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Post Box No. 93,
Nadwatul Ulama
Tagore Marg,
Lucknow – 226 007

Ph. No. : 0522-2740406

Fax : (0522) 2741221 E-mail: nadwa@bsnl.in

Rs. 25/-



The Fragrance of East

Founder:

Syed Abul Hasan Ali Nadwi (RAH)

Patron:

S.M. Rabey Hasani Nadwi

Advisory Board :

S. M. Wazeh Rasheed Nadwi

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Shamsul Haque Nadwi

Editor:

Shariq Alavi

Asstt. Editor:

Obaidur Rahman Nadwi

Malice a Serious Evil

S. Abul Hasan Ali Nadwi

The view of life arising from prophetic teachings has equity and moderation as its two immutable bases. Speaking of the right-guided persons, the Qur'an says:

"And those who, when they spend, are neither prodigal nor grudging; and there is ever a firm station between the two."

(*Al-Furqan*: 67)

Again, the dominant characteristic of the followers of the Qur'an is stated to be their remarkable moderation:

"Thus we have appointed you a middle nation, that ye may be a witness against mankind, and that the messenger may be a witness against you." (*Al-Baqarah*: 143)

The Prophet himself afforded an illustrious example of complete and ennobling moderation. The distinguishing feature of Islam too, described as "the straight path" and "a right religion", is natural temperance and moderation and refraining from the aberrations of excess and extremism. Addressing the Prophet of Islam, says. God Almighty :

"Say: Lo! As for me, my Lord hath guided me unto a straight path, a right religion, the community of Abraham, the upright, who was no idolater."

(*Al-Anam*: 162) ■

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Wisdom of Qur'an

"Tell them: 'Call upon those whom you fancy to be [your helpers] beside Him! They have no power to remove any affliction from you, nor can they shift it.' Those whom they call upon are themselves seeking the means of access to their Lord, each trying to be nearer to Him. They crave for His mercy and dread His chastisement. Surely your Lord's punishment is to be feared."

(Al-Qur'an-17:56-57)

These verses throw a challenge to the unbelievers and polytheists to call upon their self-made deities whom they consider to be their helpers beside God to come to their rescue at times of affliction. They assert that these deities have no power to remove any affliction.

Not only prostrating oneself before someone other than God but also praying to and invoking anyone other than God amounts to associating others in His Divinity, i.e. to polytheism. Prayer and invocation are modes of worship and anyone who invokes someone other than God is as guilty of polytheism as an idol-worshipper.

Nor can anyone other than God avert a calamity or alter anyone's plight. If someone entertains such beliefs about anyone other than God, then such beliefs are false and betray the fact that he associates others with God in His Divinity. How ironic that those whom the polytheists invoked and whom they sought to intercede with God on their behalf were themselves in need of God's mercy, dreaded His punishment, and were constantly on the look-out for the means which would bring them close to Him. ■

Pearls From the Prophet Mohammad (PBUH)

It is reported on the authority of Ibn Abbas that Muadh said: The Messenger of Allah (peace and blessings of Allah be to him) sent me (as governor of Yemen) and (at the time of departure) instructed me thus: you will soon find yourself in a community one among the People of the Book; so first call them to testify that there is no god but Allah, that I (Muhammad) am the messenger of Allah, and if they accept this, then tell them that Allah has enjoined upon them five prayers during the day and the night, and if they accept it, then tell them that Allah has made Zakat obligatory for them that it should be collected from the rich and distributed among the poor, and if they agree to it, don't pick up (as a share of Zakat) the best of their wealth. Beware of the supplication of the oppressed for there is no barrier between him and Allah.

(Sahih Muslim)

The People of the Book never denied the existence of God. Their belief however was not correct as it was alloyed with wrong conceptions and mistaken notions. This shows that mere faith in God is not enough. Therefore, the Holy Messenger asked Muadh to call the People of the Book to testify God, first and foremost. Calling to the prophethood of Muhammad is indicative of the fact that belief in his prophethood is an integral part of the faith. This hadith highlights the practical wisdom with which Dawah should be imparted to the fellow beings. ■

UNITED WE STAND

Of late, with the ascendancy of rightwing political parties Muslim community is a bit worried. There has been regular attempts to tease the community either by engineering communal riots or creating and causing such a situation in which they are economically affected. But in a democratic country where constitution has provided all sort of safeguards and security there should be no cause of discomfort, with the passage of time things will settle down.

Presently for Muslims the protection of 'Shariat' is a burning problem. Their religious sentiments are badly hurt as attempts are being made to put an end to the practice of Islamic laws in their personal affairs particularly in marriage, divorce and inheritance etc. To face this challenging situation a concerted and firm attitude should be adopted without inviting any confrontation. It is possible only if the community forgets its internal factional disputes and face the situation as a single body. In this connection noted Islamic Scholar late Syed Abul Hasan Ali Nadwi emphasized that adherence to Sharia is a strong tool in our hands to deal with any attack. Maulana Nadwi has explained two important points in one of his interview:

1. The protection of 'iman' (faith) and beliefs of the future generations of Indian Muslims, perpetuation of their intrinsic and spiritual qualities, provision for their religious education, prevention from mental aberration, transmission of Islamic heritage to them and preparing them to be the bearers and protectors of the same.
2. To maintain the Islamic identity of the 'millat' in India- a country which is a confluence of different religious, civilization and nations; to try and keep their link with celestial teachings and divine law; here the concept of religion is not limited to prayers but embraces the whole life; it has its own Personal Law and system based on the clear injunctions of the glorious Qur'an and the traditions of Prophet Muhammad (peace be upon him) and which a Muslim is duty bound to follow.

A so called modern section of Muslims often give vent to their opinions on religious issues. They are advised to observe restraint and before indulging in issue of Personal Law first they should learn and understand what holy Quran and Traditions say. ■

S.A.

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Preserving Islam for Future Generations

- S. Abul Hasan Ali Nadwi

Were you present when death appeared before Jacob? Behold, he said to his sons: "What will you worship after me?" They said: "We shall worship your God, the God of your fathers - of Abraham, Ishmael and Isaac, the One True God, to Him we bow [in Islam]."

(al-Baqarah 2:133)

This verse appears in the early part of the Qur'an. It is then worth studying why Allah accorded such importance to this event. Whatever is linked with Allah is meaningful and helps man gain proximity with Him. It protects one against numerous threats. If one studies this passage causally, it will appear to one as no more than an event that preceded the Prophet Jacob's demise. Reading it without attention one is liable to miss its legal, historical, cultural and inner meanings. Allah states that what is in the Qur'an is to be read until the Last Day. Allah has therefore, included in it only such material which provokes man's reflection and which is bound to provide many lessons. Let us first note the universal truth enunciated in the passage. Everyone who is born is mortal. One has to return to Allah at the expiry of one's life span. This universal law applies to the Messenger of Allah as well.

Regarding the Prophet Muhammad (peace and blessings be upon him) the Qur'an specifically says that notwithstanding his being a Messenger of Allah, he is mortal. Like other messengers he too will pass away one day. He has to return to Allah, as is ordained by Him. Undoubtedly, he will enjoy close proximity with Allah. Yet as a mortal human being he will face death. Given this, it is all the more perplexing as to why so much attention is focused on the Prophet Jacob's demise. Many of us read and fail to appreciate the underlying meaning behind this passage.

While Muslims are addressed, the Qur'an asks them: "Were you present when death appeared before Jacob?" This is a feature special to the Qur'an. As it projects something graphically, evoking the full attention of its audience, it follows the above technique. At that time, when the Prophet Jacob (peace and blessings be upon him) was breathing his last, he asked his sons as to what they would worship after him.

Let us recall that the above incident involves the Prophet Jacob (peace and blessings be upon him), son of Isaac and grandson of Abraham. He was also the nephew of the Prophet Ishmael (peace and blessings be upon

him). In sum, he belonged to the illustrious family of Allah's messengers. Of them, special mention should be made of the prophets Abraham and Ishmael (peace and blessings be upon them). Allah dubbed the former as His friend and the latter is the progenitor of the Prophet Muhammad (peace and blessings be upon him). The Prophet Jacob's son was Joseph, who too, was Allah's messenger. Generally speaking, at the time of his death, a Muslim does not ask the question posed by the Prophet Jacob (peace and blessings be upon him). This holds true even of devout Muslims - scholars and spiritual masters alike - for they assume that they have already instructed their children in the fundamentals of Islam, the concept of Allah and the creedal statement of Islam. Their children bear Muslim names and the adults among them, whom Allah enables, go to the mosque and offer prayers there. The young ones see their elders praying. Likewise, the names of Allah and His messengers are mentioned in their homes. All this made Muslims complacent and hence on their deathbed they did not verify the faith of their children.

If one were to collect the wills of deceased persons, one would gather a large collection. Some of these are marked by historical insight and literary features, and reflect the workings of the human psyche. On studying the wills of 'Ulama', religious leaders, reformers,

activists, rulers and officials, one gets a fair idea of the relationship between parents and children. These epitomise human feelings, emotions, wisdom and intellectual brilliance. These unravel the interplay of man's intricate psychology. Reading these one is struck by the unity of human emotions. Most men are found giving almost identical pieces of advice, irrespective of their different eras and varying mental, socio-cultural and religious backgrounds. They often impart the advice of patience to their near and dear ones. They advise their children to maintain unity and not to quarrel over their inheritance. Some instruct them to repay any debt owed by them. Others ask them to realise the loans lent by them. It is common for them to hand over legal papers. Some of them who are God-conscious and religious insist that the loans borrowed by them be repaid. This is the general thrust of wills left behind by the deceased.

In the case under study the children of Allah's messengers were involved. We love and respect them, for they were trained by the messengers themselves. They were witness to the markedly religious ambience of their home, marked by prayers, remembrance of Allah, and supplications and invocations to Him. They had seen their mothers turning fervently to Allah in every crisis. They had not come across the name of any deity,

for they knew Allah alone as the supreme Lord. They looked upon only Allah as All-Powerful, holding His sway over the universe and Master of all loss and gain. They recognized only Him as the source of all hope and fear. These children were unaware of any doctrine other than that of monotheism. Likewise, they knew only prayers and fasting as religious obligations.

Yet the Prophet Jacob (peace and blessings be upon him) is seen in this passage as not taking any chances. When one is particular about something, one does not leave anything to chance, indulging in speculation. In a crisis one frankly expresses what ails one. For example, if one falls ill, one informs one's children of one's pain and clearly asks them to call in a physician. The same holds true for an extremely hungry person. He is unable to exercise much self-restraint and unabashedly asks for food. This applies equally to members of the elite and ruling classes. It is hence worth studying why the Prophet Jacob (peace and blessings be upon him) summoned his children and other family members, asking them what he did.

These were his last moments. He did not have much time and energy left. Some people intuitively know about their approaching death. The Prophet Jacob (peace and blessings be upon him) being the messenger of Allah had some inkling about his last hour. He realized well that he was about to die.

He spoke his last words to his family, words which were markedly different from those uttered by other dying people. Generally, wills instruct inheritors not to fight among themselves, to lead life honourably and decently, to take special care of female and young members of the family and to maintain ties of kinship. This has been the trend for centuries. However, the Prophet Jacob (peace and blessings be upon him) raised an issue which was very dear to him. He took it as a highly significant and decisive matter on which hinged the eternal success of his children. Any lapse on his part on this count, he thought, would incur a serious loss for them. He was very particular about the issue which he discussed with them.

For him, the most important issue was the preservation of the faith of his children, their thorough grounding in faith and their adherence to true faith until their last breath. With this aim in mind he assembled them. As he passed away at a ripe age, his grandchildren would have been beside him as well. His nephews and other close relatives too, must have gathered. At that critical moment he pointedly asked them the question: "What will you worship after me?" He wanted to ascertain the level of their faith, which would put his mind at rest. This was his only concern. The Qur'an and other works do not refer to any other issue raised by him on his deathbed. His

attention was focused solely on the object of worship by his children.

The Qur'an recounts this event for a variety of considerations. He posed a specific question and received a pointed reply. They affirmed their unwavering belief in the Oneness of the One True God. The Qur'an does not record any other details of this meeting. His children might have expressed their surprise over the question set by him, for he had thoroughly instructed them in monotheism. Moreover, they had been witness to the profession and practice of monotheism in their home. Being the sons and grandsons of the messengers of Allah they were firm believers. They were his own progeny who could not deviate an inch from his faith. The Qur'an, nonetheless, recounts only their prompt and reassuring reply to the question: "We shall worship your God, the God of your fathers." They affirmed their allegiance to the faith of their ancestors, for they had been eloquently warned against the dreadful consequences of polytheism. In professing the faith of such illustrious forefathers as the prophets Abraham, Isaac, Ishmael and Jacob (peace and blessings be upon them), they made it plain that they would prefer death to indulging in polytheism. Thus they reassured Jacob, that they would continue to adhere to their ancestral faith. They declared their firm belief in the One True God. Their vow thus

satisfied him on his deathbed.

This is how every Muslim should behave. He should always, be on guard regarding his faith. He should supplicate to Allah to enable him to profess and practise Islam until his last breath. It is the best end for him to die in a state of Islam. He should also ensure that his children adhere as well to the true faith and that they never turn to anyone besides Allah. Securing this assurance from them is very important. Indeed, one should make a point of so doing. Apart from practising faith Muslims should denounce disbelief. For Allah loves those who loathe false gods and turn to Him alone. Whoever rejects Satan and believes in Allah holds on to a firm bond. For true faith it is essential, in equal degree, to reject fully all that disbelief stands for. Allah should be Muslims' only object of worship. Rejection of disbelief precedes the affirmation of true faith. We should better bear these points in mind.

The verse quoted at the outset of this reminder reflects the ideal mould of a Muslim. In recording this event, the Qur'an has preserved a role model until the Last Day. Every Muslim is supposed not only to read this passage, but also draw lessons from it. The Qur'an is not very particular about relating historical events, it is not after all some work of history. Instead, we should look at this passage, as indeed all others, as instructing us in how to lead our lives.■

* Bector, Maqwalul - Ullama, Lucknow

and recompense.

made captive. They were all set free without more than hundred men and women were Mustaidine, following the battle of Badr.

In the Ghazwa with Banu el-owu children.

and convenience more than they did of their that the Muslims took care of their comfort and captives are on record to have confessed. These POWs were kept like guests. Many Prophet (SAW) on payment of one beraat, the Battle of Badr, 70 were set free by the

Out of the 75 prisoners-of-war of

The long of this short is as follows:

thousand and odd centuries.

the humanity even after the lapse of blessings of which can be felt at heart by the foundation laid of such an order as a result of which the Prophet (SAW) had by Islam. It was such a human revolution beaureful and so edifying as brought out proud about, till date, a revolution so making efforts to establish peace, civil society, whatsoever, and no institution religion, no nation, no community, no empires before the eyes. Barring Islam, no civilizations, an astonishing pattern was waged between other religions and compared with the happenings during the all the wars fought by the Muslims, it comity that had been the norm throughout comportment of human tolerance and must be vividly elucidated that the the Muslims as an act of brutality, this fact

To those who describe the wars of

With Hazrat Usamah bin Zaid and Marham had his heart split open and looked into it, He (SAW) would then say to them: 'Had you Ka'ibah out of fear of being done to death', say: 'O Allah's Prophet! He had recited the to be killed. Sometimes, companions would of the sword, was prohibited by him (SAW) even if he would have done so out of fear happened to have recited the Ka'ibah, not allowed to be raised. Moreover indication of Islam was noticed there, was of Azan was heard from, or any other

Whichever locality or tribe the voice children and the aged,' he said.

upon the covenant. Do not kill women, covenant with the infidels, do not intrude disguised. 'Whenever you enter into a is, their body organs should not be should not be maimed and mutilated; that case they had to kill the heretics, they strict instructions to the members that in Whenever he (SAW) sent forays he issued killing women, children and the aged. Prophet (SAW) to issue interdictions about

It was a regular practice of the awards conferred on them.

him (SAW) after having vestments and most of the captives were paid farewell by said by himself to the captors. Moreover, the Prophet (SAW) had the redemption fee recompense. In case of certain captives, free unconditionally and without any (SAW) set six thousand men and women

In the battle of Hunain, the Prophet and without any beraat exacted from them, free by the Prophet (SAW) unconditionally attackers were captured. They were all set In the Hudaybiyah parley, 80

- S.M. Kabay Hassan Maqwi*

Non-Muslims

Comparison Between the Wars Fought By Muslims And

more possible, guillotines had to be everywhere individually, was rendered no saving the people killed, each and revolution that took place in France, when in the wake of the democratic difference:

of terrorism. You would notice a world of a the cheek to accuse Islam and the Muslims a look at the history of the nations who have Islamic wars in view on the one hand, have now keeping the conditions of these indignity from the vanquished enemy.

There is no record of even exacting war to possible aiders, militants or the subjects. been meted out, anywhere, by the Muslims those days during the wars is found to have cruelty and oppression as was the norm in were conducted, no such treatment of Egypt and Arabia, Iran and Kurdistan (Gillies) hundreds of cities of Iraq, Ghazni, of the Khilafat-e-Rasheedeen (the righteous Prophet (SAW) that although during the era supreme education and training of the it was only the impact of this very

(SAW) expressed his anguish. a woman during the Hunain event, he attending to daily chores. On the killing of woman, servant or slave employed for not to raise hands to assault any child, (SAW) ordered his companions and aides on occasion of Ghazwa-e- Hunain, he Zeerat-e-Ibn-e-Kathir has it that him.

whereupon he (SAW) got very angry with demonstrated by Hazrat Khalid (RAA) punishmentlessness in this respect was Khalid recited. An instance of any such person who would have the life-time nor thereafter he would ever kill to give him the word that during his (SAW) this very basis. He (SAW) forced Umar bin al-Khattab to (SAW) not disbelieve on

caused financial loss of billions and millions power they had, these world powers out of their own territory. Intoxicated with others, territories or for expelling the enemy death, merely for acquiring occupation over who had lakhs and lakhs of people but to of Islam are accused of tyranny by those still, the Prophet of Islam and the religion covers the Muslims as well as their enemies. thousand people got killed. The number you would find that only a little above one figures of 8-year spanned wars of Islam, killed. On the other hand, if you look at the up to more than 13 lakh, of the people got and the above-mentioned figures that sum thousand. This war lasted for four years those massacred comes to 13 lakh and 38 America got killed. The total number of Commonwealth India and fifty thousand of thousand of Belgium, one lakh of five thousand of Turkey, one lakh and two Romania, one lakh of Austria, 2 lakh and of Britain, one lakh of Bulgaria, one lakh of 8 lakh of Australia, 1 lakh and 50 thousand France, 4 lakh and twenty thousand of Italy, Russia, 13 lakh and 10 thousand of the day. Owing to that, 13 lakh people of martyr, blood and blood, the order of territories from Germany, the massacre and made, for the sake of liberation of their of 1914 A.D., the European countries had

During the horrific Great World War detention camps.

to massacre, blood and icy freezing than one crore (10 million) human beings revolution in Russia had consigned more of these guillotines. Likewise, the socialist million) human beings sacrificed at the after democratic revolution had 50 lakh (5.0 to estimates made by the historians, this at once in a matter of moment. According rolling like cocoons by these guillotines all involved. Scores of human heads were set

for regional occupation, in the Korean War. World War, among the wars that took place following all these horrors of the Second getting it under one's own occupation. out of occupation from some territory and instead, simply for putting someone else and supreme objective. It was all done, was not for the purpose of human war or

And all this carnage and mayhem thereafter.

mayhem was kept continued even imagined. This spree of massacre and beings in such a condition cannot even be What would have been the state of human to over 200,000 degree Fahrenheit. population causing the temperature to go thousand ton were raised on civilian fraction of a moment. Bombs weighing 15 simply evaporated into thin air within a 5 km and 15 thousand human beings without there being any confrontation, got population of Hiroshima and Nagasaki dropping atom bombs on the peaceful during the Second World War, America, by all, deemed a war fought with vision. But, Moreover, a war fought face-to-face is, after because of the effects of atomic bombs. children are born incapacitated even today were rendered incapacitated. Lacks of and rendered homeless. Lacks of people more (ten million) citizens got displaced 320 billion dollars. Whereas more than one America alone incurred an expenditure of thousand). Looking from financial aspect, and six km (ten million and six hundred earth during these wars comes to one more countries who got wiped off the face of the number of human beings of various to 1945 A.D. of the same century. The total the Second World War that spanned 1938 War of 1914 A.D. of the last century and holds in the region during the First World of bonds and dollars in order to return their

far away from the action site. He is the one heard from any town, Dick and Harry sitting combined the anecdotes and accounts of the book is not someone who has simply put of personal observations. The author not an anthology of messages and rumors others. It is, rather, an autobiography. It is

The book is not a biography of benched them down himself, surprised.

simply, has got all the ins and outs, making renowned military officer, a valiant chief of

An illustrious son of Britain itself, a

ago.

by any way but by an ally, only a short while

any enemy of Britain, but by a friend, not

These are the words uttered not by

General Elliot, D.S.O., Australia)

as the 'canon fodder,' (write-up by

Britain, their own soldiers are valued merely

"In the eyes of military officers of

merender for being:

own journals. Some are reproduced

and partially from reports appended in their

preposterous instances of blood-shedding

which have brought out strange and

deaths of British and German armies

some excerpts about the preparations and

quoted, (19th June, 1931 issue), published

(RFA) had, in his news- journal, 'Globe-e-

Malabar Abdu'l Majid Dairabadi

remained deprived of a roof on their head.

again, whereas lacks of people have as yet

more of dollars were pushed down the

more than ten km people got killed and

lasted from the 25th Dec. 1939 to 1940 A.D.,

then World Super Power, Russia, which

lost. During the Afghan war imposed by the

Super Powers, one km human lives were

which was fought under the supervision of

were killed. In the Gulf war of 1990 A.D.

occupation over Korea, 15 km people

which occurred in connection with Americas

of bloodsuckers, imperialists. The German the blood and get the meats, with the venom to make them develop in them the taste of them ready for the one-to-one battle I have within the shortest possible time. To make them one thousand souls totally converted mind-set, coarsening and character of more

"My job at the moment is to get the War," (b. 40)

and death. It is War! Do you listen! It is yourselves that and dump in respect of life. Make your meats made of stones, Make "Forget your humanity and morality."

Induced by the example given below:

soldiers themselves by their officers can be reform. But, the addresses delivered to the 'Daily Mail', it was "reform," and nothing put off the vice." On the badges of 'Types, and tongue of 'Guns' and 'Guns', was "waiting"

The objectives of war, on the as it was. He writes:

the portrait of the Europeans, war exactly this motto in your hand and do on watching been out is known to God only. Now have then till date how many more editions have edition and then the third edition, too. Since edition was all sold out. So was the second weeks, but only in a few days, the first time in April 1930. Not in months and publisher, 'romanticism', published it for the is itself a military idiom. The London-based title is: A Brass Nation No Man's Land which titles of C.B.C., M.C.D., S.O. The book's name: F.B. Cromer, adorned with military finally to the rank of Brigadier General. promoted to the rank of Major and reached promoted with titles: A captain first, got four, got decorated with medals and in trenches, won the battle, conducted is the one who enlisted patriots, fought better officer and later as a senior one. He would war from beginning to end, first as a who himself has been in the thick of the

conviction that whatever we were doing was state of affairs had reached the stage of and chopped off. By September 12, the limbs, hands and legs of others severed they have suffered. They have had the ripped apart to far greater extent than what had the bodies of other ambushed and fact that whatever their losses, they have they would be happy and content with the spirit them indignantly among themselves. organs. They would, rather, be taking excruciating wound and gas-inflicted body of feelings towards death, the severe-most meats of the soldiers would be totally void forthcoming and very shortly, too, when the ruthlessness. I hope that brass is concern, but with nonchalance and before him not in the tone of lament and vein. The number of fatalities is mentioned fully bewitched through each and every soldier, the victim of hatred should be got

"For the full exploitation of the British advantage of them, too. (bb. 42-43)

planned and we have taken full advanced in generalising their taste of military tunes. In fact, the churches are most permission there, too, is restricted to banned except in churches and the to that end. Soft and religious melodies are military songs and bands are all being used heated and the righteous and all. The to be poured down the throat of the kind-results cannot be achieved. This venom is For, without having done that, the desired without rhyme or reason is to be uttered. to get furious at the drop of a hat and non for achievement of success. The habit to develop the passiveness that is given and nurse, Kewal, all these factors are exploited French women, official execution of the use of poisonous gas by them, rape of the believe many of the reports are false, the brutality (although in my heart of hearts I

helpless, incarcerated, with thornly thorns: who would keep wallowing all the day helpless, mainly of them are those the ruler again while doing so. Many are those who get hit by themselves off and on, to get to the wall-mountain are flying past, by dragging the body with get ruled somewhere. The and good fate, on recognition of calm, the last luck had the grace to smile, well the course can be but to in war in case direction of the dead. What use, after all,

"Nobody so much as looks in the and also about their lives," (b. 53)

That is their conviction about themselves get killed, to stand up and be stand up. believe that their job is simply to kill and they are entirely convinced and do firmly. There tongue and their heart are one. accepted by them as the God's truth. Whatever they have been told has been listen to, is believed in, too, by them. that much of intelligence? Whatever they

"Whence the poor soldier can have

just a war-cry," (b. 85)

at of chasing corner. I am now entirely have become an expert perfectionist in the entertainment, I am in heaven. By now, I and at the time of execution and blessing of war strategies, I am deeply cool blooded, I am running not at the time of control and at all dispossal. At the time of emotions and feelings totally under my same way I have, by now, got all my and/or not, as be the need of the moment, commitment is kept air-conditioned, cool

"Exactly the way a train rides were acting upon," (bb. 43-44)

being known. And that was what both the is no way out but to have this very a doing was all reprehensible in war, there all just and fair and whatever heaven was

gets everything impossible rendered into a terrible warlike smile at the European roads and winding corners. But the last moment, the strength of decomposed canons, cities and walls of the of rulers, little of justice, murder of amidst the dreadful environment of violence and to judge in acts of violencelessness. Moreover can find time to level and have murdering canons; it occurs to mind that under the shade of rooming and death of exploits of mine and women, too, amidst the clatter of swords. There is no the barbarism of levelly savagery cut in time over and over. There is all blood and carnage, just have the savagery, massacre, blood and blood, spectacles of barbarism, heartlessness, overtaken by sun and darkness with the

Now, in case the reader has been

sacrificed on

ending over each other to get themselves nor only, the civilization and the humanity are adding wherever side it is from the doctrine, and the intellect, not the tradition, and then let the knowledge, and not but on the other side just one word was having emphasized them on one side and long war, incidence of jihad and but them, ten, twenty, fifty, murdered, or as many as richness. Take up not one or two, but the heart be guessed by the outcome and so multiply. Can the darkness within remain if world be so disgusting, so ugly long have imagined that the face ridged long. Before the mask was removed, cold skinned civilized people has been seen by

The unmasked face of the white-

the moment," (b. 100)

is to take care of the war, not to look after state of extreme agony; My main official duty in scorching not sun, deities and in a

conflicts.

cradle of peace during the only 8 years of entire Arab Peninsula converted into the command of their Prophet (SAW), had the countries, whereas the Muslims, under the chaos and unrest within other nations and a result thereof, an atmosphere of extreme democracy and freedom. They create, as during their wars, despite all the claims of duisms in killing lakhs and lakhs of people thousand. Those who blame Islam have no during these conflicts comes to only one years. The total number of those killed had armed conflicts only during the last 8 years, the Prophet (SAW) and the Muslims and religious campaign that lasted 53 in connection with their missionary

continued from 1827 to 1857 A.D. on end," the country. This chain of blood-shedding persistence in, their hold and control over mercilessly, for the sake of retention of, and (Hindus and Muslims) butchered savage English had the innocent Indian sake of their country's liberation. But, the oppression of the British imperialism for the campaign against the individual and crime was that they had launched a And, all of them were innocent. Their only crore) Indians but to death in 1857 A.D.

"The English had ten million (one as follows:

and documents, official statistics and data, written, on the basis of historical evidences War of Civilization: Road to Delhi A.D. 1857 Mishra, has, in his latest, scholarly work,

The Indian historian, Prof. Amresh prashastis."

always surrounded by the devil of history and the fictitious king, Indra, who is time, be the legendary Genghis of the possible in his case. He can, at the same

disputed issue.) ■

would say, if objected to, it is a even an entire peaceful nation, they cannot be pardoned. And if they killed would say: it is such a great crime as is killed somewhere in a jungle, they (Even if just one person of their tribe

said:

purposes. True is what the Arab poet has murdered even today just for political Western countries, lakhs of people are and plucked out the fact that in their the Muslims of atrocities has suppressed Western media which has been accusing by non-Muslim historians also. This by you. It is what has been acknowledged studied, this very fact would be observed you would have the later wars of Muslims to great extent, upon this very directive. It despite all their flaws and frailties, did act, pursue the same path. And, the Muslims, Then he commanded his followers to compassion in very extraordinary manner. treated even his enemies with mercy and Prophet is such a one as has himself commands. And, the personage of the for the sake of compliance with his (SAW) He is the one who would lay down his life who is the follower of his Prophet (SAW). And who is the Muslim? The Muslim is one that it must be handly-work of some Muslim. before having any investigation conducted, the verdict is immediately passed, even terrorism takes place anywhere in the world, latter. Furthermore, in case any incident of the former is much more invidious than the of people getting killed in Europe. To them me and cry as is not raised ever on lakhs of some unknown persons, raises such a any part of the Islamic world at the hands media, on getting a few individuals killed in figures glaring into their faces, the Western after having all these acts and

Western Wars

- Nafeez Ahmad

In March 2015, the Washington DC-based Physicians for Social Responsibility (PSR) released a landmark study concluding that the death toll from ten years of the “War on Terror” since the 9/11 attacks is at least 1.3 million, and could be as high as 2 million.

The 97-page report by the Nobel Peace Prize-winning doctors’ group is the first to tally up the total number of civilian casualties from US-led counter-terrorism interventions in Iraq, Afghanistan and Pakistan.

The PSR report is authored by an interdisciplinary team of leading public health experts, including Dr. Robert Gould, Director of Health Professionals Outreach and Education at the University of California San Francisco Medical Center, and Professor Tim Takaro of the Faculty of Health Sciences at Simon Fraser University.

Yet, it has been almost completely blacked out by the English-language media, despite being the first effort by a world-leading public health organisation to produce a scientifically robust calculation of the number of people killed by the US-UK-led “War on Terror.”

Mind the Gaps

The PSR report is described by Dr Hans von Sponeck, former UN Assistant

Secretary-General, as “a significant contribution to narrowing the gap between reliable estimates of victims of war, especially civilians in Iraq, Afghanistan and Pakistan and tendentious, manipulated or even fraudulent accounts.”

The report conducts a critical review of previous death toll estimates of “War on Terror” casualties. It is heavily critical of the figure most widely cited by mainstream media as authoritative, namely, the Iraq Body Count (IBC) estimate of 110,000 dead. That figure is derived from collating media reports of civilian killings, but the PSR report identifies serious gaps and methodological problems in this approach.

For instance, although 40,000 corpses had been buried in Najaf since the launch of the war, IBC recorded only 1,354 deaths in Najaf for the same period. That example shows how wide the gap is between IBC’s Najaf figure and the actual death toll – in this case, by a factor of over 30.

Such gaps are replete throughout IBC’s database. In another instance, IBC recorded just three airstrikes in a period in 2005, when the number of air attacks had in fact increased from 25 to 120 that year. Again, the gap here is by a factor of 40.

According to the PSR study, the much-disputed Lancet study that estimated 655,000 Iraq deaths up to 2006 (and over a million until today by extrapolation) was likely to be far more accurate than IBC's figures. In fact, the report confirms a virtual consensus among epidemiologists on the reliability of the Lancet study.

Despite some legitimate criticisms, the statistical methodology it applied is the universally recognised standard to determine deaths from conflict zones, used by international agencies and governments.

Politicised Denial

PSR also reviewed the methodology and design of other studies showing a lower death toll, such as a paper in the New England Journal of Medicine, which had a range of serious limitations.

That paper ignored the areas subject to the heaviest violence, namely Baghdad, Anbar and Nineveh, relying on flawed IBC data to extrapolate for those regions. It also imposed "politically-motivated restrictions" on collection and analysis of the data – interviews were conducted by the Iraqi Ministry of Health, which was "totally dependent on the occupying power" and had refused to release data on Iraqi registered deaths under US pressure.

In particular, PSR assessed the claims of Michael Spaget, John Sloboda

and others who questioned the Lancet study data collection methods as potentially fraudulent. All such claims, PSR found, were spurious.

The few "justified criticisms," PSR concludes, "do not call into question the results of the Lancet studies as a whole. These figures still represent the best estimates that are currently available". The Lancet findings are also corroborated by the data from a new study in PLOS Medicine, finding 500,000 Iraqi deaths from the war. Overall, PSR concludes that the most likely number for the civilian death toll in Iraq since 2003 to date is about 1 million.

To this, the PSR study adds at least 220,000 in Afghanistan and 80,000 in Pakistan, killed as the direct or indirect consequence of US-led war: a "conservative" total of 1.3 million. The real figure could easily be "in excess of 2 million".

Yet even the PSR study suffers from limitations. Firstly, the post-9/11 "War on Terror" was not new, but merely extended previous interventionist policies in Iraq and Afghanistan. Secondly, the huge paucity of data on Afghanistan meant the PSR study probably underestimated the Afghan death toll.

Iraq

The war on Iraq did not begin in 2003, but in 1991 with the first Gulf War, which was followed by the UN sanctions regime. An early PSR study by Beth

Daponte, then a US government Census Bureau demographer, found that Iraq deaths caused by the direct and indirect impact of the first Gulf War amounted to around 200,000 Iraqis, mostly civilians. Meanwhile, her internal government study was suppressed.

After US-led forces pulled out, the war on Iraq continued in economic form through the US-UK imposed UN sanctions regime, on the pretext of denying Saddam Hussein the materials necessary to make weapons of mass destruction. Items banned from Iraq under this rationale included a vast number of items needed for everyday life. Undisputed UN figures show that 1.7 million Iraqi civilians died due to the West's brutal sanctions regime, half of whom were children.

The mass death was seemingly intended. Among items banned by the UN sanctions were chemicals and equipment essential for Iraq's national water treatment system. A secret US Defence Intelligence Agency (DIA) document discovered by Professor Thomas Nagy of the School of Business at George Washington University amounted, he said, to "an early blueprint for genocide against the people of Iraq."

In his paper for the Association of Genocide Scholars at the University of Manitoba, Professor Nagy explained that the DIA document revealed "minute details of a fully workable method to 'fully degrade the water treatment system' of an entire nation" over a period of a decade. The sanctions policy would create "the

conditions for widespread disease, including full scale epidemics," thus "liquidating a significant portion of the population of Iraq".

This means that in Iraq alone, the US-led war from 1991 to 2003 killed 1.9 million Iraqis; then from 2003 onwards around 1 million: totalling just under 3 million Iraqis dead over two decades.

Afghanistan

In Afghanistan, PSR's estimate of overall casualties could also be very conservative. Six months after the 2001 bombing campaign, The Guardian's Jonathan Steele revealed that anywhere between 1,300 and 8,000 Afghans were killed directly, and as many as a further 50,000 people died avoidably as an indirect result of the war.

In his book, *Body Count: Global Avoidable Mortality Since 1950* (2007), Professor Gideon Polya applied the same methodology used by The Guardian to UN Population Division annual mortality data to calculate plausible figures for excess deaths. A retired biochemist at La Trobe University in Melbourne, Polya concludes that total avoidable Afghan deaths since 2001 under ongoing war and occupation-imposed deprivation amount to around 3 million people, about 900,000 of whom are infants under five.

Although Professor Polya's findings are not published in an academic journal, his 2007 *Body Count* study has been recommended by California State

University sociologist Professor Jacqueline Carrigan as “a data-rich profile of the global mortality situation” in a review published by the Routledge journal, *Socialism and Democracy*.

As with Iraq, US intervention in Afghanistan began long before 9/11 in the form of covert military, logistical and financial aid to the Taliban from around 1992 onwards. This US assistance propelled the Taliban’s violent conquest of nearly 90 percent of Afghan territory.

In a 2001 National Academy of Sciences report, *Forced Migration and Mortality*, leading epidemiologist Steven Hansch, a director of Relief International, noted that total excess mortality in Afghanistan due to the indirect impacts of war through the 1990s could be anywhere between 200,000 and 2 million. The Soviet Union, of course, also bore responsibility for its role in devastating civilian infrastructure, thus paving the way for these deaths.

Altogether, this suggests that the total Afghan death toll due to the direct and indirect impacts of US-led intervention since the early nineties until now could be as high 3-5 million.

Denial

According to the figures explored here, total deaths from Western interventions in Iraq and Afghanistan since the 1990s – from direct killings and the

longer-term impact of war-imposed deprivation – likely constitute around 4 million (2 million in Iraq from 1991-2003, plus 2 million from the “War on Terror”), and could be as high as 6-8 million people when accounting for higher avoidable death estimates in Afghanistan.

Such figures could well be too high, but will never know for sure. US and UK armed forces, as a matter of policy, refuse to keep track of the civilian death toll of military operations – they are an irrelevant inconvenience.

Due to the severe lack of data in Iraq, almost complete non-existence of records in Afghanistan, and the indifference of Western governments to civilian deaths, it is literally impossible to determine the true extent of loss of life.

In the absence of even the possibility of corroboration, these figures provide plausible estimates based on applying standard statistical methodology to the best, if scarce, evidence available. They give an indication of the scale of the destruction, if not the precise detail.

Much of this death has been justified in the context of fighting tyranny and terrorism. Yet thanks to the silence of the wider media, most people have no idea of the true scale of protracted terror wrought in their name by US and UK tyranny in Iraq and Afghanistan. ■

(Courtesy: Information Clearing House)

The Messenger of Peace

- S. M. Wazeh Rasheed Nadwi*

Prophet Muhammad (PBUH) was the precursor of all mankind in sublime character, love, affection, kindness, sympathy, compassion, generosity, mercy, encouragement and tolerance. Almighty Allah says: "And verily you are of a high and noble disposition" (Al-Qalam:4)

The elegant qualities which Prophet Muhammad (PBUH) demonstrated in tolerance, forbearance, endurance, patience, large-heartedness, magnanimity, generosity and stamina were beyond the range of perception of intelligentsia and conception and imagination of poets.

The books on the holy Prophet's biography are replete with hundreds of examples of his kindness, sympathy and forgiveness to the cruelest enemy of him.

The intellectuals of fair thinking who go through the life history of the Prophet Muhammad, regardless of any religious or regional prejudice and bigotry agree that distinctive and salient features of the Prophet are nothing but mercy for the world. His whole life is an embodiment of kindness, love, affection, generosity, mercy and forgiveness. The

mercy and sublimation reflected in his teaching, treatment and behavior with companions is worth emulating. Prophet Muhammad (PBUH) was not only forbearance for Muslims but all mankind. Almighty Allah says: "And We have not sent you except as a mercy to the worlds" (Al-Ambia: 107). This attribute of the Prophet (PBUH) apparently surfaces in all his deeds, acts and proceedings. However, difficult periods he confronted in his life and however tough time and severe trials he passed by but he never relinquished the motto of kindness, love, affection and mercy. Needless to add that when he began preaching Islam, members of his own tribe afflicted him and tortured him, he was ostracized. Obstacles were put on his way but his passion of mercy prevailed all the time. Noble qualities of the Prophet did not confine to him alone. These accomplishments were also quite manifest in his companions because of influences and effects of his teaching and upbringing. The Holy Quran says: "Muhammad is the messenger of Allah; and those who are with him are strong against unbelievers; but compassionate amongst each other. Thou wilt see them they bow and prostrate themselves in prayer, seeking grace from Allah and His good pleasure. On their face are their marks, being the

* Director of Education, Nadwatul-Ulama, Lucknow.

traces of their Prostration. This is their similitude in the Tourat; and their similitude in the Gospel” (Al- Fath; 29)

At another place Almighty Allah says: ‘And the servants of the compassionate are those who walk upon the earth meekly, and when the ignorants address them, they say: “Peace’ (Al-Furqan: 63)

On another occasions the holy Quran says: “Successful indeed are the believers, those who humble themselves in their prayer; Who avoid vain talk; Who are active in giving Zakat; Who guard their modesty; Except with those joined to them in the marriage bond, or the captives whom their right hands possess, for (in their case) they are free from blame; But those who desires exceed those limits are transgressors; Those who faithfully observe their trusts and their covenants; And who strictly guard their prayers; Those will be the heirs; Who will inherit paradise; They will dwell forever” (Al-Mu’minun: 1-11)

It is obvious from the above mentioned verses that mercy, kindness, love, affection, generosity and forgiveness are the basic and salient features of Muslims in carrying out Islamic teachings only. Mercy, Kindness, love and affection of Prophet Muhammad (PBUH) did not confine to human beings but to animals and insects as well.

Ibn Abbas narrated that one person laid a goat on the ground for slaughtering. Next he started sharpening his knife. Seeing it, the Holy Prophet said: “Do you want to kill it again? Why did you not make your knife sharp before laying it for slaughtering?”

Ibn Mas’ud narrated that we were with the Prophet on a trip. The Prophet reclused himself for a while. We saw a little bird. It had two fledglings. We caught hold both of them. Seeing it the bird began to flutter its wings. On return the Prophet (PBUH) asked who inflicted the bird by snatching its kids. The Prophet ordered to return its chicks. We saw here ants-hill and we burnt them. The Prophet said: “Who burnt them. We replied that we had done. The Prophet said: “The right of chastisement with fire is only for the Creator of fire.”

The biggest phenomenon of excellence in human beings are the existence of Prophets and Prophet Muhammad is the most excellent and distinguished out of all Prophets. Almighty Allah attributed him vividly: “Now hath come unto you a messenger from amongst yourselves: it grieves him that ye should suffer, ardently anxious is he over you: to the believers he is most kind and merciful”· (Al-Tawbah: 128). ■

(Translation: O.R. Nadwi)

Islamic View on Education

Saeedur Rahman Al-Azami Al-Nadwi*

Education has always been an important mean to help human beings in achieving highest position in social milieu. Right from the beginning it has been a beacon in various spheres of human life. Scholars of Islam have shown their keen interest in this field so that a common man may be benefitted with this great asset of Islam. Besides they may get awarded of moral, ethical and social values and norms of this great faith. Moreover, they may mould their lives with religious hues and may lead peaceful life accomplishing their duties and responsibilities in a better way.

This is an admitted fact that everyone gives ample importance to education. This we have inherited from the first prophet Adam. It is education that makes a benign society and moulds hearts with excellence and merits and purge human hearts with baseness and meanness. It inculcates in mankind moral values and sublime qualities and enhances human safety and its status and grandeur.

The edifice of Islamic way of life rests on the firm and sound principles of knowledge. The fountain head of morality and ethics is education in Islam. Education brings about such

magnificent constitution of life of which the fragrance travels far and wide. It keeps humanity refresh and sound with its sweet and delicious spring. It never perishes and dries up. Its beneficence never causes paucity and scarcity. Islam lays great stress on acquiring all kinds of knowledge. It does not distinguish, be it religious or secular. Islam made it obligatory for its adherents. Islamic culture and civilization encompasses whole gamut of human life. It makes life purposeful with its extraordinary favours, courtesies and immense bounties and boons.

It should be kept in mind that Islam praises that knowledge which has some limits, demarcation and principles. Besides it has its own ideology. Its fountain sprouts' with pure and fair faith and religious dogmas. Being imbibed with this clear and vivid spring its followers exhibit radiant and shining gems of knowledge and they constitute their principles and laws in its light. Their main motto is to enjoin good and forbid evil so that one may lead a purposeful life and attain the pleasure of God.

Needless to add, that Muslims distinguished themselves and made great strides in every walk of life because of certain system of education-adopted by them. They set up

* *Principal, Darul Uloom, Nadwatul-Ulama, Lucknow*

universities and centres for culture and civilization to work systematically in their respective areas.

Islam encourages knowledge of science, technology and other subjects. Islam also motivates and urges people to ponder over the creation of the world. Both knowledge are incumbent to achieve success in life. Islamic way of life can prove its utility and usefulness if it maintains equal balance between religious and modern education respectively.

In short, Islam appreciates those who strive to attain profitable and

advantageous knowledge and try to explore mysteries and wonders of the universe. Almighty God says: "Behold! In the creation of the heavens and the earth; and the alternation of night and day, there are indeed signs for men of understanding" (S.3.A. 1 90) He further says: "Soon will We show them Our signs in the furthest regions of the earth, and in their own souls, until it becomes manifest to them that this is the truth. Is it not enough that thy Lord doth witness all things?" (S.41 ,A.53). ■

*(Translated by Obaidur
Rahman Nadwi)*

Muslim Women Intellectuals Slam Triple Talaq Bill

LUCKNOW: The Muslim Women (Protection of Rights of Marriage) Bill will shut the door on reconciliation between a woman and her husband, feel women intellectuals in the Muslim community. They say the Bill will, in no way, provide protection to women.

"This divorce bill does nothing to empower women. It only disempowers her by letting any Tom, Dick and Harry put her husband in jail, irrespective of whether he actually uttered 'talaq' in one-go," says Irena Akbar, a former journalist who has started #standupformuslimmen campaign on the social media to oppose the bill.

Parveen Talha, a retired civil servant and author of a novel on triple divorce, titled 'A Word Thrice Uttered', agrees.

"The Bill will not ensure protection for women. The Supreme Court has already declared triple talaq unacceptable, which means the marriage can't be dissolved," she argues.

"When divorce has not taken place, how can the man be punished?" she asks.

She further points out that once the man serves his jail term, he will look for ways to get rid of his wife by adopting other tactics. "So, if this Bill becomes law, there won't be any scope left for reconciliation," she adds.

Slamming the Bill, Akbar says that for far too long, the state and the media have used the contrasting narratives of the 'pitiful' Muslim woman and the 'vile' Muslim man to malign the community.

"I am a Muslim woman and I cannot allow myself to be used as a tool by the State to harass the Muslim man. Hence, I am against the triple 'talaq' bill, which seeks to only populate our jails with Muslim men," she asserts. ■

Reflections On Iqbal's Mosque

- Barbara D. Metcalf

In 1931 Muhammad Iqbal went to London to participate in the Second Round Table Conference organized by the British Government to discuss further constitutional reforms in the Indian Empire. Iqbal's role was a minor one on that occasion, but on his way home he stopped in Spain. There he sought out the monuments that testified to the glorious past of Andalusia. He was moved by his tour and found, above all else, the Mosque of Cordoba to be a monument that riveted his thoughts and emotions. He secured permission from the authorities of the building, now a church, to perform the canonical prayers, and he carried away from that moment a complex of emotions and perceptions from which he was to forge one of the best-known and beloved poems of his entire Urdu corpus.

The poem, 'The Mosque of Cordoba', exemplifies many of those qualities that have won Iqbal his popularity. The appeal of the poem is often attributed to its subject. That alone, however, does not explain the poem's magic, for the mosque alone could be read about in Baedeker or a history of Spain. The subject is important only because of the way it is treated and the way it is embedded in the poem. It is, therefore, important to examine the poem itself, its stanzaic form and patterns of rhyme, and rhythm as well

as its content. Most studies of Iqbal take for granted the fact that Iqbal is a poet and do not analyse his skill as craftsman and artist. Treatments of his poetry typically extract from the verse aspects of Iqbal's political or philosophic or religious thought without attention to the context that gives them form and meaning.

The poem's ordering of line, metre, and rhyme on the one hand, and its patterning of metaphor and diction on the other, together are central to its effectiveness. Moreover, I would suggest, the meaning of the poem is inextricably linked to the fact that it is a structured and crafted expression. Iqbal in this poem not only celebrates a mosque, but literally builds in the verse a 'mosque' of his own. I should like, first, to look at the form of the poem; then, at the metaphor and diction that share its language; and, finally, at the meaning the structure embodies.

* * *

Iqbal, for all his modernist thought, did not deviate from classical forms when it came to poetry. His poems were written within well-defined patterns of metre and rhyme which he was able to manipulate masterfully. 'The Mosque of Cordoba' is a long poem. It consists of eight stanzas, each sixteen lines of which the final two form an emphatic final couplet. The metric and rhyming

pattern are basically that of the ghazal, a short lyric poem, here multiplied eight times. In this poem; however, each stanza has its own rhyme, and as typical in what is called tarkib band, each stanza concludes with a couplet whose importance is made clear by the fact that it does not include the common rhyme: Each line has a caesura, a break in the middle, and occasionally the common rhyme appears there as well. In the first stanza, for example, the rhyme appears not only in the first two lines and in alternate lines thereafter, but in the middle of three lines as well. The rhyme is particularly important. It resounds in each verse and its choice has a subtle influence on the reader or listener. Thus in the first stanza the end rhyme is at-a syllable which often indicates an Arabic plural; and I would suggest that its choice here strikes a tone of formality, of abstractness, of solemnity: hadisat, hayat o mamat, sifat, mumkinat, ka'inat, and so forth.

Within this structure, Iqbal chooses to create more patterns by using repetition and variations on recurrent phrases. He takes, again looking at the first stanza, a single phrase, silsila-i roz o shab, 'the chain (or succession) of day and night' and introduces five of the first eight lines with it. Moreover, in this stanza and throughout the poem he is particularly fond of parallel constructions. As many as four or five lines in a single stanza will have parallel forms each of two

phrases:

tujh ko parakhta hai yeh; mujh ko
parakhta hai yeh

maut hai teri barat; maut hai meri barat
who bhi jalil o jamil; tu bhi jalil o jamil.

The examples are many. Repetition of a phrase in the preceding couplet often appears in the first lines of a new stanza, making the transition effective. The result of these patterns is that the poem sings. Fast-paced and flowing, it is hypnotic. Rhymes, repetitions, and parallels are mnemonic devices also and the listener remembers, soon predicts what comes next. This is true of all successful Urdu poetry, for this is a poetry primarily designed for recitation. Tempted to abstract from the poetry lofty thought on socialism or Sufism, we must not lose sight of the fact that Iqbal's skill in manipulating traditional poetic forms provided a foundation for his work. Poetry is not all craft, but craft certainly is an important part of poetry.

* * *

A further dimension of Iqbal's craftsmanship and skill is evident in the metaphoric images and diction of the poem. I should like, briefly, to describe the poem, stanza by stanza, pointing to prominent themes and selected examples of the poet's use of language. The poem begins with a meditation on Time, on the succession of day and night. This succession itself is the delineator of all events; is the 'two

coloured silk' from which God creates 'His robe of attributes'. In this one vivid image, Iqbal introduces the profound and complex issue of the relation between God and His creation. For the moment, he stresses human transience and he introduces the metaphor of music as a cry of pain from the endless succession of Time. Here, Time is personified as a shroff who weighs creation in the balance, finds it wanting and rewards it with death. Time, as noted above, is repeatedly described in the Persian phrase, *silsila-i roz o sbab*. Against it, utilizing the rich options of vocabulary available in Urdu, Iqbal plays the humble everyday time of man for which he uses the common Hindi words of *din* and *rat*. That time, like all else associated with creation, is fleeting. The final emphatic couplet of the stanza insists on this nothingness: *manzil-i akhir fana*, a phrase which recalls the final stage pursued by the Sufi. Here that phrase resonates not with a sense of fulfilment but of emptiness.

The second stanza, echoing phrases from the first, continues the theme of the flow of Time, identifying it with water, with flood. But now *ishq* or dynamic love-to use Professor Schimmel's definition-is proclaimed as itself a tide able to stem all else. *Ishq* is characteristic of the special man, the Believer or Man of God. *Ishq* is equated in a series of cascading phrases with Gabriel's breath, the Prophet's heart, the envoy of God, God's word, the

scholar, the noble, the vagabond. It is returning to the question of the identity of man and God-the common link between man and some special segment of His creation. Again Iqbal speaks of music but now, no longer a cry of despair, it is the melody played on the strings of life plucked out by the plectrum of love. Throughout the stanza now plays an image of light, of radiance, of illumination, all owed to the presence of *ishq*.

In the third stanza, Iqbal develops the central meaning of the poem, the idea that the mosque, here introduced as the very embodiment of love, the product of the heart's blood, itself lives. The creative artifact, whether the stone of the mosque or the word of the poet, is thus transformed from death and mortality to life. and immortality. Man's emotions transcend in value all else in creation, far surpassing the obedience of the angels which is given! without cost. Of all men it is the poet-and this poet in particular- whose emotions are of such value. Iqbal calls himself *kafir-i hindi* whose passion is the passion of faith, made the stronger by the pride of the recent convert. In the final couplet he describes himself as an embodiment of the name of God. God the Creator, the Artist, and the Artist's artifact all are linked by the qualities which are introduced at the opening of the fourth stanza, those of *jalal* and *jamal* which are the qualities par excellence of God but are here shared by the mosque and

by its architect. Iqbal revels in the beauties of the mosque and links it with other expressions of *ishq*, exulting in the Muslim past and again celebrating the faith in the final couplet which incorporates the first phrase of the *shahada*. Finally, in the fifth stanza, Iqbal pushes even further the question of the relation between the Creator and the artist when he says 'As is God's Hand, so [is his] hand'. He delineates the character of the Believer who is the triumph of God's creation, the slave whose qualities are in fact those of the Master.

In the sixth and seventh stanzas, Iqbal develops further his historical perspective, recalling the great moments of the Muslim past which now exist only in the memory of Muslim hearts. Muslim rule was humble, unlike European rule which was merely regal. Muslim rulers instructed the rest of the world. Echoes of that past live on in the warmth and openness of the people the poet sees before him. Andalusia's breezes waft the fragrance of Yemen; its songs retain the colouring of the Hejaz. But the poet wakes from this reverie to face the reality that Muslim worldly greatness is gone. He thinks of the Protestant Reformation and the French Revolution and hints that now the caravan of *ishq* has found its new halting place in the soul of Islam. What, he asks, will come surging from the ocean to change the whole colour of *e cosmos*?

In the final stanza Iqbal weaves together a synthesis of these "ages of the flow of time and water, of music, of colour and light, and of the crafted work. His opening note in this stanza is muted and nostalgic, set against neither day nor night but twilight. Music is now concrete, not abstract-the simple and affecting song of a peasant girl. Water is now no cosmic flood but the flowing Guadalquivir by whose banks he stands. But the music is transformed as the poet continues, for he announces that behind his eyes burns a new dawn. Latent within him is a song whose fire Europe will not be able to bear. Light is no longer twilight but the glow of his words. A people-not Time-must weigh its acts, he writes, and bring to life the fervour that passionate life requires. That fervour, the blood of the heart, alone makes a creative act like a poem perfect and whole.

Iqbal's poem at once describes and actualizes the power a poem can have. At one level, Iqbal writes to instruct the reader, to remind him of past glory, and future potential greatness. At another level, far more profound, he writes to embody his own spirit, to make it eternal. To achieve this latter objective he creates, as we have seen, an artifact-symmetric, highly structured, as classic as the mosque which is its analogue. Iqbal's stanzaic and imagistic pattern thus is important not only for creating a poem that sings, that resounds and allures the listener, but is intrinsic to creating the meaning of the poem as well. ■

Women's Role in Islam of the Past

- Muhammad Akram Nadwi

In our times, not only in India, but in fact over the world, women are generally forbidden or at least discouraged from attending prayers in the mosques. Historically, during and after the Prophet, for centuries they had been attending prayers in mosques, observing *I'takaf*, attending lectures, and, in fact, delivering lectures. In Syria, Iraq, Egypt, and other parts of the Islamic world, where men studied and lectured, women also studied and lectured.

Three mosques are the holiest in Islam: Makkan, Madinan and Al-Aqsa. Women delivered lectures in all three of them. The audience used to be composed both of men as well as women, although men were in dominant numbers. Of the men in the audience, there could be scholars, Hadith specialists, jurists and legal experts. Many women have delivered lectures within the Haram of the Masjid al Haram in Makkah.

In the grand mosque of Madinah also, many Hadith-lectures were delivered before women audiences. Among the lecturers there was once a lady called Fatimah al-Batatihyyah (d. 711 AH) whose sessions were attended by such scholars as Dhahabi, Subki, and others. She delivered her talks from near the grave of the Prophet, sitting at the head-side. When tired, she would recline by the wall of the grave. She wrote and distributed the certificates of attendance to every of the

attendee with her own hand. Similarly, Umm Darda' delivered lectures in Masjid al-Aqsa, a practice that lasted for centuries. The number of participants ran into hundreds and above.

The practice was the same in several mosques of the Muslim world. In the Jami' Umayyah of Damascus, a lady called 'Ai'shabintibn 'Abdul Hadi (d. 814 AH) conducted classes, and in fact, was paid for it by the government of the time. She delivered lessons in Hadith to prominent Hadith-experts of the time: Hafiz ibnNasiruddin and Hafiz ibnHajr 'Asqalani. Indeed, HafzibnHajr studied 70 small and big Hadith books under 'A'isha.

Through centuries, starting with women-Companions of the Prophet, down through their followers, in every age, women have taught Hadith from memory. There are many reports that have only women narrators in the chain. Whether it is Hanafi, Maliki, Shafe'ee school, how many issues are not there that can boast of narration by women alone. Imam Abu 'Abdullah Hakim Nisapuri stated that one-fourth of Islamic jurisdiction materials depends on narrations by women. There is no other religion on this planet in which women have played such foundational role.

An important point that needs to be disseminated is that there have been many Hadith forgers and fabricators. They have been identified and names

preserved. But there is not a single Hadith forger among them. Whenever they have entered the field, it was in the love of knowledge and love of Islam.

Fatimah bint al Munajja al-Tannukiyyah (d. 714 AH), taught Bukhari and other books in the Dimashq Mosques and *Madrasas*. Later, she left for Egypt on the request of its political and civil leaders to deliver Hadith lectures in the neighborhoods of princesses, governors, mosques and *madrasas*. In fact she died while she was teaching Bukhari. She was then 89 years old. And the copy of Bukhari that she would use while delivering lessons, has been preserved in a Turkish library to this day.

Women's affection for Bukhari is of such order that the most trustworthy of its manuscript in preservation is that of a woman. It is called the Uniniyyah manuscript. It was printed by the order of Sultan Abdul Hameed II which was printed in Cairo and hence is known as the Sultaniyyah manuscript. It originally belonged to KarimahMarwaziyyah (d. 464). She had taught Abu BakrKhateeb al-Baghdadi, Hafiz Sam'aani and others. This manuscript is now commonly available, as edited by ZuhayrNasir.

Similarly, women's chain of Bukhari is considered the highest in its value. The number of narrators in the chains of Bukhari, as taught in religious schools such as Deoband, Nadwah and others, is twenty or above; while the number is fourteen in my personal copy through 'A'ishaMaqdasiyyah' version.

Imam Bukhari died in 256 AH, thus between me of 1438 AH and Imam Bukhari there are mere fourteen generations, meaning that there are fourteen narrators during a period of nearly 1200 years.

Right from the start the Hadith and Law specialists have narrated *ahadith* through women narrators. Imam Bukhari's master, Muslim b. Ibrahim Faraahidi, narrated some 70 *ahadith* through women narrators of Basrah. Hafiz Sam'aani mentions some 68 women specialists of Hadith. Ibn 'Asakir wrote biographies of 80 women narrators in his "*Mu'jam al-Shuyukh*." He himself narrated through several of them in his literary works. Similarly among the teachers of Imam Mizzi, IbnTaymiyyah, Barzaali, Dhahabi, 'Iraqi, IbnHajr, Sakhaawi, Suyuti, women occur quite commonly. IbnNajjar, who has added notes to the *Tarikh* of Khateeb al-Bagdadi, has narrated through 400 men and 400 women.

There are several Hadith collections that have survived because of women. For example, Tabarani's *Mu'jam al-Kabir* which is in 25 volumes has survived through the narration of Fatimah al-Jawzadaniyyah (d. 524 AH).

In Law too women have occupied high positions. Imam Abu Haneefah and Imam Malik have accepted the rulings of women while dealing with several legal issues.

After the women-Companions, there were many who were prominent in the legal field such as: 'Amrbint 'Abdul Rahman, HafsabintSeereen, Mu'azah al-

'Adawiyyah, Umm al-Darda', Fatimah bint al-Munzir b. Zubayr and others. One of the important Law works of the Hanafi Law is *Tuhfatu al-Fuqaha* by 'Alaauddin Samarqandi. His daughter Naheekah was an expert in it, in fact, she knew it by heart. One of the students of Samarqandi is 'Allamah Kaasani. When Kaasani had done his course under the tutelage of Samarqandi, he sought his daughter Fatima's hand in marriage. The mentor told Kaasani that his daughter was an expert in Law, 'whereas you are yet to reach a high enough position.' Then he suggested to his student that he should write a commentary on his book (*Tuhfatu al-Fuqaha*); if he liked it he would give his daughter to him in marriage. Kaasani produced a commentary called '*Badaa'e al-Sanaa'e*' which received his approval and the marriage followed.

At a later time, the Governor of Halab asked Kaasani to teach in the college he had set up. Kaasani moved to Halab. His students like Ibn al-'Adeem and others have noted, "During Kaasani's classes, if we disputed over some point, and if he was not able to answer to our satisfaction, he would say, 'Wait for me I'll be back in a while.' When he returned, he would have the answer." Later, we discovered that Kaasani used to consult his wife Fatimah to give them the answer.

Kasani's "*Badaa'e al-Sanaa'e*" is of such caliber that according to Mawlana Rasheed Ahmad Gangohi, it is one of the finest books on the Hanafi system of Law. ■

EMINENT URDU POET ANWAR JALALPURI PASSES AWAY

Eminent Urdu poet Anwar Jalalpuri, 71, breathed his last at the King George's Medical University's Trauma Centre on Tuesday morning January 2, 2018.

The poet had fallen down at his residence in Lal Kuan area here after which he was first rushed to a private hospital and then to KGMU on December 28. "He was admitted to respiratory ICU on December 28 midnight as case of acute hypertensive hemorrhagic stroke and was on ventilator support," said his son Shahkar Jalalpuri.

Yash Bharti awardee, Jalalpuri is credited with translating Bhagwad Gita shlokas into Urdu couplets. Known for his extraordinary compering talent, he was the most visible face on the mushaira stage.

His good command over Hindi and Urdu made him stand out among all other poets. Governor Ram Naik and chief minister Yogi Adityanath have expressed grief over Jalalpuri's death. Naik said Jalalpuri required no introduction. The governor said the Urdu poet had set an example of unity by translating the Bhagwad Gita in Urdu.

Former chief minister and Samajwadi Party president Akhilesh Yadav also expressed his condolence and said Jalalpuri's death is a major loss to Urdu literature. ■

Palestine In Islam

- Mohsen Mohammad Saleh

The Holy Land

Over three billion people around the world, i.e. more than half of the world's population, believe that Palestine, or at least some part of it, is holy; no other land on earth is held holy by such a huge number of people. For all the three Abrahamic religions (Islam, Christianity and Judaism), and to some other sects as well, Palestine is a holy land that houses some of the major holy shrines.

For Jews, Palestine is the land in which Prophet Jacob (Ya' quob) (Peace be upon him), the grandfather of the tribes of Israel, lived with his children; it is the land to which they escaped with Moses (Musa) from the Pharaoh, and in which they lived under the righteous rule of Prophets David (Dawud) and his son Solomon (Sulayman), (Peace be upon them). In this land they established their kingdoms, Israel and Judah, which were later on destroyed by the Assyrians and the Babylonians.

For the Christians, Palestine is the land where Jesus of Nazareth (Isa) was born, around it he preached and conveyed his message to the world, and in it, Christians believe, he died on the cross for the salvation of humankind and was resurrected. Christian shrines narrate this story from the beginning until the end in their names: Church of Al-Mahd in Bethlehem, his birthplace "The Church of Nativity", and 'Church of Qiyamah "The Church of the Holy Sepulcher . (Resurrection)", referring to Christ's believed resurrection.

For Muslims, as Muslims believe in the Prophets of the Judaic and Christian religions, all the above are among the - reasons why Muslims hold Palestine as holy. Ya' quob (Jacob), Yusuf (Joseph), Dawud (David), Sulayman (Solomon), Yusha' and 'Isa (Jesus) are all Prophets who led the struggle of good against evil, and Islam is the complete and final form of what they preached. For Muslims, Palestine is the land of Prophets; among the Prophets mentioned in the Qur'an and Sunnah 14 lived, preached, and died there, or passed through it. (Besides those mentioned above are: Ibrahim, Lut, Isma' il, Ishaq, Shu' ayb, Zakariyya, Yahya, and Muhammad (Peace be upon them all),

Al-Aqsa Mosque

The first Qibla (the direction to which Muslims pray), stands in the heart of this land, in Al-Quds (Jerusalem). It is the third holy shrine of Islam preceded by Al-Haram in Mecca and the Prophet's Mosque in Medina (now located in Saudi Arabia). A prayer in Al-Aqsa Mosque is equal to 500 prayers, as the Prophet said. It is the second mosque built on earth after Al-Ka 'ba in Mecca.

It is from this land that Prophet Muhammad (peace be 'upon him) escalated to the heavens (Mi'raj), after he reached there from Mecca on his night journey (Isra '); since then Muslims have called it: "the gate to the heavens". On this journey, Prophet Muhammad (peace be upon him) led the prophets in a night prayer in Al-Aqsa

Mosque. This was an honor given to this land and to Muslims, indicating that from then on the leadership and promotion of faith in the whole world became their responsibility. It was during this journey that the five daily prayers were ordained.

Palestine is also described as holy and blessed in the Qur'an and Sunnah. It is the land of Islam in the time of turbulence, and those who live in it and around it are considered Mujahideen (strivers in the Way of God). In some hadiths, the victorious and righteous group of Muslims live in Palestine and around it; Prophet Muhammad (peace be upon him) said: "There shall be a group of my followers who stick to the right and never go astray irrespective of that they may face", the companions asked: "Where are they?" He replied: "In Bait-ulMaqdis (Jerusalem) and its vicinity."

Historically, many famous Muslim scholars originated, preached or lived in Palestine for some time; amongst them are names that were influential in forming the Muslim mentality. E.g. in historical sequence, Raja' ibn Hayat Al-Kindi, RoohibnZinbac, Malik ibnDeenar, Imam Al-Awzai, Sufyan Al- Thawri, IbnShihab Al-Zuhri, Imam Al-Shafii, Ibrahim ibnAdham, Al-Laithibn Sad, Abu Bakr Al-Jerjane, IbnQudama al-Maqdisi. Other famous figures in this group were AbdulhameedibnYahya (known also as Abdulhamid the Writer because he established the art of formal writing and documentation in Arabic), the chemist Khalid ibnYazeed Al-Umawee, and the famous military leader and conqueror of Andalusia (Iberian Peninsula) Musa ibnNusair. ■

Ten Things We Waste

- 1- Knowledge : Wasted when not taking action with it.
- 2- Actions : Wasted when we do anything without sincerity.
- 3- Wealth : Wasted, when used on things that will not bring us reward. We waste our money, our status, our authority, on things that have no benefit in this life or in the Hereafter.
- 4- Hearts : Wasted when empty from the love of Allah and devoid of peace and contentment.
- 5- Bodies : Wasted when we do not use them in worship and service of Allah and in serving humankind.
- 6- Love : Wasted when our emotional love is misdirected, not towards Allah, but towards something/someone else.
- 7- Time : Wasted when not used properly, by not doing what is righteous.
- 8- Intellect : Wasted on things that are detrimental to society and the individual, not in contemplation or reflection.
- 9- Service : Wasted when in service of someone who will not bring us closer to Allah.
- 10- Dhikr : Wasted when it does not affect our hearts. ■

Palestine Issue Warms Up

- Obaidur Rahman Nadwi

Recent decision of US President Donald Trump regarding recognition of Jerusalem as Israel's capital is quite unreasonable. Trump's decision is being strongly criticized almost throughout the world.

The emergency UN General Assembly meeting was called for Thursday December 21, 2017 to protest against the US veto at Monday's security council meeting on a resolution the Jerusalem issue- which was supported by all other 14 members.

Key US allies Britain, France, Italy, Japan and Ukraine were among the 14 countries in the 15 member council that voted in favour on Monday, and were expected to do the same at the assembly on Thursday.

The overwhelming majority of the world's nations delivered a stinging rebuke to the United States on Thursday, denouncing its decision to recognise Jerusalem as Israel's capital and ignoring President Donald Trump's bombastic threats of revenge.

India was among those who voted against the move which America's UN envoy Nikki Haley had said on Wednesday Trump would "take personally".

In what amounted to a collective act of defiance toward Washington,

ambassadors of the 193-member General Assembly voted 128 to 9, with 35 abstentions, to approve a nonbinding resolution demanding that the United States rescind the December 6 decision on Jerusalem, the contested holy city, which also included a plan to relocate the American Embassy there.

"History records names, it remembers names — the names of those who stand by what is right and the names of those who speak falsehood," said Riad Malki, the Palestinian foreign minister.

The General Assembly resolution, drafted by Yemen and Turkey, cited numerous past resolutions on Jerusalem and urged nations to "refrain from the establishment of diplomatic missions" The consensus under international law is the East Jerusalem, occupied by Israel since 1967, should be the future capital of a Palestinian state.

Diplomat brushed aside what appeared to be a hastily organised pressure campaign by the White House, including last-minute threats by president Trump to cut off aid to countries voting for the resolution. "We will not be threatened," Malki, one of several diplomats who spoke before the vote, told the General Assembly at an emergency meeting. He said the US

had insisted on “ignoring the dangerous repercussions of its decision.”

The General Assembly resolution does not mention the US by name, but it calls for a “reversal of the negative trends on the ground that are imperiling the two-state solution.” It also demanded that all states comply with the resolutions concerning Jerusalem and called upon them to “refrain from the establishment of diplomatic missions” there.

It would be apt to mention here about the land of Palestine. Palestine is the name of the area located in the southwestern part of Asia; it is bordered by Lebanon from the north, Syria northeast, Jordan east, the Red Sea south, Sinai in Egypt southwest and from the west by the Mediterranean Sea. This area witnessed the first recorded form of civilization in human history in the city of Jericho that was established ten thousand years ago. Ever since, it was inhabited by the Canaanites and the sea immigrants named Philistines who integrated with them later on. It was thereafter invaded by the Romans, the Jews, the Moguls, and the Christian crusaders.

Since the seventh century, most of its population embraced Islam and joined successive Muslim rule until 1917, the year of the collapse of the Ottoman State, when Palestine came under the British mandate that undertook to facilitate the realization of the Zionist dream of creating a Jewish

home in Palestine. (History of Palestine, p,5)

The Balfour Declaration

Foreign Office

November 2nd, 1917

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

“His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.”

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,

Arthur James Balfour

Thus “Israel” was formed in 1948 over the lands it occupied in the 1948 war. After securing a U.N. resolution on the right of Jews in a state in Palestine (Resolution 181), and soon after Britain

officially revoked its mandate over Palestine, David Ben Gurion declared the establishment of the "State of Israel". The declaration led to a war with the local Arabs and with the Arab governments, to which the "Israelis" refer as the war of independence, while the Palestinians call it the Catastrophe, that was one of the worst stories of ethnic cleansing in modern history. It resulted in killing thousands of Palestinian civilians, destroying more than 400 villages, and the exodus of 800,000 Palestinians, more than 60% of the Palestinian people, who are to this day paying the price of the "Israeli independence". This war of 1948 coupled with that of 1956 against Egypt that was attacked by France, Britain and "Israel", and the six days war of 1967 that swallowed the rest of the land that Palestinians call "home" together with Sinai and Golan Heights. This was followed by the October 1973 war that was launched by Egypt and Syria in an attempt to break the Arabs' psychological inferiority created by the defeat of 1967, the offensives on Lebanon in 1978, the 1982 war and 1996, the First Intifada of 1987-1993, and finally reaching up to the current Intifada of Al-Aqsa that erupted in September 2000. "Israel" is thus a state founded and maintained by war, and it seeks to maintain its existence by war as its Prime Minister, Ehud Barak, once said in July 2000, when negotiating "final" settlement: "Peace with the Palestinians will be an armed Peace".

One really wonders how he could still call it "peace"!

"Israel" is a state governed by law: the legislative body is the Knesset (the "Israeli" Parliament), the honorary Head of the State is the President, and the Head of the Government is the Prime Minister who holds all the executive power. Its population in 2001 was 6,460,000, among whom 81.3% are Jews and the rest 18.7%, are non-Jewish, mainly Arabs who remained in their lands after the establishment of "Israel". (History of Palestine, p,184-185)♦

**The Seven Who will be under
Allah's Shelter of Mercy**

Abu-Hurayrah related that the Prophet, peace be upon him, said:

"Seven types of people will be under the shelter of Mercy on the Day when there will be no shade other than that of Allah's Mercy: 1) a just ruler, 2) a young person who kept busy in Allah's worship, 3) a person whose heart was attached to the mosque, 4) two persons who loved each other for Allah's sake, they met for His sake and partook for His sake and left each other for His sake, 5) a man who was invited by a beautiful and charming woman but declined her offer saying, I fear Allah, 6) a person who gave charity so secretly that his left hand did not know what was given by his right hand and 7) a person who remembered Allah private, so that his eyes brimmed over with tears."

- *(Bukhari and Muslim)*

Do not Criminalise Triple Talaq

- Abhishek Singhvi

The Supreme Court's judgment in the Shayara Bano case, which held the practice of talaq-e-biddat (or triple talaq) unconstitutional, was hailed by many as a step towards the emancipation of Muslim women and a win in the war against institutional remnants of gender inequality. In criminalising triple talaq, is the present government misusing a judgment delivered to promote gender equality, for ulterior motives? Or is it guilty of gross overreach in legislating supposedly on the basis of the court's judgement?

Parliament, as a whole, in its plenary wisdom will decide many of these issues and later, perhaps, the apex court, in a constitutional challenge. But in a vibrant democracy wedded to rule of law, constitutionalism and genuine free speech requires the analysis of such burning issues, though I restrict myself to the criminalisation aspect and do not treat issues of maintenance and custody as liable to be similarly stigmatised.

The first aspect to remember when dealing with this ill-advised punitive measure by which the pronouncement of triple talaq results in a mandatory jail term, which may extend up to three years, is that the Supreme Court itself gave a highly fractious 3:2 verdict. Even the two sets of majority judgements –

one by Justices Nariman and Lalit, declaring triple talaq as violative of Article 14, and the other by Justice Joseph, holding that “what is held bad in the Koran cannot be good in Shariat” – differed widely. The minority held triple talaq as judicially non-reviewable being an integral part of Muslim personal law. The offence is nevertheless made cognisable (liable to arrest without warrant) and also non-bailable (only courts and not police can grant bail).

What is crucial to note is that neither the majorities nor the dissent remotely contemplate, much less direct, the criminalisation of triple talaq. To use the judicial pronouncement as a carte blanche to enact an arbitrary punitive legislation would be a clear distortion of the essence of the Supreme Court judgements.

That part of the Bill which re-declares triple talaq to be illegal and void is largely surplus since the apex court has already done so under articles 141 and 142; all agencies across India have to act in aid and support of that binding judgement.

The Bill makes the classic mistake of treating every error, mistake or illegality as a crime, which it most assuredly is not, though the reverse is axiomatically true. We have very

recently seen the disastrous consequences of the same conceptual confusion in the context of the 2G case.

It is also clear that the framers of the Bill have not only unthinkingly decided that “never the twain (spouses) shall meet” but indeed that they shall remain sworn enemies for life! A husband committing triple talaq must spend considerable time in jail (take a statistical average of 18 months) as also suffer the ignominy of arrest and social ostracism on the criminal complaint of his wife. Reconciliation amongst warring spouses, though a cornerstone and bedrock of family law – even divorce by mutual consent cannot be triggered immediately and Parliament still resists the insertion of “irretrievable breakdown of marriage” – is ruled out by this Bill.

Since the Bill contains a statutory and mandatory declaration not only of illegality and voidness but also of criminality, it is presently doubtful if this offence can be settled, compounded or withdrawn. The state will thus persist with the prosecution even where tempers have cooled and prosecutions are sought to be withdrawn by the complainant.

A not inapposite analogy is if under the extant law of divorce, every allegation of cruelty were also, concurrently, to carry criminal consequences. One would have a society littered not merely with broken

homes but with vindictive former spouses as enemies fighting for decades.

The government has not tabled any concrete figures before Parliament, while making the claim in the Bill’s objects that numerous instances of triple talaq are found even after the pronouncements of the Supreme Court. Anecdotal or stray accounts by the law minister do not establish that the scale and degree of the mischief, even after the SC judgments, justify such a draconian clause nor demonstrate that the benefits of the Bill outweigh the costs of ruined homes.

Also, the Bill, as presently drafted, creates what lawyers call a strict liability offence viz one where ostensibly, or at least in present language, no mental intent (or mens rea) is required. Mere utterance of the magic words three times fulfils all the ingredients of the crime.

Good governance requires sobriety, restraint, balance and farsightedness. As regards criminalisation of triple talaq, the government of the day has to hearken back to those virtues instead of relying on brute majorities.■

Abhishek Singhvi is a member of Parliament, the national spokesperson of the Congress, former chairman, Parliamentary Committee on Law & Justice, and former additional solicitor general of India (Hindustan Times, 02-01-2018)

AIMPLB Opposes Triple Talaq Bill

The All India Muslim Personal Law Board (AIMPLB) on Sunday, December, 24, 2017 unanimously opposed the Central government's proposed bill that criminalises instant triple talaq by calling it anti-women, against the principles of the Shariah and an interference in the Muslim personal law.

The AIMPLB, after an emergency meeting of its executive working committee at Lucknow's Darul Uloom Nadwatul Ulama, also urged the government to withdraw the proposed bill.

The Board, through its president, Maulana Rabey Hasan Nadwi, will request Prime Minister Narendra Modi to review the bill in consultation with the AIMPLB and women's organisations.

"Consequences of the proposed bill are against welfare of women, children and Muslim families at large. The proposed provisions are also against existing legal provisions such as the Guardianship and Ward Acts, the Domestic Violence Act and the CrPC that are already in place," said AIMPLB spokesperson Maulana Khalilur Rahman Sajjad Nomani.

The Board questioned the three-year jail term proposed in the bill on divorcing husband calling it a contradiction to the court's judgment of providing for wife's maintenance. "How will the husband provide for the maintenance of the wife and nurturing of the child from inside the jail," Nomani asked.

Secretary of the Board, Zafaryab Jilani, said the bill was against the essence of the Supreme Court judgment that declared instant triple talaq illegal in August.

"Instead of achieving the aim to curtail the illegal practice, the bill is only hampering its provisions encroach up on the constitutional rights provided to all citizens under Article 14

and 15, especially which call for equality of law and non-discrimination on the basis of religion. Article 25 of the Constitution giving freedom of religion is also being interfered," he said.

A total 20 senior members of the executive committee, including Nadwi and general secretary Maulana Syed Wali Rahmani, were part of the emergency meeting held at Lucknow on Sunday. Hyderabad MP and AIMIM leader Asaduddin Owaisi also took part in the meeting along with two women members - Dr Asma Zehra from Hyderabad and Mamdooha Majid from Delhi.

"The AIMPLB is strongly against instant triple talaq and has been doing mass awareness for last three months but the bill defines triple talaq over and above the one called illegal by the Supreme Court. This isn't acceptable and appears to be a in motive to take away right of divorce from Muslim men completely," said Rahmai. The Board opposed another provision of the bill which says even if a third person complains against a triple talaq instance with police, it is enough to star a case against the husband. "Marriage and divorce are personal things between the husband and wife. How can a third person complain about it with the police that could criminalise the husband, even if the wife does not want that?" said another secretary.

The AIMPLB said that parliamentary procedure of drafting a bill was not followed in case of the bill as neither stake holders, affected parties, women's organisations or AIMPLB consulted so that real picture of its consequences be brought out.

"Instant triple talaq had already been termed illegal by the Supreme Court, how can the government convert it into a criminal act then?" said the Board. ■

OUR REPRESENTATIVES ABROAD

Britain	:	Mr. Akram Nadwi O.C.I.S.St. Cross College Oxford Ox 1 3 TU (UK)
Dubai	:	Qari Abdul Hameed Nadwi P.O. Box No. 12525 Dubai U.A.E.
Pakistan	:	Mr. Ataullah Sector A-50, Near SAU Qrs. Karachi 31 (Pakistan)
Qatar	:	Dr. Aftab Alam Nadwi P.O. Box No. 1513 Doha, Qatar
Saudi Arabia	:	Mr. Tariq Hassan Askari P.O. Box No. 842 Madina-Munawwara (K.S.A.)
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