

# **THE FRAGRANCE OF EAST**

---

**Vol. X No. 02**

**February 2008**

---

**Academy of Journalism and Publicity  
Post Box No. 93  
Lucknow-226007**

**Ph. No. : 0522-2740406  
Fax : (0522) 2741834**

**e-mail: [nadwa@sancharnet.in](mailto:nadwa@sancharnet.in)  
Rs. 10/-**

# **The Fragrance of East**

Founder : **Syed Abul Hasan Ali Nadwi (RAH)**  
Patron : **S.M. Rabey Hasani Nadwi**

## **Advisory Board :**

**S.M. Wazeh Rasheed Nadwi**  
**Wasi Ahmad Siddiqui**  
**Shah Ebadur Rahman**  
**Mohd. Hamza Hasani Nadwi**  
**Shamsul Haque Nadwi**

Editor :  
**Shariq Alavi**

Asstt. Editor :  
**Obaidur Rahman Nadwi**

**CONTENTS**

|    |  |                                 |    |
|----|--|---------------------------------|----|
| 1- | What Muslim Personal Law Means to Muslims?                           | <i>S. Abul Hasan Ali Nadwi</i>  | 7  |
| 2- | Islamic World Under Mental Siege                                     | <i>S.M. Rabey Hasani Nadwi</i>  | 15 |
| 3- | Judicial system  | <i>Sayed Athar Husain</i>       | 19 |
| 4- | New Medical learning in Arabic: Unani in Eighteenth-century India    | <i>Seema Alavi</i>              | 25 |
| 5- | Muharram - A Month to remember                                       | <i>Obaidur Rahman Nadwi</i>     | 33 |
| 6- | Cow slaughter<br>The constitution & Hindu-Muslim amity               | <i>Faizan Mustafa</i>           | 35 |
| 7- | Conclusion of Peace Between Sultan Bahadur Shah and Portuguese ..... | <i>Shaykh Zainuddin Makhdum</i> | 39 |

**Our Representatives Abroad**

- Britain** : **Mr. Akram Nadwi**  
O.C.I.S.St. Cross College  
Oxford Ox 1 3TU (UK)
- Dubai** : **Qari Abdul Hameed Nadwi**  
P.O. Box No. 12525  
Dubai U.A.E.
- Pakistan** : **Mr. Ataullah**  
Sector A-50, Near SAU Qrs.  
109, Township Kaurangi,  
Karachi 31 (Pakistan)
- Qatar** : **Dr. Aftab Alam Nadwi**  
P.O. Box No. 1513  
Doha, Qatar
- Saudi Arabia** : **Mr. Tariq Hassan Askari**  
P.O. Box No. 842  
Madina-Munawwara  
(K.S.A.)
- South Africa** : **Mr. M. Yahaya Sallo Nadwi**  
P.O. Box No. 388  
Vereninging, (South Africa)
- U.S.A.** : **Dr. A.M. Siddiqui**  
98-Conklin Ave. Woodmere,  
New York 11598

---

Annual Subscription :  
Rs. 100 (per copy Rs. 10) in India  
\$ 25 (USA, UK, Asian Africa and European Countries)

---

Cheques and Drafts may please be marked to:  
**'The Fragrance of East'**  
and sent to, P.O. Box 93, Tagore Marg, Lucknow-226007 U.P. India  
Out-station cheques will not be accepted.

Editor's Note:

## **OBSCENITY: ASSAULT ON OUR CULTURE**

Islamic culture has certain traits and so also our eastern culture. One of these is the high position it accords to women. Prophet Mohammad (PBH) manifests the importance of women as below:

"Heaven lies under the feet of mother"; "Women are the twin-halves of men."; "If a girl is born to anyone and he does not bury her alive nor ill treats her nor discriminates her (over his son), Lord shall grant him the bliss of paradise."

The holy Quran says: "It is He who created you from a single soul and made his mate of his like nature, that he might dwell with her in love (7:189) Islam lays great emphasis on chastity of woman. It warns her of entering into indecent and vulgar acts. Severe punishment has also been ordained both for men and women who indulge in extra marital relationship. Infact the real ornament of woman is her character and purity. But the western wave of modernity has badly affected our culture and now non-Muslims in India too feel the impact of its adverse effects.

Referring to the holy Quran which says: "Those who love (to see) scandal circulate among the believers will have a griveous chastisement in this life and in the hereafter. Allah knows, and yet know not". (al-Noor 24:19) Syed Abul Hasan Ali Nadwi (RAH) says that when this Ayah was revealed in Madina the society had witnessed an important event and the people had started talking about it in their private meetings.

Lately, we have been able to grasp the vastness of this Ayah. Not only are we able to know the real interpretation, but can also see the real picture of this Ayah in our modern day world where having things like television, radio, novels, films and various kinds of philosophies are quite at hand. It would have been difficult for the Madinan people to grasp the full meaning of this Ayah. In fact, in their confined society, their firm belief in the unseen was enough for their satisfaction. But today, one can easily imagine the meaning of circulation of scandal, when every world power is hell-bent on spreading indecency and scandal.

Our cultural values are unfortunately getting eroded. Thanks to our excessively liberal and permissive attitude. The media obsessed by commercial considerations is dishing out obscene material day in and day out. The so called national dailies of the country are full of articles on the art of seduction, one night stands, office romance and contain explicit photographs which are normally seen in pornographic magazines only. Some of these make fun of monogamy, ridicule virginity and extol "moral vacations." There are lessons in Kamsutra

of a very perverse kind. Sex surveys are published with the sole objective of increasing the circulation of the paper/magazine. Sickening SMS jokes are inflicted on us. The media has no compunctions even in publishing advertisements of prostitutes who are projected as Massage Parlour girls.

Article 19 of the Indian Constitution gives to all citizens the right to "freedom of speech and expression." This freedom is however, subject to "reasonable restrictions" in the interests of Public order, decency or morality. Besides as Justice Sarkaria has said "this freedom is not absolute".

Article 51 A of the Constitution dealing with "Fundamental duties" lays down that it shall be the duty of every citizen of India "to renounce practices derogatory to the dignity of women."

The Supreme Court of India has, in several cases, laid down that a text should be judged as obscene or otherwise depending upon whether it has a preponderance social purpose, has literally, artistic or scientific value, appeals to the prurient interest of the reader or is contrary to the community standards of the country. The articles /photographs/advertisements published in the premier newspapers of the country have no preponderant social purpose, are devoid of literary or artistic contents, appeal to the prurient interests of the reader, have the effect of corrupting and depraving and are contrary to the community standards of the country.

The media has been violating the "norms of journalistic conduct" circulated by the Press Council of India. It has also been flouting the laws of the land contained in Section 292 of the IPC and the relevant provisions of the Immoral Traffic (Prevention) Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986 and Young Persons (Harmful Publications) Act 1956. It is against this background and equipped with legal remedies that we should come forward and stall this devastating storm of obscenity and vulgarity on its track before it takes over the whole society to sensuous ransom. ■

SA

**We solicit articles for publication in The Fragrance of East. Suitable remuneration will be paid to writers.  
We prefer receipt of articles on e-mail :  
shariq\_alavi@yahoo.com**

## **WHAT MUSLIM PERSONAL LAW MEANS TO MUSLIMS?\***

**S. Abul Hasan Ali Nadwi**

**Gentlemen,**

I would first of all seek your apology for not being able to present a written address as it is customary on such occasions. My heavy pre-occupations apart, I had to go on tours after short intervals. But this unintended lapse on my part might have been for the better. Without underrating the solemnity or utility of presidential address prepared before-hand for such august gathering which have become a part of our intellectual, literary and political history I must say that sometimes such premeditated addresses or a part of them become out-dated by the time they are believed, or changed circumstances make them lose some of their relevance. May be that the providence had willed me to speak to you spontaneously on this occasion in the light of recent developments in our country.

Friends, differences of opinion, denial of anything or even opposition in any matter is not necessarily the result of enmity or clash of interests. Oftentimes which is, in my opinion, more dangerous than ignorance of anything? Such misunderstandings or faulty knowledge and ignorance have in the past led to as lamentable consequence at the level of individuals and families as in the case of nations and countries. Instances can be found in the pages of history where a misunderstanding, lack of knowledge or incorrect information had resulted in clash of arms.

I do not think that all those non-Muslim individuals and associations or schools of thought who are opposing the Muslim Personal Law and advocating a uniform civil code are motivated by hatred of Muslims. I think that misunderstanding or lack of correct knowledge is to be blamed more than anything else.

I want to invite your attention to two aspects of the issue; the status and importance of the Muslim Personal Law among the Muslims themselves. Those

\* Presidential Address delivered at All India Muslim Personal Law Board Conference held at Calcutta on April 6-7, 1985

who are serious-minded and patriot, possess a constructive rather than destructive frame of mind, and are also realists and liberal in their attitude never find it difficult to accept a given fact. I hope that this august meeting and our mass-media would enable me to have their ears.

As a student of comparative religions I can speak authoritatively for all those religions which claim to be a revealed one, have a scripture and a prophetic tradition, but I will prefer to speak here about the religion of which we claim to be followers. One of the fundamental truths about this religion is that it has been handed down to us not by philosophers, social workers, reformers or conquerors. The persons belonging to these groups undoubtedly deserve our esteem. Moreover, every religion, culture, system and school of thought has always a line of demarcation which separates it from others in its deeper content and the resulting manifestation. This demarcating line in the case of revealed religions, which can never be overlooked, is that they should reach the people through those exalted persons who are raised up as messengers of God and blessed with revelation from Him. This is the basic fact and all those who fail to comprehend it very often make such demands from the followers of these religions which cannot be accepted by them so long as they do not renounce their faith. Such demands are obviously not justified at all: Such wise heads sometimes assume the responsibility of interpreting the religious injunctions of other people by placing reliance on their own studies or pet views-thinking that as liberals they are competent to do so. They try to describe all religions as if they were merely different philosophies or man-made social or cultural systems evolved through human experience.

This mistake is not un-often made by even thoughtful and responsible persons. They do not know what separates a revealed religion from other faiths. Philosophy, social sciences, cultures and civilizations, societies and social organizations exist as perceptible realities. We do not deny them and acknowledge them as such. We are also aware of our obligation and responsibilities towards each of them. But we cannot lose sight of the fact that the Muslim community also constitutes a society, a culture and a school of thought. It is a faith and a way of life which was brought and propagated, made a part of our lives., by those who were the apostles of God. It was neither a product of their brains nor their utterances were in compliance with their own wish or understanding. What they brought was a revelation; something emanating



not from an internal but an external source and as holy and sacred to them as for us. The Quran says:

“Your comrade is not astray, neither errs, nor speaks he out of caprice” (53: 3-4)

The prophet was told :“Thou knowest not what the book was, nor belief; But we made it a light, whereby we guide whom we will of our servants. And thou surely thou shalt guide unto a straight path.”(42: 52)

There are people, learned and wise who have spent their lives writing books unnecessarily to start a campaign of criticism and vilification about people they wanted to take the benefit of their counsel without giving thought to the simple fact that they ought to have first tried to understand the people, their beliefs and the way of thought. They should have understood that the people they intended to address were followers of Prophet of God who himself refrained from giving any instruction to his companions without receiving a revelation from God. I can cite scores of eye-witness accounts when the prophet was asked something but instead of giving any answer to such questions, he told the enquirers to wait till a revelation was received by him. Often it happened that somebody came to enquire about a certain matter and a revelation was instantly received explaining the issue. The companions beside him at the time of revelation could mark the change in the prophet's condition and tell others to see for themselves how the prophet received revelations. Once a companion of the prophet was by his side when revelation came upon him. He says that the prophet's thigh fell upon his so heavily that he feared it would break. The Prophet appeared to be in transport on such occasions, away from his surroundings. When he recovered, he narrated the revelation received by him. Once the disbelievers asked the prophet about Ashab-i-Kahf(the seven sleepers)and Zul-qarnain(the two horned one). The prophet awaited a revelation until 15days passed and the disbelievers got an opportunity to reproach the prophet. The Suratul kahf was ultimately revealed and the prophet was able to narrate the whole story as if reciting from a book.

The revelation and prophethood basically differ from the commonly understood concept of inspiration. I do not blame our non-Muslim friends and scholars for the distance of time from the age of prophets have made it difficult for

many of us to understand these concepts properly. Even the Arabs before the advent of the holy Prophet suffered from similar misgivings. It is not due to lack of understanding or that they are unable to comprehend these concepts. It is a historical fact and psychological inadequacy that anyone not conversant with the content of revelation and Prophethood and the sublime positions they occupy, and the demands they make on those who accept them, cannot be deemed as competent to advise the Muslims on any question pertaining to their religion. The first question that a court has to decide is whether a person is competent to present here. They can vouch that a new advocate has first to present his certificate or degree to satisfy the court that he has studied law. Thereafter the court would satisfy itself that the lawyer is attorney-at-law in a particular case. But, strange though it may seem, everybody considers himself competent, nay, to have the right, to advise others and demand a reform in matters pertaining to religion without bothering to know about its propositions, its history and the spirit underlying its principles, and if a follower of that religion opposes such a move, he is dubbed as ignorant, conservative and a dolt.

I am a student of religion. I can also say that I have studied history and literature. Hence I cannot dare give any advice about anything whose fundamentals are not known to me. If anyone has not studied even elementary science, physics or mathematics, no sane person would allow him to dispute the findings of a physicist or a mathematician. Then why everyone is deemed competent to say whatever he likes about any religion, interpret or misinterpret it, point out its shortcomings and propose reforms in it according to his sweet-will. Does this practice not flout the accepted principle about every discipline of learning? Today every branch of learning is based on specialization. Is religion exempt from this accepted norm? Every religion has a distinctive ethos, its own terminology, different words for different concepts, a different psychology and if a man ignorant of all these, whether he is a Muslim or non-Muslim, expresses a discordant view about any issue pertaining to the Muslim Personal Law, he certainly exceeds his limit. He is neither aware of the context nor the checks and balances kept in view in the case of a certain juristic issue about which he is raising an objection. He is even ignorant of the fact that if any opinion is to be expressed about any matter forming part of an integrated system, it has to be viewed in its totality and not in segments. But the state of affairs here is that anyone can say whatever he likes or take the pen to air his views, however ill-conceived in

the press. This gives rise to anarchy- an intellectual anarchy which is more dangerous than political lawlessness. You might have marked that mental and moral anarchy precedes political anarchy in any country. Being a student, if not a scholar of Islam, although I have spent my life in its study. I can assert with the fullest sense of responsibility that it is essential to understand the reality of revelation for comprehending the religion of Islam. It is based on celestial revelation brought by the prophets. You will find the Jews, whose religion is based on revelation, extremely jealous in this regard, .Tell a Jew that a certain law followed by him is unjust or wrong. He would reply that it is based on the commandments brought by Moses. He would tell you that he has to follow it even if the entire world considers it wrong. Even today the entire social structure and the family laws of Israel are based on Jewish religious law.

Then why the energy of this country or its citizens is being wasted on this issue. Every moment of the national life is too precious; it ought to be devoted to development and progress of the country; it is absolutely necessary that the present atmosphere of mental confusion, misunderstanding and apprehension should be brought to an end for ever. No country can progress if different segments of its society are apprehensive of their future. It would be a disservice to the country if the energy necessary for the country's integrity, safety and development is spent on creating unnecessary doubts and fears and then allaying them. I would even say that if the Muslims of this country entertain the fear that their future generations will not have the same faith or not participate in the same cultural process that they have followed and considered essential, then this will give rise to an internal unrest among them which would be harmful for them as well as the country. It is no part of wisdom that at the time when the country is not passing through any crisis. There is no emergency, no cyclone, no drought; no external aggression caused by the Muslim Personal Law, demands should be made time and again for amendment in it.

Another matter that needs to be clearly understood is the scope of Islam. Different religions have different views in this regard. There are religions which trace their origin to revelation and prophet hood, but they have themselves limited the sphere of their religious teachings to devotional exercises. But this is not the case with Islam; Islam encompasses the entire gamut of human life. This is a fundamental creed of Islam which cannot be understood without appreciating the

relationship between God and man in Islam. Every Muslim deems himself as dutiful servants of God; this relationship is everlasting, comprehensive, deep and extensive. The Quran directs the Muslims :

“O you who believe; enter into Islam wholly and not follow the foot-steps of Satan; surely he is to you an enemy manifest”.(2;208)

Here is no qualification, no reservation, and no division that a certain part of man's life is personal and another part devoted to God. No part of it is apportioned for the country, or state, or family, or tribe, or community. It belongs wholly to God. Every act of a Muslim is prayer if performed in obedience to God. Islam really means total submission to God. A Muslim cannot take the plea that his economic difficulties, cultural demands or family traditions require that he should not follow the Islamic rules of inheritance. He cannot say that he does not want his landed property to be apportioned after him since a part of it would go to his daughter married into another family. Islam encompasses the entire life of a Muslim and nobody, no government, no religious scholar, no jurist and no Imam has any say in this matter. I am making this statement here before a number of religious scholar's present here; and they would be duty-bound to contradict me if I am wrong :

Now these two things have to be clearly understood by all; that we have received this religion through revelation and that even the prophets of God were ordered to act on divine commandments. The quran says:

“And now we have set thee on the right path. Follow it and do not yield to the lust of ignorant men.”(45;18)

This is the command given to an impeccable prophet. Then how can we be asked to give up or change the *shariah*?

we are sometimes told that a uniform civil code is necessary for the unity and integrity of the country or for promoting a sense of common citizenship. I would ask you a simple question which can be answered by any student. The First World War was primarily a conflict between England and Germany. Englishmen and Germans were both Christians, both were Protestants and their family laws were also the same. You can find out that both subscribed to the same laws of Christianity.

**Then why did they fight? If uniform civil code was capable of diffusing the conflict, it should have come to their rescue then. The same was the case during the Second World War. Christians and Protestants, whose culture, family laws and social customs and traditions were the same, fought the most terrible war of history. Go to any court of law and you will find a Muslim litigating with another Muslim. One Muslim denounces another Muslim and wants to put him to the greatest harm although their family laws are one and the same. Very often there are cases of manslaughter within a family. The reality is that discord and enmity are the results of selfishness, excessive love of wealth and materialistic way of thought fostered by our faulty system of education and imperfect curricula which overlook moral education. It has nothing to do with one's family laws. I have no hesitation in saying that uniform civil code will not bring any change in the existing moral state of the nation. Then why is it that we are told repeatedly to adopt a uniform civil code for the sake of greater harmony and affinity between different communities?**

Friends, many of you would be aware that I belong to a family which had first raised the banner of revolt against the British and made great sacrifices for it. The city of Calcutta will bear witness that the body of those godly men had landed here to embark the ships for Hijaz. It came here disseminating the light of faith and adherence to Islam. On return from Hajj they had stirred up a spirit of jihad against the British rule throughout the country. But the Quran commands me to be always fair and let no indignation, howsoever righteous, against any people make me depart from the path of truth, justice and equity. It says:

" And let no detestation for a people incite you not to act fairly; act fairly, that is high unto piety."(5;3)

I must say that English men were more realistic in this regard. When they took over the administration of India, they decided that they would not interfere in the personal and family laws of the Muslims and Hindus. It was the result of this policy that learned treatises on Mohammedan law came to be written in this very city by Rt Hon'ble justice Amir Ali and Sir Abdur Rahim. English men took two very wise decisions. The first was that they decided that the religious susceptibilities of any people should not be injured unnecessarily as this would create difficulties in administration. This is the attitude of a nation which has experience of administration.

The other decision they took was to keep the educational system thoroughly secular. They decided that educational curriculum might include stories of cats and dogs but not of any religion. I have also read English primers and readers which contained stories of jinn and devils and animals but had nothing of Greek mythology or Christian creed. This gave satisfaction to the people. The factors that made Hindus and Muslims to join hands for fighting the war of independence and ultimately pushed the British power out of India were entirely different. But I maintain that the above-mentioned decisions of the English men helped to strengthen and prolong their rule in India; oath wise what happened in 1857 would have come about in 1757. It could have happened in the beginning of the eighteenth century. They were able to rule undisturbed for more than a hundred years because of their wise decision not to interfere in the religious matters and personal laws of the people in this country and to adopt a secular system of education, leaving the people free to follow their religion.

I would also submit that if the Muslims agree to give up their Muslim personal law, they would be reduced to half or semi-Muslims or rather the danger is that they would not remain Muslims at all. Those who have studied philosophy of morals and religion are aware of the fact that no religion can be severed from its peculiar cultural process with which it is always inextricably intertwined. The relationship between the two is so close and natural that the one cannot exist in the absence of another. It would mean that one would be a Muslim in the mosque (and how long he remains in the mosque?) but not a followers of that faith in his house or in his dealings with others. No we cannot allow any other cultural system or civil code to be foisted upon us. We regard it as call of apostasy and so shall we face it. This is our fundamental and religious right in a democratic country. We enjoy this right under the constitution of the country and deem that to fight for our just rights is in the interest of the country. Democracy can be maintained in this country only by safeguarding the rights of every section of our population, allowing them to freely express their views and to practice their religion. This is the way to peace within the country and satisfaction of all communities.

I think you all for the honour you have done to me and allowing me to express my views before you. ■

## **ISLAMIC WORLD UNDER MENTAL SIEGE**

S.M. Rabey Hasani Nadwi

The Islamic world since about a century has been a victim of conspiracy hatched by Jewish and Western powers. Despite being rid of military dominance of the western despotism as an outcome of freedom struggle, political and cultural dominance persists. An astutely and Jewish powers, aimed at captivating the Muslim mind, aligning it to their own philosophy, is perpetually on. These forces are united in the endeavour towards undermining the hold of Islamic philosophy. The scheme is implemented through appropriately designed system of education and media, specifically aimed at alienating the vulnerable nascent minds from their lofty wholesome values.

The illustrated electronic media (television) has been a most incisive tool, what with its round the clock presentation, over-whelmingly carnal contents, accentuated specially during leisure hours. The blatantly immodest contents, depicting explicit liaison between male and female with all its nuances are largely viewed without reserve by the children and parents together. The depictions has a direct titillatory effect on the base instincts. Co-education, side by side, unavoidably provides moment of isolated togetherness for girls and boys, enticing them to uninhibited enactment of what they see on the screen. Situation is further aggravated by vivid depiction of acts of arson, burglary, murder, of offering and receiving illegal gratification and similar economic offences in all detail. Overall, the influence is far reaching and impressionable minds are plunged into an abyss of depravity, completely oblivious of moral values.

Such depletion of moral values was already, ingrained and evident in the lifestyle of the West. Position in the East is no longer much different, the culture being thoroughly impregnated with similar trends in beliefs and actions, culminating into an obnoxious, stinking cult.

This, in reality is an outcome of a conspiracy hatched by the Jewish community who, through a meticulous protocol gained ascendancy over the Christian world, the two subsequently aliging themselves to influence the eastern nations. Following the declines and dimemberment of Soviet power, focus has been directly of the plan coined terminologies aimed at denigrating Islamic philosophy and way of life. One who would lead

a life in accordance with Islamic tenets, is branded a "fundamentalist" and made the target of the negative aspect of the term, implying a retrograde mentality and obstinacy. Those that are sincere to their only religion but upon expressing resentment, are categorised as "hard-liners", militants and often put behind bars. Torture and novel means of brain-washing are resorted to till such time as they may overtly or covertly relinquish the belief originally sacrosanct to them. The oppressors are led to believe that the faith and religious ideas have been expunged from the minds of the victims, who are largely Muslim youth.

If and when, at last these young folks are let out, their woes being known to their other compatriots, an intense hatred towards the oppressors takes away, consequences are confrontations, accidents and violent skirmishes. An objective assessment and deep probe is needed by the authorities to ascertain the real cause of such state of affairs. To discerning eye the reasons are too obvious, yet the Western powers are adamant in their intentional refusal to admit reality, and persist tactly in labelling the phenomenon as "religious militancy". Till such time as the truth is accepted, the present coercive aggression would prove futile.

In the so-called developed world, Jews and Christians are at liberty to pursue their respective faiths and lead a life to their prescribed traditions. In contrast the attitude of the West towards Muslims of the East and Arab nations, is manifestly offensive. For instance Christian and Jewish womenfolk have the choice of dressing as they wish. If a Muslim woman dresses in the fashion of the country no fingers are raised. However if seen attired in accordance to norms prescribed in Islam, even if she dons just a scarf is marked as a militant violating the country's constitution and liable to be ostracised.

The Jews, spread over several countries besides Israel, form an influential and effective part of cultural and legislative mechanism of the media. Yet they face no objection from the West despite sticking to their own faith and time-honoured traditions. This in the face of irrefutable historical evidence of the Israelite rule being founded on religious and racial intolerance, usurping the territory, subjugating and largely extraditing the original inhabitants by main force. Far from labelling the Jews as fundamentalists or militants, the European nations extend them full co-operation in all spheres.

Muslims the world over all the target of an offensive launched in unison by almost all powers. The simple reason is that they are the torch bearers of righteousness and invite the humanity towards a culture which enshrines wholesome values. Their clarion



call is construed by the West as a hindrance to their goal of promulgating a libertine cult. According to western powers the term "militancy" is applicable to such acts for which the blame can be slapped on to a Muslim. Total annihilation of Muslims is seen as the only effective resources towards, ushering in an era with a life-style devoid of any code of conduct and in which licentiousness and lasciviousness would rule the roost. This is lexicons fo the developed self-style enlightened powers, is tantamount to secularism. More so, luring the Muslims off their beliefs and healthy of life is interpreted as real secularism. Such lop-sided concept of secularism is manifest in France, Turkey and several other countries.

Acts committed with this notion in mind, under the auspices of Western powers, are projected as democracy and equality among humans. So potent is the propaganda that world is ensconced, deceptively, under the impression that never in time was provided such justice as in modern rule and cult. How long the delusion lasts in anybody's guess. ■

### ***Who is poor ?***

**The Prophet said: "The poor person is not the one who goes round to the people and begs, but the poor is that who has not enough to satisfy his needs and whose condition is not known to others that others may give him something in charity, and who does not beg of people."**

*Hadith No. 973 Narrated by Hazrat Abu Huraira (r.a.) Sahih Bukhari Book 24, Chapter 35*

## "A WASTE KNOWLEDGE"

Once, some students were enjoying a ride in a boat. The time was pleasant, the air was cool, and the young men were in high spirits. With the simple minded boatman, also being there to serve as a target of fun and entertainment, who could make the students sit quietly? One of them asked the boatman, "Uncle! What subjects have you read?" "I have read nothing", the boatman replied. The young man sighed, and said, "Oh! Have you not read science?" "I have not even heard its name," replied the boatman. "But you must be knowing Geometry and Algebra," said another young man. "These names also, are altogether new for me," came the reply. It was now the turn of the third student: "History and Geography," he said. "Are these the names of men or towns?" asked the boatman in reply. At it, the boys burst into laughter, and enquired from the boatman what his age was. "Forty years or so," he said. "You have wasted half of your life and learnt nothing," remarked the young men. The poor boatman remained silent. Soon afterwards, a storm arose on unruly waves. Diaster seemed imminent, and the students who had no experience of journey by water felt extremely nervous. They were seized with the fear of their lives. The boatman, then asked the youngmen, with feigned seriousness, what they had learnt. Failing to grasp the real intent of the boatman, the students began to give a long list of subjects that were taught in the colleges. When they had finished, the boatman said with a smile, "You have read all these things. But, tell me, have you, also, learnt swimming? If, God-forbidding, the boat over-turns, how will you reach the coast?" "Uncle" the young men replied, "This is the one thing we do not know. We never thought of learning it." Upon it, the boatman laughed aloud and remarked, "I have wasted half of my life, but you have lost the whole of your lives. Your education is not going to help you in the storm. Only swimming can save you today, and you do not know it."

## JUDICIAL SYSTEM

**Sayed Athar Husain**

It is generally thought that the office of Qazi was organized by 'Umar but this is not a correct supposition. This office had come into existence in the time of the Prophet who had laid Qaizis, conditions of their appointment and the outlines of procedure to be adopted in deciding cases at the headquarters of the state. The prophet used to decide cases himself but with expansion of Islamic territory it became impossible to try centrally all the cases arising in various parts of the country. Accordingly, the prophet had appointed 'Ali as Qazi of Yemen. 'Ali had felt some diffidence in assuming the office and had said, "I am young and I am not fully conversant with law" but the Prophet had encouraged him by saying, "God will show you the way and make your speech forceful. When you proceeded to decide any dispute between two persons, do not reach any conclusion till you have heard both the parties. This will facilitate proper decision of matters." While appointing Maaz to this office the prophet had enquired from him, "How will you proceed to decide disputes when they come up before you?" Maaz had replied, "In the light of Quran." He was asked, "If you do not find solution in the Quran, what will you do?" He had answered "In that case in the light of traditions of the Prophet. Asked, "If that also does not help what will you do?" Maaz had said, "In that case I shall decide it myself as correctly as possible." The Prophet patted Maaz and said, "All praise to Gad who has bestowed this quality upon the messenger of Allah which is so pleasing to him."

Abu Bakr had appointed 'Umar as his chief justice but in his time there was no separation of the executive from the judiciary for the state was yet in incipient stage. In the provinces and districts the governors and the executive officers discharged judicial functions as well. In the beginning of his caliphate 'Umar followed the same pattern but when the administration had been set on sound lines, the judiciary was separated from the execution. Courts were opened in all the districts and Qazis were appointed. He sent an epistle to Abu Musa Ash 'ari, the governor of

kufa, which gave detailed instructions for conduct of cases. It read, "After adoration of God, justice is a great obligation. Deal equally with people in your assemblies and courts of justice to that the weak may not despair of justice and the rich and the elite may not expert favours. Whosoever files a claim the burden of proving it lies on him and whoso refutes it can seek a compromise provided it does not make what is lawful. You can review any decision taken by you. If you are in doubt and do not find an answer in Quran or Hadith you can reflect over the matter and seek precedents or give your own decision. If a person wants to adduce evidence fix a date for producing it. If he gives it, let him have what is his due otherwise dismiss the case. All Muslims are equal barring those who have been given stripes as a measure of punishments or who have given false testimony before or whose ancestry is doubtful."

This edict laid down the following principles of law:-

- (1) As a judge the Qazi should treat everyone equally.
- (2) Generally the burden of proof lies on the plaintiff or complainant.
- (3) If the defendant has no evidence he can be put to oath.
- (4) The parties can always reach a settlement but there can be no compromise in what is unlawful or is against the law.
- (5) The Qazi can review his own decision.
- (6) A date should be fixed for hearing of the case.
- (7) If the respondent does not turn up on that date the case can be decided ex-part.
- (8) Every Muslim can give testimony but a previous convict or one who has been proved to have earlier given false testimony is disqualified from giving evidence any further.

The proper functioning of the judiciary depends on;\_

- (1) A comprehensive and good set of laws deciding cases.
- (2) Selection of capable judge of unquestionable integrity.
- (3) Adequate number of judge so that there may be no delay in disposal

of cases.

The Quran and the hadith served as a certain and true guide and no new law had to be laid down. Details had, however, to be worked out. Writing to Qazi Shuraih, 'Umar advised, 'In the first instance try to decide cases according to Quran. It, however, there if no specific injunction on the point, resort to hadith and if that be also not available, then to consensus of opinion and if there is none, then use your own judgment and discretion.'" On important matters he often sent out edicts to facilitate the work of Qazis.

In the selection of Qazi, 'Umar took great pains. He had appointed Zaid, who knew quite a few Semitic languages and was a good jurist, as Qazi of medina. 'Ibadah bin Samite who remembered the Quran by heart and was greatly respected by the Prophet, was appointed Qazi of Palestine. The Qazi of kufa was 'Abdullah bin Mas'ud, a man of great piety and distinction and after him the office was held by Qazi Shuraih who was renowned for his sharp intellect and profound ability. Ka'ab the Qazi of Basra, was another luminary.

'Umar had adopted a number of measures to stop corruption and taking of illegal gratification:

(1) The Qazis were given high salaries so that they may have no need to supplement their income. Salman Rabiya and Qazi *Suriah* were each paid five hundred *dirhams* monthly.

(2) Only well-to-do and prominent people were appointed Qazis so that they may not soop to taking of illegal gratification or be over a wed by rich and influential persons.

(3) Qazis were not allowed to enter into trade or business. Must be treated equally and no distinction should be made between high ups and low downs. He had himself a dispute with 'Ali bin ka'ab which was referred to the court of Zaid bin Thabit. 'Umar appeared as a defendant. When he entered in the room Zaid got up, 'Umar told him it was not correct on his part to do so and sat down with 'Ali bin ka'ab. 'Ali had no evidence in support of his claim. He wanted to put 'Umar to oath. Zaid requested him to have some regard for the high office held by 'Umar but the latter remonstrated with him and said that unless and until a common man and

'Umar were equal in his eyes he was not fit to hold the office of Qazi.

Each district had a Qazi and he could cope with the work as litigation was not heavy. There were no separate court rooms. The Qazis used to sit and decide cases in mosques. Litigation was simple and decisions were quickly taken.

### **Institution of Muftis**

For resolution of legalistic problems, for carrying out analytical studies and for affording convenience to the public Abu Bakr had started the institution of Muftis. They had to be well versed in law and jurisprudence so that they could give authoritative interpretations. Abu Bakr had appointed 'Umar, Ali, 'Uthman, 'Abdul Rahman bin 'Auf, 'Ali bin ka'ab, Zaid bin Thabit and Abu Hurraira as Muftis, 'Umar had also appointed these persons as Muftis. Besides these Muftis no one else was allowed to give *fatwas*.

The Qazis appointed in the time of 'Umar continued to hold office in the time of 'Uthman for they were all men of unimpeachable integrity, and men of learning and piety

'Ali was himself a great jurist and exponent of law, who knew exactly when and where and in what circumstances the verses of Qua'ran were revealed and was a master of *hadith literature*.

He had issued detailed instructions to his governors regarding appointment Qazis. He had directed, 'you should appoint a person as a Qazi who is most trustworthy and should ensure that he should be a person who is not perplexed by largeness of disputes and if he ever errs he does not persist in erring. If he reaches a finding after full deliberation, he does not delay execution of his order and shows no self interest or greed. He should be one who tries to reach the depth of a matter and does not rest content on superficiality or inadequate knowledge. If he has doubts in any matter he shows no hurry but ponders and reflects. If that does not help him he should go by reasoning and should rely on what is proved to be correct. He should not show any temper or misbehavior at the time of conduct of proceedings and should not speak arrogantly. If people praise him he should not lose his balance and he should not go by recommendations." He had also directed the governors to keep themselves fully informed about the work and conduct of Qazis and to dis-

burse their salaries from the *baitulmal* and to assign them high position in their assemblies and sittings. 'Ali had desired that Qazis should maintain a high standard of rectitude. A report reached him that Shuraih, the illustrious Qazi of kufa, had purchased big house in addition to his residence. He was told, "Oh Shuraih! Beware you have to face one who will not look into the document relating to this house nor question the attesting witnesses. He will expel you from this house alone and unaided and throw you into a pit. He is not a human being but it is your own death which will overtake you today or tomorrow. Look *Suraih* ! I caution you to see for yourself that you have to suffer a double loss\_ loss in this world and loss in the life beyond."

In matters of justice 'Ali had insisted that no preferential treatment should be extended to anyone. In the battle of Siffin he had lost his armour. After some days he noticed a Christian putting on that armour. He referred the case to qazi Suraih and appeared before him along with the Christian and said that the armour was his and he had neither sold it nor gifted it to that man. The Christian claimed it as his own and argued that his possession was proof of his ownership. 'Ali could not produce any witness to support his claim. Qazi Suraih had some hesitation in announcing his judgment. The caliph exhorted him to have no regard for his high office. The judgment went against him and he accepted it cheerfully.

### General administration and police:

'Umar had set up the department of police on a permanent basis and it was then known as *Ahdas* the police officers used to investigate cases. Officers were also appointed for vigilance and enforcement in order to ensure that there was no underweight, that no encroachment on roads was made, that no overloading on animals was done, that liquor was not sold openly etc. it is not, however, known whether a separate department was set up for vigilance.

'Umar had also opened jails in all the the districts but there were very few convicts to be confined in them. One 'Abu Mahjan Thaqaf the was punished several times for drinking. On getting the last sentence he was put in jail and was later on exiled. ■

## **Abu Bakr's Inaugural Address**

*On his election as the first Caliph of Islam, Abu Bakr (R) delivered an address to his people which is unique in the annals of history. Said the old patriarch, "O people! Behold me charged with the cares of Government. I am not the best among you; I need all your advice and all your help. If I do well, support me; If I mistake, counsel me. To tell the truth to a person commissioned to rule is faithful allegiance; to conceal it, is treason. In my sight, the powerful and the weak are alike; and to both I wish to render justice. As I obey God and His Prophet, obey me; if I neglect the laws of God and the Prophet, I have no more right to your obedience."*



## **NEW MEDICAL LEARNING IN ARABIC : UNANI IN EIGHTEENTH-CENTURY INDIA \***

Seema Alavi\*\*

In the eighteenth century, the collapse of the Mughal empire alongside the popularization of Persian made scribes and families recreate their monopoly over medical knowledge by hooking it on to the doctrinal language, Arabic. The cloud of Arabic had loomed over medical knowledge from the days of Aurangzeb, but in the eighteenth century it became the language used by scribes and families to store medical knowledge away from the reach of society at large. It was used to restore the prestige of older families and scribes who were worried about the spilling out of their medical knowledge by the increasing accessibility of Persian.

The increased use of Arabic in medical circles initiated a new kind of medical learning. Medical texts in Arabic, like the religious knowledge of the period, were influenced by the austere doctrinal trends flowing in from the Arab world—the Wahabi-style return to the scriptures and the person of the Prophet. These trimmed medicine of its comportment frills and projected it as science, aristocratic virtue going largely out of the window. But unlike religious knowledge, the austere medical wisdom gave them power. Away from the gaze of regional courts, they consolidated their hold over the new knowledge. Persian medical to patronize its production and maintain those who still sought to preserve it. This its production and maintain those who still sought to preserve it. This kept alive the idea of health as individual aristocratic virtue. Simultaneously, new ideas of health as medical wisdom took root in society.

### **Arabic Medical Learning**

The collapse of the Mughal empire in the early eighteenth century caused a devolution in the patronage of medicine to new regional courts, local rajas, and zamindars. In these regional states, the dignity of medical science in the Persian language was preserved and its centrality in the making of an accomplished gentleman continued. Regional courts like those of an accomplished gentleman continued.

\* Extract from "Islam and Healing" Permanent  
Black, Pages - 384 Price 695/- 25

\*\* Professor (History) JMI, New Delhi-25

Regional courts like those of Oudh in the north and Tipu Sultan in the south maintained huge libraries well equipped both with copies of Mughal Persian medical texts as well as fresh texts composed in Mughal style.

In the early nineteenth century Alloy Sprenger, assistant to the British Resident at Lucknow, surveyed the Muhammadan libraries of Lucknow and reported that they had thousands of Persian manuscripts. These ranged from history, philosophy, and literature, to science, astronomy, medicine, archery, hunting, and sports. A small collection of Arabic manuscripts also existed. In the king's libraries alone – the Topkhana and the Farhad Baksh – there were at least 6000 Persian and 310 Arabic manuscripts. Besides these royal repositories, there existed in the city private libraries, e.g. in the Moti Mahal, maintained by rich bibliophiles. These too were plush with Persian manuscripts.

A big component of these collections was medical manuscripts: for instance, the Topkhana library of the king had forty-eight manuscripts on Unani Medicine. The texts included the oldest Persian manuscripts on Unani medicine. The text included the oldest Persian medical books, like the *Al-a-gharaz al Tabiah wa almabahat al almeiah* of Ismael al Hasan Jorjany, who dedicated it to Abu al Muzaffar, son of the Khwarzm Shah. Books dedicated to the Mughal emperors Shah Jahan and Aurangzeb, such as the *Ganj Baadadard Sahib Qarani* by Imanallah and Arzani's *Qarabadeen Qadiri*, also figured in the collection. Sprenger noted a range of Arabic medical authors as well in these collections.

In the southern kingdom of Mysore, Tipu Sultan too had a huge collection of Persian medical manuscripts in his library. These included a copy of the *Zakhirab-I-Khwarzmshahi*, the *Dastur al ilaj* of the pre-Mughal period and the *Tibb-I-Akbari*, the *Qarabadeen-I-Qadiri*, and Persian manuscripts, like the *bihr-al Munafi* or the 'Sea of Profit' (a treatise on midwifery) of Mulud Muhammad, were dedicated to Tipu. The collection included a few Arabic medical texts, eg. Avicenna's Canon and the commentary on the *Sharb-I-Mujiz* by Ala-ud-din Ali Bin Abu al Hazim al Qureishi.

Beyond such courts and capital cities. The rajaz, Zamindars, and nobles, who had become entrenched within local society, looked for new means to legitimate their authority. Consequently both the authoriality and textuality of Persianate medical knowledge began to be realigned. At one level, it was critical to break out of the Mughal norms of gentlemanly culture. But, more importantly, the vernacularization

and popularization of Persian weakened the court language's efficacy as a tool through which families could control medical knowledge, families looked towards Arabic to reconfigure their monopoly. Thus outside the capital cities of post-Mughal society, the dignity of medical science shifted from the Persian in which it had rested since the time of the Mughals, to Arabic, which was now projected as the custodian of the Arabic sciences, and in the late eighteenth century one could be a culture gentleman without having read a single Persian text of medicine.

The drift towards a doctrinal language, Arabic to control tightly medical knowledge stood out in a period marked by regional assertion. It also fitted in with the general orientation of society towards the new religious learning that was streaming in from the Arabic lands. In the late eighteenth century the Wahabi-inspired ideas of Arabic scriptures and the *salience* of the Prophet gave religious knowledge a new, austere, and Arab orientations. Medical knowledge succumbed to this trend. In fact this trend helped it become the exclusive preserve of medical individuals, families, and their *clientele*. In short, Islamization through Arab learning helped communities of Perso-Arabic medical literature retain their status and added new dimensions to the formation of regional identities.

But the Arabization came with a price. Persian had accommodated into itself the Hindu and Muslim scientific traditions in keeping with an encompassing and inclusive Mughal political culture. The preservation of medical learning in Arabic now fractured this legacy along religious lines, for Arabic was widely perceived as the universal language of the medical science of Muslims. And, at the fag end of the Mughal innings, when regional identities were being sharply articulated in local languages, it was Muslims who established pan-regional links in science, medicine, astronomy, and astrology in Arabic. Hindus meanwhile increasingly consolidated their scientific legacy in Sanskrit. Therefore, the composite imperial culture that it represented. These break was, however, gradual and never complete, for Persian languages and literature continued to be taught in village and family schools, widely attended by both Hindus and Muslims. All the same, the science and medicine that were taught in Arabic schools predominantly attracted Muslim students.

As Unani withdrew into the Arabic fold, the religious divide became noticeable. Of the 62 Arabic students in a village school in south Bihar, only two were Hindus and the rest Muslims. In contrast, in the Persian school there were 865 Hindus and 559 Muslims. The reason for a more mixed population in the Persian

schools was that they taught more elementary and grammatical works, forms of correspondence, popular poems and tales, and almost no sciences. These were relegated to the Arabic schools. Similarly, in the district of Burdwan in Bengal, there were 93 Persian schools with 899 Hindu and Muslim students, and only 8 Arabic Schools with 51 students – out of these, only 4 were Hindus. In this manner the preservation of medical knowledge in Arabic and its communitrain slant added a new element to the vernacularization of new religious knowledge, and regional identity formation in eighteenth century India.

As Arabic came to be perceived as the language of high knowledge, the rajas, rich families and notables too separated Persian and Arabic learning. They made the latter exclusively the language of scientist medicine and the former the sole language of polite culture and Persianate accoutrement. As Persian slipped beyond their control, Muslim elites monitored medical knowledge more and more tightly by relegating it to a few Arabic family schools. As medicine and theology became the preserve of these Arabic schools, an exclusivist hakim was gradually created. Unlike the Mughal hakim, he was not necessarily *au fait* with the literature of polite conduct. Health for him was about medical wisdom and useful knowledge, not aristocratic virtue.

Tighter control was most evident via the small number of Arabic learning institutes set up by medical language and literature schools. Persian schools made Persianate Mughal cultural norms of conduct and deportment more easily accessible to a greater range of people, and this popularization also redefined what it meant to be a cultured individual in the late eighteenth century. The markers of a well-heeled individual were more measured by his knowledge of medical learning, logic, and natural philosophy. Instead, Persianate literary knowledge and familiarity with the literature on polite conduct or *akhlaaq*, and correspondence or *insha*, was enough to confer status. This new culture man, trained by scholars in Arabic Schools.

From the late 1820s to the mid-1830s the English East India Company conducted many surveys on the state of native education in North India. Almost all reporters commented on the proliferation of family-run Persian and Arabic schools in the towns and countryside of North India. These were said to be of recent origin and exemplified the change in post-Mughal society. In 1829 an education committee reported that Bareilly district topped the list in instruction. More than 300 seminaries existed in the district, which included Persian schools 'maktabkhanas', Hindi schools "chutsals", Sanskrit schools, 'putsals', and 17 teachers who hawked their services

teaching the Arabic language and sciences.

The Arabic schools were few and with limited students, reflecting an exclusive clientele and hakim families. I.M. Boulderson, the Collector of Bareilly, said the 17 persons who hawked their service as Arabic teachers collected students in their houses, which were then called madrasas. On the whole, 114 students in the district obtained instruction from them in the language and sciences.

Such family schools received no endowments from regional rulers. They relied on individual or family investments. This ensured their continuing hold over a limited clientele. The houses of notables and families doubled up as schools and were designated madrasas or seminaries. In many such madrasas, Persian and, occasionally, English were texts. I. Davidson, Sub-secretary to the Board of Revenue, reported to the government various details about Arabic teachers and their instruction styles. Most, he said, came from reputed Arabic-knowing families. Many came from theological families with long traditions of mastery over Arabic religious knowledge. They were all keen to control medical knowledge and restrict it to a chosen few.

His list of medical instructors using Arabic texts ran as follows: Maulvi Niaz Ahmad, a 'learned man' and an excellent astrologer' who instructed 12 youths in the various sciences. Hafiz Ghulam Ahmad Qazi and Maulvi Ghulam Hazrat were 'good' Arabic scholars who instructed people in sciences and 'whatever they wanted.' Maulvi Ghod Muhammad – he had 10 pupils for Arabic instruction. Maulvi Syed Mohamed, Maulvi Suttullah, Maulvi Muhinuddin and Maulvi Yaqub Ali had pupils ranging from 4-15. Maulvi Mullook Shah had 10 pupils and instructed them in the sciences. Akbar Abdul Rahim had 2 pupils whom he educated in the medical arts exclusively. Muzzurud-din Husain Sheikh had 15 students whom he instructed in Arabic, Urdu, and Persian languages. He was supposed to be a 'good' mathematician. Boulderson pointed out one Kunwar Rutten Singh as an Arabic teacher in the city who also gave instruction in English. Hisson Kunwar Dowlat Singh was also an Arabic teacher of the area.

In contrast, the Persian schools were numerous and had far greater numbers of students. There were reported to be 1485 students in the district studying in such schools in 1827. Persian literary learning was of course not monopolized by individuals and families: ordinary people made their houses sites of Persian instruction, hiring teachers to instruct students. Even though their salary was as low

as Rs. 3-4 per month to Rs. 8-10 per month, such teachers were much respected. They obtained gifts (nazar), food, and clothes from their students and families. Boulderson gave a detailed break-up of schools in every pargana of the district. He concluded that the major change that had set in from Mughal times to the early nineteenth century was that both Persian language and learning and the knowledge of sciences in Arabic had become more accessible to ordinary people. This was particularly true of Persian learning, 'we gather that under the former governments none but ushrafts viz Brahmins, Rajputs, Bukkals, Kaits and Khattri among Hindus and Sheikhs, Syuds, Moguls and Pthans of the Muhammadans were permitted to study science or even learn Persian language. But now all learn Persian.

In the 1820s the education committee set up by the Company to survey native education lamented that the texts taught in Persian schools were of little relevance to present-day requirements since they were 'chiefly epistolary compositions or compilations. Their object was the acquirement of skill in correspondence, or rather in the use of approved modes of phraseology and address, and accomplishment of some value under the Muhomeddan administration, but little calculated to exercise and invigorate the intellectual faculties. This was corroborated by Boulderson, who noted that Persian schools taught no medical texts. The concentrated on literary texts of high culture associated with the Mughals. These included Mughal favourites, such as the *Boostan*' and '*Goshtan*' (Gulshan), romance texts read and enjoyed by the Mughal emperors and nobles. They also had texts like *Zuleikha*, *Neel Daman*, *Laila Majnu*, and *Babar Danish*. Also listed and the Mughal insha literature, e.g. *Insha Khalifa*. The masnavis of important poets, the *divan* of the Persian poet Hafiz, *Divan Nasir Allee*, *Divan Shumsher Khan*, and the *Rookat Alumgiri* were also important readings.

Indeed, in the Persian schools of the North West Provinces and Agra, so great was the emphasis on 'polite education and the neglect of arithmetic and the sciences that a course of study was considered incomplete if it did not include the usual forms of address and correspondence'. In the 1830s J. Kerr, who reviewed indigenous schools in the area, lamented that 'large fields of knowledge which would open and improve the minds of the pupils are left uncultivated, such as to go no further in history, geography and natural philosophy.

A similar trend was evident in the Punjab as well. At the time of annexation, British commentators reported that medicine was taught better Arabic schools were

housed in exclusive buildings. Here, teachers taught Aristotelian natural philosophy, logic, rhetoric, and philosophy through Arabic texts like Aristotle's *Shifaa*. But medicine was taught by Arabic-knowing individuals in exclusive enclaves as well. These ranged from family homes to school sheds. Indeed, in the Punjab too Arabic was also used by influential families to tighten their control over the fast popularization of high etiquette Persian culture. Families tried here to monopolize their control over comportment as well through the use of Arabic. Many of the seminaries taught Arabic texts on polite conduct and correspondence rather than leave the students to Persian literary influence. Thus, the polite Arabic letter writer, the *Ajab-ul-Ajaib*, was taught in schools along with the Arabic medical texts of Avicenna.

In the 1830s William Adam, who reported on the state of native education in Bengal and Bihar, noted a similar trend in the area. That medical knowledge was narrowly controlled was evident from the fewer Arabic schools in which it was taught. For instance, in the south Bihar district there were 291 schools, of which 279 were Persian and only 12 Arabic. In the former there were 1424 Persian students and the latter had only 62. And again, as in Bareilly, many Persian schools had endowments from the local raja. In contrast, Arabic schools were established by families, individuals, and notables. The endowments for Arabic schools ranged from modest contributions by an individual teacher of Rs. 250-Rs 200, to large ones that ranged from Rs 15,000 to Rs 50,000 by local Muslim notables.

There was a near-absence of medical texts in the curriculum of Persian schools. They focused on Persian literary texts, e.g. *Insha-I-Herkern*, on forms of correspondence, verses of Khusro. Only in rare instances were the austere-style Persian and medical texts of the later Mughal period listed. These included the more simplistic Persian translations of Arabic texts the *Tibb-I-Akbar* of Aurangzeb's Hakim Arzani. The *Mizan-I-Tibb* of the same author, also austere in style, and imparting medical wisdom, was sometimes used.

Indeed the predominance of Arabic as the vehicle of science and medicine in the region prompted British observers to suggest that medical books in the Arabic language taught at the Calcutta Madrasa be introduced in government-run Punjab schools. This they felt would only reinforce and systematize their medical instruction. In 1829 the education committee similarly suggested that the medical instruction going on in the Arabic family schools of Bareilly could also be improved and

systematized by the introduction of the Arabic scientific texts used in the Calcutta Madrasa.

For Bareilly, Boulderson gave a list of Arabic texts that the students read in the family schools. Significantly, medicines was taught in conjunction with other doctrinaire disciplines like law, logic, and theology. These included text on law and jurisprudence like the *Ilm Fiqh*, commentaries on the *Hidaya-Shareh Hidayah*, logic *Ilm Mantaq*, and Arabic-language primes *qaidah*. Such texts rubbed shoulders with medical texts like the *Sharb-I-Mujiz* and the *Mizan-I-Tibb*. All these were oriented towards the revealed Arabic sciences and were influenced by the new learning from Arabic lands. The only Mughal medical text included here was the early-eighteenth century text *Mizan-I-Tibb* of Arzani. The *Mizan*, as we above, was brief, austere in style, and scientist.

Adam reported a similar trend in the Arabic schools of Bengal and Bihar. These schools too concentrated on texts on astronomy and natural philosophy that included medicine. Often, the same families and individuals which preserved medical knowledge in Arabic continued to earn their living by popularizing literary knowledge in Persian. Indeed, they used their knowledge of Arabic to write different kinds of popular literary texts in Persian. For instance, in the district of south Bihar, two maulvis who were highly rated in Arabic learning had, Adam reported, authored many texts. Maulvi Ghulam Hussein of Sahibgunj wrote the Persian text *Jam-I-Bahadur Khani*, which he culled from a range of Arabic works on arithmetic, astronomy, algebra, and the natural science, using his extensive knowledge of Arabic. He also compiled the astronomical tables called the *Zij Bahadur Khani*. Another Arabic scholar, Maulvi Mohiyuddin of Erki in the *thana* of Jehanabad, composed a 288-page-long Persian text, *Sharb-I-Abdul Rasul*, on Arabic syntax. He also wrote in Arabic a 32-page-long manuscript called *Majmua Taqrir Mantiq Amani*, which was a text on logic.

Medical knowledge taught in family schools thus articulated the new idea of health as medical wisdom-as science rather than aristocratic virtue. As *Medicine* withdraw into the Arabic fold, its popularization was checked. Families disseminated knowledge in Arabic to a few. As Boulderson said of the Arabic-driven learning, both the masters and pupils are of a higher grade and has given their attention to scientific pursuits. ■



## **MUHARRAM - A MONTH TO REMEMBER**

**Obaidur Rahman Nadwi**

Muharram, the first month of Islamic calendar is considered one of the four sacred month. The holy Quran says : "Verily, the number of months with Allah is twelve months (in a year), so it was ordained by Allah on the Day when He created the heavens and the earth, of them, four are sacred. (Muharram, Ziqadah, Zilhijjah, and Rajab). That is the right religion, so wrong not yourselves therein." (At-Tawbah – 9:36)

History bears witness that the month of Muharram assumes great significance because of various events. Adam was created on the 10<sup>th</sup> of Muharram and he entered Paradise the same day. He was thrown out of the paradise the same day and his repentance was also accepted that day. This is also said that the first time rain descended to earth on tenth of Muharram. Prophet Noah's ark touched Mount Judi from horrible deluge in this month. Namrud's fire turned into flowers on Prophet Ibrahim on tenth of Muharram. Prophet Jonah was taken out from abdomen of fish after a long time in this month. A splendid throne was conferred on Prophet Solomon on 10<sup>th</sup> of this month. Prophet Moses got rid of oppressions and atrocities of Pharaoh in this month. Hazrat Husain, grand son of Prophet Mohammad (S), was martyred on 10<sup>th</sup> of Muharram too.

It may be noted that when Prophet Muhammad (S) migrated from Mecca to Madinah, he saw that Jews observe fast on 10<sup>th</sup> of Muharram. They said that it was the day on which the Prophet Moses and his followers crossed the Red Sea miraculously and the Pharaoh was drowned in its water. On hearing this from the Jews, the Holy Prophet said, "We are more closely related to Moses than you" and advised the Muslims to keep fast on the day of Ashoorah. The Prophet said : "The best of fasting after Ramadhan is the fasting in Allah's favourite month of Muharram. A number of Traditions describe virtues and attributes of Muharram in a sublime way. Let us see to what extent we observe the day of Ashoora (10<sup>th</sup> day of Muharram). Here there is no difference or distinction between different sects of Muslims as they observe this great and sacred day reverentially.

There is no dispute that the martyrdom of Hazrat Husain on 10<sup>th</sup> of Muharram was indeed a great event in the annals of history. In his book "The life of Caliph Ali", Maulana S. Abul Hasan Ali Nadwi writes : "Abu Makhnuf relates that after Husain was

killed he saw his body bore marks of 33 cuts by Lances and 34 by other weapons. The number of martyrs who laid their lives with Husain was 72 Muhammad b. Hanafiyah relates that 17 of the martyrs were the Progeny of Fatima, the daughter of the Prophet. The day on which this tragedy befell was Friday, the 10<sup>th</sup> of Muharram, 61 H/10<sup>th</sup> of October 680 A.D. Husain was then of 54 years six and a half month of age.”

In fact Hazrat Husain was on the right path. He dedicated his whole life to the cause of Islam. His martyrdom reflects his courage, bravery, integrity, honesty, truthfulness, Justice and righteousness to fight against evil and disruptive forces. Needless to add that Yazid whose forces attacked Hazrat Husain’s party himself confessed his sin and mourned the death of Hazrat Husain.

“Hisham says that when the head of Hazrat Husain was brought before yazid, his eyes got filled with tears. He said to his courtiers : “I would not have admonished you if you had not killed Husain. May Allah curse Ibn Sumayyah. By God, had I been there, I would have forgiven him” (Al-Bidayah, Vol. VIII, P. 189)

It is a point to ponder over that Sunnis and Shias have no difference with each other on this issue. Sunnis and Shias both have high regard for Hazrat Husain. Needless to add that Hasan and Husain are called the leaders of youngmen in paradise. In Friday sermons Sunni Imams often praise Hasan and Husain in their congregational address.

Ibn Taimiyah says: “Allah honoured Husain with martyrdom and disgraced those who took his life or assisted in the misdeed or assented to it. Husain was a paradigm of the earlier martyrs of Islam since he and his brother are the leaders of the youth in Paradise. They had been brought up during the initial period of Islam and so they had been deprived of migration and sufferings for the cause of Islam and the persecution undergone by their predecessors. Therefore Allah blessed them with martyrdom and raised them in honour and esteem and enhanced their status. His martyrdom was grievous tragedy” (Fatawa Ibn Taymiyah Vol. IV, P. 483)

To sum up, Sunnis and Shias both hold Hazrat Husain in high regard and esteem. The tragedy of Karbala is considered by both too painful to be forgotten. It is unfortunate that today a political colour is given to this tragedy. The best tribute to Hazrat Husain would be to keep fast and get involved in good deeds and pious and holy acts on 10<sup>th</sup> day of Muharram. Husain laid down his life for the cause of establishing an honest and God fearing society so he should not be betrayed by raising disputes on the interpretation of his mission and thus dividing the community. ■

# **COW SLAUGHTER**

## **THE CONSTITUTION & HINDU-MUSLIM AMITY**

**Faizan Mustafa\***

The refusal of the supreme court to ban cow slaughter on the ground that it is a policy matter and for the government to take the decision is in consonance with the fundamental principles of separation of powers, the basic structure of the constitution. Yet it has revived the debate on a particularly sensitive issue. Cow slaughter is not just a theological issue. It has constitutional and legal connotations.

A few years ago, Justice ML kaul of Punjab and Haryana High Court had observed that the penalty for cow slaughter must be increased as it is a serious offence in the Indian context; the convicted should be dealt with severely under the law. Expressing concern over the offence entailing imprisonment of five years, the judge had observed that cow slaughter should be treated at a par with murder, with 14 years' rigorous imprisonment

### **Directive principles**

In the constituent assembly, a very strong case was made up by some members in the name of the economy and culture. Some members wanted a complete ban while others were in favour of partial prohibition. It is interesting to note that the Muslim members of the constituent assembly made a forceful case for the inclusion of cow slaughter in the chapter on fundamental rights so that the prohibition became absolute. ZH LARI strongly argued for the including the ban on cow slaughter in the fundamental rights and opposed its inclusion in the directive principles which are vague. Syed Muhammad Sa'a-dulha also favored a total ban on the ground that *cow slaughter is part of Hindu religion*. Finally, the constituent assembly decided to mention cow slaughter in the section on directive principles of state policy.

Article 48 provides for the prohibition of the slaughter of cows and calves and other milch and draught cattle. As this article is merely part of the directive principles, it is not justiciable.

Muslim rules of India did ban the slaughter of cows even for the purposes of Id-ul-azha (Baqar'id), keeping the hindu sentiment in mind. This ban was lifted by

\*The author is Dean, Faculty of Law, Aligarh Muslim University and director-designate KIIT National Law School Bhubaneswar

the British. While the general criminal law of the country i.e. the Indian penal code, 1860, does not prohibit the slaughter of cows, the penal code in Jammu & Kashmir called the Ranbir code specifically prohibits cow slaughter. During Muslim rule, only 20,000 cows were slaughtered in one year but the British had killed approximately 30,000, argued Mahatma Gandhi. The cow protection movement of 1880-1894 was basically directed against the British and Muslims actively participated in it.

After independence, the government had sent a note to all states asking them to avoid a complete ban on cow slaughter as it would result in a major economic loss, particularly for the leather industry. However, several states have enacted laws imposing restrictions on the killing of animals, including a total ban on cow slaughter.

Some of these laws did come for scrutiny of the courts and almost all of them have been upheld as constitutional. But certain questions regarding these decisions still remain unresolved. One such vital issue is whether these decisions are sound pronouncements of law if examined from the perspective of freedom of religion guaranteed to Muslims of India by the constitution. It must be remembered that between the directive principles of prohibition of cow slaughter and the fundamental right to religion, it is the former which is more important and thus shall prevail.

Freedom of religion is available to everyone. Though the term religion has not been defined anywhere in the constitution, the Indian judiciary has rightly given it an expansive content. Religion is indeed a matter of faith. A religion, no doubt, has its basis in the unique system of beliefs and doctrines, which are regarded by those who profess that religion as conducive to their spiritual well-being. But a religion is also something more than mere doctrines or beliefs. A religion may not only prescribe a code of ethical rules for its followers to accept, but may also prescribe certain rituals, observances, ceremonies and modes of worship that are regarded as integral features of that religion.

The vital issue is who should decide what ritual, practice or ceremony is an essential or non essential part of a particular religion. There is remarkable consistency in the attitude of the apex court on questions relating to Islam. The court has consistently held that it will decide what practices will/will not be permitted to Muslims. The issue has serious implications for the community as several practices which are part of Sunna (sayings and actions of the Prophet) such as keeping the

beard etc. have not been allowed though the Quran and Sunna are two most important sources of Islamic Law. The slaughter on the occasion of Eid is a fundamental obligation of every Muslim who owns specified assets. In a case from Bihar in 1958, it was held by the apex court that cow slaughter is not an essential Islamic practice., Islam nowhere mandates that Muslims slaughter cows on the Bakrid day. But at the same time why has no one ever raised the question about protection of cow under Hinduism. Is it an essential Hindu practice?

Opinion amongst scholars is divided . There is strong evidence against the proposition that prohibition on cow slaughter is an essential part of Hindu religion. It is probably for the reason that the NDA government's draft bill on cow slaughter justified the enactment of the law on the ground of cruelty to animals and not on the freedom of religion of the Hindu.

### **Cruelty to animals**

Even the "cruelty to animals" argument does not take us too far. There are animals protection laws in some states which specify a particular age below which certain animals cannot be slaughtered, and that only weak, sick and useless animals can be killed. Such laws are in direct conflict with the freedom of religion of Muslims as they are supposed to slaughter young and healthy animals alone on the occasion of Eid.

Similarly the laws that ban any slaughter on certain days in a year such as Ram Navame, Gandhi Janyanti, Mahavir Jayanti etc. may not violate the freedom of trade of butchers as was rightly held by the Supreme Court, but since Muslims follow the lunar calendar if Eid falls on any of these days, a constitutional problem will be at hand since the apex court's verdict of upholding such laws will then come into conflict with the right to religion guaranteed to Muslims.

The Darul-uloom of Deoband, the most reputed seat of Islamic theology in India, has taken the right step by banning the slaughter of cows in its latest fatwa. Muslims must support the ban on cow slaughter as it will go a long way toward strengthening Hindu-Muslims relations. There by, communal forces will not get the upper hand. ■

**The Prophet said, "As fire consumes wood so does envy consume good deeds."**

## HONEY MORE EFFECTIVE THAN COUGH MEDICINE

*A study by a Pennsylvania state university team compared buckwheat honey with dextromethorphan, an ingredient in a range of branded medicines.*

A clinical trial has found that honey is more effective at soothing a sore throat than a common active ingredient in children's cough medicines.

Honey has been used for centuries to relieve a tickly throat. Scientists now believe it may be effective because it has constituents that kill microbes and acts as an antioxidant.

That means it might prevent damage inside cells from chemical byproducts of their activity.

The study compared buckwheat honey with dextromethorphan, an ingredient in a range of branded medicines. Dextromethorphan is a common active ingredient in children's over the counter cough medicine.

The team enrolled 105 children with a night cough and their parents and split them into three groups. One group received a syringe-full of honey, the second group a string containing the medicine, and the third group received an empty syringe.

The team from Pennsylvania State University report in the Archives of Paediatric and Adolescent Medicine that honey was more effective than dextromethorphan at relieving the nature of the cough. The medicine was slightly more effective than no treatment at all.

Sheila Kelly, of the proprietary association of Great Britain, said; "Having access to safe and effective paediatric cough and cold remedies is essential. Those on the U.K market have demonstrated their efficacy through decades of use and their acceptance by the medicines and healthcare products regulatory agency means parents can continue to rely on these over-the-counter cough and cold remedies, ■

(Guardian)

## **CONCLUSION OF PEACE BETWEEN SULTAN BAHADUR SHAH AND THE PORTUGUES; AND HE SURRENDER OF SOME OF HIS PORTS TO THE PORTUGUESE**

**Shaykh Zainuddin Makhdum**

As soon as Humayun son of Sultan Babar, (may Allah fill their graves with light) assumed power in Delhi towards the end of the year 941 AH (1535 AD), he turned his attention to Gujarat. The Gujarat ruler Sultan Bahadur Shah was routed. Filled with terror and afraid of Humayun, Bahadur Shah sent messengers to the Portuguese for help. The Portuguese were quick to respond and a treaty was concluded between them, the Sultan ceding few of his ports like Vasai, Mahim, etc. to the Portuguese. The Portuguese took possession of these ports and extended their domain by annexing the surrounding region.

The Portuguese gained great advantages by this treaty and their power and influence increased. The Sultan also surrendered to the Portuguese the control over the port of Diu and charged them with its government. For this the Portuguese were to get half of the revenue collected there. Thus the Portuguese ruled Diu and fortified it.

In the past, the Portuguese were longing to get possession of the island Diu and had made several attempts to capture it during the reign of Malik Iyas and later during the reign of his sons. But they were never able to subdue it and they always returned disappointed in their hopes by Allah's will. This time their wish and Allah's decree coincided, and so it was made easy for them. Allah, glory be to Him and exalted be He, had also decreed that Sultan Bahadur Shah should die by their hands. They killed him and threw his body into the sea. Verily we are from Allah and to Him we return! It happened, on Ramadan, 943 AH (1537AD). After the martyrdom of the Sultan, Diu as a whole came under the Portuguese control and they settled there. Such was the decree of Allah, the All-Wise and the All-powerful. No one shall repel the Judgement of Allah or dispute His will.

In the year 944 AH (1537 AD), the Portuguese fell upon to Paravanna and killed Kuttly Ibrahim Marakkar, son of Umar Ali Ibrahim Marakkar and those of his friends with him. They also set the city ablaze and then they returned. This happened not with standing the fact the treaty with the Tanur king was still in force and the people of Tanur and Parawanna were making trade trips with license from them. The reason for this act of violence was that Kutty Ibrahim reportedly sent a ship laden with pepper and dried ginger to Jeddah port without licences from the Portuguese. The one thing the Portuguese detested most was trade trips by others in pepper and dried ginger to other places, especially to Jeddah.

Then the Zamorin set out to Kodungallur to fight the Portuguese and the ruler of Kochi. The war lasted many days, and Allah infused into Zamorin's mind a dread of them and cosequently he returned from there without achieving anything. Then the Portuguese built a fort at Kodungallur. It was a strong barrier for zamorin to take on.

It was after this incident that Ali Ibrahim Marakkar and Faqih Ahmad Marakkar and his brother Kunhi Marakkar (may Allah's blessings be upon them) left for Kayal Pattanam in a fleet of forty two vessels. When they reached Puttalam, they harboured the ships and stayed there for days and became vain and idle. The Portuguese arrived there in few ships and fought and, as destined by Allah, captured all their ships. Many in the party of Marakkar fell martyrs in the confrontation. This happened in the month of Sha'ban in the year 944 AH (1538 AD). Those who survived returned to Malabar. Near Nallambilly on the way, Ali Ibrahim Marakkar died. May Allah shower on him His generous mercy and blessings!

The Portuguese had captured a few ships belonging to the people of Kakkad near Kannur the same year. May Allah ruin those devilish transgressors! ■

### **OBEDIENCE OF LAW**

The Prophet said : "It is obligatory for one to listen to and obey (the ruler's order) unless these orders involves one disobedience (to Allah) is imposed, he should not listen to it, nor obey it."

*Sahih Al-Bukhari, Hadith 4.203 Narrated by Ibn Umar*