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The Fragrance of East

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The Quranic Dictum

S. Abul Hasan Ali Nadwi

Equality and Brotherhood

Socially, a most epoch-making change was brought about by the Islamic notion of human equality and brother-hood. There was no division of society into permanent classes and no such community as the untouchables among the Muslims. Their belief was that no one was born unclean into the world nor predeterminately ignorant and debarred by the very fact of his birth in a certain class from the acquirement of knowledge. No trade or occupation was reserved for any particular section of humanity. On the other hand, they fraternised freely with each-other at all levels, the rich strove with the poor in the pursuit of learning and there was freedom of profession for all. The idea of brotherhood was for the Indian mind and the Indian society a novel experience and a call to renewed thinking which did a lot of good to the country. The bonds of the then existing class-ridden society were relaxed to a considerable extent and thus was witnessed a widespread recoil from the excessive rigidity of the caste-system. The advent of Islam acted as a challenge to social reformers in other fields also. ■

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Wisdom of Qur'an

"Indeed, We created man from a mixed sperm drop, to try him, and therefore We made him capable of hearing and seeing. We showed him the way, whether to be grateful or disbelieving."

(Al-Qur'an – 76:2-3)

These verses highlight man's real position in the world and the position of the world for man. He is not like trees and animals that the object of his creation be fulfilled on earth itself, and he should die and perish here after he has played his appointed role over a period of time according to the law of nature. Furthermore, this world is neither a place of punishment for him as the monks think, nor a place of rewards as the believers of the law of transmigration think, nor a place of entertainment and enjoyment as the materialists think, nor a battlefield as the followers of Darwin and Marx think, but in fact it is a place of test and trial for him. That which he regards as his age, is in fact the time given to him for the test. Whatever powers and capabilities he has been given in the world, the thing that have been placed under his control and authority, the various positions and capacities in which he functions, and the relationships that he enjoys with other men, all these are the countless papers of the test and this test continues till the last breath of his life. The result is not to be announced in this world but in the Hereafter when all his answer-books will have been assessed, decision will be given whether he has come out successful or failed. And his success or failure wholly depends on what he thought of himself while he functioned here and how he answered the papers that were given him here. If he believed that he had no God, or that he was the slave of many gods, and while answering the papers thought that he was not to be held accountable before his Creator in the Hereafter, his whole lifework went wrong. And if he regarded himself as the slave of One God and worked in the way approved by God, with the accountability of the Hereafter always in view, he stood successful in the test. ■

Pearls From the Prophet Mohammad (PBUH)

Zaid bin Khalid al-Juhani relates that a person asked Allah's Apostle (may Allah bless and greet him) about picking up stray articles, whereupon he said: "Make announcement about it for a year, and recognise well the strap and the bag (containing that); then spend that; and if its owner comes, make him the payment of that." He (the enquirer) said: "Messenger of Allah, what about the lost goat?" He said: "Take it, for that is yours or for your brother, or for the wolf." He (again) said, "(What about) the lost camel?" The Messenger of Allah was enraged until his cheeks became red and then said: "You have nothing to do about that; it has feet and a leather bag (to quench its thirst) until its owner finds it."

(Sahih Muslim)

The term *luqta* in the Arabic text of this hadith signifies the property which a person finds lying upon the ground and takes away for the purpose of preserving it, as a trust. In ordinary circumstances, it under one's custody if one happens to find it. According to some jurists, it becomes binding for a man to take the stray thing in his charge if it is liable to perish in case it is not preserved. So far as the period of its preservation is concerned, it is one year, but it can be extended up to three years keeping in view the nature of the commodity. If the commodity is valuable and it is easy to preserve it, then the period is longer, otherwise it is short. Then the trustee should make regular advertisement of the fact that he has found a stray thing and its owner should come to him to take it. At the end of the period, if he deems expedient, he should make use of that in case he is insolvent. If the finder of a stray property discovers the owner, having bestowed it in alms or given it as charity, the owner has two things as option: he may approve of and confirm the charity, or if the owner chooses, he may claim it from finder; but he can do this in case the finder is solvent enough to pay that back. It is laudable to secure stray goats and sheep, but not of oxen, horses and camels. ■

The Politics of Language: The Significance of Arabic

Language is a method of human communication. In both its spoken and written form it insists on the use of words in a structured and conventional way. In fact it is language, which distinguishes man from other living beings. The newly born baby learns to speak from mother. As he or she grows up and starts speaking we say he is talking in mother tongue.

The issue of language has sadly been much politicized. It is unfortunate that often a language is associated with a particular religion and its followers. English, the widely spoken language in the world is linked with Christians and it is popular in UK and USA and in the anglophile world. Sanskrit is known as the language of Hindus. Arabic is considered to be the language of Arabs and Muslims in the Islamic world. This concept of associating languages with particular groups or religion is not only illogical but also misleading. The issue needs some discussion, and we hope to come back to it in our later issues. The ever-increasing popularity of the Arabic language in lands where Islam spread is the subject matter of our consideration in this column.

Arabic as its name suggests is related to Arabs. It is the language, which is written from right to left, in contrast to other languages, which start from the left to right. The classical or literary language is based largely on that of the holy Quran. This was to be expected Prophet Muhammad (pbh), the last prophet of Islam, was born and brought up in Arabia and the holy Quran was revealed to him in the language he understood-Arabic. After Islam spread to Syria and Mesopotamia, Persia, North Africa and Spain, different forms of contact between members of the two faiths sparked the polemical debate between Muslims and Christians. And this contact made Arabic-the language of the conquering Arabs - the spoken language of the Christian *dimmis* of the urban centres.

There is no denying the fact that Islam helped Arabic in becoming one of the most popular languages of the world. It acquired sophistication and helped in the social and cultural development as well of Islamic civilization. The Arab historian Ibn-i-Khaldun (1332-1406) has aptly remarked that inquisitiveness to learn science is not restricted to any particular religious group. Science in Islamic societies was international; it inherited all the earlier scientific traditions and fused them into one new whole. The most important factor contributing to the universality of the Islamic scientific culture was the Arabic as the universal language of communication. It may be noted that many of the scientists who wrote in Arabic were not themselves Arabs. Yet, so much was the lingua franca status of Arabic that between 9th and 16th centuries most of the scientific works were written in Arabic.

Of late, the Arabic language is assuming greater importance because lack of its knowledge is considered a big hurdle in developing cordial relations between Arabs and

non-Arab nations. Moreso, according to an Indian Social Scientist, Dr. Satish Sharma of Sagar University, after every two weeks one language of the world is eliminated. If this process is continued then by the end of this century only English, Chinese, Hindi/Urdu and Arabic will survive.

Realising the importance of Arabic in developing cordiality with the Arab world the government of USA is showing keen interest that Americans in good number should learn Arabic. Before 1998 only two percent students were taking lessons in Arabic but during 1998-2002 the percentage has risen to 92 and about 10,600 students are taking tuitions in Arabic. The American Center for Applied Languages in its survey found that Arabic is taught in 70 primary and secondary schools. Though Muslims run most of these schools, the US government is quite liberal to assist any institution, which imparts knowledge of Arabic. Apart from according all facilities in America, Americans are encouraged to go to Egypt, Lebanon, Syria and Tunis to learn Arabic. Presently 480 American students are on the rolls of Egyptian Universities to learn Arabic. In Journalism too Arabic Journals and newspapers are no less than of other languages.

In India we have a better infrastructure to promote the Arabic language. With little interest and proper patronage the famous Islamic seminaries like Darul Uloom Deoband, Darul Uloom Nadwatul Ulema, Mazahirul Uloom Saharanpur, Jamia Salfia, Varanasi and other reputed centres can help in the popularising of Arabic learning. Darul Uloom Nadwatul Ulema is playing a pivotal role in promotion of Arabic. The Arabic language and literature occupy prominent place in its curriculum. It has produced eminent Arabic litterateur and scholars. The Arabic language is not confined to only Islamic works but it helps in establishing cordial relations with Arabic speaking countries. It has a rich treasure of art, literature and culture. Now modern subjects too are being translated and assimilated in this language. In countries where Arabic is the medium of instruction books on science, medicine, philosophy, psychology and social sciences are being translated in Arabic from other languages. The importance of Arabic can be gauged by the simple fact that in international conferences Arabic knowing interpreters are engaged and automatic translation facilities are provided to delegates. Government of India, realizing the importance of Arabic has also established centres for the promotion of the language. A good number of Nadwa educated persons are proving quite helpful in this task. ■

S.A.

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The Prophet's Affection Towards Mankind

- S.Abul Hasan Ali Nadwi

Surely there has come to you a Messenger from among yourselves. Hard upon him is what bothers you, and who is concerned for you and is affectionate and merciful towards the believers. If then, they turn away, say: "Sufficient unto me is Allah. There is no god but He. In Him I put my trust, and He is the Lord of the mighty throne."

(al-Tawbah 9:128-129)

The overarching concept of mercy pervades the above account of the Prophet Muhammad (peace and blessings be upon him). Mercy consists in taking pity on someone, helping him, sharing his sufferings and striving to alleviate his misery. These are the qualities which characterise the conduct of every decent person. Allah is the Most Merciful of all those who show mercy. Allah has infused the virtue of kindness into human beings in varying degrees. The kindest person has been the Prophet Muhammad (peace and blessings be upon him), as is evident from the above Qur'anic passage. He is hurt by the slightest discomfort experienced by any fellow Muslim. He does not approve of anything which may

prove hard for them. His concern for them is genuine and broad in range. All along he is worried about their welfare: His kindness towards fellow believers knows no bounds.

It is common knowledge that parents are affectionate towards their children. A mother's love for her child is proverbial. If one claims that one loves someone more than their mother does, one's claim is dismissed outright. Such a claim is not entertained and is rejected in that it smacks of hypocrisy and falsehood. Allah has infused love between parents and children. This filial love has been there since the beginning of the world. It is part of the law of nature. By the same token, our spiritual training programme has always been taken care of by Allah's messengers. Their love for mankind is far greater than that of parents for their children. It is beyond one's capacity to relate the immeasurable love which messengers have for the believing members of their respective communities. They share their sorrows and sufferings. Every slight discomfort for their followers pains these messengers. They are disturbed if even a single member of their community is in trouble. We cannot

measure their overflowing concern for their fellow human beings.

The Qur'anic passage quoted above should give us some idea of the Prophet's affection and concern for his fellow Muslims. The same was practically demonstrated throughout his distinguished career in that he was anxious about their ultimate end and displayed the utmost sincerity and affection to them. What made him more sensitive to their cause was his descent from the same tribal origin. He knew well their suffering and shared it with them. Had he been from another tribe, culture or country, he would not have readily sensed their plight. It goes without saying that those with a common bond of fraternity share mutual sorrow. The closer the ties, the keener the realisation of the pain suffered by them. Otherwise, people living in the same locality turn indifferently to the problems staring them in the face. We know well that provinces and countries are very broad in size. People living in the same village often fail to learn about one another's misery. This is not, however, true of the Prophet (peace and blessings be upon him). Being one of them he recognised their problems and felt disturbed at whatever tormented them. Out of this affection and concern for them he was pained by their every discomfort. Their suffering made him restless. He was

always keen to ensure their welfare. His main concern was that all those around him should turn into sincere servants of Allah and accordingly enjoy His mercy and forgiveness. Their negligence in matters of faith hurt him. He was averse to their disbelief lest it land them in Hellfire. He tried his level best to keep them away from Satan's spell. Rather, he instructed them all along to draw closer to Allah which would help them win His mercy.

He was immensely kind and affectionate towards believers. It is hard to measure the depth of his concern for them. It was much more intense than filial love for an only child. An instance in point was the Prophet's anxiety over the suffering of the disbelieving Makkan prisoners of war who had come to Madinah as invaders during the Battle of Badr. He felt restless on their count even while he prayed. It is on record that he offered prayers with total devotion; He derived immense pleasure and satisfaction from performing prayers. He would often summon his Companion, Bilal to recite the *adhan* which brought him much joy and tranquillity. This he did while he was engaged in the work of Islam, deliberating on the ways and means to spread the message of Islam and to elucidate the Qur'an and *hadith*. His request to Bilal for *adhan* bears out his

dedication to Prayer. At the same time he had an overflowing love and affection for his community members.

It is related on the Prophet's authority: "At times while I lead prayers, I hear a child crying. My fervent desire is to offer a prolonged prayer, immersing myself in the recitation of the Qur'an and turning wholly to Allah by way of invoking Him and crying for Him, yet I stop myself from prolonging my prayer, thinking of that crying child. For I realise that his mother, saying prayers behind me in congregation will be in distress." It is worth clarifying that at that time women visited mosques to offer prayers, for it was a time marked by social harmony and moral excellence. Since the level of behaviour was good, women were allowed to visit mosques along with their male relatives such as their father, husband or children. The Prophet, while engaged in prayer, originally planned to make extensive supplications to Allah but the cries of the child led him to shorten his prayer and supplication. For this would enable the mother of the crying child to give succour. Being restless she could not concentrate on her prayer, thinking of her child crying. In view of her condition the Prophet (peace and blessings be upon him) concluded the prayer at the earliest opportunity. Those who appreciate the spirit of prayer will readily recognise the great sacrifice so made by the Prophet

(peace and blessings be upon him). For during prayer he turned totally indifferent to his surroundings. While offering prayer he profusely cried and earnestly invoked Allah. Yet he cut short his prayer in view of a crying child so that his mother would not be disturbed. This reflects his caring attitude towards his community. On another occasion the Prophet (peace and blessings be upon him) used the following parable to illustrate his relationship with the believing community: "The parable indicating the relationship between you and me is as if someone lit up a fire, visible at a distance which attracts people. On rainy nights moths crowd around light in large numbers and are soon consumed by fire. Your example is of moths that surround fire. You are on the brink of falling into Hellfire. O men! You draw too close to Hellfire. I drag you by your waist in order to keep you away from Hellfire." This brings into sharp relief the Prophet's role regarding his community. His concern for the Hereafter is recorded thus in the Qur'an: *You are, as if going to kill yourself over their footsteps out of sorrow, for they do not believe in this discourse. (al-Kahf 18:6)*

Essentially, the Prophet was very keen that no member of his community should ever be consigned to Hell. Rather, he wanted that each one of them be admitted to Paradise. ■

Human Rights in Islam: Principles and Precedents

-Shaikh Shaukat Hussain

The human rights guaranteed by Islam to People can be classified under two categories:

- (1) The basic human rights which Islam lays down for a man as human being.
- (2) The right which Islam gives to different classes of people in accordance with peculiar situations, status and position etc., which they have. The special rights of non-Muslims, women, labourers, and children etc. are some examples of this category of rights. Since the rights of the first category only fall within the purview of our topic, therefore, we shall deal here only with the first category of rights.

RIGHT TO LIFE

"Nor take life which God has made sacred-except for just cause."

"Do not kill a soul which Allah has made sacred expect through the due process of law."

The first among the basic human rights which Islam grants is the right to live and respect for human life. So far as retaliation for murder, or any other offence is concerned it can only be decided by a competent court of law. The *Qur'an* regards the killing of a human being equivalent to killings of all mankind. Islam has clearly laid down the cases and situations where human life can be destroyed. Destruction of human life, without any of the situations mentioned by Islam where it is permitted, has been regarded the greatest sin after Polytheism. Islam gives this right to each and every human being to whatever race, nation or religion he may belong. The Prophet(PBUH) is reported to have said, "One who kills a man under covenant (a non-Muslim citizen of an Islamic State) will not smell even the fragrance of Paradise." The Prophet (PBUH) has also

prohibited killing of those persons, of an Un-Islamic State who are not involved in war with an Islamic State. The Prophet(PBUH) in his address on the occasion of the Farewell Hajj has said, "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection." Islam enjoins upon Muslims to respect this right even for the child within the womb of his mother. The Prophet(PBUH) did postpone once the capital punishment of a women for protection of the right of life of the child within her womb.

The extent to which this right was protected by the state can be inferred from the treaties and ordinances of Muslim Caliphs and their Governors, granted on various occasions. The treaty on the conquest of Azarbaijan by the army of the Islamic State during the Caliphate of Hazrat Umar contains: "There lives, properties and religious laws are all safe." Treaty made by Hazrat Umar on the conquest of Jerusalem contains, "This security extends to their lives, properties, churches, crosses of all their healthies and sick...."

RIGHTS TO PROPERTY

"And do not eat up your property among yourselves for vanities."

"O ye who believe eat not up your property among yourselves in vanities."

Islam, along with the security of life, confers the security of ownership of property upon each and every human being. This right is only with respect to property which has been acquired by lawful means.

The Prophet (PBUH) in his address on the occasion of Farewell Hajj said, "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Judgement."

This right includes the right of enjoyment and consumption, right of investment in some

business, right of transfer and the right of protection of the occupation of one's property.

An Islamic State cannot acquire the property of any person without his consent and payment of adequate compensation. "The Prophet (PBUH) acquired the property of some persons of Medina for the construction of a mosque and paid compensation to the owners in accordance with the prevailing prices although the owners did not demand any price."

This right was protected in each and every situation in the Islamic State headed by the Prophet (PBUH) and the righteous Caliphs. On the occasion of the Battle of Hunain, the Prophet (PBUH) acquired helmets of Sufwan bin Ummiah. When he asked whether these were to be taken without compensation the Prophet (PBUH) said, "All those helmets which will be lost during the battle will be compensated."

During the Caliphate of Hazrat Umar, "once, a Syrian cultivator complained that the army had trampled down his corps. Hazrat Umar ordered the payment of ten thousand *dirhams* to him as compensation out of the public treasury." A famous jurist of Hanfia school of Muslim Law declares, "Government cannot acquire the property of its subjects unlawfully." When the central mosque of Kufa was constructed during the Caliphate of Hazrat Umar, using the remains of some old forts which happened to be situated on the land of the *Zimmis* the amount of compensation to be paid by the state was adjusted in the accounts of their *Jazyas*.

As is clear from the above instances, the right to property is assured by Islam to each and every human being without any discrimination.

PROTECTION OF HONOUR

"O ye, who believe, let not some men among you laugh at others...Nor defame, nor be sarcastic to each other by (offensive nick-names)...nor speak ill of each other behind

their backs."

Third important right which Islam gives to man is that of protection of honour. Muslims have been forbidden to attack each other's honour in anyway by the Prophet Muhammad (PBUH) on the occasion of his Farewell Hajj Muslims are bound to protect the honour of other human beings. A person who attacks the honour of other person can be punished by Islamic Court as soon as the guilt against him is proved. The Islamic State is also bound to protect the honour of its citizens without any discrimination. Caliph Hazrat Umar, upon meeting the governors of provinces, used to give them directions regarding the protection of honour of the citizens. Islam not only makes it obligatory for the state to protect the honour of the citizens but also gives them right of private defence too in this context. For instance, when a man of Banu Hazil was killed by a girl for attacking her honour Hazrat Umar declared that the girl was not guilty of any offence.

During the Caliphate of Hazrat Umar, once, Umair bin Saad who was governor of Hims thought that he had no equal in piety, sanctity and other worldiness among officers of the realm, spoke thus to a *Zimmi* (non-Muslim citizen): "May Allah bring you to disgrace". After uttering these words he felt so ashamed and remorseful that he straightaway went to Caliph Hazrat Umar and resigned his post saying, "It was because of this high office that these words could escape my lips."

Jabala bin Aiham Ghassani was a famous chief of Syria holding a royal rank. He converted to Islam. Once, while performing the Tawaf at the Kabah, the hem of his mantle fell under the feet of some one. He slapped him on the face and as the victim retaliated Jabala became indignant and went to Hazrat Umar. Upon hearing his complaint Hazrat Umar said, "You but received punishment for what you did." He was amazed at the reply and said, "I belong to such a high family, if anyone acts rudely

against us he is punished with death." Hazrat Umar replied, "that was so during the period of Jahiliya (ignorance) but now Islam has equalised all ranks." Jabala said, "If Islam is a system in which there is no distinction between high-born and common folk, I abjure it." He secretly fled to Constantinople but Hazrat Umar did not like to change the principle of equality for him.

Such glittering examples from the history of the pious Caliphs clearly show to what extent the honour of citizens was preserved and protected under the Islamic State. There was no discrimination between the poor and the rich.

SECURITY AND SANCTITY OF PRIVATE LIFE

"O ye who believe enter not houses other than your own until ye have asked permission and saluted those in them: that is best for you in order ye may heed (what seemly)"

"And spy not each other."

Islam recognises the right of privacy of every man. Islam forbids undue interference or encroachment on a person's private life. Prophet (PBUH) has gone to the extent of instructing his followers that a man should not enter his own house suddenly. He should somehow or the other inform or indicate to the dwellers of the house that he is coming. Peering into the house of other people has been strictly prohibited so much so, that there is saying of the Prophet (PBUH) that if a man upon finding another man peering secretly into his house blinds his eyes he will not be called in question nor will he be liable to prosecution. This protection is only granted to private houses. For public places like hotels, inns or shops do not fall within the purview of the *Hadith*. In another *Hadith*, Prophet (PBUH) has prohibited people from reading the letters of other people so much so that if a man casts sidelong glances in order to see a letter of another person while it is being read his conduct becomes reprehensible.

The state is also prohibited to intervene in the private affairs of the citizens. Prophet (PBUH) has said, "When a ruler begins to search for the causes of dissatisfaction among his people he spoils them." When Caliph Hazrat Umar once heard a man singing inside a house, he, suspecting some mischief, started peering into the house where he saw a woman and some wine along with the man. He started remonstrating them but on being reminded of the fact that he was violating their right of privacy he gave up his idea of punishing the man and accepted his own fault. He let the man free after taking an oath from him that he would live a pious life in future.

It becomes clear that neither bugging devices can be fixed in private houses to tape the conversation taking place behind closed doors nor can letters be censored while in transit as is done in many modern states.

SECURITY OF PERSONAL FREEDOM

"And when ye judge between man and man that ye judge with justice."

"If a wicked person comes to you with any news, ascertain the truth lest ye harm people unwillingly and afterwards become dull of repentance for what ye have done."

"And pursue not that of which thou hast no knowledge"

Islam has laid down that no person can be imprisoned unless his guilt is proved in an open court of law. No one can be arrested without a trial under the prescribed process of law. It is narrated in a *Hadith* that once the Prophet (PBUH) was delivering a lecture in his mosque when a man rose during the lecture and said, "O Prophet of Allah! for what crime have my neighbours been arrested." The Prophet (PBUH) heard this question and continued his speech. The man rose again and repeated the same question. The Prophet (PBUH) again didn't answer and continued his speech. The man rose once again and repeated the question for the third time. The Prophet (PBUH) commanded that the man's neighbours

be released. The reason why the Prophet (PBUH) had kept quiet when the question was repeated twice earlier was that the police officer was present in the mosque, and if there were proper reasons for the arrest of the neighbours of this man he would have got up to explain his position. The police officer was aware of the Islamic Law that there was no scope of secret trial in Islam, and since he didn't give any reason for the arrest in the open court it was sufficient for the Prophet (PBUH) to give orders for the release of the arrested man. An Islamic Government cannot arrest unless it proves charges against him in an open court. Even when kept in preventive detention, the grounds of suspicion are to be declared in an open court, and it is the court which will decide whether the suspicion was based on sound grounds or not."

When the Prophet (PBUH) was making preparations for the attack on Mecca, one of his companions sent a letter through a woman to the authorities in Mecca informing them about the preparations. The Prophet (PBUH) came to know this through Divine Revelation. He ordered Ali and Zubair "go quickly on the route to Mecca and at such and such place you will find a woman carrying a letter, recover the letter from her and bring it to me." So they went and found the woman exactly where the Prophet (PBUH) had said. They recovered the letter from her and brought it to the Prophet (PBUH) who summoned Hatib to the open court where he was asked to clarify his position regarding the case. There was no secret trial. Hazrat Umar during his Caliphate didn't hesitate to try his governors in open courts although the situation was critical as the areas under their governorship had been conquered just before the trials. During the days of the Caliphate of Ali, Kharijites used to abuse the Caliph openly and threatened him with murder. But whenever they were arrested for these offences Ali would set them free and tell his officers, "as long as they do not actually perpetrate offences against

the state mere use of abusive language or the threat of use of force are not such offences for which they can be imprisoned."

In Islam none can be imprisoned unless he has been tried in a court of law. This right of personal liberty applies to all.

Islam instituted regulations and means of elimination of slavery and bondage. The Prophet (PBUH) freed hundreds of slaves by paying ransom from *Zakat*. The Prophet (PBUH) advised his followers thus: "These are Your brothers over whom Allah has granted you authority then he who has a brother under his authority should feed him on what he eats himself, should cloth him as he clothes himself, and should not set him a task beyond his capacity and if he is assigned something heavy and difficult should help him in carrying it out." The slaves were freed and allowed the same privileges as the citizens of the city even to the extent that they were married into the family of their former masters eg. Zaid marrying a cousin of the Holy Prophet (PBUH). The Prophet (PBUH) of Islam, fourteen hundred years ago, initiated the abolition of slavery and all forms of bondage."

PROTECTION FROM ARBITRARY IMPRISONMENT

"Every shoulder the meed of its acts on none but itself: no bearer of burdens can bear the burden of another..."

"Nor can a bearer of burdens another's burden if one heavily laden should call another to bear his load not the least portion of it can be carried (by the other) even though he be nearly related." Islam recognises the right of an individual that he should not be arrested or imprisoned for the offences of others. The *Qur'an* has laid down this in explicit terms. Every man is responsible for his actions. If the other man has not shared his actions then he cannot be held responsible for it nor can be arrested even though he may be closely related to the wrong doer. The relatives of an accused person or a person who has been found guilty of an

offence cannot be arrested or punished for the sake of the offender as happens in other societies. When a Muslim ruler Hajjaj Bin Yusuf wanted to punish a man for the offence committed his brother he desisted from doing so when his attention was drawn towards the portion of *Qur'anic* verse "None shall be made to bear the burden of others."

RIGHT TO PROTEST AGAINST TYRANNY

"God loveth not that evil should be noised abroad in public speech except where injustice hath been done..."

"Curses were pronounced on those among the children of Israel who rejected faith by the tongue of David and Jesus the son of Mary because they disobeyed and persisted in excesses nor did they (usually) forbid one another: Evil indeed were the deeds which they did."

"We rescued those who forbade evil: but we visited the wrong doers with a grievous punishment, because they were given to transgression."

"Ye are the best of peoples evolved for mankind enjoining what is right and forbidding what is wrong..."

Islam has conferred the right of protest on all human beings against the tyranny of the Governments. The *Qur'an* has laid down this right in so many verses some of which have been quoted above. The Prophet (PBUH) has regarded the protest against a tyrant ruler to be the best form of *jihad* (crusade).

The Prophet (PBUH) has also warned Muslims of the consequences of their silence over tyranny. Hazrat Abu Saeed Khudri reports that the Prophet (PBUH) has said, "Whosoever sees evil with his eyes he should stop it with his hand, but if this is not possible then with the word of the mouth and if even this is not possible (at least) hate it with all your heart and this is the weakest state of faith." It was the result of these teachings of the *Qur'an* and the Prophet (PBUH) that there developed such

an atmosphere during the righteous Caliphate that people never hesitated from criticising the state or the Caliph. Caliph Hazrat Abu Bakar in his first speech asked the people, "Help me if I am right, if I am in the wrong set me right." People used to remind the caliphs of their duties without any fear and condemned their wrong actions. Once Caliph Hazrat Umar called a meeting of *Shoora* to restrict the amount of dower. A woman opposed his view on the basis of the *Qur'anic* injunction. Hazrat Umar changed his opinion and accepted the views of the women and thanked her for correcting him. On another occasion Hazrat Umar mounted the pulpit and said, "Gentlemen, if I incline towards worldiness what will you do?" Aman stood up taking out his sword said, "We shall cut off your head." In order to test his courage Hazrat Umar asked him, "Do you use such words for me?" the man said, "Yes for you." Hazrat Umar replied, "Praise to be to Allah there are such men in the Nation that if I go wrong they can put to me the right." The history of the righteous Caliphate is full of such examples that show the extent to which Islam grants the right of protest against tyranny, it not only gives the right of protest against tyranny but also the right of rejection of the Arbitrary laws and orders which are against the rules provided by Islam.

Hazrat Ibn Umar reports that the Prophet (PBUH) had said: "In collective matters Muslims should listen to and to obey the orders of the responsible men, agreeable or distasteful, provided the orders are not sinful. But when they are ordered to disobey God they should not carry them out."

If there is no change in the attitude of tyrant rulers Islam enjoins upon the Muslims to remove such rulers and establish justice.

FREEDOM OF EXPRESSION

"They enjoin what is proper and forbid what is improper." Islam gives right of freedom of thought and expression to all human beings. This freedom of expression is not only granted when there is some tyranny against them but

the citizens of an Islamic State are free to have different opinions and express them regarding various issues. This freedom of opinion must be used for propagation of virtue and truth and not for spreading evil or wickedness. The Prophet (PBUH) during his life time gave the people full freedom of expression of their difference of opinion with him. He developed the temperament of the companions in such a way that they expressed their differences without any hesitation. During the Battle of Uhud when the Prophet (PBUH) asked his companions to resisit the enemy inside the town of Medina, they asked him that in which capacity he was giving his opinion. When the Prophet said that he expressed the opinion as an ordinary human being not based on Divine Guidance, the companions insisted upon their own opinion and the Prophet (PBUH) agreed to fight this battle on the grounds of Uhud in accordance with their wishes. The questioning of the companions regarding the capacity in which the Prophet (PBUH) was suggesting particular course and their insistance on their own opinion afterwards clearly signifies the mentality which the Prophet (PBUH) had inculcated among his companions.

There are several other instances which signify the freedom of thought and expression that prevailed in the ideal Islamic Society under the leadership of the Prophet (PBUH). This atmosphere of free expression of opinions without any fear continued even after the Prophet (PBUH). The Prophet (PBUH) in Hadith has warned, "The people who endorse the wrong doings of the rulers after me are not my followers." Caliph Hazratt Umar and Hazrat Abu Bakar invited the people to criticise them if they went wrong some where. People also criticised them without any hesitation. The extent to which the freedom of thought prevailed during the righteous caliphate can be well illustrated from an incident. When Hazrat Umar was on his journey to Syria he enunciated in a public gathering the reasons for dismissal of

Hazrat Khalid Bin Waleed justifying the action. A person got up and said "O Umar: By Allah, you have not acted justly. You have dismissed a person appointed by the Prophet (PBUH) of Allah; you have put back into scabbard the sword drawn by the Prophet of Allah. You have dissolved ties of relationship. You have shown envy to your cousin." Hazrat Umar said nothing more than, "You have felt indignant because of loyalty to your brother."

On one occasion a person rose again and again addressing "O Umar! fear Allah," One of those present restrained him saying that was enough. Hazrat Umar said, 'Let him say it. If these people do not say so they are of no use and if we do not listen to them we are of no use.'

Kharijites during the Caliphate of Hazrat Ali used to abuse him openly and threatened him with murder. Once Hazrat Ali was delivering a lecture in a mosque when Kharijites raised their special slogan there. Hazrat Ali said, "We will not deny the right to come to mosques to worship God, nor shall we stop to give you your share from the wealth of the state as long as you are with us (in war against unbelievers) and we shall not take military action against you as long as you do not fight with us.' The above examples clearly show that an Islamic State cannot restrict freedom of expression unless it is contrary to the basic principles of Islam. The attitude of Hazrat Ali towards Kharijites clearly shows that no one can be deprived of his rights on accounts of expression of difference of opinion with the people in power. There is no scope of denying opposition newspapers the facility of receiving Government advertisement as is done in the modern, 'civilized' staes.

FREEDOM OF CONSCIENCE AND CONVICTION

"Let there be no compulsion in religion."

Islam gives right of freedom of conscience and conviction to all human beings. Muslims can invite non-Muslims to Islam but

they cannot compel them to embrace Islam. Muslims cannot persuade anyone to accept Islam by social political pressure. The Prophet (PBUH) was asked by Almighty to convey to all the Divine Guidance. He knew the fact that he was not to compel anyone to follow Islam. The Prophet (PBUH) during the whole of his life adhered to this principle of freedom of conscience and conviction. The regard that was paid to this right can be observed by some instances from the history of the Caliphate.

Astiq was a Christian slave of Hazrat Umar whom he often persuaded to accept Islam. When he refused, Hazrat Umar could only say, "There is no compulsion in Religion." Hazrat Umar freed the slave before his death. This freedom does not only extend to religion but also to the freedom of having political and ideological differences. Islam not only forbids coercion in the matter of faith but also the use of abusive language against the dieties of religion. "Do not abuse they appeal to instad of God." This freedom not only extends to the non-Muslims but also towards the various sects amongst muslims themselves. The attitude of Hazrat Ali towards kharijities clearly supports the above observation. The freedom of conscience and conviction also includes the freedom to profess and propogate one's religion. No Islamic Government can ban propogation of any other religion on its territory. The followers of other religions are also entitled to construct their places of worship and Muslims cannot interfere with them.

For a full appreciation of the Islamic concept concept of conscience and conviction, it is necessary to comphrehend the attitude of Islam towards the followers of other religions living within the territory of an Islamic State.

STATUS OF NON-MUSLIMS IN AN ISLAMIC STATE

The rights which an Islamic State gives to its non-Muslim citizens should not be confused with the rights given to minorities in nationalist states. There is no concept of

majority and minority in the Islamic political system. Islamic State is an ideological state. It classifies its Citlzens in the light of their adherence to the ideology of the state. The people are divided into two groups: that is Muslims (who believe in the ideology of the state) and non-Muslims (who do not believe in the ideology). Since the Islamic State is an ideological stae therefore it is to be run primarily by those who believe in its ideology. The services of non-Muslims living within the territory can be utilized for this purpose but only to the extent that they do not influence the policies of the state. Islam declares that non-Muslims living within the territory of an Islamic State cannot hold the posts of the state where from they can influence the ideological structure of the state. Their specific rights are mentioned in the *Qur'an* and *Hadith* and an Islamic State is bound to confer all these right on them. The State cannot effect even the slightest curtailment of these rights.

This policy of an Islamic State is quite different from the policy that prevails in various nationalist states which formally give all rights to their minorities but practically the minorities are almost deprived of even their basic human rights. The members of the minority communities are not denied any right to shoulder any sort of responsibilities or hold any post in these states but practically the minorities are denied to hold the minor posts of the state. Even if any member of the minority community is entrusted with any key post it is only given to such a person who has fully proved credentails of his faithfulness to the majority community. Sometimes it is done only to befool the masses of the minority community in order to divert their attention from the discrimination which they face these states. One more aspect of the rights granted to minorities by nationalist states is that these rights always depend on on the sanction of the majority which always has power to curtail the rights given to minorities and even to deprive them of these

rights practically. In the words of Prof. Macartney who acted as Secretary to the Minorities Committee of the League of Nations:

"Generally speaking the fate of minorities has been one of suffering. Almost every state has committed, and every minority suffered under flagrant violations of the Minority Treaties. And these have been committed, to all intents and purposes, with impunity.

The Majority Community usually tries to engulf the minorities by removing all signs of their identity or reduce them to grade of second class citizens by oppression and discrimination.

Non-Muslim Citizens of an Islamic State

The non-Muslim citizens of an Islamic State have been divided by the Islamic Shariah into three categories:

- (a) Those who become the subjects of an Islamic State under some treaty or agreement;
- (b) Those who become to its subjects after being defeated by the Muslims in a war;
- (c) Those who are there in the Islamic State in any other way.

So far as the rights of the first group are concerned it has been laid down by the Shariah that they should be treated in accordance with agreement. The Prophet Muhammad (PBUH) is reported to have said, "Be aware! whosoever is cruel and hard on such people (i.e. contractees) or curtails their rights or burdens them with more than they can endure, or realise anything from them against their freewill, I shall myself be a complainant against him on the day of judgement."

Imam Abu Yusuf has written in his book '*Kitabul Kharaj*', "We shall take from them only what was mutually fixed at the time of peace making. All terms of the treaty shall be strictly adhered to and no addition would be permitted."

So far as the people who live in the areas which are conquered by Muslim armies, they are to belevied a sort of tax (*jazia*) and

exempted from their duty to defend their territory. Their properties and other belongings cannot be snatched from them and their places of worship cannot be demolished. *Jaziya* is only to belevied on able bodied person who can participate in a war. Non-combatants like women, children and old people cannot belevied *jazia*. The people who voluntarily want to join the Muslim armies would be allowed to do so and all those who will participate in the defence on the Islamic State are to be exempted from the payment of *Jazia*. The people who voluntarily want to join the Muslim armies would be allowed to do so and all those who will participate in the defence on the Islamic State are to be exempted from the payment of *Jazia*. Arnold, in his book '*Preaching of Islam*' says that *Jazia* tax levied on the able bodied males in lieu of Military services.

T. W. Arnold mentions in his book that even Muslims who didn't participate in the defence of the State were levied tax. He writes, "On the other hand, when the Egyptian peasants although Muslim in faith were made exempt from military service a tax was imposed up-on them as Christians in lieu thereof."

So far as the other rights of non-Muslim citizens are concerned they will have the same rights as mentioned earlier including the following special rights which Islamic Law gives to them.

- (a) They will have a right to profess and propagate their religion. They will also enjoy the same right of criticising Islam as the Muslims will have to criticise their religion.
- (b) They will be free to decide thier personal affairs in accordance with their own Personal Law. The following words of a dialogue between the Caliph Hazrat Umar II and great Muslim scholar Hassan Al Basari may be quoted here:

"How is it that the Caliphs left the *Zimmis* free in the matter of marriages regardless

of consanguinity and in the matters of drinking wine and eating pork?"

He replied: "The *Zimmis* accepted to pay *Jazia* only because they wanted to be free to live in accordance with their own personal law. You have only to follow what your predecessors did. You are not to deviate or innovate."

The above dialogue clearly shows that the non-Muslims were not only free to follow their own laws in their personal matters but also in some matters which fall within the categories of crime under the Islamic Law i.e. drinking wine is an offence under the Islamic Law.

- (c) They will have to follow Muslim Law so far as criminal and the civil laws are concerned because Muslim Law is the law of the land in these affairs. Exemption to this rule is only in case of drinking wine where the non-Muslim citizens are exempted from punishment.
- (d) *Zimmis* will have right to establish their educational institutions for imparting religious education to their younger generations.
- (e) They cannot be compelled to render compulsory military service as Muslims. Instead, their able bodied males will be levied *Jazia* as mentioned earlier.

Evidences from 'Preaching of Islam'

(1) T. W. Arnold says, "Force was not the determining factor in these conversions may be judged from the amicable relations that existed between Christian and Muslims. Muhammad (PBUH) himself entered into a treaty with several Christian tribes promising them his protection and guaranteeing them free exercise of their religion and to their clergy undisturbed enjoyment of their old right."

(2) "When the Muslim army reached the Valley of Jordan, Abu Ubaida pitched his camp. Christian inhabitants of the country wrote to Arabs saying, "O Muslims we prefer you to the

Byzantines though they are of our own faith, because you keep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs for they have robbed us of our goods and homes."

(3) "Such was the state of feeling in Syria during the campaign of 633 to 639 in which the Arabs gradually drove Roman Army out of the province. And when Damascus, in 637 set the example of making terms with Arabs, and thus secured immunity from plunder and other favourable conditions, the rest of the cities of Syria were no slow to follow. Emessa, Arethusa, Heliopolis and other towns entered into treaties, whereby they became tributary to Arabs. Even Patriarch of Jerusalem surrendered the city on similar terms. Fear of religious compulsion on the part of Heretical Emperor made the promise of Muslim toleration appear more attractive than connection with the Roman Empire, and a Christian Government."

(4) "On other hand when Egyptian peasants although Muslim in Faith were made exempt from military service a tax was imposed upon them as Christians in lieu thereof."

Texts of Some Treaties and Ordinances

(1) *Treaty of Jerusalem*. "This is the security given by servant Allah, Amirul Momineen Umar, to the people of Ailiya. This security extends to their lives, properties, churches, crosses of all their healthies and sick and of their co-religionists in such a wise way that their churches shall neither be used for dwelling nor shall they be demolished; neither these, nor their enclosures harmed, nor crosses and properties injured in any way. There shall be no compulsion on them in matter of faith nor shall they be harmed. It would be incumbent upon the inhabitants of Ailiya not only to pay the *Jazia* like non-Muslims of other cities but also to turn out the Roman thieves from among themselves. The lives and the Properties of those Romans who leaves the

city shall be safe until they reach a place of safety and there is security of those also who choose to make their domiciles in the city, and they shall have to pay *Jazia*. [Those citizens of Ailiya who want to live along with the Romans with their lives and properties are guaranteed safety of person, churches and crosses till they reach the place of safety. And whatever is written herein is under the covenant of Allah and the charge of His Apostle, of Caliph, of Muslims in general provided these people keep paying *Jazia*. Witness to this deed are: Khalid Bin Waleed, Amr Bin Al'As, Abdur Rahman Bin Auf and Muawya Bin Abi Sufyan written in 15 AH.

(2) *Extract of the Treaty on the conquest of Azarbajian*: "Their lives, properties, religious laws are safe."

(3) *Extract from the treaty made by Khalid Bin Waleed on conquest of Hira during the Caliphate of Hazrat Abu Bakar*." And I have guaranteed the right that if old person becomes incapable of working or has suffered from mishap or after having been rich has become destitute so much so that his co-religionists start giving him alms his *Jazia* will be remitted. He and his children will receive maintenance allowance from the public treasury as long as he lives in Muslim country. If he leaves it Muslims will not be responsible for the maintenance of his family."

(4) Ordinance of Hazrat Umar (farman) to army commanders in Iraq 17 AH.:

"Take services from which evermounted soldiers you feel the need and remit their *Jazia*"

Ordinance of Umar on the conquest of Syria to Obaida, the Muslim Commander;

"Forbid Muslims to tyrannise the Zimmis or harm them or exploit their properties. Fulfil faithfully all the terms reached with them."

Repetition of some instances related particularly to the observance of some basic human rights towards non-Muslims during the days of the righteous Caliphate will also help

us to comprehend the real Islamic attitude towards the non-Muslims living in an Islamic State:

(a) Protection of Life

In the days of Hazrat Ali, the fourth Caliph, a Muslim was accused of murdering a *Zimmi*. The charge being proved Hazrat Ali ordered the execution of the Muslim. The brother of the deceased submitted, however that he forgave him. But hazrat Ali was not satisfied and said that perhaps the people had threatened him. It was only when the brother of the deceased sought pardon for the murderer, persistently insisting that he had received the blood money and the deceased would not return to life by the execution of his murderer, did Ali give his consent to release the murderer and said, "Whosoever is our *Zimmi*, his blood is as sacred as our own and his property is as inviolable as our property."

(b) Protection of Property

A Syrian Cultivator complained that the army had trampled down his crops. Hazrat Umar ordered the payment of 10,000 (ten thousand) *Dirhams* to him as compensation out of the public treasury.

(c) Freedom of Conscience and Conviction

Astiq was a Christian slave of Hazrat Umar whom he often persuaded to accept Islam, when he refused Hazrat Umar could only say, "there is no compulsion in religion."

(d) Right to Basic Necessities and Old Age Pension

Once Hazrat Umar saw an old man begging. He asked why did he do so. He replied, "*Jazia* has been imposed on me and I am unable to pay it." Hazrat Umar brought him to his house and giving some cash, sent word to the treasury officer that such old people who could not earn their living should be granted stipends from the public Treasury. On this occasion Hazrat Umar said, "By Allah, it is not just that we derive benefit from men while they are young and drive them out when they are old."

(e) Regard of Honour of Non-Muslims

Once Umair Bin Saad who was Governor of Hims thought that he had none as equal in piety and sanctity amongst officers of the realm, spoke thus to a *Zimmi*, "May Allah bring you to disgrace." After uttering these words he felt so ashamed that he straight away went to Caliph Hazrat Umar and resigned his post saying, "It was because of this high office that these words could escape my lips."

(f) Equality before Law

In the battle of Siffin Hazrat Ali lost his armour. Aftersome days he noticed a Christian wearing on that armour. He referred the case to Qazi Shuraih and appeared before him along with the Christain who said that the armour was his own and argued that his possession was proof of his ownership. Hazrat Ali could not produce any witness to support is claim. Quazi Shuraih had some hesitation in announcing his judgement. The Caliph exhorted him to have no regard for his high office. The judgement went against him and he accepted it cheerfully.

(g) Consultation with Zimmis in Administrative Matters

When settlement of Iraq was to be effected Hazrat Umar called some landlords to Median and planned it in accordance with their advice. Similarly Cyrus, (Governeor in the Roman days) acted as his advisor in connection with the settlement matters of Egypt.

FREEDOM OF ASSOCIATION

"Let there arise out of you a band of people inviting to all that is good, enjoining what is right and forbidding what is wrong. They are ones to attain felicity. Be not like those who are divided amongst themselves and fall into disputation after receiving clear signs, for them is dreadful penalty."

Islam has given the people the right to freedom of association and formation of parties or organisations. As is clear from the above

verses of the *Qur'an*, this right is not an absolute right but it is subject to certain general limitations. It should be exercised for propagation of virtue and righteousness and should be never used for spreading evil and mischief. The people are free to organise meetings. An Islamic State cannot restrict this unless such an organisation indulges in actual violence. The extent to which this right was regarded during the early days can be assessed from the following example:

During the Caliphate of Hazrat Ali there was a group of Muslims known as Kharijites. They used to abuse the Caliph openly and threatened to murder him. Whenever they were arrested for these offences Hazrat Ali would set them free and tell his officers; "As long as they do not actually perpetrate offences against the state the mere use of abusive language or the threat of the use of force are not such offences for which they can be imprisoned." The freedom which Caliph Hazrat Ali gave to the opposition has no parallel in human history. He didn't arrest even those who threatned him with murder nor did he imprison them ever.

FREEDOM OF MOVEMENT

"And when We made with you covenant (saying): shed not blood of your people nor turn a party of people out of your dwellings then yeratified (Our covenant) and ye were witnesses (there to) yet ye it is who stay each other and drive out a party of your people from their homes."

Islam gives the right of freedom of movement to every human being. The Islamic State cannot restrict any of its subjects from residing in any perticular part of the state. Similarly, none can be restricted from going outside the state under the ordinary circumstances. The *Qur'an*, while mentioning the sins of the Jewish sooty discloses that they used to throw people out of their houses. Islamic state only exiles people who are defaulters of the law. Hazrat Ali, during his

Caliphate told the Kharijites who were opposing his Caliphate that they could reside anywhere in the Islamic State. No action would be taken against them unless they indulged in actual violence.

EQUALITY BEFORE LAW

“O mankind be careful for your duty to Lord who created you from a single being and from the same created your mate, and from these two caused to spread countless men and women, and be careful of your duty to Allah in whose name you demand your mutual rights and be mindful of your ties of kinship. For God is ever watchful over you.”

Islam stresses the equality of mankind as God, the common Creator created man from a common source before whom all men owe allegiance and obedience. The question of superiority in respect of the origin of man is stressed time and again. Islam concedes no privilege on account of birth, nationality or any artificial barriers set up by man himself. Nobility lies in righteousness alone. “O mankind! We created you from a single pair male and female and We have made you into tribes and nations that you may recognise each other. Verily the most noble among you in the sight of God is he Who is most righteous among you. Surely Allah is all knowing, all aware.”

Islam regards all human beings to be equal and descendants of common ancestors. The Prophet Muhammad (PBUH) has declared in his speech on his farewell Hajj;

“No Arab has any superiority over a non-Arab does a non-Arab have any superiority over an Arab. Nor does a white man any superiority over a black man, or the black man any superiority on the white man. You are all children of Adam and Adam was created from Clay.”

Islam destroys the very roots of discrimination on the basis of caste, creed, colour or region. The Prophet (PBUH) not only verbally upheld this right of equality but paid

due regard to it during his life time. Once, a Woman belonging to a noble family of Medina was arrested in connection with a theft. The case was brought before the Prophet (PBUH) and it was requested that she might be spared. The Prophet (PBUH) replied, “The nations that lived before you were destroyed by God because they punished the common men their offences but let their dignitaries go unpunished for their crimes. I swear by Him (God) Who holds my life in His hand that even if Fatima the daughter of Muhammad (PBUH) had committed this crime then would have amputated her hand.”

The Prophet (PBUH) has been reported to have said:

Give equitable punishment to the remote and near and have no fear of reproach of people in enforcement of his limits set up by God.”

All the righteous Caliphs acted upon these injunctions of the *Qur'an* and *Sunnah* during their Caliphate. The extent to which they paid regard to this right of human beings can well be observed from various instances of the history of the righteous Caliphate. In an epistle to Abu Musa Ash'ari the Governor of Kufa, Hazrat Umar writes, “After adoration of God, justice is a great obligation. Deal equally with people in your assemblies and courts of justice so that the weak may not despair of justice and the rich and the elite may not expect favours.”

Once Hazrat Umar called all high officials during Hajj and announced publicly that if anyone had complaint against anyone of them, he should come out with it. Amr Bin Al-As, Governor of Egypt, and many other officials were present. A person alleged that a particular officer had beaten him a hundred stripes without justification. Hazrat Umar told him to rise and avenge himself. Amr protested, “O Commander of the Faithful, this would make all officials lose heart.” Hazrat Umar replied, “Nevertheless this would be done.” Saying this he again turned

toward the complainant and said, "Go ahead." At last Amr persuaded the complaint to forgo his claim in lieu of 200 *dinars*.

Righteous Caliphs did not only maintain these standards of equality among their subjects and officers but themselves adhered to these standards. Once there was a dispute between Caliph Hazrat Umar and Ubbay Bin Kab. Ubbay lodged a suit in the court of Zaid bin Thabit. Hazrat Umar appeared as defendant Zaid accorded him honour. Hazrat Umar commenting upon him said that this was his first violation of justice. Saying this he sat by Ubbay. Ubbay had no proof he desired to make Hazrat Umar swear in accordance with prescribed practice. Zaid, out of respect requested Ubbay to spare Umar from this formality. Hazrat Umar was very much displeased at this partiality and addressing Zaid said, "So long as an ordinary man and Umar are not equal in your eyes, you cannot be considered fit to be judge."

Islam not only recognises this right of equality among men but also between men and women. The Qur'an says, "And for women are rights over men similar to those for men over women." A question may be posed here that why does Islam recognise only half the share of men for women from their ancestral property. This question may be answered in the words of Iqbal as, "The share of daughter is determined not by any inferiority inherent in her but in view of her economic opportunities and the place she occupies in the social structure of which she is a part and parcel.... while the daughter according to Mohammedan Law is left to be full owner of the property given to her both by father and husband at the time of her marriage; while further she absolutely owns her dower money which may be prompt or deferred according to her choice and in lieu of which she can hold possession of the whole of her husband's property till payment, the responsibility of maintaining her throughout her

life is wholly thrown on the husband. If you judge the working of the rule of inheritance from this point of view you will find that there is no material difference between the economic possession of sons and daughters, and it is really by this apparent inequality of their legal shares the law secures the equality."

The right of equality before law and equal protection of law extends to all human beings without any regard to their faith. There can be no discrimination towards the people of any faith so far as the appointment to the various services in an Islamic State is concerned. During the righteous Caliphate non-Muslims were never denied this right. Some non-Muslims were holding very high posts e.g. Advisors to the Caliph. When the settlement of Iraq was to be affected Hazrat Umar called the Persian landlords to Medina and the settlement policy was made in accordance with their advice. Hazrat Umar also used to seek the advice of Cyrus (the Governor in the Roman days) in connection with settlement matters in Egypt. So far as the protection of law without any discrimination is concerned the instance of payment of compensation to non-Muslim Syrian cultivator whose crops had been trampled down by the Muslim army by Hazrat Umar is sufficient proof of justice and fair play of that era.

RIGHT TO JUSTICE

".. And I am commanded to be just among you."

This is a very important right which Islam has given to man as a human being. Actually Islam had come to this world to establish justice as the Qur'an says, "We verily sent our Messengers with clear proofs, and revealed with them the Scripture and the Balance, that the mankind may observe right measure; and revealed Iron, wherein is mighty power and (many) uses for mankind....."

Muslims are enjoined to establish justice even if their own interests are in danger.

"O ye who beleive! Be a staunch in justice, witness for Allah, even though it be against yourselves or (your) parents or (your) kindred, whether (the case be of) a rich man or poor man, for Allah is nearer unto both (than ye are). So follow not passion lest ye lapse (from truth) and if ye lapse or fall away, then Lo! Allah is ever informed of what ye do."

Hazrat Ubada Bin Samit reports that the Prophet (PBUH) had said, "Give equitable punishment to the remote and the near and have no fear of the reproach of people in enforcement of the limits set up by God."

These dictates of the *Qur'an* and *Hadith* were observed throughout the righteous Caliphate. It was the observance of these dictates that a well established judicial system evolved in an Islamic society. In the early days of the Caliphate there was no separation of judiciary from the executive. But, as soon as the Caliphate was fully established Caliph Hazrat Umar separated the judiciary altogether from other institutions and established courts of justice in every district. Free justice was available to each and every one. In Islam as justice was not sold and nothing in the form of court fees was charged from the people who sought justice. The Caliphs prosecuted their Governors on complaint from commoners. Once Hazrat Umar held a large gathering and addressed the audience thus: "Gentlemen, the officers are appointed not to molest you or seize your properties. They are appointed to teach you the way of the Prophet (PBUH). Therefore, if any officer has acted otherwise, let me know so that he should be compelled to make it good." Amr Bin Al-A'as, the governor of Egypt, rose up and said "Would you punish an officer who beats a person for enforcement of discipline." Hazrat Umar replied, "Yes, I swear by Him Who holds my life in His hand that I will certainly punish him for I myself saw the Prophet (PBUH) punishing such officers. Take warning! Do not deprive them of their rights lest they be compelled to do wrong."

There is no scope of lawyers being paid (by clients) in an Islamic set-up the lawyers are to be paid by the Government. Their work is only to give free legal opinion to the people. [This institution was known as *IFTA*. Only competent *MUFTIS* were entitled to give legal opinions.

This institution of *IFTA* has no parallel in any judicial system of the world. This system continued in the Muslim society even after the pious Caliphate and prevailed even in the sub-continent just before the advent of English rule.

In an Islamic state there was no scope of English doctrine, "King can do no wrong," as the Caliph was himself a subject of the real king, i.e. Almighty Allah. "Say: I seek refuge in the Lord of mankind, the king of mankind, the God of mankind."

This fact was mentioned by Muslim commander Hazrat Khalid Bin Waleed while addressing Romans who regarded their emperor as the king of kings:

"Your king might be like that but the person whom we have made our chief shall be deposed immediately if he thinks of kingship even for a moment."

The Caliph enjoyed to immunity from the law as is enjoyed by the rulers of modern democratic states.

RIGHT TO THE BASIC NECESSITIES OF LIFE

"And in their wealth and possession (was rembered) the right of the (needy) who asked and him who was prevented (from asking)."

Islam has sanctioned the right of every human being to the basic necessities of life. The *Qur'an* has clearly laid down that in the property of those who have it is a right of those who do not have anything. It is the duty of Muslims individually and that of their collective institutions including the state to help those who are deprived of their basic necessities of life. For this purpose, Islam encourages Muslims to help the poor besides making them to pay a part of their savings as *Zakat*. The

Qur'an enjoins upon Muslims that the property within their custody is the property of God which they hold as trustees. It is their duty to spend it in the way, its real owner wants it to be spend. An Islamic State is bound to help and support those who have none to support.

Hazrat Abu Huraira reports that when the funeral of any man who died indebted was brought to the Prophet(PBUH) for funeral prayer he used to enquire whether the deceased had left any property to meet his liabilities and if the answer was in the affirmative he led the funeral prayer, otherwise asked others to do it. But later when there were victories on all sides the Prophet(PBUH) said in one of his sermons: "I am closer to the Muslims than their own selves and so if Muslim dies indebted it is my responsibility to pay his debt, while the property which he may have felt will go to his heirs. "

A treaty made by Muslim Commander Hazrat Khalid Bin Waleed during the Caliphate of Hazrat Abu Bakar on the conquest of Hira contains the following words:

"And I have granted the right that if an old person becomes incapable of working or had suffered from a mishap or after having been rich has become a destitute so much so that his co-religionists start giving him alms, his Jazia will be remitted; he and his children will receive allowance of maintaince, from the public treasury as long as he lives in the Muslim country. If he leaves it, the Muslims will not be responsible for the maintenance of his family."

The incident of old jew has already been narrated in this context. Hazrat Umar while communicating the news of victory of Qadisa adressed an audiance Saying, 'I remain anxious to see that the basic necessities of the needy are furnished. I will continue to do so until our resources get exhausted. Then I will seek your co-operation and see that the needs of all are fulfilled I am not a king here to enslave you, but have been entrusted with the responsibility to serve you.

The above two instances clearly show that each and everyone who is unable to earn his basic necessities is entitled to them without any discrimination on the basis of caste, creed or religion. The Islamic State is bound to support those who have none to support them Al-Mawardi (99a-1031) in his work *Al_Ahkamus-Sultaniyah* regards it to be one of the fundamental duties of an Islamic Government to Guarantee the livelihood of the people and to distribute alms and charity among the deserving people. In the words of the Prophet(PBUH), "The Government is the guardian of everyone who has no guardian."

RIGHT TO EDUCATION

"Behold what is in the heavens and the earth."

Islam sanctions the right of every human being to educate himself. The Prophet (PBUH) enjoined upon every Muslim to seek knowledge. It is the duty of every Muslim male and female. Hazrat Saeed Ibnul A'as says that of all that the father can give to his children the best is the good education and training."

Islam thus goes one step further than the International Declaration of Human rights which only negates any denial of the right to education. Similarly, Islam by making obligatory on every Muslim to seek education negates the simple recommendatory nature of this right prescribed in the International Covenants and Universal Declaration of Human rights. The Islamic State can enforce this obligation mentioned by the *Ahadith* reported above through its administrative machinery. Non-Muslim citizens of an Islamic State will have the right to make arrangements for imparting knowledge of their own religion to their children in their own schools and colleges. ■

The Quran And Its Wisdom

- Hammudah Abdalati

The Qur'an is the greatest gift of God to humanity and its wisdom is of a unique kind. Briefly stated, the purpose of the Book is to guard the previous revelations and restore the eternal truth of God, to guide humanity to the Straight Path and quicken the soul of man, to awaken the human conscience and enlighten the human mind.

The Qur'an is the Word of God revealed to Muhammad through the Holy Spirit Gabriel, and it is beyond human imagination to produce anything like it. Muhammad's contemporaries were, by acclamation, the greatest masters of the Arabic language with most compelling motives to produce a rival text. But they could not produce anything like the Qur'an in content or style. Muhammad had no formal schooling and he made no secret of it. It is his greatest credit that he was an illiterate man rising from among illiterate people to teach the whole of mankind, literate and illiterate alike, the true message of God. This is the first fact about the Qur'an being the Word of God.

The second fact about this unique Book is the unquestionable authenticity of its contents and order, a quality which no other book of any kind has ever enjoyed or is likely to enjoy. The authenticity of the Qur'an leaves no doubt as to the purity, originality, and totality of its text. Serious scholars, Muslims and non-Muslims alike, have concluded, beyond doubt, that the Qur'an we use today is the very same Book which Muhammad received, taught, lived by, and bequeathed to humanity almost

fourteen centuries ago. Some observations may illustrate this unexemplified authenticity of the Qur'an: 1. The Qur'an was revealed in portions and piecemeal, but it was never without some form of order and arrangement. The name of the Qur'an indicates that it was a Book from the very beginning (Qur'an, 2:2; 41 :41-42). The arrangements of the Qur'an and the gradual revelation of its passages were the plans and will of God, a will by which Muhammad and his Companions abided (25:32; cf. 75: 17).

2. The Arabs were distinguished by their extremely refined literary taste that enabled them to enjoy and appreciate the good pieces of literature. The Qur'an, by acclamation, was to their taste the most outstanding masterpiece of literature. They were moved by its touching tone and attracted to its extraordinary beauty. They found in it the greatest satisfaction and the deepest joy, and they embarked on a course of recitation and memorization of the Book. It was, and still is, admired, quoted and cherished by all Muslims and many non-Muslims.

3. It is incumbent upon every Muslim, man and woman, to recite a portion of the Qur'an every day in prayer and during the night vigilance. Recitation of the Qur'an is to the Muslims a high form of worship and a daily practice.

4. The Arabs were generally illiterate people and had to rely completely on their memories to preserve the poems and passages they liked most. They were

distinguished for their sharp memories in which they stored their literary legacy. The Qur'an was acknowledged by all people of literary taste to be inimitable. So they hastened to commit it to their memories but only in the most remarkable and respectful manner.

5. During the lifetime of Muhammad, there were expert scribes and appointed recorders of the Revelations. Whenever he received a verse or a passage, he immediately instructed his scribes to record it under his supervision. Whatever they recorded was checked and authenticated by the Prophet himself. Every word was reviewed and every passage was put in its right order.

6. By the time Revelations were completed, the Muslims were in possession of many complete records of the Qur'an. They were recited, memorized, studied and used for all daily purposes. Whenever a difference arose, the matter was referred to the Prophet himself to settle the issue, whether it was connected with the text or the meaning or the intonation.

7. After the death of Muhammad, the Qur'an was already committed to many Muslim memories and numerous recording tables. But even that did not satisfy Abu Baker, the First Calif, who was afraid that the death of large numbers of memorizers in battles might lead to serious confusion about the Qur'an. So he consulted the leading authorities and then entrusted Zayd Ibn Thabit, Muhammad's Chief Scribe of Revelations, to compile a standard and complete copy of the Book in the same order as authorized by Muhammad himself. He did that under the supervision of the Companions of the Prophet and with their

help. The final and complete version was checked and approved by all Muslims who heard the Qur'an from Muhammad and committed it to their memories and hearts. This was done less than two years after Muhammad's death. Revelations were still fresh and alive in the minds of scribes, memorizers and other Muslim Companions of the Prophet.

8. During the Califate of 'Uthman, about fifteen years after Muhammad, the compiled copies of the Qur'an were distributed widely in the new territories which came into contact with Islam. Most of the inhabitants did not see Muhammad or hear him. Due to regional and geographical factors, they were reading the Qur'an with slightly different accents. Differences in recitation and intonation began to arise and cause disputes among Muslims. 'Uthman acted swiftly to meet the situation. After mutual consultation with all the leading authorities, he formed a committee of four men made up of the former scribes of Revelations. All the copies in use were collected and replaced by One Standard Copy which was to be used according to the accent and dialect of Quraysh, the very same dialect and accent of Muhammad himself. That dialect was adopted and standardized because it was the best of all dialects and the one in which the Qur'an was revealed. Thus, the Qur'an was again restricted to the accent and dialect of the man who received it. And from that time onwards, the same standardized version has been in use without the slightest change in words or order or even punctuation marks.

From these observations, scholars have concluded that the Qur'an stands today as it first came down, and as it always

will be. To it there has never been any addition; from it there was no omission; and in it there occurred no corruption. Its history is as clear as daylight; its authenticity is unquestionable; and its complete preservation is beyond doubt.

The Qur'an is full of unexemplified wisdom with regard to its source, its characteristics and its dimensions. The wisdom of the Qur'an derives from the wisdom of the author who could not have been any other than God Himself. It also derives from the compelling power of the Book which is inimitable and which is a challenge to all men of letters and knowledge. The realistic approach of the Qur'an, the practical solutions it offers to human problems and the noble objectives it sets for man mark the Qur'anic wisdom as being of a special nature and characteristics.

Dynamism

One of the major characteristics of the Qur'anic wisdom is that it is not the static or dry type. It is a kind of dynamic wisdom that provokes the mind and quickens the heart. In this wisdom there is stirring dynamism and there is moving force attested by historical evidence as well as by the Qur'an itself. When Muhammad first launched the Call of God, his only power was the Qur'an and his only wisdom was the Qur'anic wisdom. The penetrating dynamism of the Qur'an is tremendous and irresistible.

There are numerous examples to show that the most dynamic personalities and the most conclusive arguments could not reach the realm of the dynamic wisdom of the Qur'an. God speaks of the Qur'an as a Rooh or spirit and life, and as a light

wherewith the servants of God are guided to the Straight Path (42:52). Again, He says: Had We sent down this Qur'an on a mountain, verily you would have seen it humble itself and cleave asunder for fear of God. Such are the similarities which We propound to men, that they may reflect (59:21). The keywords here are Rooh and Sad', which mean that the Qur'an originates life, quickens the soul, radiates the guiding light and moves the seemingly immobile objects. This is the kind of spiritual dynamism of which the Qur'an speaks.

Practicability

Another significant characteristic of the Qur'an is its practicability. It does not indulge in wishful thinking. Nor do its teachings demand the impossible or float on rosy streams of unattainable ideals. The Qur'an accepts man for what he is and exhorts him to become what he can be. It does not brand man as a helpless or hopeless creature, condemned from birth to death, and drowned in sin from womb to tomb, but it portrays him as a noble, honorable and dignified being.

The practicability of the Qur'anic teachings is established by the examples of Muhammad and Muslims throughout the ages. The distinctive approach of the Qur'an is that its instructions are aimed at the general welfare of man and are based on the possibilities within his reach.

Moderation

A third characteristic is moderation or harmony between the Divine and the human, the spiritual and the material, the individual and the collective, and so on. The Qur'an pays due attention to all facts of life and all needs of man, and deals with them in such a way as to help man to realize

the noble objectives of his being. For this approach of moderation, the Qur'an calls the Muslims a Middle Nation (2: 143), and with this "middleness" they are called the best people ever evolved for mankind; as they enjoin the right, combat the wrong and believe in God (3: 110).

The Qur'anic wisdom functions in three principal dimensions: inwardly, outwardly, and upwardly. Inwardly, it penetrates into the innermost recesses of the heart and reaches the farthest depths of the mind. It is aimed at the healthy cultivation of the individual from within. This inward penetration is different from and far deeper than that of any other legal or ethical system, because the Qur'an speaks in God's name and refers all matters to Him.

The outward function of the Qur'an embraces all walks of life and covers the principles of the entire field of human affairs from the most personal matters to the complex international relations. The Qur'an reaches areas unknown to any secular system of law or code of ethics and inaccessible to any popular doctrine of religion. What is remarkable about the Qur'an in this respect is that it deals with human transactions in such a way as to give them a Divine flavor and a moral touch. It makes the presence of God felt in every transaction and acknowledges Him as the first source of guidance and the ultimate goal of all transactions. It is man's spiritual guide, his system of law, his code of ethics, and, above all, his way of life.

In its upward function the Qur'an focuses on the One Supreme God. Everything that was, or that is, or that will be, must be channeled into and seen through this focus, the active presence of

God in the universe. Man is merely a trustee in the vast domain of God, and the sole purpose of his creation is to worship God. This is no pretext for seclusion or passive retirement from life. It is an open invitation to man to be the true embodiment on earth of the excellent qualities of God. When the Qur'an in its upward attention focuses on God, it opens before man new horizons of thought, guides him to unexemplified standards of high morality, and acquaints him with the eternal source of peace and goodness. Realizing God alone as the ultimate goal of man is a revolution against the popular trends in human thought and religious doctrines, a revolution whose objective is to free the mind from doubt, liberate the soul from sin and emancipate the conscience from subjugation.

In all its dimensions the Qur'anic wisdom is conclusive. It neither condemns nor tortures the flesh nor does it neglect the soul. It does not "humanize" God nor does it deify man. Everything is carefully placed where it belongs in the total scheme of creation. There is a proportionate relationship between deeds and rewards, between means and ends. The Qur'anic wisdom is not neutral. It is demanding and its demands are joyfully welcomed by all those blessed with appreciation and understanding.

The wisdom of the Qur'an calls for truth in thought and piety in action, for unity in purpose and goodwill in intent. That is the Book; in it is guidance sure, without doubt. . . (2:2). This is a Book which We have revealed unto you, in order that you might lead mankind out of the depths of darkness into light. . . (14:2) ■

Secularism, Communal Harmony And National Integration

- Shamsuddin Mallick*

These three inter-related principles are, undoubtedly, three inevitable pillars upon which a country relies with stability; it can flourish, develop; It's inhabitants can get prosperity, achieve their great goal of lives, can breath the calm and tranquilised airs in their lives: Interestingly, methinks "Secularism" can ensure the communal harmony as well as these two, culminate national integration.

Secularism, undoubtedly an intellectual baby of Western renaissance. From a broad historical perspective, the modern secular ideal and concept originated in the west and crystallized by three major social changes of the modern age—Religious reformation, Industrial revolution and the democratic transition.

To define the secularism let Mahatma Gandhi say that Hindustan belongs to all those who are born and bred here and who have no other country to look to. Therefore, it belongs to Parsis Bani Israel, to Indian Christians, Muslims and other non Hindu as much as to Hindus. Free India will be no Hindu-Raj. It will be India-Raj based not on the majority of any religious sect or community but on the

representative of the whole people without distinction of religion. I can conceive of a mixed majority putting the Hindus in a minority. They would be elected for their record of service and merits. Religion is a personal matter, which should have no place in politics".

(M.K. Gandhi; 1947 pp. 277-278).

He further, illustrates that "I do not expect the India of my dreams to develop one religion, that is to be wholly Hindu or wholly Christian or wholly Musلمان, but I want it to be wholly tolerant, with its religions, working side by side with one another" (M.K. Gandhi 1947 p. 247).

To crystallize the real importance or meaning of secularism, I could not help quoting the declaration of Pandit Jawaharlal Nehru. He said -"We call our state a secular one. The word "Secular" is not a very happy one. And yet for want of a better word we have used it. What exactly does it mean? It does not obviously mean a state where religion is discouraged. It means freedom of religion and conscience, including freedom for those who have no religion. Subject only to their not interfering with each other or with the basic conceptions of our state. The word secular, however, conveys something much more to me,

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although that might not be its dictionary meaning. It conveys the idea of social and political equality. Thus, a caste-ridden society is not properly secular.....

(Jawaharlal Nehru, 1963, p. 327).

So, this is the precious gems "the secularism" to build our nation; to boost our great India to be the greatest one. In spite of the diversified panorama of multi-colours, multi-languages and multi-religions we are one, the Indians, "Hindu, Muslim, Sikh, Isai, Aapas me Sab Bhai Bhai". It is our proud that we have a profound and broad toleration, to embrace every colours and castes, to respect every feeling of our neighbours, our brothers and sisters of India. Like a harmony, a musical instrument what generates a numerous tunes, various sweet songs-our mutual and communal harmony will be knitted with a single and one thread. And thus we will be able to keep our India, integrated.

According to some socialist philosophers, like Edward Appathurai, M.L Hunda and Milton Isreal there are several inevitable values, that any country like India should possess to hold the national integration and communal harmony for goods, such as:

- (1) Social justice.
- (2) Equality.
- (3) Honest and Earnest policies for all.
- (4) A broad Educational System

- (5) Eradication of poverty
- (6) Abolishing the caste system etc.

With these kinds of bonds we can integrate Assam and Kashmir with India, we can mitigate pains and agonies of Jangal Mahal and we can solve other international problems. We will be able to see a peaceful dreamland-our mother land-our greatest India.

National Integration without social justice is impossible rather, an unstable reality. In the absence of social justice, in any part of the Nation or Country, there would generate many kinds of unrests and turmoil.

Alike this, equality in terms of castes, tribes; in respect of languages or any region of the country is very essential aspect. Avoid of this value may destroy the backbone of the national unity. Such is the cases in terms of the rest mentioned values-honest and earnest policies for all, eradication of poverty and abolishing the caste-system from Indian sociology.

The forth item-a broad educational system through the country, without any discrimination to any community or any religious minority, can improve the social conscience, make them understood about the worst consequence of disintegration of the country as well as the country-views of good result or the beneficial aspect of the National integration. ■

Teacher's day

-Obaidur Rahman Nadwi

Teacher's Day is observed on September 5, every year. In Hindi, a teacher is called "gu-ru", "Gu" means darkness and "ru" means light. So, a teacher is one who leads to light from darkness.

Guru-Shishu' relationship is like that of parents and their children. Like a father who loves his sons and daughters, in the same way teacher should love his pupils. Accordingly a great responsibility lies on the teachers. To a great extent future of students depends on their preceptors and instructors.

It is teacher who creates inclination and avidity amongst students and provides them an incentive for performing good deeds and baffles them from devilish acts. "In every religion teacher is put at high pedestal. So is in Islam. It gives much importance to them. The prophet Muhammad (PBUH) said : "I have been sent as a teacher. He further said : "I have been sent to complete good manners."

In the words of Saint Kabir "If the entire land surface of the world were turned into pens, they would not suffice to describe the greatness of a true Guru."

It is unfortunate that today this noble profession has lost its glory. Teachers have almost lost their honour and dignity by involving themselves in unholy and obnoxious activities. Due to some felonious and callous incidents of theirs,

people have lost faith in "Guru-Shishu" relationship."

We may recall the recent incident of 16 year old girl who was raped by the principal and his colleague of a Govt. School in Delhi. Such incidents have been a permanent feature in our daily newspapers. Besides umpteen cases of their inhuman punishment are also quite common.

According to a newspaper reports, Brijesh Prajapati, a class VI student in kakaraiya primary School, Farrukhabad, UP, was found chatting in the class. It incensed his teacher so much that he beat him to death. Arpit Kavadia, a class XII student in Udaipur died after his teacher hit him repeatedly as Arpit's legs were dangling out side his school desk. This has offended the teacher. Prasad Naskar, a class VII student of a higher secondary school in Baruipur was brutally beaten by his headmaster for not turning up in school uniform. The headmaster left the boy in an unconscious state.

No doubt, on account of moral debasements and lack of proper training, such heinous crimes and hair raising incident have become the order of the day. It is time teachers must cultivate good qualities and sublime norms and set themselves as a true guru only then celebration of "Teacher's Day" will be meaningful and appropriate. ■

Mohammad Ali A Forgotten Patriot

- Saleem Kidwai

We, Indians, are quite magnanimous in paying tributes to departed souls. Public meetings are organised quite often to commemorate martyrs of freedom. The careers and contributions of leading freedom fighters are highlighted frequently through mass media and books. Proposals are made to set-up memorials in various corners of the country. Handsome tributes are paid even to second rank leaders. But alas! no one pays any tribute or even remembers Maulana Mohammad Ali Jauhar, whose contribution to the freedom struggle was second only to no one else's. At the public meetings, no one recalls the unique and historic role played by the great leader in the freedom movement. In the ever-increasing literature on national struggle, one rarely comes across the name of Mohammad Ali. There has been an unfortunate tendency to completely ignore the great and unforgettable contribution of this illustrious son of India.

Raisul-Ahrar Maulana Mohammad Ali Jauhar (1878-1931) was indeed among the very few known for fearless and selfless leadership and devotion to the cause of freedom. The name of Mohd. Ali, when he lived, had the power to rally round it forty crores of people in the undivided sub-continent. It was a name which was adored by the high and the low alike and was hailed by great leaders, writers, journalists and critics at a time of great crisis. He was the first political leader of

India who was tried for sedition and who openly planned to make the Britons quit India. It was he who transformed the complacent group of the Congressites into a thundering organisation and made the Indian National Congress a forum for a united Hindustani nation. It was he who shook the Muslims and inspired them with the passion for freedom. It was he who raised Gandhi to the position of a Mahatma and got him accepted as the spirit behind Hindu-Muslim unity. It was he who made Jawaharlal Nehru secretary of the All India Congress Committee during his Presidentship. It was he who had the proud distinction of presiding over the sessions of the Indian National Congress, the Muslim League and the Khilafat Conference.

God-fearing

Mohammad Ali was born on 12 December, 1878 in a respectable and cultured Muslim family at Rampur and died on January 3, 1931, in London. Mohammad Ali was not born with a silver spoon in his mouth. His father Abdul Ali Khan expired when Mohammad Ali was a mere infant. His elder brothers were in the preliminary stages of education. The entire responsibility of bringing him up devolved upon the young widow. Mohammad Ali's mother (popularly known as '*Bi Amman*') rose to the occasion and with all her motherly love and care, she inspired her son with a spirit of truthfulness, honesty and devotion to God. Mohammad Ali's life,

from cradle to grave, demonstrates what a profound and lasting impact the religious instruction and training received at the mother's lap can produce in young minds. That is why throughout his life Mohammad Ali continued to fear God. And because he feared God Almighty above, he feared none down below.

Mohammad Ali's mother was deeply religious, she was also farsighted and enlightened. She sent her son first to Bareilly and then to Aligarh for studies, though orthodox Muslims were deadly against English education in those days. She was perhaps the first Muslim woman in the town who sent her boy for education in English. For her it meant strong opposition from the uncle of the boy; for the boy it meant the none-too-welcome title of an "infidel"

Brilliant debator

At M.A.O. College, Aligarh, under the brotherly supervision and patronage of his elder brother, Shaukat Ali, Mohammad Ali took keen interest in extracurricular activities. Soon, he made himself quite popular and distinguished himself as a brilliant debator, poet and writer. He was still attached to activities other than academic as has been described by Sir Mohammad Yakub, one of his friends. "Rarely the text books had been seen in the hands of Mohammad Ali but generous nature had blessed him with a brilliant brain and intelligence." Another schoolmate Syed Sajjad Haider, recollecting his student days, said:

"When I joined the 9th standard in M. A. O. Collegiate School at Aligarh,

Shaukat Ali Khan had his younger brother Mohammad Ali with him. The boy was intelligent in the classroom, but outside became quarrelsome in a good natured manner and was reputed to be a regular all-rounder. Mohammad Ali in his limited world was a dominant figure among the students of his own age.... He was prominent for his English. We both after passing the entrance examination joined college, and this was the place from where Mohammad Ali got the qualities of independent thinking and working. He generally used to differ with the professors and spoke in the union on topics which irritated them. His speeches were forceful, the language plain and very impressive for a young man of his age." In short, as a student in the active Aligarh of those days Mohammad Ali was fully alert and alive and participated in every sphere of college life."

In the classroom he was intelligent and brilliant. In the students union he was the best speaker and a forceful debator, a promising writer and a poet of standing. He gave full expression to his radical views in the college debates much to the embarrassment of the European staff of his almamater as well as the British Government. He came to be known as a revolutionary. He was also a well-known figure in the cricket and football teams in the college. With such a bright career Mohammad Ali appeared for graduation. He obtained his B.A. degree at the age of 18, topping the list of successful candidates in the Allahabad University (which in those days examined the alumni of all UP Colleges) and, thus brought credit and fame not only to himself but to

his alma mater.

At Oxford

After this grand success Mohammad Ali went to England for higher studies and joined Oxford. At Oxford, he took an Honours Degree in Modern History. At the behest of his "Big Brother" Mohammad Ali had also attempted to enter the much-coveted Indian Civil Service. However, providence had earmarked him for a nobler task than to be merely a member of the I.C.S. The result was that he could not pass it. During the course of his stay at Oxford, Mohammad Ali preferred to devote most of his time in going through the pages of history and literature and with the patriotic spirit which he imbibed at Aligarh, endeavoured to acquire more of such knowledge as would prepare him for his destined life. His failure at the I.C.S. examination was, however, going to be the precursor of a career of Mohammad Ali which would enable him to leave indelible marks of his greatness on the sands of time. After four years in England Mohammad returned back to India in 1902.

On return to India, Mohammad Ali, in his quest for work turned first of all to his first love, Aligarh. He offered his services as a professor to his college. His application was strongly opposed by the principal, Sir Theodore Morrison, who though recognizing Mohammad Ali's abilities and qualifications, did not consider it safe to have a man of his independent character and spirit on the staff of the college. However, there was no scarcity of Government jobs for the Aligarhians and there could have been none particularly

for a brilliant youth of Mohammad Ali's calibre. The Rampur state authorities lost no time in inviting him to serve his fatherland. He was appointed chief educational officer. But he had to leave the service because of palace intrigues within a year. Then he joined the Baroda State. For about seven years he served that state as opium officer and as commissioner of Navsari with a devotion and distinction which won him the confidence of the ruler of Baroda State.

Fish out of water

With his abilities as a thinker and writer and his dreams of service to his people, Mohammad Ali found himself like a fish out of water in a princely state. Despite his preoccupation with his official duties, he managed time to contribute articles on topics of public interest to newspapers and periodicals. At last, he made a momentous decision to become a journalist. This was a serious departure especially for a comfortable district officer, who had no special claim or training to venture on this hazardous profession. Nevertheless, nature had endowed him with extraordinary abilities for journalism. Mohammad Ali decided to switch over to journalism because he felt, under the circumstances, this was the only way to serve his country. In his incomplete autobiography, *My Life: A Fragment* Mohammad Ali writes: "The reason which so irresistibly impelled me to take to journalism was that the affairs of my country at the juncture made it the only avenue through which I could prove of any appreciable use". In 1911 began his journalistic career at Calcutta-the seat of Imperial Government. He started the

"Comrade"-'Comrade of all and partisan to none', as he put it in the very first editorial.

The Comrade

Born in abject poverty, the *Comrade* took the journalistic world of India by storm. It was hailed as the new star in the firmament of Indian journalism. It criticized the British Government with characteristic frankness. Because of its bold views, flawless language and thought, the *Comrade* soon became a front-rank organ throughout the country. Through the paper, which was an English weekly, Mohammad Ali sought to bring the Hindus and the Muslims together. To quote from the first editorial of the *Comrade*, "We deeply feel many hazards of increasing controversy, between races and races, creeds and creeds and earnestly desire a better understanding "between the contending elements of the body-politic of India. "

He also edited the paper *Hamdard*, which was an Urdu daily started in 1914 from Delhi. Realising that it was not enough to fight with the pen alone, Mohammad Ali came out in the field and joined the ranks. He was interned in 1915 for five years. After his release in 1919, he joined the Indian National Congress. He collaborated with Mahatma Gandhi during the Non-Cooperation Movement and founded Jamia Millia Islamia. In 1921, he received a heavy sentence for spreading sedition. Presidentship of the Muslim League, the Khilafat Conference and the Indian National Congress came one after another.

Devotion to Gandhi

To understand and appreciate the significance of Mohammad Ali's invaluable contribution, it is pertinent to keep in view general conditions in India before the Non-Cooperation Movement. Atrocities in recruitment campaign, soaring prices, insults and hardships had filled the people of India with rage. The arrogance of the victor and the rejecting of the solemn pledges climaxed in the massacre of Jallianwala Bagh. The task before the Indian leaders was to link up various currents and direct them into a single unified anti-imperialistic struggle. Mohammad Ali made notable contribution in unifying those currents. He played a vital role in cementing different segments of society. He was farsighted enough to realise that India could not achieve independence until the two major communities unite and fight under one banner. He worked ceaselessly for Hindu-Muslim unity. He had a firm base in his community. Such was his popularity among the Muslim masses that the bulk of Muslims joined the Indian National Congress en bloc. This was the greatest achievement of Mohd. Ali that he transformed the Congress into a truly mass national organisation. It was mainly due to his tireless efforts that the Muslim masses accepted Gandhi's leadership.

Through his daily *Hamdard* he introduced Gandhiji to Urdu reading public and lavished praises on him as a "general fighting for right and truth" and the "young man in whom India takes pride." At the public meetings and Khilafat conferences, he praised Gandhi as a "great soul whose

advent in Indian politics brought a great revolution. The spirit of Indian politics greatly changed since the coming of Mahatma. Like our General, we are engaged in a war unto death." Such remarks greatly elevated Gandhiji to a very high and enviable position in the eyes of enthusiastic Muslims. Consequently, there emerged an image of Gandhi as the first Hindu leader who commanded the allegiance of the tallest Muslim leaders which evoked similar response from non-Muslims also. It is evident that Mohammad Ali had successfully linked up Hindus and Muslims for a revolutionary struggle. He then undertook a tour of the whole country with Gandhiji and his brother Shaukat Ali. This trio constituted the most effective and popular leadership. Everywhere they were received with mass ovation. Mohammad Ali's fiery speeches which were full of sincerity, sentiments and emotions appealed to the millions who listened to them and became zealous supporters of the Non-Cooperation Movement.

Boycott of colleges and schools

The most hotly contested item of the Non-Cooperation Movement, (boycott of national institutions) opposed with full force by stalwarts like C.R. Das, Jinnah, M. M. Malaviya, Lajpat Rai etc., even after the Calcutta Congress, was taken up by Mohammad Ali. With Mahatma Gandhi and Shaukat Ali, he visited his alma mater to persuade young Aligarh students to join the Non-Cooperation Movement. His speech in the College Students's Union set the college ablaze. After his emotional speech the proposition to give up studies was carried by a majority. Hundreds of

young students of M.A.O. College headed by the Union President responded to his call and joined the movement. It was the first student response to the call of Non-Cooperation. It was the first time that students, as a body, were drawn into national struggle. Among the leaders, Mohammad Ali alone stuck to Aligarh and faced single-handed the attacks of his opponents. The victory at Aligarh undoubtedly gave additional vigour to the movement. It was a historic event whose credit goes to Mohammad Ali.

In 1921, Mohammad Ali received a heavy sentence for spreading sedition and dissatisfaction in the Indian Army. Mohammad Ali's speech during the Karachi trial became historic for its militant fervour and its defiant challenge to the government of the day.

At Amritsar Congress

The steadfastness and sacrifices had endeared Mohammad Ali to all sections of people. Even common men, both Hindus and Muslims, loved him and visited him during his internment. This love and respect found full expression at the Amritsar Congress. In recognition to Mohammad Ali's great services and supreme sacrifices rendered to the national cause, he was elected as the Congress President. This was the greatest national honour. In his presidential address delivered at the annual Congress Session at Coconada in 1923, Mohammad Ali advocated nationalistic policy. He made an eloquent plea for Hindu-Muslim unity. He declared: "One thing is certain, and it is this, that neither can the Hindus exterminate the

Musalmans today nor can the Musalmans get rid of the Hindus. If they cannot get rid of one another the only thing to do is to settle down to cooperate with one another...and while the Musalmans must remove all doubts from the Hindu mind about their desire for swaraj for its own sake and their readiness to resist all foreign aggression, the Hindus must similarly remove from the Muslim mind all apprehensions that the Hindu majority is synonymous with Muslim servitude without a proper and lasting settlement of this question (Hindu-Muslim unity) we can effect nothing."

As Congress President Mohammad Ali alongwith Maulana Azad succeeded in bringing about a reconciliation between the pro-angers and no-changers, the two warring groups over the issue of council entry and thus saved the Congress from split. He recognised the talents of young Jawaharlal Nehru and selected him as his chief aide and appointed him as the General Secretary of the Congress despite Nehru's reluctance. Mohammad Ali was thus instrumental in making Jawaharlal Nehru an all India figure and had great affection for him while Nehru held Mohammad Ali in highest esteem.

Mohammad Ali carried out incessant struggle for Hindu-Muslim unity. He fired the imagination of his countrymen and won their allegiance to the cause he had given them. He wrote: "I had long been convinced that there in this country of hundreds of millions of human-beings, intensely attached to religion, and yet infinitely split up into communities, sects and denominations, providence has

created for us the mission of solving a unique problem and working out a new synthesis. It is nothing less than Federation of Faiths. The lines of cleavage are too deeply marked to permit a unity other than federal and yet the cleavage is not territorial or racial in character but religious (*My Life: A Fragment*, page 35). It is to this synthesis that one must look for an explanation of Mohammad Ali's life and work.

Pan-Islamism or unity of the Muslim world was another cause very dear to Mohammad Ali. He had an intense desire for the solidification of Muslim fraternity. But his stand was different from the die-hard champions of communalism and reaction. According to Mahatma Gandhi 'Mohammad Ali's Pan- Islamism was not anti-Hindu.'

Islam and India

For Mohammad Ali Islam and India were in no way antithetic. They only indicated two equally important spheres of action. There was no contradiction or basic conflict in being a good Muslim and in being a good Indian. He once said: "Where God commands I am a Muslim first, a Muslim second and a Muslim last, and nothing but a Muslim. But where India is concerned, I am an Indian first, an Indian second and an Indian last." According to him Muslimness did not in any way nullify Indianness. India was one circle in which he moved: he worked and died for it. Islam was another circle in which he moved: he worked and died. Living in one circle, if he found that his brethren in the other were in trouble, it gave him the same pains as if his own child were on death bed. He

harmoniously blended his love for Islam and his love for India.

Mohammad Ali parted company with the Congress in 1928 on account of the adoption of Nehru Report which had recommended dominion status and not complete independence for India. In a characteristic parody of the words used by Government street-criers to announce the dual sovereignty of India before notifying any Government order, Mohammad Ali said, "under the proposed regime of the Nehru scheme of Mr. Gandhi the Government street-criers will announce the new dual sovereignty of India by declaring the formula, "Khalq Khuda Ki, Mulk British Ka, Hukum Mahasabha Bahadur Ka" (People belong to God, Country belongs to the British, Government belongs to the Hindu-Mahasabha Bahadur). He became a bitter critic of the Congress leadership and accused it of being pro-Hindu. Presiding at a public meeting in 1930 Mohammad Ali alleged: "Mr. Gandhi is working under the influence of communalist Hindu Mahasabha. He is fighting for the supremacy of Hinduism and the subversion of Muslims."

He further charged: "The Musalmans have been oppressed and persecuted by the excesses of the Hindu majority in the last ten years but Mr. Gandhi never tried to improve matters or condemn Hindu terrorism against Muslims. He never denounced the movements of Suddi and Sanghthan which openly and clearly aimed at annihilation of Muslims and Islam in India. "

Love for country

Nevertheless Mohammad Ali retained his love for the country. He earnestly believed in the freedom of India. His heroic fight for freedom continued with growing years and failing health. His last act of service to his motherland was his participation in the Round Table Conference at London. The old man who was suffering from a dozen serious diseases got himself transported on a stretcher to the ship and went seven thousand miles of land and sea to secure India's freedom. Sick in body, unable even to stand on his feet, sitting in a chair Mohammad Ali made in the plenary session the last and the best speech of his career. It was in the course of this historic speech that he uttered the memorable words: "I don't want to return to a slave country. Give my country independence or give me a grave here." His prophetic words came out to be true. The British Government did not give freedom to India but Mohammad Ali won a grave in a free country. He died in London on January 4, 1931 within four weeks of this memorable speech. He was buried at the foot of the grave of the prophets of old in Jerusalem.

Mohammad Ali belonged to that rare band of men who suffer and die so that others may live in freedom and happiness. It is really ironical that today no one remembers this great soul of India who had dedicated his entire life to the cause of freedom. Are we Indians an ungrateful nation? ■

Around the World

SOUND' SYSTEM COVERS HARAM PRAYERS UP TO NINE KILOMETERS

Authorities at Makkah have installed 4,000 loudspeakers all over the Grand Mosque and surrounding areas to ensure first class sound quality during the peak Ramadan and Hajj seasons when hundreds of thousands worshippers flood into the holy city to perform their religious rituals. Authorities installed 656 speakers in the mosque's eastern corridor and in the newly opened floors for circumambulation during the just concluded holy month of Ramadan. The most effective sound system has been used and it is reported that prayers can be heard up to 9,000 meters. ■

QUBA – THE FIRST MOSQUE IN THE HISTORY OF ISLAM

Quba Mosque to the south of Madinah is the second largest and prestigious mosque in the city after the Prophet's Mosque, but claims the first place owing to its importance in Islamic history having been built in the first year of the Islamic calendar. Quba Mosque witnesses an influx of worshippers and visitors throughout the year, but the numbers have increased these days. The modern day Quba Mosque is an architectural feat equipped with the latest facilities while maintaining its Islamic identity. The mosque has been expanded to accommodate more than 20,000 worshippers. The mosque now has four minarets and 56 domes and adjoined to it is the residence of *Imams* and *Muezzins*, a library, lodging for the guards in an area of 112 sq. meters and a commercial center with twelve shops covering an area of 450 sq. meters. The mosque has seven main entrances and twelve subsidiary ones. ■

REPORT REVEALS EXTENT OF BRITISH ARMING OF ISRAEL

A report has revealed the extent to which the British government has been supplying Israel with military equipment ranging from weapons control and targeting systems to ammunition, drones and armoured vehicles which are being used in the bombardment of Gaza, a news report said on 4 August. Despite former Foreign Secretary David Miliband vowing that all future export applications to Israel would be taken into account back in 2009 after he acknowledged UK-made components were used in that year's Israeli offensive on the Gaza Strip, five years on the UK authorities is again accused of failing to regulate arms sales to Israel.

The report revealed that arms export licences worth £42m had been granted to 130 British defence manufacturers since 2010 with the aim of selling military gear to Israel. ■

ERDOGAN'S PRESIDENTIAL WIN STARTS RACE FOR NEW TURKISH GOVT

Turkey's ruling party on 11 August began deliberations on the shape of the next government after Prime Minister Tayyip Erdogan secured his place in history by winning the nation's first direct presidential election. Erdogan's victory in Sunday's vote takes him a step closer to the executive presidency he has long coveted for Turkey. In the coming weeks, Erdogan will for the last time chair meetings of the ruling AK Party he founded and oversee the selection of a new party leader, likely to be a future prime minister. He will be inaugurated on 28 August. ■

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