Mohammed Anwer categorically declared that an Islamic state has power according to the principle of Shariah to set an age limit for marriage.

In a judgment of the Federal Shariat Court, Pakistan on the issue of child marriage authored by Aalim Judge Justice Dr. Syed Mohammed Anwer it was declared that the 16 years minimum age for girls and 18 year for boys for marriage under the Child Marriage under the Child Marriage and Restraint Act 1929, set by the Government of Pakistan is in accordance with the settled principles of Shariah and Fiqh. This judgment has interpreted and developed a jurisprudential references of Shariah in order to explain that an Islamic government can set minimum age for marriage.

2. Ali Azhar Vs Province of Sindh (2023 PLD Federal Shariat Court 265)

In this judgment Justice Dr. Syed Mohammed Anwer further developed the Ratio which was earlier developed by him in an earlier judgment on this issue (Farooq Umar Bhoja Vs Federation of Pakistan (PLD 2022 Federal Shariat Court 1), for setting the minimum age of marriage by an Islamic state in the light of Islamic Jurisprudence. The Ration of this Judgment is that only physical maturity (blugh) is not enough for marriage according to Islam but mental maturity (rushd) is also required according to Islamic injunction.

These two judgments notably upholds the principles laid down in **Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)** and **Article 28 and 29 of the Convention on the Rights of the Child (CRC), 1989**. It reaffirms Pakistan's commitments under international law in the line with the Injunctions of Islamic Jurisprudence and Shariah which is considered as mile stone in this regard.

3. A Suo moto notice of a crime of committing Child Marriage in a district of Baluchistan

He also took a Suo moto notice of a crime of committing Child Marriage in a district of Baluchistan in result of which the Baluchistan has drafted a **Bill for the prohibition of Child Marriage in Baluchistan** for the first time which is considered as a giant leap in this regard for the province of Baluchistan.

4. Domestic Violence Against Women :-

In case Prof. Ibrhim Khan Vs Government of Punjab (PLD 2023 Federal Shariat Court 1):

Violence against women is another major issue all over the world and there were certain misconceptions attached to it in the Muslim Countries that beating wives is not an un-Islamic practice. In the following judgment of the Federal Shariat Court, Pakistan on the issue of Domestic Violence faced by women (Punjab Protection of Women Against Violence Act, 2016 (Act XVI of 2016)), authored by Aalim Judge Justice Dr. Syed Mohammed Anwer declared that:

- i. Islam gives women the right of Access to Justice as a Fundamental Right, including the right to file a complaint against the husband.
- ii. In Islam, a woman can force her husband by law to fulfill all types of his matrimonial obligations, including economic and social obligations.
- iii. The women have right to agitate and protest for their rights
- iv. Article 25(3) of the Constitution of the Islamic Republic of Pakistan, 1973 rightly provides the constitutional guarantee to any ‘positive action’ or even ‘affirmative action’, which shall be taken by the State for the protection of women and children in the Islamic Republic of Pakistan. This provision of the Constitution is undoubtedly based on the very essence of Islam.
- v. In the context of the family, the father, husband, brother and son have greater social and economic duties viz-a-viz their family relatives like mother, wife, sister or daughter, but this does not by any way confer upon men a right to abuse the females of their family in any manner.
- vi. The judgment points out that Verse-34 and Verse-35 of Surah An-Nisa must be read in their full context. The word Qawwam used in Surah An-Nisa is translated in English as “manager, director, superintendent, caretaker, keeper, custodian, guardian. The reason for appointing the male as Qawwam is that they are duty bound to maintain the women of their family properly and spend his wealth for that purpose, it does not mean that a man being a ‘Qawwam’ is allowed to inflict ‘domestic violence’ or tashadood upon women.

The judgment notably upholds the principles laid down in **Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)** and **Article 3 and 10 of the International Covenant on Social, Economic, and Cultural Rights (ICESCR), 1966** and **Article 3, 23 and 26 of the International Covenant on Civil and Political Rights (ICCPR), 1966**. It reaffirms Pakistan’s commitments under international law in the line with the Injunctions of Islamic Jurisprudence and Shariah.

5. Declaring anti women Tribal Practices of Swara/Vani as Un-Islamic – (PLD 2022 Federal Shariat Court 57):

This judgment held that the practice of Swara is unconstitutional and un-Islamic as it is against the principles of the Holy Quran and Sunna. Swara (also known as Vani and Budla-i-sulh) is a

custom/tradition whereby, women and girls belonging to the offender's family are given in marriage or servitude to the aggrieved persons as compensation for reconciliation in case of rivalry, murder, or abduction in order to settle the dispute. It is a form of arranged or forced child marriage. The decision is made by a council of tribal elders called Jirga or Panchayat.

The practice violates the rights of women and girls to a significant extent and places them at high risk of violence and abuse. The women and girls who are subjected to this practice are given no respect and honor and are treated as slaves; they bear the brunt for the offences of a family member for the rest of their lives. The court made references to the Holy Quran and Ahadith when declaring Swara as un-islamic. Moreover, the FSC stressed that the aforesaid maxim of criminal justice is so important that it was stressed upon by the Prophet (PBUH) in his last sermon.

6. Appointment of Women Judges – (PLD 2023 Federal Shariat Court 291):

In the following judgement of the Federal Shariat Court, Pakistan authored by Aalim Judge Justice Dr. Syed Mohammed Anwer deliberates upon whether the appointment of female judges is against the injunctions of Quran and Sunnah.

The court held that , that Islam is the only religion which is based upon a revealed book of Allah in which a substantial portion of beliefs and practices are based on those traditions or Hadiths which are narrated by female companions of the Holy Prophet (PBUH) in general and by the wives of the Holy Prophet (SAW) in particular. This is a unique aspect of Islam that tells the actual elevated status of women.

He deliberated in this judgment that this means that a portion of our religious beliefs and practices is based on the traditions of the Holy Prophet (PBUH), which are transmitted and reported to us with the reference of honourable ladies of Islam i.e. sahabiyaat of the Holy Prophet (PBUH). Finally it was also highlighted that Umahat al-Moomineen would give Juristic opinions commonly called the Fatwas. The books of Ahadith including Sahih Bukhari and Sahih Muslim contain Fatawa of Hazrat Ayesha (RA) (i.e. the legal opinions of Hazrat Ayesha (RA) so much so that there are reported instances where very senior Ashaab al-Rasool (RA) sought legal opinion from Hazrat Ayesha (RA). In the light of such a strong tradition and history of our religion which acknowledges the legal and jurisprudential scholarship of women, the appointment of female judges subject to the provisions of any law and the Constitution is not against the injunctions of Islam as laid down in the Holy Quran and Sunnah.