

Published:
September 29, 2025

Teachings of Islam about Care of Orphans and Their Application in Contemporary Welfare Systems: A Contextual Analysis for Pakistan

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Abstract

This article explores the Islamic injunctions concerning the care and protection of orphans, analyzing their theological foundations and ethical imperatives. It further investigates how these principles can inform and enhance contemporary welfare systems, with a specific focus on the socio-legal and institutional landscape of Pakistan. Drawing upon primary Islamic sources—namely the Qur'an and Sunnah—and referencing scholarly interpretations, the study underscores the centrality of orphan welfare in Islamic social ethics. The article critically examines the existing legal and policy frameworks in Pakistan, including the role of state institutions, non-governmental organizations (NGOs), and community-based initiatives, in fulfilling the Islamic mandate of orphan care. It identifies systemic challenges such as legal ambiguities, resource constraints, and implementation gaps, while proposing integrative models that harmonize Islamic ethical imperatives with modern welfare mechanisms. The research concludes that a rights-based, faith-informed approach can significantly improve the protection, development, and social integration of orphans in Pakistan, thereby aligning

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national welfare practices with both Islamic teachings and international child rights standards.

Keywords: Orphans, Islamic Ethics, Child Welfare, Pakistan, Social Protection, Qur'an, Sunnah, Welfare Systems

Introduction

The care of orphans occupies a profoundly significant position in Islamic teachings. From the earliest revelations of the Qur'an to the exemplary conduct of the Prophet Muhammad (peace be upon him), Islam has consistently emphasized the moral, legal, and spiritual duty of the Muslim community toward vulnerable children who have lost parental care. The Qur'an repeatedly warns against the misuse of orphans' property and enjoins believers to treat them with kindness, justice, and compassion. This ethical imperative is not merely a charitable suggestion but a binding religious obligation rooted in divine commandments and prophetic precedent.

In contemporary times, the global discourse on child welfare has evolved significantly, with international instruments such as the United Nations Convention on the Rights of the Child (UNCRC) establishing comprehensive frameworks for the protection and development of all children, including orphans. Pakistan, as a signatory to the UNCRC and a country where over 96% of the population identifies as Muslim, faces a unique opportunity—and responsibility—to integrate its Islamic heritage with modern child protection systems. Despite constitutional guarantees and legislative efforts, the reality for many orphans in Pakistan remains fraught with challenges, including institutional neglect, economic hardship, social stigma, and inadequate access to education and healthcare.

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This article seeks to bridge the gap between Islamic ethical teachings and contemporary welfare practices by examining how the foundational principles of orphan care in Islam can be effectively operationalized within Pakistan's socio-legal context. It begins with a theological exposition of Qur'anic verses and Prophetic traditions related to orphans, followed by an analysis of classical Islamic jurisprudence on guardianship and financial stewardship. The study then transitions to an empirical assessment of Pakistan's current orphan care infrastructure, evaluating the roles of state agencies, civil society, and religious institutions. Finally, it proposes policy-oriented recommendations for a holistic, Islamically grounded, and rights-based welfare model that is both culturally resonant and institutionally viable.

Theological Foundations of Orphan Care in Islam

Islam's concern for orphans is deeply embedded in its sacred texts. The Qur'an addresses the issue of orphan welfare with remarkable frequency and urgency, often linking it directly to piety, social justice, and divine accountability. One of the most cited verses states: "And do not approach the property of the orphan, except in the best manner, until he reaches maturity. And give full measure and weight in justice. We do not charge any soul except [with that within] its capacity. And when you speak, be just, even if [it concerns] a near relative. And fulfill the covenant of Allah. This is what He has commanded you, that you may remember."¹

This verse establishes two critical principles: first, the inviolability of an orphan's property, which must be preserved and managed with utmost integrity; and second, the broader ethical framework of justice that extends even to those without familial or social power. The emphasis on "the best manner" implies not

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only non-exploitation but active stewardship aimed at the orphan's benefit.

Another pivotal verse underscores the moral weight of caring for orphans: "Worship Allah and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away, the companion at your side, the traveler, and those whom your right hands possess. Indeed, Allah does not like those who are self-deluding and boastful."²

Here, orphans are placed alongside parents and other vulnerable groups as primary recipients of ethical obligation, indicating their centrality in the Islamic moral economy.

The Prophet Muhammad (peace be upon him) further reinforced these teachings through his words and actions. He stated, "I and the caretaker of an orphan will be in Paradise like this," and he gestured with his index and middle fingers, indicating closeness.³

This hadith elevates orphan care to a spiritual act of immense merit, placing it on par with other core Islamic practices. Moreover, the Prophet himself was an orphan, having lost his father before birth and his mother at the age of six. His personal experience likely deepened his empathy and commitment to protecting orphaned children.

Classical Islamic jurisprudence (fiqh) developed detailed legal mechanisms to safeguard orphans' rights. The institution of wilāyah (guardianship) was established to ensure that a competent and trustworthy guardian (walī) managed the orphan's property and personal welfare until maturity. Jurists stipulated that the guardian must act in the orphan's best interest, avoid conflicts of interest, and provide regular accounting of the orphan's assets.⁴

The concept of kafālah—a form of foster care that preserves the child's identity

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while providing care and support—was also recognized as a legitimate and commendable practice, distinct from adoption in the Western sense, which Islam generally discourages due to concerns about lineage and inheritance.⁵

These theological and jurisprudential foundations collectively establish a comprehensive Islamic framework for orphan care that is both protective and developmental. It is not limited to material provision but encompasses emotional support, education, social integration, and the preservation of dignity.

Orphan Care in the Pakistani Context: Legal and Institutional Framework

Pakistan's legal and policy landscape regarding orphan care reflects a complex interplay of statutory law, customary practices, and Islamic principles. The Constitution of the Islamic Republic of Pakistan enshrines the state's responsibility toward children. Article 37(e) directs the state to “make provision for securing just and humane conditions of work, ensure that children and women are not employed in vocations unsuited to their age or sex, and for maternity benefits for women in employment.” While not explicitly mentioning orphans, this provision forms part of a broader commitment to child welfare.

More directly, the Juvenile Justice System Ordinance (JJSO) of 2000, later replaced by the Juvenile Justice System Act (JJSA) of 2018, provides a legal framework for the treatment of children in conflict with the law and those in need of care and protection. Section 2(e) of the JJSA defines a “child in need of care and protection” to include orphans, abandoned children, and those without visible means of support.⁶

The Act mandates the establishment of Child Protection Units (CPUs) at the provincial level and authorizes the creation of shelter homes and rehabilitation centers.

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At the federal level, the National Commission on the Rights of the Child (NCRC), established under the National Commission on the Rights of the Child Act 2017, is tasked with monitoring and promoting child rights, including those of orphans.⁷ However, the commission's effectiveness has been hampered by limited resources, bureaucratic delays, and inconsistent provincial cooperation.

Religious endowments (waqf) have historically played a vital role in orphan care in Muslim societies. In Pakistan, numerous waqf-based orphanages operate across the country, often funded by private donations and managed by local communities or charitable trusts. These institutions provide shelter, food, and basic education, though the quality and scope of services vary widely.⁸

Non-governmental organizations (NGOs) also constitute a significant pillar of orphan care in Pakistan. Organizations such as Edhi Foundation, Al-Khidmat Foundation, and Saylani Welfare Trust run large-scale orphanages and foster care programs. These NGOs often fill critical gaps left by the state, particularly in rural and underserved areas.⁹ However, they face challenges related to sustainability, regulatory oversight, and standardization of care practices.

Despite these efforts, systemic weaknesses persist. Many orphanages operate without formal registration or adherence to minimum standards of care. There is a lack of centralized data on the number of orphans in Pakistan, making policy planning difficult. According to UNICEF estimates, Pakistan is home to approximately 8.6 million orphans, though this figure includes children who have lost one parent—a broader definition than the Islamic one, which typically refers to those who have lost both parents or whose surviving parent is unable to care for them.¹⁰

Moreover, the legal ambiguity surrounding *kafālah* in Pakistani law creates

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complications. While the concept is recognized in Islamic jurisprudence, it lacks clear statutory definition and procedural guidelines in national legislation. This results in inconsistent practices and potential vulnerabilities for children in foster care arrangements.

Challenges in Implementing Islamic Principles in Contemporary Welfare Systems

Translating Islamic ethical imperatives into effective welfare mechanisms in Pakistan faces several interrelated challenges. First, there is a disconnect between religious discourse and institutional practice. While sermons and religious education often emphasize the virtue of caring for orphans, this moral exhortation rarely translates into structured, accountable systems of care. The absence of a unified national policy that explicitly integrates Islamic principles with child protection standards exacerbates this gap.

Second, financial and human resource constraints severely limit the capacity of both state and non-state actors. Public funding for child welfare remains minimal, with less than 1% of the national budget allocated to social protection programs.¹¹ Orphanages dependent on zakāt and ṣadaqah (charitable giving) face unpredictable income streams, leading to instability in service delivery. Furthermore, staff in many care institutions lack professional training in child psychology, trauma-informed care, or educational pedagogy, compromising the quality of support provided to orphans.

Third, social stigma and cultural attitudes hinder the integration of orphans into mainstream society. In many communities, orphans are viewed with suspicion or pity, limiting their opportunities for education, employment, and marriage. This social marginalization contradicts the Islamic ideal of treating orphans as equals

and members of the extended community (ummah).

Fourth, the legal framework suffers from fragmentation and weak enforcement. Provincial autonomy under the 18th Amendment has led to divergent child protection laws and implementation strategies across Pakistan's four provinces. While Punjab has established a relatively robust Child Protection and Welfare Commission, other provinces lag behind in institutional development.¹²

Additionally, mechanisms for monitoring orphanages and holding guardians accountable for misuse of orphans' property are either absent or ineffective.

Finally, there is a lack of emphasis on alternative care models that align with Islamic kafālah. Institutional care, while necessary in some cases, is often prioritized over family-based solutions such as foster care or kinship care. Research globally and in Pakistan shows that children thrive better in family environments than in large institutions.¹³

Yet, cultural resistance to fostering non-biological children, coupled with inadequate legal safeguards, discourages the expansion of kafālah-based programs.

Integrating Islamic Ethics with Modern Welfare Approaches: A Proposed Framework

To address these challenges, Pakistan must develop an integrated orphan care model that harmonizes Islamic ethical principles with evidence-based welfare practices. Such a model should be grounded in the following pillars:

1. Rights-Based Interpretation of Islamic Teachings

Islamic injunctions on orphan care should be interpreted through a child rights lens. The Qur'anic emphasis on justice, dignity, and protection aligns closely with the principles of the UNCRC, particularly the right to survival, development,

protection, and participation.¹⁴ A rights-based approach ensures that orphan care is not viewed merely as charity but as a fulfillment of the child's inherent rights and the community's collective duty.

2. Legal Recognition and Regulation of Kafālah

Pakistan should enact specific legislation to define and regulate kafālah. This law should establish eligibility criteria for foster parents, mandatory training requirements, regular monitoring by child protection authorities, and mechanisms for the child's consent (where age-appropriate). Importantly, the law must clarify that kafālah does not confer inheritance rights or alter lineage, thereby preserving Islamic legal principles while providing stable care.¹⁵

3. Strengthening Waqf and Zakāt for Sustainable Funding

The state should facilitate the use of waqf and zakāt for orphan care through transparent, accountable mechanisms. A national waqf regulatory authority could oversee the management of endowments dedicated to child welfare, ensuring that assets are invested productively and revenues are used efficiently. Similarly, zakāt collection and distribution systems—already operational at provincial levels—could be directed toward certified orphan care programs, with clear auditing and reporting standards.¹⁶

4. Community-Based Orphan Support Networks

Drawing from the Islamic concept of collective responsibility (fard kifāyah), local communities can be mobilized to support orphans through neighborhood committees, mentorship programs, and educational sponsorships. Mosques and religious leaders can play a catalytic role in raising awareness, identifying vulnerable children, and coordinating care efforts.¹⁷

This approach reduces institutionalization and fosters social inclusion.

5. Professionalization of Care Services

All orphan care providers—whether state-run, NGO-managed, or waqf-based—should adhere to nationally recognized standards of care. This includes mandatory training for caregivers, access to psychosocial support, inclusive education, and healthcare. The Higher Education Commission (HEC) and relevant ministries could develop certification programs in child welfare studies with an Islamic ethics component.¹⁸

6. Data-Driven Policy Making

A national orphan registry, compliant with data protection laws, should be established to track the number, location, and needs of orphans. This data would inform resource allocation, program evaluation, and policy reform. Collaboration with academic institutions and international agencies such as UNICEF can enhance data quality and analytical capacity.¹⁹

Case Studies and Best Practices in Pakistan

Several initiatives in Pakistan demonstrate the potential of integrating Islamic values with effective welfare practices. The Edhi Foundation, founded by Abdul Sattar Edhi, operates over 30 orphanages nationwide, providing shelter, education, and vocational training. The foundation's model emphasizes dignity, non-discrimination, and self-reliance—principles deeply resonant with Islamic ethics.²⁰

In Punjab, the Child Protection and Welfare Commission has piloted a foster care program that trains and certifies foster parents, with a focus on placing siblings together and maintaining cultural and religious identity. Although still in its early stages, the program reflects a shift toward family-based care aligned with *kafālah*. Another promising example is the use of *zakāt* funds by the Sindh government to

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support orphans through the Benazir Income Support Programme (BISP). Eligible orphan-headed households receive unconditional cash transfers, enabling them to meet basic needs and keep children in school. This approach combines Islamic fiscal tools with social protection mechanisms.

These cases illustrate that when Islamic principles are operationalized through structured, accountable systems, they can yield significant improvements in orphan welfare. However, scalability and sustainability remain key concerns that require institutional anchoring and political will.

Conclusion

The care of orphans is not a peripheral concern in Islam but a central pillar of its social ethics. The Qur'an and Sunnah provide a robust, compassionate, and justice-oriented framework that prioritizes the protection, dignity, and development of orphaned children. In Pakistan, where Islamic values permeate public consciousness and legal discourse, there exists a profound opportunity to build a welfare system that is both authentically Islamic and effectively modern.

Current efforts, while commendable, remain fragmented and under-resourced. To fulfill the Islamic mandate of orphan care, Pakistan must move beyond ad hoc charity toward a systematic, rights-based, and community-engaged model. This requires legal reforms that recognize kafālah, institutional mechanisms that ensure accountability, sustainable financing through zakāt and waqf, and a cultural shift that views orphans not as burdens but as blessings entrusted to the community by Allah.

By aligning its child protection policies with both Islamic teachings and international best practices, Pakistan can set a precedent for other Muslim-majority countries. More importantly, it can ensure that every orphan in the

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country grows up in an environment of safety, love, and opportunity—fulfilling not only a divine command but a national promise to its most vulnerable citizens.

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